

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

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

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30 certain additional provisions; requiring that
31 Enterprise Florida, Inc., submit a report containing
32 certain information within a specified period after
33 the conclusion of such agreement to the Governor, the
34 President of the Senate, and the Speaker of the House
35 of Representatives; requiring that each recipient of
36 an award comply with certain business ethics standards
37 developed by Enterprise Florida, Inc.; deleting
38 provisions authorizing Enterprise Florida, Inc., to
39 collaborate with the State University System in
40 reviewing and evaluating business ethics standards;
41 requiring that the office submit to the Governor, the
42 President of the Senate, and the Speaker of the House
43 of Representatives a report containing certain
44 information; specifying a date on which the office
45 shall begin submitting such reports; requiring that
46 the Office of Program Policy Analysis and Government
47 Accountability and the Office of the Auditor General
48 submit a report; requiring that such reports be
49 submitted at specified intervals; requiring that such
50 reports include certain information; authorizing the
51 office to seek the assistance of certain government
52 entities for certain purposes; amending 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

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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

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88 critical economic concern to designate certain
89 catalyst projects for certain purposes; providing
90 project requirements; revising certain reporting
91 requirements for the initiative; amending s.
92 288.06561, F.S., conforming cross-references; amending
93 s. 288.0657, F.S.; revising the definition of the term
94 "rural community"; amending s. 288.1045, F.S.;
95 revising provisions relating to the application and
96 refund process for the qualified defense contractor
97 tax refund program; specifying a review and
98 certification requirement for program refunds;
99 revising the cap on refunds per applicant; deleting a
100 report requirement; amending s. 288.106, F.S.;
101 revising certain definitions; revising industry code
102 designation requirements for certain activities under
103 the tax refund program for qualified target industry
104 businesses; revising program application and approval
105 process provisions; specifying a review and
106 certification requirement for program applications;
107 revising tax refund agreement requirements; revising
108 an economic-stimulus exemption request provision;
109 extending a final date for exemption requests;
110 extending a certification expiration provision;
111 amending s. 288.107, F.S.; revising a definition;
112 revising criteria for participation in brownfield
113 redevelopment bonus refunds; specifying a review and
114 certification requirement for brownfield redevelopment
115 bonus refund applications; amending s. 288.108, F.S.;
116 specifying a review and certification requirement for

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117 applications for high-impact business performance
118 grants; deleting certain final order and report
119 requirements; amending s. 288.1088, F.S.; specifying a
120 review requirement for Quick Action Closing Fund
121 project applications; providing a time period for the
122 director to recommend approval or disapproval of a
123 project for receipt of funds from the Quick Action
124 Closing Fund; amending ss. 257.193, 288.019, and
125 627.6699, F.S.; conforming cross-references; amending
126 s. 288.9015, F.S.; specifying that Enterprise Florida,
127 Inc., is responsible for responding to inquiries
128 related to the state's business incentives and
129 opportunities; amending s. 288.9622, F.S.; expanding
130 the types of investments that may be made by the
131 Florida Opportunity Fund; amending s. 288.9624, F.S.;
132 providing a limitation on how the originally
133 appropriated funds may be invested; allowing the
134 Florida Opportunity Fund to form or create other
135 entities for investment purposes; revising a reporting
136 requirement; providing an effective date.

137
138 Be It Enacted by the Legislature of the State of Florida:

139
140 Section 1. Subsections (1), (2), and (3), paragraph (d) of
141 subsection (4), and subsections (5), (7), (8), (9), and (10) of
142 section 288.1089, Florida Statutes, are amended, and subsections
143 (11) and (12) are added to that section, to read:

144 288.1089 Innovation Incentive Program.—

145 (1) The Innovation Incentive Program is created within the

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146 Office of Tourism, Trade, and Economic Development to ensure
147 that sufficient resources are available to allow the state to
148 respond expeditiously to extraordinary economic opportunities
149 and to compete effectively for high-value research and
150 development, and innovation business, and alternative and
151 renewal energy projects.

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

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

159 (b) "Average private sector wage" means the statewide
160 average wage in the private sector or the average of all private
161 sector wages in the county or in the standard metropolitan area
162 in which the project is located as determined by the Agency for
163 Workforce Innovation.

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

166 (d) "Commission" means the Florida Energy and Climate
167 Commission.

168 (e) ~~(d)~~ "Cumulative investment" means cumulative capital
169 investment and all eligible capital costs, as defined in s.
170 220.191.

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

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

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

176 (i) "Industry wage" means the average annual wage paid to
177 employees in a particular industry, as designated by the North
178 American Industry Classification System (NAICS), and compiled by
179 the Bureau of Labor Statistics of the United States Department
180 of Labor.

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

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

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

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

199 (n)~~(j)~~ "Match" means funding from local sources, public or
200 private, which will be paid to the applicant and which is equal
201 to 100 percent of an award. Eligible match funding may include
202 any tax abatement granted to the applicant under s. 196.1995 or
203 the appraised market value of land, buildings, infrastructure,

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204 or equipment conveyed or provided at a discount to the
205 applicant. Complete documentation of a match payment or other
206 conveyance must be presented to and verified by the office prior
207 to transfer of state funds to an applicant. An applicant may not
208 provide, directly or indirectly, more than 5 percent of match
209 funding in any fiscal year. The sources of such funding may not
210 include, directly or indirectly, state funds appropriated from
211 the General Revenue Fund or any state trust fund, excluding tax
212 revenues shared with local governments pursuant to law.

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

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

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

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

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

232 (3) To be eligible for consideration for an innovation

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233 incentive award, an innovation business, a ~~or~~ research and
234 development entity, or an alternative and renewable energy
235 company project must submit a written application to Enterprise
236 Florida, Inc., before making a decision to locate new operations
237 in this state or expand an existing operation in this state. The
238 application must include, but not be limited to:

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

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

246 (c) A description of the type of business activity,
247 product, or research and development undertaken by the
248 applicant, including six-digit North American Industry
249 Classification System codes for all activities included in the
250 project.

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

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

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

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

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

261 (i) A detailed explanation of why the innovation incentive

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262 is needed to induce the applicant to expand or locate in the
263 state and whether an award would cause the applicant to locate
264 or expand in this state.

265 (j) If applicable, an estimate of the proportion of the
266 revenues resulting from the project that will be generated
267 outside this state.

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

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

273 1. Demonstrate a plan for significant collaboration with an
274 institution of higher education;

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

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

284 4. Be located in this state; and

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

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- 291 ~~6. Meet one of the following criteria:~~
- 292 ~~a. Result in the creation of at least 35 direct, new jobs~~
- 293 ~~at the business.~~
- 294 ~~b. Have an activity or product that uses feedstock or other~~
- 295 ~~raw materials grown or produced in this state.~~
- 296 ~~c. Have a cumulative investment of at least \$50 million~~
- 297 ~~within a 5-year period.~~
- 298 ~~d. Address the technical feasibility of the technology, and~~
- 299 ~~the extent to which the proposed project has been demonstrated~~
- 300 ~~to be technically feasible based on pilot project~~
- 301 ~~demonstrations, laboratory testing, scientific modeling, or~~
- 302 ~~engineering or chemical theory that supports the proposal.~~
- 303 ~~e. Include innovative technology and the degree to which~~
- 304 ~~the project or business incorporates an innovative new~~
- 305 ~~technology or an innovative application of an existing~~
- 306 ~~technology.~~
- 307 ~~f. Include production potential and the degree to which a~~
- 308 ~~project or business generates thermal, mechanical, or electrical~~
- 309 ~~energy by means of a renewable energy resource that has~~
- 310 ~~substantial long-term production potential. The project must, to~~
- 311 ~~the extent possible, quantify annual production potential in~~
- 312 ~~megawatts or kilowatts.~~
- 313 ~~g. Include and address energy efficiency and the degree to~~
- 314 ~~which a project demonstrates efficient use of energy, water, and~~
- 315 ~~material resources.~~
- 316 ~~h. Include project management and the ability of management~~
- 317 ~~to administer and complete the business project.~~
- 318 (5) Enterprise Florida, Inc., shall evaluate proposals for
- 319 all three categories of innovation incentive awards and transmit

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320 recommendations for awards to the office. Before making its
321 recommendations on alternative and renewable energy projects,
322 Enterprise Florida, Inc., shall solicit comments and
323 recommendations from the Florida Energy and Climate Commission
324 ~~for alternative and renewable energy project proposals.~~ For each
325 project, the ~~Such~~ evaluation and recommendation to the office
326 must include, but need not be limited to:

327 (a) A description of the project, its required facilities,
328 and the associated product, service, or research and development
329 associated with the project.

