

By the Committees on Governmental Oversight and Accountability;
Commerce; and Commerce

585-05362-09

20092034c2

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

585-05362-09

20092034c2

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 s. 212.097,
53 F.S.; specifying a review and certification
54 requirement for the urban high crime area job tax
55 credit applications; amending s. 220.191, F.S.;

56 specifying a review and certification requirement for
57 capital investment tax credit applications; creating
58 s. 288.061, F.S.; providing requirements and

585-05362-09

20092034c2

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

585-05362-09

20092034c2

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

585-05362-09

20092034c2

117 certification requirement for brownfield redevelopment
118 bonus refund applications; amending s. 288.108, F.S.;
119 specifying a review and certification requirement for
120 applications for high-impact business performance
121 grants; deleting certain final order and report
122 requirements; amending s. 288.1088, F.S.; specifying a
123 review requirement for Quick Action Closing Fund
124 project applications; providing a time period for the
125 director to recommend approval or disapproval of a
126 project for receipt of funds from the Quick Action
127 Closing Fund; amending ss. 257.193, 288.019, and
128 627.6699, F.S.; conforming cross-references; amending
129 s. 288.9015, F.S.; specifying that Enterprise Florida,
130 Inc., is responsible for responding to inquiries
131 related to the state's business incentives and
132 opportunities; amending s. 288.95155, F.S.;
133 authorizing Enterprise Florida, Inc., to advance a
134 specified amount of money from a business technology
135 growth account to the Institute for Commercialization
136 of Public Research; authorizing Enterprise Florida,
137 Inc. to grant awards; amending s. 288.9622, F.S.;
138 expanding the types of investments that may be made by
139 the Florida Opportunity Fund; amending s. 288.9624,
140 F.S.; providing a limitation on how the originally
141 appropriated funds may be invested; allowing the
142 Florida Opportunity Fund to form or create other
143 entities for investment purposes; revising a reporting
144 requirement; amending s. 380.06, F.S.; providing an
145 exemption from the development of regional impact

585-05362-09

20092034c2

146 program for certain projects supporting a targeted
147 industry within a rural catalyst site; providing an
148 effective date.

149

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

151

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

156 288.1089 Innovation Incentive Program.—

157 (1) The Innovation Incentive Program is created within the
158 Office of Tourism, Trade, and Economic Development to ensure
159 that sufficient resources are available to allow the state to
160 respond expeditiously to extraordinary economic opportunities
161 and to compete effectively for high-value research and
162 development, ~~and innovation business,~~ and alternative and
163 renewal energy projects.

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

165 (a) "Alternative and renewable energy" means electrical,
166 mechanical, or thermal energy produced from a method that uses
167 one or more of the following fuels or energy sources: ethanol,
168 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
169 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
170 or geothermal.

171 (b) "Average private sector wage" means the statewide
172 average wage in the private sector or the average of all private
173 sector wages in the county or in the standard metropolitan area
174 in which the project is located as determined by the Agency for

585-05362-09

20092034c2

175 Workforce Innovation.

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

178 (d) "Commission" means the Florida Energy and Climate
179 Commission.

180 (e)~~(d)~~ "Cumulative investment" means cumulative capital
181 investment and all eligible capital costs, as defined in s.
182 220.191.

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

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

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

188 (i) "Industry wage" means the average annual wage paid to
189 employees in a particular industry, as designated by the North
190 American Industry Classification System (NAICS), and compiled by
191 the Bureau of Labor Statistics of the United States Department
192 of Labor.

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

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

585-05362-09

20092034c2

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

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

211 (n)-(j) "Match" means funding from local sources, public or
212 private, which will be paid to the applicant and which is equal
213 to 100 percent of an award. Eligible match funding may include
214 any tax abatement granted to the applicant under s. 196.1995 or
215 the appraised market value of land, buildings, infrastructure,
216 or equipment conveyed or provided at a discount to the
217 applicant. Complete documentation of a match payment or other
218 conveyance must be presented to and verified by the office prior
219 to transfer of state funds to an applicant. An applicant may not
220 provide, directly or indirectly, more than 5 percent of match
221 funding in any fiscal year. The sources of such funding may not
222 include, directly or indirectly, state funds appropriated from
223 the General Revenue Fund or any state trust fund, excluding tax
224 revenues shared with local governments pursuant to law.

225 (o)-(k) "Office" means the Office of Tourism, Trade, and
226 Economic Development.

227 (p)-(l) "Project" means the location to or expansion in this
228 state by an innovation business, a ~~or~~ research and development
229 applicant, or an alternative and renewable energy applicant
230 approved for an award pursuant to this section.

231 (q)-(m) "Research and development" means basic and applied
232 research in the sciences or engineering, as well as the design,

585-05362-09

20092034c2

233 development, and testing of prototypes or processes of new or
234 improved products. Research and development does not include
235 market research, routine consumer product testing, sales
236 research, research in the social sciences or psychology,
237 nontechnological activities, or technical services.

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

242 (s)~~(e)~~ "Rural area" means a rural city, rural community, or
243 rural county as defined in s. 288.106.

244 (3) To be eligible for consideration for an innovation
245 incentive award, an innovation business, a ~~or~~ research and
246 development entity, or an alternative and renewable energy
247 company project must submit a written application to Enterprise
248 Florida, Inc., before making a decision to locate new operations
249 in this state or expand an existing operation in this state. The
250 application must include, but not be limited to:

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

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

258 (c) A description of the type of business activity,
259 product, or research and development undertaken by the
260 applicant, including six-digit North American Industry
261 Classification System codes for all activities included in the

585-05362-09

20092034c2

262 project.

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

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

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

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

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

273 (i) A detailed explanation of why the innovation incentive
274 is needed to induce the applicant to expand or locate in the
275 state and whether an award would cause the applicant to locate
276 or expand in this state.

277 (j) If applicable, an estimate of the proportion of the
278 revenues resulting from the project that will be generated
279 outside this state.

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

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

285 1. Demonstrate a plan for significant collaboration with an
286 institution of higher education;

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

289 3. Include matching funds provided by the applicant or
290 other available sources. The match requirement may be reduced or

585-05362-09

20092034c2

291 waived in rural areas of critical economic concern or reduced in
292 rural areas, brownfield areas, and enterprise zones ~~This~~
293 ~~requirement may be waived if the office and the department~~
294 ~~determine that the merits of the individual project or the~~
295 ~~specific circumstances warrant such action;~~

296 4. Be located in this state; and

297 5. Provide at least 35 direct, new jobs that pay an
298 estimated annual average wage that equals at least 130 percent
299 of the average private sector wage. ~~The average wage requirement~~
300 ~~may be waived if the office and the commission determine that~~
301 ~~the merits of the individual project or the specific~~
302 ~~circumstances warrant such action; and~~

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

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

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

308 ~~c. Have a cumulative investment of at least \$50 million~~
309 ~~within a 5-year period.~~

310 ~~d. Address the technical feasibility of the technology, and~~
311 ~~the extent to which the proposed project has been demonstrated~~
312 ~~to be technically feasible based on pilot project~~
313 ~~demonstrations, laboratory testing, scientific modeling, or~~
314 ~~engineering or chemical theory that supports the proposal.~~

315 ~~e. Include innovative technology and the degree to which~~
316 ~~the project or business incorporates an innovative new~~
317 ~~technology or an innovative application of an existing~~
318 ~~technology.~~

319 ~~f. Include production potential and the degree to which a~~

585-05362-09

20092034c2

320 ~~project or business generates thermal, mechanical, or electrical~~
321 ~~energy by means of a renewable energy resource that has~~
322 ~~substantial long-term production potential. The project must, to~~
323 ~~the extent possible, quantify annual production potential in~~
324 ~~megawatts or kilowatts.~~

325 ~~g. Include and address energy efficiency and the degree to~~
326 ~~which a project demonstrates efficient use of energy, water, and~~
327 ~~material resources.~~

328 ~~h. Include project management and the ability of management~~
329 ~~to administer and complete the business project.~~

330 (5) Enterprise Florida, Inc., shall evaluate proposals for
331 all three categories of innovation incentive awards and transmit
332 recommendations for awards to the office. Before making its
333 recommendations on alternative and renewable energy projects,
334 Enterprise Florida, Inc., shall solicit comments and
335 recommendations from the Florida Energy and Climate Commission
336 ~~for alternative and renewable energy project proposals.~~ For each
337 project, the ~~Such~~ evaluation and recommendation to the office
338 must include, but need not be limited to:

339 (a) A description of the project, its required facilities,
340 and the associated product, service, or research and development
341 associated with the project.

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

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

347 (d) The cumulative investment to be dedicated to the
348 project within 5 years and the total investment expected in the

585-05362-09

20092034c2

349 project if more than 5 years.

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

352 (f) A statement of any special impacts the project is
353 expected to stimulate in a particular business sector in the
354 state or regional economy or in the state's universities and
355 community colleges.

356 (g) A statement of any anticipated or proposed
357 relationships with state universities.

358 (h) A statement of the role the incentive is expected to
359 play in the decision of the applicant to locate or expand in
360 this state.

361 (i) A recommendation and explanation of the amount of the
362 award needed to cause the applicant to expand or locate in this
363 state.

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

368 (k) A recommendation for specific performance criteria the
369 applicant would be expected to achieve in order to receive
370 payments from the fund and penalties or sanctions for failure to
371 meet or maintain performance conditions.

372 (l) Additional evaluative criteria for a research and
373 development facility project, including:

374 1. A description of the extent to which the project has the
375 potential to serve as catalyst for an emerging or evolving
376 cluster.

377 2. A description of the extent to which the project has or

585-05362-09

20092034c2

378 could have a long-term collaborative research and development
379 relationship with one or more universities or community colleges
380 in this state.

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

383 4. A description of the project's contribution to the
384 diversity and resiliency of the innovation economy of this
385 state.