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

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

335 (d) The cumulative investment to be dedicated to the
336 project within 5 years and the total investment expected in the
337 project if more than 5 years.

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

340 (f) A statement of any special impacts the project is
341 expected to stimulate in a particular business sector in the
342 state or regional economy or in the state's universities and
343 community colleges.

344 (g) A statement of any anticipated or proposed
345 relationships with state universities.

346 (h) A statement of the role the incentive is expected to
347 play in the decision of the applicant to locate or expand in
348 this state.

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349 (i) A recommendation and explanation of the amount of the
350 award needed to cause the applicant to expand or locate in this
351 state.

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

356 (k) A recommendation for specific performance criteria the
357 applicant would be expected to achieve in order to receive
358 payments from the fund and penalties or sanctions for failure to
359 meet or maintain performance conditions.

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

362 1. A description of the extent to which the project has the
363 potential to serve as catalyst for an emerging or evolving
364 cluster.

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

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

371 4. A description of the project's contribution to the
372 diversity and resiliency of the innovation economy of this
373 state.

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

377 (m) Additional evaluative criteria for alternative and

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378 renewable energy proposals, including:

379 1. The availability of matching funds or other in-kind
380 contributions applied to the total project from an applicant.

381 The commission shall give greater preference to projects that
382 provide such matching funds or other in-kind contributions.

383 2. The degree to which the project stimulates in-state
384 capital investment and economic development in metropolitan and
385 rural areas, including the creation of jobs and the future
386 development of a commercial market for renewable energy
387 technologies.

388 3. The extent to which the proposed project has been
389 demonstrated to be technically feasible based on pilot project
390 demonstrations, laboratory testing, scientific modeling, or
391 engineering or chemical theory that supports the proposal.

392 4. The degree to which the project incorporates an
393 innovative new technology or an innovative application of an
394 existing technology.

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

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

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

402 8. The ability to administer a complete project.

403 9. Project duration and timeline for expenditures.

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

406 11. The degree of public visibility and interaction.

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407 (7) Upon receipt of the evaluation and recommendation from
408 Enterprise Florida, Inc., ~~and from the Florida Energy and~~
409 ~~Climate Commission for alternative and renewable energy project~~
410 ~~proposals,~~ the director shall recommend to the Governor the
411 approval or disapproval of an award. In recommending approval of
412 an award, the director shall include proposed performance
413 conditions that the applicant must meet in order to obtain
414 incentive funds and any other conditions that must be met before
415 the receipt of any incentive funds. The Governor shall consult
416 with the President of the Senate and the Speaker of the House of
417 Representatives before giving approval for an award. Upon review
418 and approval of an award by the Legislative Budget Commission,
419 the Executive Office of the Governor shall release the funds
420 ~~pursuant to the legislative consultation and review requirements~~
421 ~~set forth in s. 216.177.~~

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

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

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

434 3. Demonstration of a baseline of current service and a
435 measure of enhanced capability.~~†~~

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436 4. The methodology for validating performance.~~†~~
437 5. The schedule of payments.~~†~~ and
438 6. Sanctions for failure to meet performance conditions,
439 including any clawback provisions.

440 (b) Additionally, agreements signed on or after July 1,
441 2009, must include the following provisions:

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

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

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465 specializing in biomedicine or life sciences, or in the Economic
466 Development Trust Fund for companies specializing in fields
467 other than biomedicine or the life sciences. If these trust
468 funds no longer exist at the time of the reinvestment, the
469 state's share of reinvestment shall be deposited in their
470 successor trust funds as determined by law. Each recipient of an
471 award shall annually submit a schedule of the shares of stock
472 held by it as payment of the royalty required by this paragraph
473 and report on any trades or activity concerning such stock. Each
474 recipient's reinvestment obligations survive the expiration or
475 termination of its agreement with the state.

476 3. Requirements for the establishment of internship
477 programs or other learning opportunities for educators and
478 secondary, postsecondary, graduate, and doctoral students.

479 4. A requirement that the recipient submit quarterly
480 reports and annual reports related to activities and performance
481 to the office, according to standardized reporting periods.

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

484 6. A process for amending the agreement.

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

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494 recipient of the innovation incentive grant achieved its
495 specified outcomes.

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

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

520 (b) Beginning March 1, 2010, and every third year
521 thereafter, the Office of Program Policy Analysis and Government
522 Accountability, in consultation with the Auditor General's

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523 Office, shall release a report evaluating the Innovation
524 Incentive Program's progress toward creating clusters of high-
525 wage, high-skilled, complementary industries that serve as
526 catalysts for economic growth specifically in the regions in
527 which they are located, and generally for the state as a whole.
528 Such report should include critical analyses of quarterly and
529 annual reports, annual audits, and other documents prepared by
530 the Innovation Incentive program awardees; relevant economic
531 development reports prepared by the office, Enterprise Florida,
532 Inc., and local or regional economic development organizations;
533 interviews with the parties involved; and any other relevant
534 data. Such report should also include legislative
535 recommendations, if necessary, on how to improve the Innovation
536 Incentive Program so that the program reaches its anticipated
537 potential as a catalyst for direct and indirect economic
538 development in this state.

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

546 Section 2. Paragraph (b) of subsection (10) of section
547 212.097, Florida Statutes, are amended to read:

548 212.097 Urban High-Crime Area Job Tax Credit Program.—

549 (10)

550 (b) Applications shall be reviewed and certified pursuant
551 to s. 288.061. Within 30 working days after receipt of an

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552 ~~application for credit, the Office of Tourism, Trade, and~~
553 ~~Economic Development shall review the application to determine~~
554 ~~whether it contains all the information required by this~~
555 ~~subsection and meets the criteria set out in this section.~~
556 ~~Subject to the provisions of paragraph (c), the Office of~~
557 ~~Tourism, Trade, and Economic Development shall approve all~~
558 ~~applications that contain the information required by this~~
559 ~~subsection and meet the criteria set out in this section as~~
560 ~~eligible to receive a credit.~~

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

563 220.191 Capital investment tax credit.-

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

575 Section 4. Section 288.061, Florida Statutes, is created to
576 read:

577 288.061 Economic development incentive application
578 process.-

579 (1) Within 10 business days after receiving a submitted
580 economic development incentive application, Enterprise Florida,

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581 Inc., shall review the application and inform the applicant
582 business whether or not its application is complete. Within 10
583 business days after the application is deemed complete,
584 Enterprise Florida, Inc., shall evaluate the application and
585 recommend approval or disapproval of the application to the
586 director of the Office of Tourism, Trade, and Economic
587 Development. In recommending an applicant business for approval,
588 Enterprise Florida, Inc., shall include in its evaluation a
589 recommended grant award amount and a review of the applicant's
590 ability to meet specific program criteria.

591 (2) Within 10 calendar days after the Office of Tourism,
592 Trade, and Economic Development receives the evaluation and
593 recommendation from Enterprise Florida, Inc., the office shall
594 notify Enterprise Florida, Inc., whether or not the application
595 is reviewable. Within 22 calendar days after the office receives
596 the recommendation from Enterprise Florida, Inc., the director
597 of the office shall review the application and issue a letter of
598 certification to the applicant that approves or disapproves an
599 applicant business and includes a justification of that
600 decision, unless the business requests an extension of that
601 time. The final order shall specify the total amount of the
602 award, the performance conditions that must be met to obtain the
603 award, and the schedule for payment.

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

606 288.063 Contracts for transportation projects.—

607 (4) The Office of Tourism, Trade, and Economic Development
608 may adopt criteria by which transportation projects are to be
609 reviewed and certified in accordance with s. 288.061 specified

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610 ~~and identified.~~ In approving transportation projects for
611 funding, the Office of Tourism, Trade, and Economic Development
612 shall consider factors including, but not limited to, the cost
613 per job created or retained considering the amount of
614 transportation funds requested; the average hourly rate of wages
615 for jobs created; the reliance on the program as an inducement
616 for the project's location decision; the amount of capital
617 investment to be made by the business; the demonstrated local
618 commitment; the location of the project in an enterprise zone
619 designated pursuant to s. 290.0055; the location of the project
620 in a spaceport territory as defined in s. 331.304; the
621 unemployment rate of the surrounding area; the poverty rate of
622 the community; and the adoption of an economic element as part
623 of its local comprehensive plan in accordance with s.
624 163.3177(7)(j). The Office of Tourism, Trade, and Economic
625 Development may contact any agency it deems appropriate for
626 additional input regarding the approval of projects.