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

389 (m) Additional evaluative criteria for alternative and
390 renewable energy proposals, including:

391 1. The availability of matching funds or other in-kind
392 contributions applied to the total project from an applicant.
393 The commission shall give greater preference to projects that
394 provide such matching funds or other in-kind contributions.

395 2. The degree to which the project stimulates in-state
396 capital investment and economic development in metropolitan and
397 rural areas, including the creation of jobs and the future
398 development of a commercial market for renewable energy
399 technologies.

400 3. The extent to which the proposed project has been
401 demonstrated to be technically feasible based on pilot project
402 demonstrations, laboratory testing, scientific modeling, or
403 engineering or chemical theory that supports the proposal.

404 4. The degree to which the project incorporates an
405 innovative new technology or an innovative application of an
406 existing technology.

585-05362-09

20092034c2

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

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

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

414 8. The ability to administer a complete project.

415 9. Project duration and timeline for expenditures.

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

418 11. The degree of public visibility and interaction.

419 (7) Upon receipt of the evaluation and recommendation from
420 Enterprise Florida, Inc., ~~and from the Florida Energy and~~
421 ~~Climate Commission for alternative and renewable energy project~~
422 ~~proposals,~~ the director shall recommend to the Governor the
423 approval or disapproval of an award. In recommending approval of
424 an award, the director shall include proposed performance
425 conditions that the applicant must meet in order to obtain
426 incentive funds and any other conditions that must be met before
427 the receipt of any incentive funds. The Governor shall consult
428 with the President of the Senate and the Speaker of the House of
429 Representatives before giving approval for an award. Upon review
430 and approval of an award by the Legislative Budget Commission,
431 the Executive Office of the Governor shall release the funds
432 ~~pursuant to the legislative consultation and review requirements~~
433 ~~set forth in s. 216.177.~~

434 (8) (a) After the conditions ~~Upon approval by the Governor~~
435 ~~and release of the funds as set forth in subsection (7) have~~

585-05362-09

20092034c2

436 been met, the director shall issue a letter certifying the
437 applicant as qualified for an award. The office and the award
438 recipient applicant shall enter into an agreement that sets
439 forth the conditions for payment of the incentive funds
440 incentives. The agreement must include, at a minimum:

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

442 2. The performance conditions that must be met in order to
443 obtain the award or portions of the award, including, but not
444 limited to, net new employment in the state, average wage, and
445 total cumulative investment.~~†~~

446 3. Demonstration of a baseline of current service and a
447 measure of enhanced capability.~~†~~

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

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

450 6. Sanctions for failure to meet performance conditions,
451 including any clawback provisions.

452 (b) Additionally, agreements signed on or after July 1,
453 2009, must include the following provisions:

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

459 2. A reinvestment requirement. Each recipient of an award
460 shall reinvest up to 15 percent of net royalty revenues,
461 including revenues from spin-off companies and the revenues from
462 the sale of stock it receives from the licensing or transfer of
463 inventions, methods, processes, and other patentable discoveries
464 conceived or reduced to practice using its facilities in Florida

585-05362-09

20092034c2

465 or its Florida-based employees, in whole or in part, and to
466 which the recipient of the grant becomes entitled during the 20
467 years following the effective date of its agreement with the
468 office. Each recipient of an award also shall reinvest up to 15
469 percent of the gross revenues it receives from naming
470 opportunities associated with any facility it builds in this
471 state. Reinvestment payments shall commence no later than 6
472 months after the recipient of the grant has received the final
473 disbursement under the contract and shall continue until the
474 maximum reinvestment, as specified in the contract, has been
475 paid. Reinvestment payments shall be remitted to the office for
476 deposit in the Biomedical Research Trust Fund for companies
477 specializing in biomedicine or life sciences, or in the Economic
478 Development Trust Fund for companies specializing in fields
479 other than biomedicine or the life sciences. If these trust
480 funds no longer exist at the time of the reinvestment, the
481 state's share of reinvestment shall be deposited in their
482 successor trust funds as determined by law. Each recipient of an
483 award shall annually submit a schedule of the shares of stock
484 held by it as payment of the royalty required by this paragraph
485 and report on any trades or activity concerning such stock. Each
486 recipient's reinvestment obligations survive the expiration or
487 termination of its agreement with the state.

488 3. Requirements for the establishment of internship
489 programs or other learning opportunities for educators and
490 secondary, postsecondary, graduate, and doctoral students.

491 4. A requirement that the recipient submit quarterly
492 reports and annual reports related to activities and performance
493 to the office, according to standardized reporting periods.

585-05362-09

20092034c2

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

496 6. A process for amending the agreement.

497 (9) Enterprise Florida, Inc., shall assist the office in
498 validating the performance of an innovation business, ~~a~~ ~~or~~
499 research and development facility, or an alternative and
500 renewable energy business that has received an award. At the
501 conclusion of the innovation incentive award agreement, or its
502 earlier termination, Enterprise Florida, Inc., shall, within 90
503 days, submit a report ~~the results of the innovation incentive~~
504 ~~award~~ to the Governor, the President of the Senate, and the
505 Speaker of the House of Representatives detailing whether the
506 recipient of the innovation incentive grant achieved its
507 specified outcomes.

508 (10) Each recipient of an award shall comply with
509 ~~Enterprise Florida, Inc., shall develop~~ business ethics
510 standards developed by Enterprise Florida, Inc., which are based
511 on appropriate best industry practices ~~which shall be applicable~~
512 ~~to all award recipients.~~ The standards shall address ethical
513 duties of business enterprises, fiduciary responsibilities of
514 management, and compliance with the laws of this state.
515 ~~Enterprise Florida, Inc., may collaborate with the State~~
516 ~~University System in reviewing and evaluating appropriate~~
517 ~~business ethics standards. Such standards shall be provided to~~
518 ~~the Governor, the President of the Senate, and the Speaker of~~
519 ~~the House of Representatives by December 31, 2006. An award~~
520 ~~agreement entered into on or after December 31, 2006, shall~~
521 ~~require a recipient to comply with the business ethics standards~~
522 ~~developed pursuant to this section.~~

585-05362-09

20092034c2

523 (11) (a) Beginning January 5, 2010, and every year
524 thereafter, the office shall submit to the Governor, the
525 President of the Senate, and the Speaker of the House of
526 Representatives a report summarizing the activities and
527 accomplishments of the recipients of grants from the Innovation
528 Incentive Program during the previous 12 months and an
529 evaluation by the office of whether the recipients are catalysts
530 for additional direct and indirect economic development in
531 Florida.

532 (b) Beginning March 1, 2010, and every third year
533 thereafter, the Office of Program Policy Analysis and Government
534 Accountability, in consultation with the Auditor General's
535 Office, shall release a report evaluating the Innovation
536 Incentive Program's progress toward creating clusters of high-
537 wage, high-skilled, complementary industries that serve as
538 catalysts for economic growth specifically in the regions in
539 which they are located, and generally for the state as a whole.
540 Such report should include critical analyses of quarterly and
541 annual reports, annual audits, and other documents prepared by
542 the Innovation Incentive program awardees; relevant economic
543 development reports prepared by the office, Enterprise Florida,
544 Inc., and local or regional economic development organizations;
545 interviews with the parties involved; and any other relevant
546 data. Such report should also include legislative
547 recommendations, if necessary, on how to improve the Innovation
548 Incentive Program so that the program reaches its anticipated
549 potential as a catalyst for direct and indirect economic
550 development in this state.

551 (12) The office may seek the assistance of the Office of

585-05362-09

20092034c2

552 Program Policy Analysis and Government Accountability, the
553 Legislature's Office of Economic and Demographic Research, and
554 other entities for the purpose of developing performance
555 measures or techniques to quantify the synergistic economic
556 development impacts that awardees of grants are having within
557 their communities.

558 Section 2. Paragraph (b) of subsection (10) of section
559 212.097, Florida Statutes, are amended to read:

560 212.097 Urban High-Crime Area Job Tax Credit Program.—

561 (10)

562 (b) Applications shall be reviewed and certified pursuant
563 to s. 288.061. Within 30 working days after receipt of an
564 application for credit, the Office of Tourism, Trade, and
565 Economic Development shall review the application to determine
566 whether it contains all the information required by this
567 subsection and meets the criteria set out in this section.
568 Subject to the provisions of paragraph (c), the Office of
569 Tourism, Trade, and Economic Development shall approve all
570 applications that contain the information required by this
571 subsection and meet the criteria set out in this section as
572 eligible to receive a credit.

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

575 220.191 Capital investment tax credit.—

576 (5) Applications shall be reviewed and certified pursuant
577 to s. 288.061. The office, upon a recommendation by Enterprise
578 Florida, Inc., shall first certify a business as eligible to
579 receive tax credits pursuant to this section prior to the
580 commencement of operations of a qualifying project, and such

585-05362-09

20092034c2

581 certification shall be transmitted to the Department of Revenue.
582 Upon receipt of the certification, the Department of Revenue
583 shall enter into a written agreement with the qualifying
584 business specifying, at a minimum, the method by which income
585 generated by or arising out of the qualifying project will be
586 determined.

587 Section 4. Section 288.061, Florida Statutes, is created to
588 read:

589 288.061 Economic development incentive application
590 process.-

591 (1) Within 10 business days after receiving a submitted
592 economic development incentive application, Enterprise Florida,
593 Inc., shall review the application and inform the applicant
594 business whether or not its application is complete. Within 10
595 business days after the application is deemed complete,
596 Enterprise Florida, Inc., shall evaluate the application and
597 recommend approval or disapproval of the application to the
598 director of the Office of Tourism, Trade, and Economic
599 Development. In recommending an applicant business for approval,
600 Enterprise Florida, Inc., shall include in its evaluation a
601 recommended grant award amount and a review of the applicant's
602 ability to meet specific program criteria.

603 (2) Within 10 calendar days after the Office of Tourism,
604 Trade, and Economic Development receives the evaluation and
605 recommendation from Enterprise Florida, Inc., the office shall
606 notify Enterprise Florida, Inc., whether or not the application
607 is reviewable. Within 22 calendar days after the office receives
608 the recommendation from Enterprise Florida, Inc., the director
609 of the office shall review the application and issue a letter of

585-05362-09

20092034c2

610 certification to the applicant that approves or disapproves an
611 applicant business and includes a justification of that
612 decision, unless the business requests an extension of that
613 time. The final order shall specify the total amount of the
614 award, the performance conditions that must be met to obtain the
615 award, and the schedule for payment.

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

618 288.063 Contracts for transportation projects.—

619 (4) The Office of Tourism, Trade, and Economic Development
620 may adopt criteria by which transportation projects are to be
621 reviewed and certified in accordance with s. 288.061 ~~specified~~
622 ~~and identified~~. In approving transportation projects for
623 funding, the Office of Tourism, Trade, and Economic Development
624 shall consider factors including, but not limited to, the cost
625 per job created or retained considering the amount of
626 transportation funds requested; the average hourly rate of wages
627 for jobs created; the reliance on the program as an inducement
628 for the project's location decision; the amount of capital
629 investment to be made by the business; the demonstrated local
630 commitment; the location of the project in an enterprise zone
631 designated pursuant to s. 290.0055; the location of the project
632 in a spaceport territory as defined in s. 331.304; the
633 unemployment rate of the surrounding area; the poverty rate of
634 the community; and the adoption of an economic element as part
635 of its local comprehensive plan in accordance with s.
636 163.3177(7)(j). The Office of Tourism, Trade, and Economic
637 Development may contact any agency it deems appropriate for
638 additional input regarding the approval of projects.

585-05362-09

20092034c2

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

641 288.065 Rural Community Development Revolving Loan Fund.—

642 (2) The program shall provide for long-term loans, loan
643 guarantees, and loan loss reserves to units of local
644 governments, or economic development organizations substantially
645 underwritten by a unit of local government, within counties with
646 populations of 75,000 or fewer less, or within any county with
647 ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which less and
648 is contiguous to a county with a population of 75,000 or fewer
649 ~~less, based on as determined by~~ the most recent official
650 population estimate as determined under ~~pursuant to~~ s. 186.901,
651 including those residing in incorporated areas and those
652 residing in unincorporated areas of the county, or to units of
653 local government, or economic development organizations
654 substantially underwritten by a unit of local government, within
655 a rural area of critical economic concern. Requests for loans
656 shall be made by application to the Office of Tourism, Trade,
657 and Economic Development. Loans shall be made pursuant to
658 agreements specifying the terms and conditions agreed to between
659 the applicant and the Office of Tourism, Trade, and Economic
660 Development. The loans shall be the legal obligations of the
661 applicant. All repayments of principal and interest shall be
662 returned to the loan fund and made available for loans to other
663 applicants. However, in a rural area of critical economic
664 concern designated by the Governor, and upon approval by the
665 Office of Tourism, Trade, and Economic Development, repayments
666 of principal and interest may be retained by the applicant if
667 such repayments are dedicated and matched to fund regionally

585-05362-09

20092034c2

668 based economic development organizations representing the rural
669 area of critical economic concern.

670 Section 7. Paragraphs (b) and (e) of subsection (2) and
671 subsection (3) of section 288.0655, Florida Statutes, are
672 amended to read:

673 288.0655 Rural Infrastructure Fund.—

674 (2)

675 (b) To facilitate access of rural communities and rural
676 areas of critical economic concern as defined by the Rural
677 Economic Development Initiative to infrastructure funding
678 programs of the Federal Government, such as those offered by the
679 United States Department of Agriculture and the United States
680 Department of Commerce, and state programs, including those
681 offered by Rural Economic Development Initiative agencies, and
682 to facilitate local government or private infrastructure funding
683 efforts, the office may award grants for up to 30 percent of the
684 total infrastructure project cost. If an application for funding
685 is for a catalyst site, as defined in s. 288.0656, the office
686 may award grants for up to 40 percent of the total
687 infrastructure project cost. Eligible projects must be related
688 to specific job-creation or job-retention opportunities.
689 Eligible projects may also include improving any inadequate
690 infrastructure that has resulted in regulatory action that
691 prohibits economic or community growth or reducing the costs to
692 community users of proposed infrastructure improvements that
693 exceed such costs in comparable communities. Eligible uses of
694 funds shall include improvements to public infrastructure for
695 industrial or commercial sites and upgrades to or development of
696 public tourism infrastructure. Authorized infrastructure may

585-05362-09

20092034c2

697 include the following public or public-private partnership
698 facilities: storm water systems; telecommunications facilities;
699 broadband facilities; roads or other remedies to transportation
700 impediments; nature-based tourism facilities; or other physical
701 requirements necessary to facilitate tourism, trade, and
702 economic development activities in the community. Authorized
703 infrastructure may also include publicly or privately owned
704 self-powered nature-based tourism facilities, publicly owned
705 telecommunications facilities, and broadband facilities, and
706 additions to the distribution facilities of the existing natural
707 gas utility as defined in s. 366.04(3)(c), the existing electric
708 utility as defined in s. 366.02, or the existing water or
709 wastewater utility as defined in s. 367.021(12), or any other
710 existing water or wastewater facility, which owns a gas or
711 electric distribution system or a water or wastewater system in
712 this state where:

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

717 2. Such utilities as defined herein are willing and able to
718 provide such service.

719 (e) To enable local governments to access the resources
720 available pursuant to s. 403.973(18), the office may award
721 grants for surveys, feasibility studies, and other activities
722 related to the identification and preclearance review of land
723 which is suitable for preclearance review. Authorized grants
724 under this paragraph shall not exceed \$75,000 each, except in
725 the case of a project in a rural area of critical economic

585-05362-09

20092034c2

726 concern, in which case the grant shall not exceed \$300,000. Any
727 funds awarded under this paragraph must be matched at a level of
728 50 percent with local funds, except that any funds awarded for a
729 project in a rural area of critical economic concern must be
730 matched at a level of 33 percent with local funds. If an
731 application for funding is for a catalyst site, as defined in s.
732 288.0656, the requirement for local match may be waived pursuant
733 to the process in s. 288.06561. In evaluating applications under
734 this paragraph, the office shall consider the extent to which
735 the application seeks to minimize administrative and consultant
736 expenses.

737 (3) The office, in consultation with Enterprise Florida,
738 Inc., VISIT Florida, the Department of Environmental Protection,
739 and the Florida Fish and Wildlife Conservation Commission, as
740 appropriate, shall review and certify applications pursuant to
741 s. 288.061. The review shall include an evaluation of ~~and~~
742 ~~evaluate~~ the economic benefit of the projects and their long-
743 term viability. The office shall have final approval for any
744 grant under this section ~~and must make a grant decision within~~
745 ~~30 days of receiving a completed application.~~

746 Section 8. Section 288.0656, Florida Statutes, is amended
747 to read:

748 288.0656 Rural Economic Development Initiative.—

749 (1) (a) Recognizing that rural communities and regions
750 continue to face extraordinary challenges in their efforts to
751 significantly improve their economies, specifically in terms of
752 personal income, job creation, average wages, and strong tax
753 bases, it is the intent of the Legislature to encourage and
754 facilitate the location and expansion of major economic

585-05362-09

20092034c2

755 development projects of significant scale in such rural
756 communities.

757 (b) The Rural Economic Development Initiative, known as
758 "REDI," is created within the Office of Tourism, Trade, and
759 Economic Development, and the participation of state and
760 regional agencies in this initiative is authorized.

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

762 (a) "Catalyst project" means a business locating or
763 expanding in a rural area of critical economic concern to serve
764 as an economic generator of regional significance for the growth
765 of a regional target industry cluster. The project must provide
766 capital investment on a scale significant enough to affect the
767 entire region and result in the development of high-wage and
768 high-skill jobs.

769 (b) "Catalyst site" means a parcel or parcels of land
770 within a rural area of critical economic concern that has been
771 prioritized as a geographic site for economic development
772 through partnerships with state, regional, and local
773 organizations. The site must be reviewed by REDI and approved by
774 the Office of Tourism, Trade, and Economic Development for the
775 purposes of locating a catalyst project.

776 (c)~~(a)~~ "Economic distress" means conditions affecting the
777 fiscal and economic viability of a rural community, including
778 such factors as low per capita income, low per capita taxable
779 values, high unemployment, high underemployment, low weekly
780 earned wages compared to the state average, low housing values
781 compared to the state average, high percentages of the
782 population receiving public assistance, high poverty levels
783 compared to the state average, and a lack of year-round stable

585-05362-09

20092034c2

784 employment opportunities.

785 (d) "Rural area of critical economic concern" means a rural
786 community, or a region composed of rural communities, designated
787 by the Governor, that has been adversely affected by an
788 extraordinary economic event, severe or chronic distress, or a
789 natural disaster or that presents a unique economic development
790 opportunity of regional impact.

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

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

793 2. A county with a population of 125,000 ~~100,000~~ or fewer
794 which less that is contiguous to a county with a population of
795 75,000 or fewer less.

796 3. A municipality within a county described in subparagraph
797 1. or subparagraph 2.

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

805

806 For purposes of this paragraph, population shall be determined
807 in accordance with the most recent official estimate pursuant to
808 s. 186.901.

809 (3) REDI shall be responsible for coordinating and focusing
810 the efforts and resources of state and regional agencies on the
811 problems which affect the fiscal, economic, and community
812 viability of Florida's economically distressed rural

585-05362-09

20092034c2

813 communities, working with local governments, community-based
814 organizations, and private organizations that have an interest
815 in the growth and development of these communities to find ways
816 to balance environmental and growth management issues with local
817 needs.

818 (4) REDI shall review and evaluate the impact of statutes
819 and rules on rural communities and shall work to minimize any
820 adverse impact and undertake outreach and capacity building
821 efforts.