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

629 288.065 Rural Community Development Revolving Loan Fund.—

630 (2) The program shall provide for long-term loans, loan
631 guarantees, and loan loss reserves to units of local
632 governments, or economic development organizations substantially
633 underwritten by a unit of local government, within counties with
634 populations of 75,000 or fewer less, or within any county with
635 ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which less and
636 is contiguous to a county with a population of 75,000 or fewer
637 ~~less, based on as determined by~~ the most recent official
638 population estimate as determined under ~~pursuant to~~ s. 186.901,

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639 including those residing in incorporated areas and those
640 residing in unincorporated areas of the county, or to units of
641 local government, or economic development organizations
642 substantially underwritten by a unit of local government, within
643 a rural area of critical economic concern. Requests for loans
644 shall be made by application to the Office of Tourism, Trade,
645 and Economic Development. Loans shall be made pursuant to
646 agreements specifying the terms and conditions agreed to between
647 the applicant and the Office of Tourism, Trade, and Economic
648 Development. The loans shall be the legal obligations of the
649 applicant. All repayments of principal and interest shall be
650 returned to the loan fund and made available for loans to other
651 applicants. However, in a rural area of critical economic
652 concern designated by the Governor, and upon approval by the
653 Office of Tourism, Trade, and Economic Development, repayments
654 of principal and interest may be retained by the applicant if
655 such repayments are dedicated and matched to fund regionally
656 based economic development organizations representing the rural
657 area of critical economic concern.

658 Section 7. Paragraphs (b) and (e) of subsection (2) and
659 subsection (3) of section 288.0655, Florida Statutes, are
660 amended to read:

661 288.0655 Rural Infrastructure Fund.—

662 (2)

663 (b) To facilitate access of rural communities and rural
664 areas of critical economic concern as defined by the Rural
665 Economic Development Initiative to infrastructure funding
666 programs of the Federal Government, such as those offered by the
667 United States Department of Agriculture and the United States

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668 Department of Commerce, and state programs, including those
669 offered by Rural Economic Development Initiative agencies, and
670 to facilitate local government or private infrastructure funding
671 efforts, the office may award grants for up to 30 percent of the
672 total infrastructure project cost. If an application for funding
673 is for a catalyst site, as defined in s. 288.0656, the office
674 may award grants for up to 40 percent of the total
675 infrastructure project cost. Eligible projects must be related
676 to specific job-creation or job-retention opportunities.
677 Eligible projects may also include improving any inadequate
678 infrastructure that has resulted in regulatory action that
679 prohibits economic or community growth or reducing the costs to
680 community users of proposed infrastructure improvements that
681 exceed such costs in comparable communities. Eligible uses of
682 funds shall include improvements to public infrastructure for
683 industrial or commercial sites and upgrades to or development of
684 public tourism infrastructure. Authorized infrastructure may
685 include the following public or public-private partnership
686 facilities: storm water systems; telecommunications facilities;
687 broadband facilities; roads or other remedies to transportation
688 impediments; nature-based tourism facilities; or other physical
689 requirements necessary to facilitate tourism, trade, and
690 economic development activities in the community. Authorized
691 infrastructure may also include publicly or privately owned
692 self-powered nature-based tourism facilities, publicly owned
693 telecommunications facilities, and broadband facilities, and
694 additions to the distribution facilities of the existing natural
695 gas utility as defined in s. 366.04(3)(c), the existing electric
696 utility as defined in s. 366.02, or the existing water or

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697 wastewater utility as defined in s. 367.021(12), or any other
698 existing water or wastewater facility, which owns a gas or
699 electric distribution system or a water or wastewater system in
700 this state where:

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

705 2. Such utilities as defined herein are willing and able to
706 provide such service.

707 (e) To enable local governments to access the resources
708 available pursuant to s. 403.973(18), the office may award
709 grants for surveys, feasibility studies, and other activities
710 related to the identification and preclearance review of land
711 which is suitable for preclearance review. Authorized grants
712 under this paragraph shall not exceed \$75,000 each, except in
713 the case of a project in a rural area of critical economic
714 concern, in which case the grant shall not exceed \$300,000. Any
715 funds awarded under this paragraph must be matched at a level of
716 50 percent with local funds, except that any funds awarded for a
717 project in a rural area of critical economic concern must be
718 matched at a level of 33 percent with local funds. If an
719 application for funding is for a catalyst site, as defined in s.
720 288.0656, the requirement for local match may be waived pursuant
721 to the process in s. 288.06561. In evaluating applications under
722 this paragraph, the office shall consider the extent to which
723 the application seeks to minimize administrative and consultant
724 expenses.

725 (3) The office, in consultation with Enterprise Florida,

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726 Inc., VISIT Florida, the Department of Environmental Protection,
727 and the Florida Fish and Wildlife Conservation Commission, as
728 appropriate, shall review and certify applications pursuant to
729 s. 288.061. The review shall include an evaluation of ~~and~~
730 ~~evaluate~~ the economic benefit of the projects and their long-
731 term viability. The office shall have final approval for any
732 grant under this section ~~and must make a grant decision within~~
733 ~~30 days of receiving a completed application.~~

734 Section 8. Section 288.0656, Florida Statutes, is amended
735 to read:

736 288.0656 Rural Economic Development Initiative.-

737 (1) (a) Recognizing that rural communities and regions
738 continue to face extraordinary challenges in their efforts to
739 significantly improve their economies, specifically in terms of
740 personal income, job creation, average wages, and strong tax
741 bases, it is the intent of the Legislature to encourage and
742 facilitate the location and expansion of major economic
743 development projects of significant scale in such rural
744 communities.

745 (b) The Rural Economic Development Initiative, known as
746 "REDI," is created within the Office of Tourism, Trade, and
747 Economic Development, and the participation of state and
748 regional agencies in this initiative is authorized.

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

750 (a) "Catalyst project" means a business locating or
751 expanding in a rural area of critical economic concern to serve
752 as an economic generator of regional significance for the growth
753 of a regional target industry cluster. The project must provide
754 capital investment on a scale significant enough to affect the

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755 entire region and result in the development of high-wage and
756 high-skill jobs.

757 (b) "Catalyst site" means a parcel or parcels of land
758 within a rural area of critical economic concern that has been
759 prioritized as a geographic site for economic development
760 through partnerships with state, regional, and local
761 organizations. The site must be reviewed by REDI and approved by
762 the Office of Tourism, Trade, and Economic Development for the
763 purposes of locating a catalyst project.

764 (c)-(a) "Economic distress" means conditions affecting the
765 fiscal and economic viability of a rural community, including
766 such factors as low per capita income, low per capita taxable
767 values, high unemployment, high underemployment, low weekly
768 earned wages compared to the state average, low housing values
769 compared to the state average, high percentages of the
770 population receiving public assistance, high poverty levels
771 compared to the state average, and a lack of year-round stable
772 employment opportunities.

773 (d) "Rural area of critical economic concern" means a rural
774 community, or a region composed of rural communities, designated
775 by the Governor, that has been adversely affected by an
776 extraordinary economic event, severe or chronic distress, or a
777 natural disaster or that presents a unique economic development
778 opportunity of regional impact.

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

- 780 1. A county with a population of 75,000 or less.
781 2. A county with a population of 125,000 ~~100,000~~ or fewer
782 which less than is contiguous to a county with a population of
783 75,000 or fewer ~~less~~.

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784 3. A municipality within a county described in subparagraph
785 1. or subparagraph 2.

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

793

794 For purposes of this paragraph, population shall be determined
795 in accordance with the most recent official estimate pursuant to
796 s. 186.901.

797 (3) REDI shall be responsible for coordinating and focusing
798 the efforts and resources of state and regional agencies on the
799 problems which affect the fiscal, economic, and community
800 viability of Florida's economically distressed rural
801 communities, working with local governments, community-based
802 organizations, and private organizations that have an interest
803 in the growth and development of these communities to find ways
804 to balance environmental and growth management issues with local
805 needs.

806 (4) REDI shall review and evaluate the impact of statutes
807 and rules on rural communities and shall work to minimize any
808 adverse impact and undertake outreach and capacity building
809 efforts.

810 (5) REDI shall facilitate better access to state resources
811 by promoting direct access and referrals to appropriate state
812 and regional agencies and statewide organizations. REDI may

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813 undertake outreach, capacity-building, and other advocacy
814 efforts to improve conditions in rural communities. These
815 activities may include sponsorship of conferences and
816 achievement awards.

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

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

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843 An alternate for each designee shall also be chosen, and the
844 names of the designees and alternates shall be sent to the
845 director of the Office of Tourism, Trade, and Economic
846 Development.