822 (5) REDI shall facilitate better access to state resources
823 by promoting direct access and referrals to appropriate state
824 and regional agencies and statewide organizations. REDI may
825 undertake outreach, capacity-building, and other advocacy
826 efforts to improve conditions in rural communities. These
827 activities may include sponsorship of conferences and
828 achievement awards.

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

- 834 1. The Department of Community Affairs.
- 835 2. The Department of Transportation.
- 836 3. The Department of Environmental Protection.
- 837 4. The Department of Agriculture and Consumer Services.
- 838 5. The Department of State.
- 839 6. The Department of Health.
- 840 7. The Department of Children and Family Services.
- 841 8. The Department of Corrections.

585-05362-09

20092034c2

- 842 9. The Agency for Workforce Innovation.
843 10. The Department of Education.
844 11. The Department of Juvenile Justice.
845 12. The Fish and Wildlife Conservation Commission.
846 13. Each water management district.
847 14. Enterprise Florida, Inc.
848 15. Workforce Florida, Inc.
849 16. The Florida Commission on Tourism or VISIT Florida.
850 17. The Florida Regional Planning Council Association.
851 18. The Agency for Health Care Administration ~~Florida State~~
852 ~~Rural Development Council~~.
853 19. The Institute of Food and Agricultural Sciences (IFAS).
854

855 An alternate for each designee shall also be chosen, and the
856 names of the designees and alternates shall be sent to the
857 director of the Office of Tourism, Trade, and Economic
858 Development.

859 (b) Each REDI representative must have comprehensive
860 knowledge of his or her agency's functions, both regulatory and
861 service in nature, and of the state's economic goals, policies,
862 and programs. This person shall be the primary point of contact
863 for his or her agency with REDI on issues and projects relating
864 to economically distressed rural communities and with regard to
865 expediting project review, shall ensure a prompt effective
866 response to problems arising with regard to rural issues, and
867 shall work closely with the other REDI representatives in the
868 identification of opportunities for preferential awards of
869 program funds and allowances and waiver of program requirements
870 when necessary to encourage and facilitate long-term private

585-05362-09

20092034c2

871 capital investment and job creation.

872 (c) The REDI representatives shall work with REDI in the
873 review and evaluation of statutes and rules for adverse impact
874 on rural communities and the development of alternative
875 proposals to mitigate that impact.

876 (d) Each REDI representative shall be responsible for
877 ensuring that each district office or facility of his or her
878 agency is informed about the Rural Economic Development
879 Initiative and for providing assistance throughout the agency in
880 the implementation of REDI activities.

881 (7) (a) REDI may recommend to the Governor up to three rural
882 areas of critical economic concern. ~~A rural area of critical~~
883 ~~economic concern must be a rural community, or a region composed~~
884 ~~of such, that has been adversely affected by an extraordinary~~
885 ~~economic event or a natural disaster or that presents a unique~~
886 ~~economic development opportunity of regional impact that will~~
887 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
888 may by executive order designate up to three rural areas of
889 critical economic concern which will establish these areas as
890 priority assignments for REDI as well as to allow the Governor,
891 acting through REDI, to waive criteria, requirements, or similar
892 provisions of any economic development incentive. Such
893 incentives shall include, but not be limited to: the Qualified
894 Target Industry Tax Refund Program under s. 288.106, the Quick
895 Response Training Program under s. 288.047, the Quick Response
896 Training Program for participants in the welfare transition
897 program under s. 288.047(8), transportation projects under s.
898 288.063, the brownfield redevelopment bonus refund under s.
899 288.107, and the rural job tax credit program under ss. 212.098

585-05362-09

20092034c2

900 and 220.1895.

901 (b) Designation as a rural area of critical economic
902 concern under this subsection shall be contingent upon the
903 execution of a memorandum of agreement among the Office of
904 Tourism, Trade, and Economic Development; the governing body of
905 the county; and the governing bodies of any municipalities to be
906 included within a rural area of critical economic concern. Such
907 agreement shall specify the terms and conditions of the
908 designation, including, but not limited to, the duties and
909 responsibilities of the county and any participating
910 municipalities to take actions designed to facilitate the
911 retention and expansion of existing businesses in the area, as
912 well as the recruitment of new businesses to the area.

913 (c) Each rural area of critical economic concern may
914 designate catalyst projects, provided that each catalyst project
915 is specifically recommended by REDI, identified as a catalyst
916 project by Enterprise Florida, Inc., and confirmed as a catalyst
917 project by the Office of Tourism, Trade, and Economic
918 Development. All state agencies and departments shall use all
919 available tools and resources to the extent permissible by law
920 to promote the creation and development of each catalyst project
921 and the development of catalyst sites.

922 (8) REDI shall assist local governments within rural areas
923 of critical economic concern with comprehensive planning needs
924 that further the provisions of this section. Such assistance
925 shall reflect a multidisciplinary approach among all agencies
926 and include economic development and planning objectives.

927 (a) A local government may request assistance in the
928 preparation of comprehensive plan amendments, pursuant to part

585-05362-09

20092034c2

929 II of chapter 163, which will stimulate economic activity.

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

932 2. REDI representatives shall meet with the local
933 government within 15 days after such request to develop the
934 scope of assistance that will be provided for the development,
935 transmittal, and adoption of the proposed comprehensive plan
936 amendment.

937 3. As part of the assistance provided, REDI representatives
938 shall also identify other needed local and developer actions for
939 approval of the project and recommend a timeline for the local
940 government and developer that will minimize project delays.

941 (b) In addition, each year REDI shall solicit requests for
942 assistance from local governments within a rural area of
943 critical economic concern to update the future land use element
944 and other associated elements of the local government's
945 comprehensive plan to better position the community to respond
946 to economic development potential within the county or
947 municipality. REDI shall provide direct assistance to such local
948 governments to update their comprehensive plans pursuant to this
949 paragraph. At least one comprehensive planning technical
950 assistance effort shall be selected each year.

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

954 (9)~~(8)~~ REDI shall submit a report to the Governor, the
955 President of the Senate, and the Speaker of the House of
956 Representatives each year on or before ~~September~~ February 1 on
957 all REDI activities for the prior fiscal year. This report shall

585-05362-09

20092034c2

958 include a status report on all projects currently being
959 coordinated through REDI, the number of preferential awards and
960 allowances made pursuant to this section, the dollar amount of
961 such awards, and the names of the recipients. The report shall
962 also include a description of all waivers of program
963 requirements granted. The report shall also include information
964 as to the economic impact of the projects coordinated by REDI,
965 and recommendations based on the review and evaluation of
966 statutes and rules having an adverse impact on rural
967 communities, and proposals to mitigate such adverse impacts.

968 Section 9. Section 288.06561, Florida Statutes, is amended
969 to read:

970 288.06561 Reduction or waiver of financial match
971 requirements.—Notwithstanding any other law, the member agencies
972 and organizations of the Rural Economic Development Initiative
973 (REDI), as defined in s. 288.0656(6)(a), shall review the
974 financial match requirements for projects in rural areas as
975 defined in s. 288.0656(2) ~~(b)~~.

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

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

981 (3) These proposals shall be delivered to the Office of
982 Tourism, Trade, and Economic Development for distribution to the
983 REDI agencies and organizations. A meeting of REDI agencies and
984 organizations must be called within 30 days after receipt of
985 such proposals for REDI comment and recommendations on each
986 proposal.

585-05362-09

20092034c2

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

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

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

997 (7) To the fullest extent possible, agencies and
998 organizations shall expedite the rule adoption and amendment
999 process if necessary to incorporate the reduction in match by
1000 rural areas in fiscal distress.

1001 (8) REDI shall include in its annual report an evaluation
1002 on the status of changes to rules, number of awards made with
1003 waivers, and recommendations for future changes.

1004 Section 10. Subsection (1) of section 288.0657, Florida
1005 Statutes, is amended to read:

1006 288.0657 Florida rural economic development strategy
1007 grants.—

1008 (1) As used in this section, the term "rural community"
1009 means:

1010 (a) A county with a population of 75,000 or fewer ~~less~~.

1011 (b) A county with a population of 125,000 ~~100,000~~ or fewer
1012 which less than is contiguous to a county with a population of
1013 75,000 or fewer ~~less~~.

1014 (c) A municipality within a county described in paragraph
1015 (a) or paragraph (b).

585-05362-09

20092034c2

1016

1017 For purposes of this subsection, population shall be determined
1018 in accordance with the most recent official estimate pursuant to
1019 s. 186.901.

1020 Section 11. Paragraph (c) of subsection (2), paragraphs
1021 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
1022 and paragraph (c) of subsection (5) of section 288.1045, Florida
1023 Statutes, are amended to read:

1024 288.1045 Qualified defense contractor and space flight
1025 business tax refund program.—

1026 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1027 (c) A qualified applicant may not receive more than \$5 ~~\$7.5~~
1028 million in tax refunds pursuant to this section in all fiscal
1029 years.

1030 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1031 DETERMINATION.—

1032 (a) To apply for certification as a qualified applicant
1033 pursuant to this section, an applicant must file an application
1034 with the office which satisfies the requirements of paragraphs
1035 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1036 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
1037 certification pursuant to this section after a proposal has been
1038 submitted for a new Department of Defense contract, after the
1039 applicant has made the decision to consolidate an existing
1040 Department of Defense contract in this state for which such
1041 applicant is seeking certification, after a proposal has been
1042 submitted for a new space flight business contract in this
1043 state, after the applicant has made the decision to consolidate
1044 an existing space flight business contract in this state for

585-05362-09

20092034c2

1045 which such applicant is seeking certification, or after the
1046 applicant has made the decision to convert defense production
1047 jobs to nondefense production jobs for which such applicant is
1048 seeking certification.

1049 (e) To qualify for review by the office, the application of
1050 an applicant must, at a minimum, establish the following to the
1051 satisfaction of the office:

1052 1. The jobs proposed to be provided under the application,
1053 pursuant to subparagraph (b)6., subparagraph (c)6., or
1054 subparagraph (j)~~(k)~~6., must pay an estimated annual average wage
1055 equaling at least 115 percent of the average wage in the area
1056 where the project is to be located.

1057 2. The consolidation of a Department of Defense contract
1058 must result in a net increase of at least 25 percent in the
1059 number of jobs at the applicant's facilities in this state or
1060 the addition of at least 80 jobs at the applicant's facilities
1061 in this state.

1062 3. The conversion of defense production jobs to nondefense
1063 production jobs must result in net increases in nondefense
1064 employment at the applicant's facilities in this state.

1065 4. The Department of Defense contract or the space flight
1066 business contract cannot allow the business to include the costs
1067 of relocation or retooling in its base as allowable costs under
1068 a cost-plus, or similar, contract.

1069 5. A business unit of the applicant must have derived not
1070 less than 60 percent of its gross receipts in this state from
1071 Department of Defense contracts or space flight business
1072 contracts over the applicant's last fiscal year, and must have
1073 derived not less than an average of 60 percent of its gross

585-05362-09

20092034c2

1074 receipts in this state from Department of Defense contracts or
1075 space flight business contracts over the 5 years preceding the
1076 date an application is submitted pursuant to this section. This
1077 subparagraph does not apply to any application for certification
1078 based on a contract for reuse of a defense-related facility.

1079 6. The reuse of a defense-related facility must result in
1080 the creation of at least 100 jobs at such facility.

1081 7. A new space flight business contract or the
1082 consolidation of a space flight business contract must result in
1083 net increases in space flight business employment at the
1084 applicant's facilities in this state.

1085 (f) Each application meeting the requirements of paragraphs
1086 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1087 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
1088 determination of eligibility. The office shall review and
1089 evaluate each application based on, but not limited to, the
1090 following criteria:

1091 1. Expected contributions to the state strategic economic
1092 development plan adopted by Enterprise Florida, Inc., taking
1093 into account the extent to which the project contributes to the
1094 state's high-technology base, and the long-term impact of the
1095 project and the applicant on the state's economy.

1096 2. The economic benefit of the jobs created or retained by
1097 the project in this state, taking into account the cost and
1098 average wage of each job created or retained, and the potential
1099 risk to existing jobs.

1100 3. The amount of capital investment to be made by the
1101 applicant in this state.

1102 4. The local commitment and support for the project and

585-05362-09

20092034c2

1103 applicant.

1104 5. The impact of the project on the local community, taking
1105 into account the unemployment rate for the county where the
1106 project will be located.

1107 6. The dependence of the local community on the defense
1108 industry or space flight business.

1109 7. The impact of any tax refunds granted pursuant to this
1110 section on the viability of the project and the probability that
1111 the project will occur in this state if such tax refunds are
1112 granted to the applicant, taking into account the expected long-
1113 term commitment of the applicant to economic growth and
1114 employment in this state.

1115 8. The length of the project, or the expected long-term
1116 commitment to this state resulting from the project.

1117 (g) Applications shall be reviewed and certified pursuant
1118 to s. 288.061. ~~The office shall forward its written findings and~~
1119 ~~evaluation on each application meeting the requirements of~~
1120 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1121 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1122 ~~calendar days after receipt of a complete application. The~~
1123 ~~office shall notify each applicant when its application is~~
1124 ~~complete, and when the 60-day period begins. In its written~~
1125 ~~report to the director, the office shall specifically address~~
1126 ~~each of the factors specified in paragraph (f), and shall make a~~
1127 ~~specific assessment with respect to the minimum requirements~~
1128 ~~established in paragraph (e). The office shall include in its~~
1129 ~~report projections of the tax refunds the applicant would be~~
1130 ~~eligible to receive in each fiscal year based on the creation~~
1131 ~~and maintenance of the net new Florida jobs specified in~~

585-05362-09

20092034c2

1132 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1133 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1134 ~~fiscal year.~~

1135 ~~(h) Within 30 days after receipt of the office's findings~~
1136 ~~and evaluation, the director shall issue a letter of~~
1137 ~~certification which either approves or disapproves an~~
1138 ~~application. The decision must be in writing and provide the~~
1139 ~~justifications for either approval or disapproval. If~~
1140 ~~appropriate, the director shall enter into a written agreement~~
1141 ~~with the qualified applicant pursuant to subsection (4).~~

1142 (h)~~(i)~~ The director may not certify any applicant as a
1143 qualified applicant when the value of tax refunds to be included
1144 in that letter of certification exceeds the available amount of
1145 authority to certify new businesses as determined in s.
1146 288.095(3). A letter of certification that approves an
1147 application must specify the maximum amount of a tax refund that
1148 is to be available to the contractor for each fiscal year and
1149 the total amount of tax refunds for all fiscal years.

1150 (i)~~(j)~~ This section does not create a presumption that an
1151 applicant should receive any tax refunds under this section.

1152 (j)~~(k)~~ Applications for certification based upon a new
1153 space flight business contract or the consolidation of a space
1154 flight business contract must be submitted to the office as
1155 prescribed by the office and must include, but are not limited
1156 to, the following information:

1157 1. The applicant's federal employer identification number,
1158 the applicant's Florida sales tax registration number, and a
1159 signature of an officer of the applicant.

1160 2. The permanent location of the space flight business

585-05362-09

20092034c2

1161 facility in this state where the project is or will be located.

1162 3. The new space flight business contract number, the space
1163 flight business contract numbers of the contract to be
1164 consolidated, or the request-for-proposal number of a proposed
1165 space flight business contract.

1166 4. The date the contract was executed and the date the
1167 contract is due to expire, is expected to expire, or was
1168 canceled.

1169 5. The commencement date for project operations under the
1170 contract in this state.

1171 6. The number of net new full-time equivalent Florida jobs
1172 included in the project as of December 31 of each year and the
1173 average wage of such jobs.

1174 7. The total number of full-time equivalent employees
1175 employed by the applicant in this state.

1176 8. The percentage of the applicant's gross receipts derived
1177 from space flight business contracts during the 5 taxable years
1178 immediately preceding the date the application is submitted.

1179 9. The number of full-time equivalent jobs in this state to
1180 be retained by the project.

1181 10. A brief statement concerning the applicant's need for
1182 tax refunds and the proposed uses of such refunds by the
1183 applicant.

1184 11. A resolution adopted by the governing board of the
1185 county or municipality in which the project will be located
1186 which recommends the applicant be approved as a qualified
1187 applicant and indicates that the necessary commitments of local
1188 financial support for the applicant exist. Prior to the adoption
1189 of the resolution, the county commission may review the proposed

585-05362-09

20092034c2

1190 public or private sources of such support and determine whether
1191 the proposed sources of local financial support can be provided
1192 or, for any applicant whose project is located in a county
1193 designated by the Rural Economic Development Initiative, a
1194 resolution adopted by the county commissioners of such county
1195 requesting that the applicant's project be exempt from the local
1196 financial support requirement.

1197 12. Any additional information requested by the office.

1198 (5) ANNUAL CLAIM FOR REFUND.—

1199 (c) A tax refund may not be approved for any qualified
1200 applicant unless local financial support has been paid to the
1201 Economic Development Trust Fund for that refund. If the local
1202 financial support is less than 20 percent of the approved tax
1203 refund, the tax refund shall be reduced. The tax refund paid may
1204 not exceed 5 times the local financial support received. Funding
1205 from local sources includes tax abatement under s. 196.1995 or
1206 the appraised market value of municipal or county land,
1207 including any improvements or structures, conveyed or provided
1208 at a discount through a sale or lease to that applicant. The
1209 amount of any tax refund for an applicant approved under this
1210 section shall be reduced by the amount of any such tax abatement
1211 granted or the value of the land granted, including the value of
1212 any improvements or structures; and the limitations in
1213 subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the
1214 amount of any such tax abatement or the value of the land
1215 granted, including any improvements or structures. A report
1216 listing all sources of the local financial support shall be
1217 provided to the office when such support is paid to the Economic
1218 Development Trust Fund.

585-05362-09

20092034c2

1219 Section 12. Paragraphs (k) and (t) of subsection (1),
1220 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1221 of subsection (5), and subsection (8) of section 288.106,
1222 Florida Statutes, are amended to read:

1223 288.106 Tax refund program for qualified target industry
1224 businesses.—

1225 (1) DEFINITIONS.—As used in this section:

1226 (k) "Local financial support exemption option" means the
1227 option to exercise an exemption from the local financial support
1228 requirement available to any applicant whose project is located
1229 in a brownfield area or a county with a population of 75,000 or
1230 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1231 which is contiguous to a county with a population of 75,000 or
1232 fewer. Any applicant that exercises this option shall not be
1233 eligible for more than 80 percent of the total tax refunds
1234 allowed such applicant under this section.

1235 (t) "Rural community" means:

1236 1. A county with a population of 75,000 or fewer ~~less~~.

1237 2. A county with a population of 125,000 ~~100,000~~ or fewer
1238 which less ~~that~~ is contiguous to a county with a population of
1239 75,000 or fewer ~~less~~.

1240 3. A municipality within a county described in subparagraph
1241 1. or subparagraph 2.

1242

1243 For purposes of this paragraph, population shall be determined
1244 in accordance with the most recent official estimate pursuant to
1245 s. 186.901.

1246 (3) APPLICATION AND APPROVAL PROCESS.—

1247 (a) To apply for certification as a qualified target

585-05362-09

20092034c2

1248 industry business under this section, the business must file an
1249 application with the office before the business has made the
1250 decision to locate a new business in this state or before the
1251 business had made the decision to expand an existing business in
1252 this state. The application shall include, but is not limited
1253 to, the following information:

1254 1. The applicant's federal employer identification number
1255 and the applicant's state sales tax registration number.

1256 2. The permanent location of the applicant's facility in
1257 this state at which the project is or is to be located.