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

860 (c) The REDI representatives shall work with REDI in the
861 review and evaluation of statutes and rules for adverse impact
862 on rural communities and the development of alternative
863 proposals to mitigate that impact.

864 (d) Each REDI representative shall be responsible for
865 ensuring that each district office or facility of his or her
866 agency is informed about the Rural Economic Development
867 Initiative and for providing assistance throughout the agency in
868 the implementation of REDI activities.

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

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871 ~~economic concern must be a rural community, or a region composed~~
872 ~~of such, that has been adversely affected by an extraordinary~~
873 ~~economic event or a natural disaster or that presents a unique~~
874 ~~economic development opportunity of regional impact that will~~
875 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
876 may by executive order designate up to three rural areas of
877 critical economic concern which will establish these areas as
878 priority assignments for REDI as well as to allow the Governor,
879 acting through REDI, to waive criteria, requirements, or similar
880 provisions of any economic development incentive. Such
881 incentives shall include, but not be limited to: the Qualified
882 Target Industry Tax Refund Program under s. 288.106, the Quick
883 Response Training Program under s. 288.047, the Quick Response
884 Training Program for participants in the welfare transition
885 program under s. 288.047(8), transportation projects under s.
886 288.063, the brownfield redevelopment bonus refund under s.
887 288.107, and the rural job tax credit program under ss. 212.098
888 and 220.1895.

889 (b) Designation as a rural area of critical economic
890 concern under this subsection shall be contingent upon the
891 execution of a memorandum of agreement among the Office of
892 Tourism, Trade, and Economic Development; the governing body of
893 the county; and the governing bodies of any municipalities to be
894 included within a rural area of critical economic concern. Such
895 agreement shall specify the terms and conditions of the
896 designation, including, but not limited to, the duties and
897 responsibilities of the county and any participating
898 municipalities to take actions designed to facilitate the
899 retention and expansion of existing businesses in the area, as

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900 well as the recruitment of new businesses to the area.

901 (c) Each rural area of critical economic concern may
902 designate catalyst projects, provided that each catalyst project
903 is specifically recommended by REDI, identified as a catalyst
904 project by Enterprise Florida, Inc., and confirmed as a catalyst
905 project by the Office of Tourism, Trade, and Economic
906 Development. All state agencies and departments shall use all
907 available tools and resources to the extent permissible by law
908 to promote the creation and development of each catalyst project
909 and the development of catalyst sites.

910 (8) REDI shall submit a report to the Governor, the
911 President of the Senate, and the Speaker of the House of
912 Representatives each year on or before September ~~February~~ 1 on
913 all REDI activities for the prior fiscal year. This report shall
914 include a status report on all projects currently being
915 coordinated through REDI, the number of preferential awards and
916 allowances made pursuant to this section, the dollar amount of
917 such awards, and the names of the recipients. The report shall
918 also include a description of all waivers of program
919 requirements granted. The report shall also include information
920 as to the economic impact of the projects coordinated by REDI,
921 and recommendations based on the review and evaluation of
922 statutes and rules having an adverse impact on rural
923 communities, and proposals to mitigate such adverse impacts.

924 Section 9. Section 288.06561, Florida Statutes, is amended
925 to read:

926 288.06561 Reduction or waiver of financial match
927 requirements.—Notwithstanding any other law, the member agencies
928 and organizations of the Rural Economic Development Initiative

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929 (REDI), as defined in s. 288.0656(6)(a), shall review the
930 financial match requirements for projects in rural areas as
931 defined in s. 288.0656(2) ~~(b)~~.

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

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

937 (3) These proposals shall be delivered to the Office of
938 Tourism, Trade, and Economic Development for distribution to the
939 REDI agencies and organizations. A meeting of REDI agencies and
940 organizations must be called within 30 days after receipt of
941 such proposals for REDI comment and recommendations on each
942 proposal.

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

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

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

953 (7) To the fullest extent possible, agencies and
954 organizations shall expedite the rule adoption and amendment
955 process if necessary to incorporate the reduction in match by
956 rural areas in fiscal distress.

957 (8) REDI shall include in its annual report an evaluation

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958 on the status of changes to rules, number of awards made with
959 waivers, and recommendations for future changes.

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

962 288.0657 Florida rural economic development strategy
963 grants.—

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

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

967 (b) A county with a population of 125,000 ~~100,000~~ or fewer
968 which less that is contiguous to a county with a population of
969 75,000 or fewer ~~less~~.

970 (c) A municipality within a county described in paragraph
971 (a) or paragraph (b).

972

973 For purposes of this subsection, population shall be determined
974 in accordance with the most recent official estimate pursuant to
975 s. 186.901.

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

980 288.1045 Qualified defense contractor and space flight
981 business tax refund program.—

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

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

986 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY

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987 DETERMINATION.—

988 (a) To apply for certification as a qualified applicant
989 pursuant to this section, an applicant must file an application
990 with the office which satisfies the requirements of paragraphs
991 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
992 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
993 certification pursuant to this section after a proposal has been
994 submitted for a new Department of Defense contract, after the
995 applicant has made the decision to consolidate an existing
996 Department of Defense contract in this state for which such
997 applicant is seeking certification, after a proposal has been
998 submitted for a new space flight business contract in this
999 state, after the applicant has made the decision to consolidate
1000 an existing space flight business contract in this state for
1001 which such applicant is seeking certification, or after the
1002 applicant has made the decision to convert defense production
1003 jobs to nondefense production jobs for which such applicant is
1004 seeking certification.

1005 (e) To qualify for review by the office, the application of
1006 an applicant must, at a minimum, establish the following to the
1007 satisfaction of the office:

1008 1. The jobs proposed to be provided under the application,
1009 pursuant to subparagraph (b)6., subparagraph (c)6., or
1010 subparagraph (j) ~~(k)~~6., must pay an estimated annual average wage
1011 equaling at least 115 percent of the average wage in the area
1012 where the project is to be located.

1013 2. The consolidation of a Department of Defense contract
1014 must result in a net increase of at least 25 percent in the
1015 number of jobs at the applicant's facilities in this state or

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1016 the addition of at least 80 jobs at the applicant's facilities
1017 in this state.

1018 3. The conversion of defense production jobs to nondefense
1019 production jobs must result in net increases in nondefense
1020 employment at the applicant's facilities in this state.

1021 4. The Department of Defense contract or the space flight
1022 business contract cannot allow the business to include the costs
1023 of relocation or retooling in its base as allowable costs under
1024 a cost-plus, or similar, contract.

1025 5. A business unit of the applicant must have derived not
1026 less than 60 percent of its gross receipts in this state from
1027 Department of Defense contracts or space flight business
1028 contracts over the applicant's last fiscal year, and must have
1029 derived not less than an average of 60 percent of its gross
1030 receipts in this state from Department of Defense contracts or
1031 space flight business contracts over the 5 years preceding the
1032 date an application is submitted pursuant to this section. This
1033 subparagraph does not apply to any application for certification
1034 based on a contract for reuse of a defense-related facility.

1035 6. The reuse of a defense-related facility must result in
1036 the creation of at least 100 jobs at such facility.

1037 7. A new space flight business contract or the
1038 consolidation of a space flight business contract must result in
1039 net increases in space flight business employment at the
1040 applicant's facilities in this state.

1041 (f) Each application meeting the requirements of paragraphs
1042 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1043 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
1044 determination of eligibility. The office shall review and

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1045 evaluate each application based on, but not limited to, the
1046 following criteria:

1047 1. Expected contributions to the state strategic economic
1048 development plan adopted by Enterprise Florida, Inc., taking
1049 into account the extent to which the project contributes to the
1050 state's high-technology base, and the long-term impact of the
1051 project and the applicant on the state's economy.

1052 2. The economic benefit of the jobs created or retained by
1053 the project in this state, taking into account the cost and
1054 average wage of each job created or retained, and the potential
1055 risk to existing jobs.

1056 3. The amount of capital investment to be made by the
1057 applicant in this state.

1058 4. The local commitment and support for the project and
1059 applicant.

1060 5. The impact of the project on the local community, taking
1061 into account the unemployment rate for the county where the
1062 project will be located.

1063 6. The dependence of the local community on the defense
1064 industry or space flight business.

1065 7. The impact of any tax refunds granted pursuant to this
1066 section on the viability of the project and the probability that
1067 the project will occur in this state if such tax refunds are
1068 granted to the applicant, taking into account the expected long-
1069 term commitment of the applicant to economic growth and
1070 employment in this state.

1071 8. The length of the project, or the expected long-term
1072 commitment to this state resulting from the project.