1258 3. A description of the type of business activity or
1259 product covered by the project, including four-digit SIC codes
1260 for all activities included in the project.

1261 4. The number of net new full-time equivalent Florida jobs
1262 at the qualified target industry business as of December 31 of
1263 each year included in the project and the average wage of those
1264 jobs. If more than one type of business activity or product is
1265 included in the project, the number of jobs and average wage for
1266 those jobs must be separately stated for each type of business
1267 activity or product.

1268 5. The total number of full-time equivalent employees
1269 employed by the applicant in this state.

1270 6. The anticipated commencement date of the project.

1271 7. A brief statement concerning the role that the tax
1272 refunds requested will play in the decision of the applicant to
1273 locate or expand in this state.

1274 8. An estimate of the proportion of the sales resulting
1275 from the project that will be made outside this state.

1276 9. A resolution adopted by the governing board of the

585-05362-09

20092034c2

1277 county or municipality in which the project will be located,
1278 which resolution recommends that certain types of businesses be
1279 approved as a qualified target industry business and states that
1280 the commitments of local financial support necessary for the
1281 target industry business exist. In advance of the passage of
1282 such resolution, the office may also accept an official letter
1283 from an authorized local economic development agency that
1284 endorses the proposed target industry project and pledges that
1285 sources of local financial support for such project exist. For
1286 the purposes of making pledges of local financial support under
1287 this subsection, the authorized local economic development
1288 agency shall be officially designated by the passage of a one-
1289 time resolution by the local governing authority.

1290 10. Any additional information requested by the office.

1291 (b) To qualify for review by the office, the application of
1292 a target industry business must, at a minimum, establish the
1293 following to the satisfaction of the office:

1294 1. The jobs proposed to be provided under the application,
1295 pursuant to subparagraph (a)4., must pay an estimated annual
1296 average wage equaling at least 115 percent of the average
1297 private sector wage in the area where the business is to be
1298 located or the statewide private sector average wage. In
1299 determining the average annual wage, the office shall include
1300 only new proposed jobs, and wages for existing jobs shall be
1301 excluded from this calculation. The office may waive the ~~this~~
1302 average wage requirement at the request of the local governing
1303 body recommending the project and Enterprise Florida, Inc. The
1304 wage requirement may only be waived for a project located in a
1305 brownfield area designated under s. 376.80 or in a rural city or

585-05362-09

20092034c2

1306 county or in an enterprise zone and only when the merits of the
1307 individual project or the specific circumstances in the
1308 community in relationship to the project warrant such action. If
1309 the local governing body and Enterprise Florida, Inc., make such
1310 a recommendation, it must be transmitted in writing and the
1311 specific justification for the waiver recommendation must be
1312 explained. If the director elects to waive the wage requirement,
1313 the waiver must be stated in writing and the reasons for
1314 granting the waiver must be explained.

1315 2. The target industry business's project must result in
1316 the creation of at least 10 jobs at such project and, if an
1317 expansion of an existing business, must result in a net increase
1318 in employment of at least ~~not less than~~ 10 percent at the such
1319 business. Notwithstanding the definition of the term "expansion
1320 of an existing business" in paragraph (1)(g), at the request of
1321 the local governing body recommending the project and Enterprise
1322 Florida, Inc., the office may define an "expansion of an
1323 existing business" in a rural community or an enterprise zone as
1324 the expansion of a business resulting in a net increase in
1325 employment of less than 10 percent at such business if the
1326 merits of the individual project or the specific circumstances
1327 in the community in relationship to the project warrant such
1328 action. If the local governing body and Enterprise Florida,
1329 Inc., make such a request, the request ~~it~~ must be transmitted in
1330 writing and the specific justification for the request must be
1331 explained. If the director elects to grant the such request, the
1332 grant such election must be stated in writing and the reason for
1333 granting the request must be explained.

1334 3. The business activity or product for the applicant's

585-05362-09

20092034c2

1335 project is within an industry or industries that have been
1336 identified by the office to be high-value-added industries that
1337 contribute to the area and to the economic growth of the state
1338 and that produce a higher standard of living for residents
1339 ~~citizens~~ of this state in the new global economy or that can be
1340 shown to make an equivalent contribution to the area and state's
1341 economic progress. The director must approve requests to waive
1342 the wage requirement for brownfield areas designated under s.
1343 376.80 unless it is demonstrated that such action is not in the
1344 public interest.

1345 (c) Each application meeting the requirements of paragraph
1346 (b) must be submitted to the office for determination of
1347 eligibility. The office shall review and evaluate each
1348 application based on, but not limited to, the following
1349 criteria:

1350 1. Expected contributions to the state strategic economic
1351 development plan adopted by Enterprise Florida, Inc., taking
1352 into account the long-term effects of the project and of the
1353 applicant on the state economy.

1354 2. The economic benefit of the jobs created by the project
1355 in this state, taking into account the cost and average wage of
1356 each job created.

1357 3. The amount of capital investment to be made by the
1358 applicant in this state.

1359 4. The local commitment and support for the project.

1360 5. The effect of the project on the local community, taking
1361 into account the unemployment rate for the county where the
1362 project will be located.

1363 6. The effect of any tax refunds granted pursuant to this

585-05362-09

20092034c2

1364 section on the viability of the project and the probability that
1365 the project will be undertaken in this state if such tax refunds
1366 are granted to the applicant, taking into account the expected
1367 long-term commitment of the applicant to economic growth and
1368 employment in this state.

1369 7. The expected long-term commitment to this state
1370 resulting from the project.

1371 8. A review of the business's past activities in this state
1372 or other states, including whether such business has been
1373 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1374 This subparagraph does not ~~shall~~ require the disclosure of
1375 confidential information.

1376 (d) Applications shall be reviewed and certified pursuant
1377 to s. 288.061. ~~The office shall forward its written findings and~~
1378 ~~evaluation concerning each application meeting the requirements~~
1379 ~~of paragraph (b) to the director within 45 calendar days after~~
1380 ~~receipt of a complete application. The office shall notify each~~
1381 ~~target industry business when its application is complete, and~~
1382 ~~of the time when the 45-day period begins. In its written report~~
1383 ~~to the director, the office shall specifically address each of~~
1384 ~~the factors specified in paragraph (c) and shall make a specific~~
1385 ~~assessment with respect to the minimum requirements established~~
1386 ~~in paragraph (b).~~ The office shall include in its review report
1387 projections of the tax refunds the business would be eligible to
1388 receive in each fiscal year based on the creation and
1389 maintenance of the net new Florida jobs specified in
1390 subparagraph (a)4. as of December 31 of the preceding state
1391 fiscal year.

1392 ~~(e)1. Within 30 days after receipt of the office's findings~~

585-05362-09

20092034c2

1393 ~~and evaluation, the director shall issue a letter of~~
1394 ~~certification that either approves or disapproves the~~
1395 ~~application of the target industry business. The decision must~~
1396 ~~be in writing and must provide the justifications for approval~~
1397 ~~or disapproval.~~

1398 2. If appropriate, the director shall enter into a written
1399 agreement with the qualified target industry business pursuant
1400 to subsection (4).

1401 (e) ~~(f)~~ The director may not certify any target industry
1402 business as a qualified target industry business if the value of
1403 tax refunds to be included in that letter of certification
1404 exceeds the available amount of authority to certify new
1405 businesses as determined in s. 288.095(3). However, if the
1406 commitments of local financial support represent less than 20
1407 percent of the eligible tax refund payments, or to otherwise
1408 preserve the viability and fiscal integrity of the program, the
1409 director may certify a qualified target industry business to
1410 receive tax refund payments of less than the allowable amounts
1411 specified in paragraph (2)(b). A letter of certification that
1412 approves an application must specify the maximum amount of tax
1413 refund that will be available to the qualified industry business
1414 in each fiscal year and the total amount of tax refunds that
1415 will be available to the business for all fiscal years.

1416 (f) ~~(g)~~ ~~Nothing in~~ This section does not ~~shall~~ create a
1417 presumption that an applicant shall ~~will~~ receive any tax refunds
1418 under this section. However, the office may issue nonbinding
1419 opinion letters, upon the request of prospective applicants, as
1420 to the applicants' eligibility and the potential amount of
1421 refunds.

585-05362-09

20092034c2

1422 (4) TAX REFUND AGREEMENT.—

1423 (b) Compliance with the terms and conditions of the
1424 agreement is a condition precedent for the receipt of a tax
1425 refund each year. The failure to comply with the terms and
1426 conditions of the tax refund agreement results in the loss of
1427 eligibility for receipt of all tax refunds previously authorized
1428 under this section and the revocation by the director of the
1429 certification of the business entity as a qualified target
1430 industry business, unless the business is eligible to receive
1431 and elects to accept a prorated refund under paragraph (5)(d) or
1432 the office grants the business an economic-stimulus exemption.

1433 1. A qualified target industry business may submit, in
1434 writing, a request to the office for an economic-stimulus
1435 exemption. The request must provide quantitative evidence
1436 demonstrating how negative economic conditions in the business's
1437 industry, the effects of the impact of a named hurricane or
1438 tropical storm, or specific acts of terrorism affecting the
1439 qualified target industry business have prevented the business
1440 from complying with the terms and conditions of its tax refund
1441 agreement.

1442 2. Upon receipt of a request under subparagraph 1., the
1443 director shall have 45 days to notify the requesting business,
1444 in writing, if its exemption has been granted or denied. In
1445 determining if an exemption should be granted, the director
1446 shall consider the extent to which negative economic conditions
1447 in the requesting business's industry have occurred in the state
1448 or~~7~~ the effects of the impact of a named hurricane or tropical
1449 storm~~7~~ or specific acts of terrorism affecting the qualified
1450 target industry business have prevented the business from

585-05362-09

20092034c2

1451 complying with the terms and conditions of its tax refund
1452 agreement. The office shall consider current employment
1453 statistics for this state by industry, including whether the
1454 business's industry had substantial job loss during the prior
1455 year, when determining whether an exemption shall be granted.