1073 (g) Applications shall be reviewed and certified pursuant

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1074 ~~to s. 288.061. The office shall forward its written findings and~~
1075 ~~evaluation on each application meeting the requirements of~~
1076 ~~paragraphs (b) and (c), paragraphs (c) and (c), paragraphs (d)~~
1077 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1078 ~~calendar days after receipt of a complete application. The~~
1079 ~~office shall notify each applicant when its application is~~
1080 ~~complete, and when the 60-day period begins. In its written~~
1081 ~~report to the director, the office shall specifically address~~
1082 ~~each of the factors specified in paragraph (f), and shall make a~~
1083 ~~specific assessment with respect to the minimum requirements~~
1084 ~~established in paragraph (c). The office shall include in its~~
1085 ~~report projections of the tax refunds the applicant would be~~
1086 ~~eligible to receive in each fiscal year based on the creation~~
1087 ~~and maintenance of the net new Florida jobs specified in~~
1088 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1089 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1090 ~~fiscal year.~~

1091 ~~(h) Within 30 days after receipt of the office's findings~~
1092 ~~and evaluation, the director shall issue a letter of~~
1093 ~~certification which either approves or disapproves an~~
1094 ~~application. The decision must be in writing and provide the~~
1095 ~~justifications for either approval or disapproval. If~~
1096 ~~appropriate, the director shall enter into a written agreement~~
1097 ~~with the qualified applicant pursuant to subsection (4).~~

1098 ~~(h)(i)~~ The director may not certify any applicant as a
1099 qualified applicant when the value of tax refunds to be included
1100 in that letter of certification exceeds the available amount of
1101 authority to certify new businesses as determined in s.
1102 288.095(3). A letter of certification that approves an

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1103 application must specify the maximum amount of a tax refund that
1104 is to be available to the contractor for each fiscal year and
1105 the total amount of tax refunds for all fiscal years.

1106 (i)~~(j)~~ This section does not create a presumption that an
1107 applicant should receive any tax refunds under this section.

1108 (j)~~(k)~~ Applications for certification based upon a new
1109 space flight business contract or the consolidation of a space
1110 flight business contract must be submitted to the office as
1111 prescribed by the office and must include, but are not limited
1112 to, the following information:

1113 1. The applicant's federal employer identification number,
1114 the applicant's Florida sales tax registration number, and a
1115 signature of an officer of the applicant.

1116 2. The permanent location of the space flight business
1117 facility in this state where the project is or will be located.

1118 3. The new space flight business contract number, the space
1119 flight business contract numbers of the contract to be
1120 consolidated, or the request-for-proposal number of a proposed
1121 space flight business contract.

1122 4. The date the contract was executed and the date the
1123 contract is due to expire, is expected to expire, or was
1124 canceled.

1125 5. The commencement date for project operations under the
1126 contract in this state.

1127 6. The number of net new full-time equivalent Florida jobs
1128 included in the project as of December 31 of each year and the
1129 average wage of such jobs.

1130 7. The total number of full-time equivalent employees
1131 employed by the applicant in this state.

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1132 8. The percentage of the applicant's gross receipts derived
1133 from space flight business contracts during the 5 taxable years
1134 immediately preceding the date the application is submitted.

1135 9. The number of full-time equivalent jobs in this state to
1136 be retained by the project.

1137 10. A brief statement concerning the applicant's need for
1138 tax refunds and the proposed uses of such refunds by the
1139 applicant.

1140 11. A resolution adopted by the governing board of the
1141 county or municipality in which the project will be located
1142 which recommends the applicant be approved as a qualified
1143 applicant and indicates that the necessary commitments of local
1144 financial support for the applicant exist. Prior to the adoption
1145 of the resolution, the county commission may review the proposed
1146 public or private sources of such support and determine whether
1147 the proposed sources of local financial support can be provided
1148 or, for any applicant whose project is located in a county
1149 designated by the Rural Economic Development Initiative, a
1150 resolution adopted by the county commissioners of such county
1151 requesting that the applicant's project be exempt from the local
1152 financial support requirement.

1153 12. Any additional information requested by the office.

1154 (5) ANNUAL CLAIM FOR REFUND.—

1155 (c) A tax refund may not be approved for any qualified
1156 applicant unless local financial support has been paid to the
1157 Economic Development Trust Fund for that refund. If the local
1158 financial support is less than 20 percent of the approved tax
1159 refund, the tax refund shall be reduced. The tax refund paid may
1160 not exceed 5 times the local financial support received. Funding

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1161 from local sources includes tax abatement under s. 196.1995 or
1162 the appraised market value of municipal or county land,
1163 including any improvements or structures, conveyed or provided
1164 at a discount through a sale or lease to that applicant. The
1165 amount of any tax refund for an applicant approved under this
1166 section shall be reduced by the amount of any such tax abatement
1167 granted or the value of the land granted, including the value of
1168 any improvements or structures; and the limitations in
1169 subsection (2) ~~and paragraph (3)(h)~~ shall be reduced by the
1170 amount of any such tax abatement or the value of the land
1171 granted, including any improvements or structures. A report
1172 listing all sources of the local financial support shall be
1173 provided to the office when such support is paid to the Economic
1174 Development Trust Fund.

1175 Section 12. Paragraphs (k) and (t) of subsection (1),
1176 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1177 of subsection (5), and subsection (8) of section 288.106,
1178 Florida Statutes, are amended to read:

1179 288.106 Tax refund program for qualified target industry
1180 businesses.-

1181 (1) DEFINITIONS.-As used in this section:

1182 (k) "Local financial support exemption option" means the
1183 option to exercise an exemption from the local financial support
1184 requirement available to any applicant whose project is located
1185 in a brownfield area or a county with a population of 75,000 or
1186 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1187 which is contiguous to a county with a population of 75,000 or
1188 fewer. Any applicant that exercises this option shall not be
1189 eligible for more than 80 percent of the total tax refunds

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1190 allowed such applicant under this section.

1191 (t) "Rural community" means:

1192 1. A county with a population of 75,000 or fewer ~~less~~.

1193 2. A county with a population of 125,000 ~~100,000~~ or fewer
1194 which less than is contiguous to a county with a population of
1195 75,000 or fewer ~~less~~.

1196 3. A municipality within a county described in subparagraph
1197 1. or subparagraph 2.

1198

1199 For purposes of this paragraph, population shall be determined
1200 in accordance with the most recent official estimate pursuant to
1201 s. 186.901.

1202 (3) APPLICATION AND APPROVAL PROCESS.—

1203 (a) To apply for certification as a qualified target
1204 industry business under this section, the business must file an
1205 application with the office before the business has made the
1206 decision to locate a new business in this state or before the
1207 business had made the decision to expand an existing business in
1208 this state. The application shall include, but is not limited
1209 to, the following information:

1210 1. The applicant's federal employer identification number
1211 and the applicant's state sales tax registration number.

1212 2. The permanent location of the applicant's facility in
1213 this state at which the project is or is to be located.

1214 3. A description of the type of business activity or
1215 product covered by the project, including four-digit SIC codes
1216 for all activities included in the project.

1217 4. The number of net new full-time equivalent Florida jobs
1218 at the qualified target industry business as of December 31 of

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1219 each year included in the project and the average wage of those
1220 jobs. If more than one type of business activity or product is
1221 included in the project, the number of jobs and average wage for
1222 those jobs must be separately stated for each type of business
1223 activity or product.

1224 5. The total number of full-time equivalent employees
1225 employed by the applicant in this state.

1226 6. The anticipated commencement date of the project.

1227 7. A brief statement concerning the role that the tax
1228 refunds requested will play in the decision of the applicant to
1229 locate or expand in this state.

1230 8. An estimate of the proportion of the sales resulting
1231 from the project that will be made outside this state.

1232 9. A resolution adopted by the governing board of the
1233 county or municipality in which the project will be located,
1234 which resolution recommends that certain types of businesses be
1235 approved as a qualified target industry business and states that
1236 the commitments of local financial support necessary for the
1237 target industry business exist. In advance of the passage of
1238 such resolution, the office may also accept an official letter
1239 from an authorized local economic development agency that
1240 endorses the proposed target industry project and pledges that
1241 sources of local financial support for such project exist. For
1242 the purposes of making pledges of local financial support under
1243 this subsection, the authorized local economic development
1244 agency shall be officially designated by the passage of a one-
1245 time resolution by the local governing authority.

1246 10. Any additional information requested by the office.