1456 3. As a condition for receiving a prorated refund under
1457 paragraph (5)(d) or an economic-stimulus exemption under this
1458 paragraph, a qualified target industry business must agree to
1459 renegotiate its tax refund agreement with the office to, at a
1460 minimum, ensure that the terms of the agreement comply with
1461 current law and office procedures governing application for and
1462 award of tax refunds. Upon approving the award of a prorated
1463 refund or granting an economic-stimulus exemption, the office
1464 shall renegotiate the tax refund agreement with the business as
1465 required by this subparagraph. When amending the agreement of a
1466 business receiving an economic-stimulus exemption, the office
1467 may extend the duration of the agreement for a period not to
1468 exceed 2 years.

1469 4. A qualified target industry business may submit a
1470 request for an economic-stimulus exemption to the office in lieu
1471 of any tax refund claim scheduled to be submitted after January
1472 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1473 5. A qualified target industry business that receives an
1474 economic-stimulus exemption may not receive a tax refund for the
1475 period covered by the exemption.

1476 (5) ANNUAL CLAIM FOR REFUND.—

1477 (c) A tax refund may not be approved for a qualified target
1478 industry business unless the required local financial support
1479 has been paid into the account for that refund. If the local

585-05362-09

20092034c2

1480 financial support provided is less than 20 percent of the
1481 approved tax refund, the tax refund must be reduced. In no event
1482 may the tax refund exceed an amount that is equal to 5 times the
1483 amount of the local financial support received. Further, funding
1484 from local sources includes any tax abatement granted to that
1485 business under s. 196.1995 or the appraised market value of
1486 municipal or county land conveyed or provided at a discount to
1487 that business. The amount of any tax refund for such business
1488 approved under this section must be reduced by the amount of any
1489 such tax abatement granted or the value of the land granted; and
1490 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1491 be reduced by the amount of any such tax abatement or the value
1492 of the land granted. A report listing all sources of the local
1493 financial support shall be provided to the office when such
1494 support is paid to the account.

1495 (8) EXPIRATION.—An applicant may not be certified as
1496 qualified under this section after June 30, 2010. A tax refund
1497 agreement existing on that date shall continue in effect in
1498 accordance with its terms.

1499 Section 13. Paragraph (e) of subsection (1), paragraph (b)
1500 of subsection (3), and paragraph (f) of subsection (4) of
1501 section 288.107, Florida Statutes, are amended, and paragraph
1502 (e) is added to subsection (3) of that section, to read:

1503 288.107 Brownfield redevelopment bonus refunds.—

1504 (1) Definitions.— As used in this section:

1505 (e) "Eligible business" means:

1506 1. A qualified target industry business as defined in s.
1507 288.106(1)(o); or

1508 2. A business that can demonstrate a fixed capital

585-05362-09

20092034c2

1509 investment of at least \$2 million in mixed-use business
1510 activities, including multiunit housing, commercial, retail, and
1511 industrial in brownfield areas, or at least \$500,000 in
1512 brownfield areas that do not require site cleanup, and which
1513 provides benefits to its employees.

1514 (3) CRITERIA.—The minimum criteria for participation in the
1515 brownfield redevelopment bonus refund are:

1516 (b) The completion of a fixed capital investment of at
1517 least \$2 million in mixed-use business activities, including
1518 multiunit housing, commercial, retail, and industrial in
1519 brownfield areas, or at least \$500,000 in brownfield areas that
1520 do not require site cleanup, by an eligible business applying
1521 for a refund under paragraph (2) (b) which provides benefits to
1522 its employees.

1523 (e) A resolution adopted by the governing board of the
1524 county or municipality in which the project will be located that
1525 recommends that certain types of businesses be approved.

1526 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1527 (f) Applications shall be reviewed and certified pursuant
1528 to s. 288.061. The office shall review all applications
1529 submitted under s. 288.106 or other similar application forms
1530 for other eligible businesses as defined in paragraph (1) (e)
1531 which indicate that the proposed project will be located in a
1532 brownfield and determine, with the assistance of the Department
1533 of Environmental Protection, that the project location is within
1534 a brownfield as provided in this act.

1535 Section 14. Paragraphs (b), (c), and (d) of subsection (5)
1536 and subsections (7) and (8) of section 288.108, Florida
1537 Statutes, are amended to read:

585-05362-09

20092034c2

1538 288.108 High-impact business.—

1539 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1540 (b) Applications shall be reviewed and certified pursuant
1541 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~
1542 ~~submitted application and inform the applicant business whether~~
1543 ~~or not its application is complete within 10 working days. Once~~
1544 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
1545 ~~has 10 working days within which to evaluate the application and~~
1546 ~~recommend approval or disapproval of the application to the~~
1547 ~~director. In recommending an applicant business for approval,~~
1548 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1549 ~~award amount in its evaluation forwarded to the office.~~

1550 (c) ~~Upon receipt of the evaluation and recommendation of~~
1551 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1552 ~~enter a final order that either approves or disapproves an~~
1553 ~~applicant business as a qualified high-impact business facility,~~
1554 ~~unless the business requests an extension of the time. The final~~
1555 ~~order shall specify the total amount of the qualified high-~~
1556 ~~impact business facility performance grant award, the~~
1557 ~~performance conditions that must be met to obtain the award, and~~
1558 ~~the schedule for payment of the performance grant.~~

1559 (c) ~~(d)~~ The director and the qualified high-impact business
1560 shall enter into a performance grant agreement setting forth the
1561 conditions for payment of the qualified high-impact business
1562 performance grant. The agreement shall include the total amount
1563 of the qualified high-impact business facility performance grant
1564 award, the performance conditions that must be met to obtain the
1565 award, including the employment, average salary, investment, the
1566 methodology for determining if the conditions have been met, and

585-05362-09

20092034c2

1567 the schedule of performance grant payments.

1568 ~~(7) REPORTING.—The office shall by December 1 of each year~~
1569 ~~issue a complete and detailed report of all designated high-~~
1570 ~~impact sectors, all applications received and their disposition,~~
1571 ~~all final orders issued, and all payments made, including~~
1572 ~~analyses of benefits and costs, types of projects supported, and~~
1573 ~~employment and investments created. The report shall be~~
1574 ~~submitted to the Governor, the President of the Senate, and the~~
1575 ~~Speaker of the House of Representatives.~~

1576 ~~(7)(8) RULEMAKING.—~~The office may adopt rules necessary to
1577 carry out the provisions of this section.

1578 Section 15. Paragraphs (a), (b), and (c) of subsection (3)
1579 of section 288.1088, Florida Statutes, are amended to read:

1580 288.1088 Quick Action Closing Fund.—

1581 (3) (a) Enterprise Florida, Inc., shall review applications
1582 pursuant to s. 288.061 and determine eligibility of each project
1583 consistent with the criteria in subsection (2). Enterprise
1584 Florida, Inc., in consultation with the Office of Tourism,
1585 Trade, and Economic Development, may waive these criteria based
1586 on extraordinary circumstances or in rural areas of critical
1587 economic concern if the project would significantly benefit the
1588 local or regional economy. Enterprise Florida, Inc., shall
1589 evaluate individual proposals for high-impact business
1590 facilities and forward recommendations regarding the use of
1591 moneys in the fund for such facilities to the director of the
1592 Office of Tourism, Trade, and Economic Development. Such
1593 evaluation and recommendation must include, but need not be
1594 limited to:

1595 1. A description of the type of facility or infrastructure,

585-05362-09

20092034c2

1596 its operations, and the associated product or service associated
1597 with the facility.

1598 2. The number of full-time-equivalent jobs that will be
1599 created by the facility and the total estimated average annual
1600 wages of those jobs or, in the case of privately developed rural
1601 infrastructure, the types of business activities and jobs
1602 stimulated by the investment.

1603 3. The cumulative amount of investment to be dedicated to
1604 the facility within a specified period.

1605 4. A statement of any special impacts the facility is
1606 expected to stimulate in a particular business sector in the
1607 state or regional economy or in the state's universities and
1608 community colleges.

1609 5. A statement of the role the incentive is expected to
1610 play in the decision of the applicant business to locate or
1611 expand in this state or for the private investor to provide
1612 critical rural infrastructure.

1613 6. A report evaluating the quality and value of the company
1614 submitting a proposal. The report must include:

1615 a. A financial analysis of the company, including an
1616 evaluation of the company's short-term liquidity ratio as
1617 measured by its assets to liability, the company's profitability
1618 ratio, and the company's long-term solvency as measured by its
1619 debt-to-equity ratio;

1620 b. The historical market performance of the company;

1621 c. A review of any independent evaluations of the company;

1622 d. A review of the latest audit of the company's financial
1623 statement and the related auditor's management letter; and

1624 e. A review of any other types of audits that are related

585-05362-09

20092034c2

1625 to the internal and management controls of the company.

1626 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1627 the evaluation and recommendation from Enterprise Florida, Inc.,
1628 the director shall recommend to the Governor approval or
1629 disapproval of a project for receipt of funds from the Quick
1630 Action Closing Fund ~~to the Governor~~. In recommending a project,
1631 the director shall include proposed performance conditions that
1632 the project must meet to obtain incentive funds. The Governor
1633 shall provide the evaluation of projects recommended for
1634 approval to the President of the Senate and the Speaker of the
1635 House of Representatives and consult with the President of the
1636 Senate and the Speaker of the House of Representatives before
1637 giving final approval for a project. The Executive Office of the
1638 Governor shall recommend approval of a project and the release
1639 of funds pursuant to the legislative consultation and review
1640 requirements set forth in s. 216.177. The recommendation must
1641 include proposed performance conditions that the project must
1642 meet in order to obtain funds.