1247 (b) To qualify for review by the office, the application of

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1248 a target industry business must, at a minimum, establish the
1249 following to the satisfaction of the office:

1250 1. The jobs proposed to be provided under the application,
1251 pursuant to subparagraph (a)4., must pay an estimated annual
1252 average wage equaling at least 115 percent of the average
1253 private sector wage in the area where the business is to be
1254 located or the statewide private sector average wage. In
1255 determining the average annual wage, the office shall include
1256 only new proposed jobs, and wages for existing jobs shall be
1257 excluded from this calculation. The office may waive the ~~this~~
1258 average wage requirement at the request of the local governing
1259 body recommending the project and Enterprise Florida, Inc. The
1260 wage requirement may only be waived for a project located in a
1261 brownfield area designated under s. 376.80 or in a rural city or
1262 county or in an enterprise zone and only when the merits of the
1263 individual project or the specific circumstances in the
1264 community in relationship to the project warrant such action. If
1265 the local governing body and Enterprise Florida, Inc., make such
1266 a recommendation, it must be transmitted in writing and the
1267 specific justification for the waiver recommendation must be
1268 explained. If the director elects to waive the wage requirement,
1269 the waiver must be stated in writing and the reasons for
1270 granting the waiver must be explained.

1271 2. The target industry business's project must result in
1272 the creation of at least 10 jobs at such project and, if an
1273 expansion of an existing business, must result in a net increase
1274 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1275 business. Notwithstanding the definition of the term "expansion
1276 of an existing business" in paragraph (1)(g), at the request of

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1277 the local governing body recommending the project and Enterprise
1278 Florida, Inc., the office may define an "expansion of an
1279 existing business" in a rural community or an enterprise zone as
1280 the expansion of a business resulting in a net increase in
1281 employment of less than 10 percent at such business if the
1282 merits of the individual project or the specific circumstances
1283 in the community in relationship to the project warrant such
1284 action. If the local governing body and Enterprise Florida,
1285 Inc., make such a request, the request ~~it~~ must be transmitted in
1286 writing and the specific justification for the request must be
1287 explained. If the director elects to grant the ~~such~~ request, the
1288 grant ~~such election~~ must be stated in writing and the reason for
1289 granting the request must be explained.

1290 3. The business activity or product for the applicant's
1291 project is within an industry or industries that have been
1292 identified by the office to be high-value-added industries that
1293 contribute to the area and to the economic growth of the state
1294 and that produce a higher standard of living for residents
1295 ~~citizens~~ of this state in the new global economy or that can be
1296 shown to make an equivalent contribution to the area and state's
1297 economic progress. The director must approve requests to waive
1298 the wage requirement for brownfield areas designated under s.
1299 376.80 unless it is demonstrated that such action is not in the
1300 public interest.

1301 (c) Each application meeting the requirements of paragraph
1302 (b) must be submitted to the office for determination of
1303 eligibility. The office shall review and evaluate each
1304 application based on, but not limited to, the following
1305 criteria:

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1306 1. Expected contributions to the state strategic economic
1307 development plan adopted by Enterprise Florida, Inc., taking
1308 into account the long-term effects of the project and of the
1309 applicant on the state economy.

1310 2. The economic benefit of the jobs created by the project
1311 in this state, taking into account the cost and average wage of
1312 each job created.

1313 3. The amount of capital investment to be made by the
1314 applicant in this state.

1315 4. The local commitment and support for the project.

1316 5. The effect of the project on the local community, taking
1317 into account the unemployment rate for the county where the
1318 project will be located.

1319 6. The effect of any tax refunds granted pursuant to this
1320 section on the viability of the project and the probability that
1321 the project will be undertaken in this state if such tax refunds
1322 are granted to the applicant, taking into account the expected
1323 long-term commitment of the applicant to economic growth and
1324 employment in this state.

1325 7. The expected long-term commitment to this state
1326 resulting from the project.

1327 8. A review of the business's past activities in this state
1328 or other states, including whether such business has been
1329 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1330 This subparagraph does not ~~shall~~ require the disclosure of
1331 confidential information.

1332 (d) Applications shall be reviewed and certified pursuant
1333 to s. 288.061. ~~The office shall forward its written findings and~~
1334 ~~evaluation concerning each application meeting the requirements~~

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1335 ~~of paragraph (b) to the director within 45 calendar days after~~
1336 ~~receipt of a complete application. The office shall notify each~~
1337 ~~target industry business when its application is complete, and~~
1338 ~~of the time when the 45 day period begins. In its written report~~
1339 ~~to the director, the office shall specifically address each of~~
1340 ~~the factors specified in paragraph (c) and shall make a specific~~
1341 ~~assessment with respect to the minimum requirements established~~
1342 ~~in paragraph (b). The office shall include in its review report~~
1343 ~~projections of the tax refunds the business would be eligible to~~
1344 ~~receive in each fiscal year based on the creation and~~
1345 ~~maintenance of the net new Florida jobs specified in~~
1346 ~~subparagraph (a)4. as of December 31 of the preceding state~~
1347 ~~fiscal year.~~

1348 ~~(c)1. Within 30 days after receipt of the office's findings~~
1349 ~~and evaluation, the director shall issue a letter of~~
1350 ~~certification that either approves or disapproves the~~
1351 ~~application of the target industry business. The decision must~~
1352 ~~be in writing and must provide the justifications for approval~~
1353 ~~or disapproval.~~

1354 ~~2.~~ If appropriate, the director shall enter into a written
1355 agreement with the qualified target industry business pursuant
1356 to subsection (4).

1357 (e) ~~(f)~~ The director may not certify any target industry
1358 business as a qualified target industry business if the value of
1359 tax refunds to be included in that letter of certification
1360 exceeds the available amount of authority to certify new
1361 businesses as determined in s. 288.095(3). However, if the
1362 commitments of local financial support represent less than 20
1363 percent of the eligible tax refund payments, or to otherwise

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1364 preserve the viability and fiscal integrity of the program, the
1365 director may certify a qualified target industry business to
1366 receive tax refund payments of less than the allowable amounts
1367 specified in paragraph (2) (b). A letter of certification that
1368 approves an application must specify the maximum amount of tax
1369 refund that will be available to the qualified industry business
1370 in each fiscal year and the total amount of tax refunds that
1371 will be available to the business for all fiscal years.

1372 (f) ~~(g)~~ ~~Nothing in~~ This section does not shall create a
1373 presumption that an applicant shall ~~will~~ receive any tax refunds
1374 under this section. However, the office may issue nonbinding
1375 opinion letters, upon the request of prospective applicants, as
1376 to the applicants' eligibility and the potential amount of
1377 refunds.

1378 (4) TAX REFUND AGREEMENT.—

1379 (b) Compliance with the terms and conditions of the
1380 agreement is a condition precedent for the receipt of a tax
1381 refund each year. The failure to comply with the terms and
1382 conditions of the tax refund agreement results in the loss of
1383 eligibility for receipt of all tax refunds previously authorized
1384 under this section and the revocation by the director of the
1385 certification of the business entity as a qualified target
1386 industry business, unless the business is eligible to receive
1387 and elects to accept a prorated refund under paragraph (5) (d) or
1388 the office grants the business an economic-stimulus exemption.

1389 1. A qualified target industry business may submit, in
1390 writing, a request to the office for an economic-stimulus
1391 exemption. The request must provide quantitative evidence
1392 demonstrating how negative economic conditions in the business's

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1393 industry, the effects of the impact of a named hurricane or
1394 tropical storm, or specific acts of terrorism affecting the
1395 qualified target industry business have prevented the business
1396 from complying with the terms and conditions of its tax refund
1397 agreement.

1398 2. Upon receipt of a request under subparagraph 1., the
1399 director shall have 45 days to notify the requesting business,
1400 in writing, if its exemption has been granted or denied. In
1401 determining if an exemption should be granted, the director
1402 shall consider the extent to which negative economic conditions
1403 in the requesting business's industry have occurred in the state
1404 or, the effects of the impact of a named hurricane or tropical
1405 storm, or specific acts of terrorism affecting the qualified
1406 target industry business have prevented the business from
1407 complying with the terms and conditions of its tax refund
1408 agreement. The office shall consider current employment
1409 statistics for this state by industry, including whether the
1410 business's industry had substantial job loss during the prior
1411 year, when determining whether an exemption shall be granted.

1412 3. As a condition for receiving a prorated refund under
1413 paragraph (5)(d) or an economic-stimulus exemption under this
1414 paragraph, a qualified target industry business must agree to
1415 renegotiate its tax refund agreement with the office to, at a
1416 minimum, ensure that the terms of the agreement comply with
1417 current law and office procedures governing application for and
1418 award of tax refunds. Upon approving the award of a prorated
1419 refund or granting an economic-stimulus exemption, the office
1420 shall renegotiate the tax refund agreement with the business as
1421 required by this subparagraph. When amending the agreement of a

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1422 business receiving an economic-stimulus exemption, the office
1423 may extend the duration of the agreement for a period not to
1424 exceed 2 years.

1425 4. A qualified target industry business may submit a
1426 request for an economic-stimulus exemption to the office in lieu
1427 of any tax refund claim scheduled to be submitted after January
1428 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1429 5. A qualified target industry business that receives an
1430 economic-stimulus exemption may not receive a tax refund for the
1431 period covered by the exemption.

1432 (5) ANNUAL CLAIM FOR REFUND.—

1433 (c) A tax refund may not be approved for a qualified target
1434 industry business unless the required local financial support
1435 has been paid into the account for that refund. If the local
1436 financial support provided is less than 20 percent of the
1437 approved tax refund, the tax refund must be reduced. In no event
1438 may the tax refund exceed an amount that is equal to 5 times the
1439 amount of the local financial support received. Further, funding
1440 from local sources includes any tax abatement granted to that
1441 business under s. 196.1995 or the appraised market value of
1442 municipal or county land conveyed or provided at a discount to
1443 that business. The amount of any tax refund for such business
1444 approved under this section must be reduced by the amount of any
1445 such tax abatement granted or the value of the land granted; and
1446 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1447 be reduced by the amount of any such tax abatement or the value
1448 of the land granted. A report listing all sources of the local
1449 financial support shall be provided to the office when such
1450 support is paid to the account.

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1451 (8) EXPIRATION.—An applicant may not be certified as
1452 qualified under this section after June 30, 2010. A tax refund
1453 agreement existing on that date shall continue in effect in
1454 accordance with its terms.

1455 Section 13. Paragraph (e) of subsection (1), paragraph (b)
1456 of subsection (3), and paragraph (f) of subsection (4) of
1457 section 288.107, Florida Statutes, are amended, and paragraph
1458 (e) is added to subsection (3) of that section, to read:

1459 288.107 Brownfield redevelopment bonus refunds.—

1460 (1) Definitions.— As used in this section:

1461 (e) "Eligible business" means:

1462 1. A qualified target industry business as defined in s.
1463 288.106(1) (o); or

1464 2. A business that can demonstrate a fixed capital
1465 investment of at least \$2 million in mixed-use business
1466 activities, including multiunit housing, commercial, retail, and
1467 industrial in brownfield areas, or at least \$500,000 in
1468 brownfield areas that do not require site cleanup, and which
1469 provides benefits to its employees.

1470 (3) CRITERIA.—The minimum criteria for participation in the
1471 brownfield redevelopment bonus refund are:

1472 (b) The completion of a fixed capital investment of at
1473 least \$2 million in mixed-use business activities, including
1474 multiunit housing, commercial, retail, and industrial in
1475 brownfield areas, or at least \$500,000 in brownfield areas that
1476 do not require site cleanup, by an eligible business applying
1477 for a refund under paragraph (2) (b) which provides benefits to
1478 its employees.

1479 (e) A resolution adopted by the governing board of the

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1480 county or municipality in which the project will be located that
1481 recommends that certain types of businesses be approved.

1482 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1483 (f) Applications shall be reviewed and certified pursuant
1484 to s. 288.061. The office shall review all applications
1485 submitted under s. 288.106 or other similar application forms
1486 for other eligible businesses as defined in paragraph (1)(e)
1487 which indicate that the proposed project will be located in a
1488 brownfield and determine, with the assistance of the Department
1489 of Environmental Protection, that the project location is within
1490 a brownfield as provided in this act.

1491 Section 14. Paragraphs (b), (c), and (d) of subsection (5)
1492 and subsections (7) and (8) of section 288.108, Florida
1493 Statutes, are amended to read:

1494 288.108 High-impact business.—

1495 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1496 (b) Applications shall be reviewed and certified pursuant
1497 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~
1498 ~~submitted application and inform the applicant business whether~~
1499 ~~or not its application is complete within 10 working days. Once~~
1500 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
1501 ~~has 10 working days within which to evaluate the application and~~
1502 ~~recommend approval or disapproval of the application to the~~
1503 ~~director. In recommending an applicant business for approval,~~
1504 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1505 ~~award amount in its evaluation forwarded to the office.~~

1506 (c) ~~Upon receipt of the evaluation and recommendation of~~
1507 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1508 ~~enter a final order that either approves or disapproves an~~

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1509 ~~applicant business as a qualified high-impact business facility,~~
1510 ~~unless the business requests an extension of the time. The final~~
1511 ~~order shall specify the total amount of the qualified high-~~
1512 ~~impact business facility performance grant award, the~~
1513 ~~performance conditions that must be met to obtain the award, and~~
1514 ~~the schedule for payment of the performance grant.~~

1515 (c)~~(d)~~ The director and the qualified high-impact business
1516 shall enter into a performance grant agreement setting forth the
1517 conditions for payment of the qualified high-impact business
1518 performance grant. The agreement shall include the total amount
1519 of the qualified high-impact business facility performance grant
1520 award, the performance conditions that must be met to obtain the
1521 award, including the employment, average salary, investment, the
1522 methodology for determining if the conditions have been met, and
1523 the schedule of performance grant payments.

1524 ~~(7) REPORTING. The office shall by December 1 of each year~~
1525 ~~issue a complete and detailed report of all designated high-~~
1526 ~~impact sectors, all applications received and their disposition,~~
1527 ~~all final orders issued, and all payments made, including~~
1528 ~~analyses of benefits and costs, types of projects supported, and~~
1529 ~~employment and investments created. The report shall be~~
1530 ~~submitted to the Governor, the President of the Senate, and the~~
1531 ~~Speaker of the House of Representatives.~~

1532 (7)~~(8)~~ RULEMAKING.—The office may adopt rules necessary to
1533 carry out the provisions of this section.

1534 Section 15. Paragraphs (a), (b), and (c) of subsection (3)
1535 of section 288.1088, Florida Statutes, are amended to read:

1536 288.1088 Quick Action Closing Fund.—

1537 (3) (a) Enterprise Florida, Inc., shall review applications

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1538 pursuant to s. 288.061 and determine eligibility of each project
1539 consistent with the criteria in subsection (2). Enterprise
1540 Florida, Inc., in consultation with the Office of Tourism,
1541 Trade, and Economic Development, may waive these criteria based
1542 on extraordinary circumstances or in rural areas of critical
1543 economic concern if the project would significantly benefit the
1544 local or regional economy. Enterprise Florida, Inc., shall
1545 evaluate individual proposals for high-impact business
1546 facilities and forward recommendations regarding the use of
1547 moneys in the fund for such facilities to the director of the
1548 Office of Tourism, Trade, and Economic Development. Such
1549 evaluation and recommendation must include, but need not be
1550 limited to:

1551 1. A description of the type of facility or infrastructure,
1552 its operations, and the associated product or service associated
1553 with the facility.

1554 2. The number of full-time-equivalent jobs that will be
1555 created by the facility and the total estimated average annual
1556 wages of those jobs or, in the case of privately developed rural
1557 infrastructure, the types of business activities and jobs
1558 stimulated by the investment.

1559 3. The cumulative amount of investment to be dedicated to
1560 the facility within a specified period.

1561 4. A statement of any special impacts the facility is
1562 expected to stimulate in a particular business sector in the
1563 state or regional economy or in the state's universities and
1564 community colleges.

1565 5. A statement of the role the incentive is expected to
1566 play in the decision of the applicant business to locate or

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1567 expand in this state or for the private investor to provide
1568 critical rural infrastructure.

1569 6. A report evaluating the quality and value of the company
1570 submitting a proposal. The report must include:

1571 a. A financial analysis of the company, including an
1572 evaluation of the company's short-term liquidity ratio as
1573 measured by its assets to liability, the company's profitability
1574 ratio, and the company's long-term solvency as measured by its
1575 debt-to-equity ratio;

1576 b. The historical market performance of the company;

1577 c. A review of any independent evaluations of the company;

1578 d. A review of the latest audit of the company's financial
1579 statement and the related auditor's management letter; and

1580 e. A review of any other types of audits that are related
1581 to the internal and management controls of the company.