1643 (c) Upon the approval of the Governor, the director of the
1644 Office of Tourism, Trade, and Economic Development and the
1645 business shall enter into a contract that sets forth the
1646 conditions for payment of moneys from the fund. The contract
1647 must include the total amount of funds awarded; the performance
1648 conditions that must be met to obtain the award, including, but
1649 not limited to, net new employment in the state, average salary,
1650 and total capital investment; demonstrate a baseline of current
1651 service and a measure of enhanced capability; the methodology
1652 for validating performance; the schedule of payments from the
1653 fund; and sanctions for failure to meet performance conditions.

585-05362-09

20092034c2

1654 The contract must provide that payment of moneys from the fund
1655 is contingent upon sufficient appropriation of funds by the
1656 Legislature and upon sufficient release of appropriated funds by
1657 the Legislative Budget Commission.

1658 Section 16. Subsection (2) of section 257.193, Florida
1659 Statutes, is amended to read:

1660 257.193 Community Libraries in Caring Program.—

1661 (2) The purpose of the Community Libraries in Caring
1662 Program is to assist libraries in rural communities, as defined
1663 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
1664 288.06561, to strengthen their collections and services, improve
1665 literacy in their communities, and improve the economic
1666 viability of their communities.

1667 Section 17. Section 288.019, Florida Statutes, is amended
1668 to read:

1669 288.019 Rural considerations in grant review and evaluation
1670 processes.—Notwithstanding any other law, and to the fullest
1671 extent possible, the member agencies and organizations of the
1672 Rural Economic Development Initiative (REDI) as defined in s.
1673 288.0656(6) (a) shall review all grant and loan application
1674 evaluation criteria to ensure the fullest access for rural
1675 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
1676 throughout the state.

1677 (1) Each REDI agency and organization shall review all
1678 evaluation and scoring procedures and develop modifications to
1679 those procedures which minimize the impact of a project within a
1680 rural area.

1681 (2) Evaluation criteria and scoring procedures must provide
1682 for an appropriate ranking based on the proportionate impact

585-05362-09

20092034c2

1683 that projects have on a rural area when compared with similar
1684 project impacts on an urban area.

1685 (3) Evaluation criteria and scoring procedures must
1686 recognize the disparity of available fiscal resources for an
1687 equal level of financial support from an urban county and a
1688 rural county.

1689 (a) The evaluation criteria should weight contribution in
1690 proportion to the amount of funding available at the local
1691 level.

1692 (b) In-kind match should be allowed and applied as
1693 financial match when a county is experiencing financial distress
1694 through elevated unemployment at a rate in excess of the state's
1695 average by 5 percentage points or because of the loss of its ad
1696 valorem base.

1697 (4) For existing programs, the modified evaluation criteria
1698 and scoring procedure must be delivered to the Office of
1699 Tourism, Trade, and Economic Development for distribution to the
1700 REDI agencies and organizations. The REDI agencies and
1701 organizations shall review and make comments. Future rules,
1702 programs, evaluation criteria, and scoring processes must be
1703 brought before a REDI meeting for review, discussion, and
1704 recommendation to allow rural counties fuller access to the
1705 state's resources.

1706 Section 18. Paragraph (d) of subsection (15) of section
1707 627.6699, Florida Statutes, is amended to read:

1708 627.6699 Employee Health Care Access Act.—

1709 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

1710 (d) *Eligibility*.—

1711 1. Any small employer that is actively engaged in business,

585-05362-09

20092034c2

1712 has its principal place of business in this state, employs up to
1713 25 eligible employees on business days during the preceding
1714 calendar year, employs at least 2 employees on the first day of
1715 the plan year, and has had no prior coverage for the last 6
1716 months may participate.

1717 2. Any municipality, county, school district, or hospital
1718 employer located in a rural community as defined in s.
1719 288.0656(2) ~~(b)~~ may participate.

1720 3. Nursing home employers may participate.

1721 4. Each dependent of a person eligible for coverage is also
1722 eligible to participate.

1723
1724 Any employer participating in the program must do so until the
1725 end of the term for which the carrier providing the coverage is
1726 obligated to provide such coverage to the program. Coverage for
1727 a small employer group that ceases to meet the eligibility
1728 requirements of this section may be terminated at the end of the
1729 policy period for which the necessary premiums have been paid.

1730 Section 19. Subsection (8) is added to section 288.9015,
1731 Florida Statutes, to read:

1732 288.9015 Enterprise Florida, Inc.; purpose; duties.—

1733 (8) Enterprise Florida, Inc., shall be responsible for
1734 responding to all inquiries related to Florida's business
1735 requirements, economic incentives, and business development
1736 opportunities.

1737 Section 20. Subsection (2) of section 288.95155, Florida
1738 Statutes, is amended to read:

1739 288.95155 Florida Small Business Technology Growth
1740 Program.—

585-05362-09

20092034c2

1741 (2) Enterprise Florida, Inc., shall establish a separate
1742 small business technology growth account in the Florida
1743 Technology Research Investment Fund for purposes of this
1744 section. Moneys in the account shall consist of appropriations
1745 by the Legislature, proceeds of any collateral used to secure
1746 such assistance, transfers, fees assessed for providing or
1747 processing such financial assistance, grants, interest earnings,
1748 and earnings on financial assistance. Enterprise Florida, Inc.
1749 may advance from the account up to \$600,000 in the aggregate to
1750 the Institute for Commercialization of Public Research for its
1751 operations. Subject to the authority and limitations in
1752 subsections (3) and (4), Enterprise Florida, Inc. may grant
1753 awards of assistance to companies under the auspices of the
1754 Institute which are seeking to commercial technologies pursuant
1755 to programs of the Institute.

1756 Section 21. Subsection (2) of section 288.9622, Florida
1757 Statutes, is amended to read:

1758 288.9622 Findings and intent.—

1759 (2) It is the intent of the Legislature that ss. 288.9621-
1760 288.9625 serve to mobilize private investment in a broad variety
1761 of venture capital partnerships in diversified industries and
1762 geographies; retain private sector investment criteria focused
1763 on rate of return; use the services of highly qualified managers
1764 in the venture capital industry regardless of location;
1765 facilitate the organization of the Florida Opportunity Fund as
1766 an a fund-of-funds investor in seed and early stage businesses,
1767 infrastructure projects, venture capital funds, and angel funds;
1768 and precipitate capital investment and extensions of credit to
1769 and in the Florida Opportunity Fund.

585-05362-09

20092034c2

1770 Section 22. Subsection (4) and paragraph (a) of subsection
1771 (5) of section 288.9624, Florida Statutes, are amended to read
1772 288.9624 Florida Opportunity Fund; creation; duties.—

1773 (4) For the purpose of mobilizing investment in a broad
1774 variety of Florida-based, new technology companies and
1775 generating a return sufficient to continue reinvestment, the
1776 fund shall:

1777 (a) Invest ~~directly only~~ in seed and early stage venture
1778 capital funds that have experienced managers or management teams
1779 with demonstrated experience, expertise, and a successful
1780 history in the investment of venture capital funds, focusing on
1781 opportunities in this state. The fund also may ~~not~~ make direct
1782 investments, including loans, in individual businesses and
1783 infrastructure projects. While not precluded from investing in
1784 venture capital funds that have investments outside this state,
1785 the fund must require a venture capital fund to show a record of
1786 successful investment in this state, to be based in this state,
1787 or to have an office in this state staffed with a full-time,
1788 professional venture investment executive in order to be
1789 eligible for investment.

1790 (b) Negotiate for investment capital or loan proceeds from
1791 private, institutional, or banking sources.

1792 (c) Negotiate any and all terms and conditions for its
1793 investments.

1794 (d) Invest only in funds, businesses, and infrastructure
1795 projects that have raised capital from other sources so that the
1796 amount invested in such funds, businesses, or infrastructure
1797 projects ~~an entity in this state~~ is at least twice the amount
1798 invested by the fund. Direct investments must be made in Florida

585-05362-09

20092034c2

1799 infrastructure projects or businesses that are Florida-based or
1800 have significant business activities in Florida and operate in
1801 technology sectors that are strategic to Florida companies,
1802 including, but not limited to, enterprises in life sciences,
1803 information technology, advanced manufacturing processes,
1804 aviation and aerospace, and homeland security and defense, as
1805 well as other strategic technologies.

1806 (e) Form or operate other entities and accept additional
1807 funds from other public and private sources to further its
1808 purpose.

1809
1810 The Opportunity Fund may not use its original legislative
1811 appropriation of \$29.5 million for direct investments, including
1812 loans, in businesses or infrastructure projects, or for any
1813 purpose not specified in chapter 2007-189, Laws of Florida.

1814 (5) By December 1 of each year, the board shall issue an
1815 annual report concerning the activities conducted by the fund to
1816 the Governor, the President of the Senate, and the Speaker of
1817 the House of Representatives. The annual report, at a minimum,
1818 must include:

1819 (a) An accounting of the amount of investments disbursed by
1820 the fund and the progress of the fund, including the progress of
1821 business and infrastructure projects that have been provided
1822 direct investment by the fund.

1823 Section 23. Paragraph (v) is added to subsection (24) of
1824 section 380.06, Florida Statutes, to read:

1825 380.06 Developments of regional impact.—

1826 (24) STATUTORY EXEMPTIONS.—

1827 (v) Any nonresidential development within a catalyst site

585-05362-09

20092034c2

1828 as defined in s. 288.0656(2)(b) or a catalyst site submitted to
1829 Enterprise Florida, Inc., if the Office of Tourism, Trade, and
1830 Economic Development states in writing that the project supports
1831 a regional target industry that is identified in an economic
1832 development plan prepared for one of the economic development
1833 programs identified in s. 288.0656(7) is exempt from the
1834 provisions of this section.

1835

1836 If a use is exempt from review as a development of regional
1837 impact under paragraphs (a)-(t), but will be part of a larger
1838 project that is subject to review as a development of regional
1839 impact, the impact of the exempt use must be included in the
1840 review of the larger project.

1841 Section 24. This act shall take effect July 1, 2009.