1582 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1583 the evaluation and recommendation from Enterprise Florida, Inc.,
1584 the director shall recommend to the Governor approval or
1585 disapproval of a project for receipt of funds from the Quick
1586 Action Closing Fund ~~to the Governor~~. In recommending a project,
1587 the director shall include proposed performance conditions that
1588 the project must meet to obtain incentive funds. The Governor
1589 shall provide the evaluation of projects recommended for
1590 approval to the President of the Senate and the Speaker of the
1591 House of Representatives and consult with the President of the
1592 Senate and the Speaker of the House of Representatives before
1593 giving final approval for a project. The Executive Office of the
1594 Governor shall recommend approval of a project and the release
1595 of funds pursuant to the legislative consultation and review

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1596 requirements set forth in s. 216.177. The recommendation must
1597 include proposed performance conditions that the project must
1598 meet in order to obtain funds.

1599 (c) Upon the approval of the Governor, the director of the
1600 Office of Tourism, Trade, and Economic Development and the
1601 business shall enter into a contract that sets forth the
1602 conditions for payment of moneys from the fund. The contract
1603 must include the total amount of funds awarded; the performance
1604 conditions that must be met to obtain the award, including, but
1605 not limited to, net new employment in the state, average salary,
1606 and total capital investment; demonstrate a baseline of current
1607 service and a measure of enhanced capability; the methodology
1608 for validating performance; the schedule of payments from the
1609 fund; and sanctions for failure to meet performance conditions.
1610 The contract must provide that payment of moneys from the fund
1611 is contingent upon sufficient appropriation of funds by the
1612 Legislature and upon sufficient release of appropriated funds by
1613 the Legislative Budget Commission.

1614 Section 16. Subsection (2) of section 257.193, Florida
1615 Statutes, is amended to read:

1616 257.193 Community Libraries in Caring Program.—

1617 (2) The purpose of the Community Libraries in Caring
1618 Program is to assist libraries in rural communities, as defined
1619 in s. 288.0656(2)~~(b)~~ and subject to the provisions of s.
1620 288.06561, to strengthen their collections and services, improve
1621 literacy in their communities, and improve the economic
1622 viability of their communities.

1623 Section 17. Section 288.019, Florida Statutes, is amended
1624 to read:

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1625 288.019 Rural considerations in grant review and evaluation
1626 processes.—Notwithstanding any other law, and to the fullest
1627 extent possible, the member agencies and organizations of the
1628 Rural Economic Development Initiative (REDI) as defined in s.
1629 288.0656(6) (a) shall review all grant and loan application
1630 evaluation criteria to ensure the fullest access for rural
1631 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
1632 throughout the state.

1633 (1) Each REDI agency and organization shall review all
1634 evaluation and scoring procedures and develop modifications to
1635 those procedures which minimize the impact of a project within a
1636 rural area.

1637 (2) Evaluation criteria and scoring procedures must provide
1638 for an appropriate ranking based on the proportionate impact
1639 that projects have on a rural area when compared with similar
1640 project impacts on an urban area.

1641 (3) Evaluation criteria and scoring procedures must
1642 recognize the disparity of available fiscal resources for an
1643 equal level of financial support from an urban county and a
1644 rural county.

1645 (a) The evaluation criteria should weight contribution in
1646 proportion to the amount of funding available at the local
1647 level.

1648 (b) In-kind match should be allowed and applied as
1649 financial match when a county is experiencing financial distress
1650 through elevated unemployment at a rate in excess of the state's
1651 average by 5 percentage points or because of the loss of its ad
1652 valorem base.

1653 (4) For existing programs, the modified evaluation criteria

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1654 and scoring procedure must be delivered to the Office of
1655 Tourism, Trade, and Economic Development for distribution to the
1656 REDI agencies and organizations. The REDI agencies and
1657 organizations shall review and make comments. Future rules,
1658 programs, evaluation criteria, and scoring processes must be
1659 brought before a REDI meeting for review, discussion, and
1660 recommendation to allow rural counties fuller access to the
1661 state's resources.

1662 Section 18. Paragraph (d) of subsection (15) of section
1663 627.6699, Florida Statutes, is amended to read:

1664 627.6699 Employee Health Care Access Act.—

1665 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

1666 (d) *Eligibility*.—

1667 1. Any small employer that is actively engaged in business,
1668 has its principal place of business in this state, employs up to
1669 25 eligible employees on business days during the preceding
1670 calendar year, employs at least 2 employees on the first day of
1671 the plan year, and has had no prior coverage for the last 6
1672 months may participate.

1673 2. Any municipality, county, school district, or hospital
1674 employer located in a rural community as defined in s.
1675 288.0656(2) ~~(b)~~ may participate.

1676 3. Nursing home employers may participate.

1677 4. Each dependent of a person eligible for coverage is also
1678 eligible to participate.

1679
1680 Any employer participating in the program must do so until the
1681 end of the term for which the carrier providing the coverage is
1682 obligated to provide such coverage to the program. Coverage for

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1683 a small employer group that ceases to meet the eligibility
1684 requirements of this section may be terminated at the end of the
1685 policy period for which the necessary premiums have been paid.

1686 Section 19. Subsection (8) is added to section 288.9015,
1687 Florida Statutes, to read:

1688 288.9015 Enterprise Florida, Inc.; purpose; duties.—

1689 (8) Enterprise Florida, Inc., shall be responsible for
1690 responding to all inquiries related to Florida's business
1691 requirements, economic incentives, and business development
1692 opportunities.

1693 Section 20. Subsection (2) of section 288.9622, Florida
1694 Statutes, is amended to read:

1695 288.9622 Findings and intent.—

1696 (2) It is the intent of the Legislature that ss. 288.9621-
1697 288.9625 serve to mobilize private investment in a broad variety
1698 of venture capital partnerships in diversified industries and
1699 geographies; retain private sector investment criteria focused
1700 on rate of return; use the services of highly qualified managers
1701 in the venture capital industry regardless of location;
1702 facilitate the organization of the Florida Opportunity Fund as
1703 an a fund-of-funds investor in seed and early stage businesses,
1704 infrastructure projects, venture capital funds, and angel funds;
1705 and precipitate capital investment and extensions of credit to
1706 and in the Florida Opportunity Fund.

1707 Section 21. Subsection (4) and paragraph (a) of subsection
1708 (5) of section 288.9624, Florida Statutes, are amended to read

1709 288.9624 Florida Opportunity Fund; creation; duties.—

1710 (4) For the purpose of mobilizing investment in a broad
1711 variety of Florida-based, new technology companies and

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1712 generating a return sufficient to continue reinvestment, the
1713 fund shall:

1714 (a) Invest ~~directly only~~ in seed and early stage venture
1715 capital funds that have experienced managers or management teams
1716 with demonstrated experience, expertise, and a successful
1717 history in the investment of venture capital funds, focusing on
1718 opportunities in this state. The fund also may ~~not~~ make direct
1719 investments, including loans, in individual businesses and
1720 infrastructure projects. While not precluded from investing in
1721 venture capital funds that have investments outside this state,
1722 the fund must require a venture capital fund to show a record of
1723 successful investment in this state, to be based in this state,
1724 or to have an office in this state staffed with a full-time,
1725 professional venture investment executive in order to be
1726 eligible for investment.

1727 (b) Negotiate for investment capital or loan proceeds from
1728 private, institutional, or banking sources.

1729 (c) Negotiate any and all terms and conditions for its
1730 investments.

1731 (d) Invest only in funds, businesses, and infrastructure
1732 projects that have raised capital from other sources so that the
1733 amount invested in such funds, businesses, or infrastructure
1734 projects ~~an entity in this state~~ is at least twice the amount
1735 invested by the fund. Direct investments must be made in Florida
1736 infrastructure projects or businesses that are Florida-based or
1737 have significant business activities in Florida and operate in
1738 technology sectors that are strategic to Florida companies,
1739 including, but not limited to, enterprises in life sciences,
1740 information technology, advanced manufacturing processes,

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1741 aviation and aerospace, and homeland security and defense, as
1742 well as other strategic technologies.

1743 (e) Form or operate other entities and accept additional
1744 funds from other public and private sources to further its
1745 purpose.

1746
1747 The Opportunity Fund may not use its original legislative
1748 appropriation of \$29.5 million for direct investments, including
1749 loans, in businesses or infrastructure projects, or for any
1750 purpose not specified in chapter 2007-189, Laws of Florida.

1751 (5) By December 1 of each year, the board shall issue an
1752 annual report concerning the activities conducted by the fund to
1753 the Governor, the President of the Senate, and the Speaker of
1754 the House of Representatives. The annual report, at a minimum,
1755 must include:

1756 (a) An accounting of the amount of investments disbursed by
1757 the fund and the progress of the fund, including the progress of
1758 business and infrastructure projects that have been provided
1759 direct investment by the fund.

1760 Section 22. This act shall take effect July 1, 2009.
1761