



688128

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/3R	.	Floor: C
04/30/2009 05:26 PM	.	05/01/2009 12:49 PM
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Senator Garcia moved the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

288.1089 Innovation Incentive Program.—

(1) The Innovation Incentive Program is created within the
Office of Tourism, Trade, and Economic Development to ensure
that sufficient resources are available to allow the state to



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13 respond expeditiously to extraordinary economic opportunities
14 and to compete effectively for high-value research and
15 development, ~~and~~ innovation business, and alternative and
16 renewal energy projects.

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

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

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

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

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

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

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

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

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

41 (i) "Industry wage" means the average annual wage paid to



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42 employees in a particular industry, as designated by the North
43 American Industry Classification System (NAICS), and compiled by
44 the Bureau of Labor Statistics of the United States Department
45 of Labor.

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

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

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

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

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



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

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

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

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

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

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

97 (3) To be eligible for consideration for an innovation
98 incentive award, an innovation business, a ~~or~~ research and
99 development entity, or an alternative and renewable energy



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

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

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

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

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

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

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

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

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

126 (i) A detailed explanation of why the innovation incentive
127 is needed to induce the applicant to expand or locate in the
128 state and whether an award would cause the applicant to locate



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129 or expand in this state.

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

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

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

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

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

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

149 4. Be located in this state; and

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

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

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



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158 ~~at the business.~~

159 ~~b. Have an activity or product that uses feedstock or other~~

160 ~~raw materials grown or produced in this state.~~

161 ~~e. Have a cumulative investment of at least \$50 million~~

162 ~~within a 5-year period.~~

163 ~~d. Address the technical feasibility of the technology, and~~

164 ~~the extent to which the proposed project has been demonstrated~~

165 ~~to be technically feasible based on pilot project~~

166 ~~demonstrations, laboratory testing, scientific modeling, or~~

167 ~~engineering or chemical theory that supports the proposal.~~

168 ~~e. Include innovative technology and the degree to which~~

169 ~~the project or business incorporates an innovative new~~

170 ~~technology or an innovative application of an existing~~

171 ~~technology.~~

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

173 ~~project or business generates thermal, mechanical, or electrical~~

174 ~~energy by means of a renewable energy resource that has~~

175 ~~substantial long-term production potential. The project must, to~~

176 ~~the extent possible, quantify annual production potential in~~

177 ~~megawatts or kilowatts.~~

178 ~~g. Include and address energy efficiency and the degree to~~

179 ~~which a project demonstrates efficient use of energy, water, and~~

180 ~~material resources.~~

181 ~~h. Include project management and the ability of management~~

182 ~~to administer and complete the business project.~~

183 (5) Enterprise Florida, Inc., shall evaluate proposals for

184 all three categories of innovation incentive awards and transmit

185 recommendations for awards to the office. Before making its

186 recommendations on alternative and renewable energy projects,



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

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

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

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

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

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

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

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

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

214 (i) A recommendation and explanation of the amount of the
215 award needed to cause the applicant to expand or locate in this



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216 state.

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

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

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

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

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

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

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

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

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

244 1. The availability of matching funds or other in-kind



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

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

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

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

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

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

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

267 8. The ability to administer a complete project.

268 9. Project duration and timeline for expenditures.

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

271 11. The degree of public visibility and interaction.

272 (7) Upon receipt of the evaluation and recommendation from
273 Enterprise Florida, Inc., ~~and from the Florida Energy and~~



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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

349 6. A process for amending the agreement.

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



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

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

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



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

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

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

413 166.231 Municipalities; public service tax.—

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



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419 the purchase of such electricity or gas when purchased by an
420 industrial consumer which uses the electricity or gas directly
421 in industrial manufacturing, processing, compounding, or a
422 production process, at a fixed location in the municipality, of
423 items of tangible personal property for sale. The municipality
424 shall establish the requirements for qualification for this
425 exemption in the manner prescribed by ordinance. Possession by a
426 seller of a written certification by the purchaser, certifying
427 the purchaser's entitlement to an exemption permitted by this
428 subsection, relieves the seller from the responsibility of
429 collecting the tax on the nontaxable amounts, and the
430 municipality shall look solely to the purchaser for recovery of
431 such tax if it determines that the purchaser was not entitled to
432 the exemption. Any municipality granting an exemption pursuant
433 to this subsection shall grant the exemption to all companies
434 classified in the same five-digit NAICS SIC Industry Major Group
435 Number. As used in this subsection, "NAICS" means those
436 classifications contained in the North American Industry
437 Classification System, as published in 2007 by the Office of
438 Management and Budget, Executive Office of the President.

439 Section 3. Paragraphs (a) and (i) of subsection (1) of
440 section 212.05, Florida Statutes, are amended to read:

441 212.05 Sales, storage, use tax. -It is hereby declared to
442 be the legislative intent that every person is exercising a
443 taxable privilege who engages in the business of selling
444 tangible personal property at retail in this state, including
445 the business of making mail order sales, or who rents or
446 furnishes any of the things or services taxable under this
447 chapter, or who stores for use or consumption in this state any



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448 item or article of tangible personal property as defined herein
449 and who leases or rents such property within the state.

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

453 (a)1.a. At the rate of 6 percent of the sales price of each
454 item or article of tangible personal property when sold at
455 retail in this state, computed on each taxable sale for the
456 purpose of remitting the amount of tax due the state, and
457 including each and every retail sale.

458 b. Each occasional or isolated sale of an aircraft, boat,
459 mobile home, or motor vehicle of a class or type which is
460 required to be registered, licensed, titled, or documented in
461 this state or by the United States Government shall be subject
462 to tax at the rate provided in this paragraph. The department
463 shall by rule adopt any nationally recognized publication for
464 valuation of used motor vehicles as the reference price list for
465 any used motor vehicle which is required to be licensed pursuant
466 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
467 party to an occasional or isolated sale of such a vehicle
468 reports to the tax collector a sales price which is less than 80
469 percent of the average loan price for the specified model and
470 year of such vehicle as listed in the most recent reference
471 price list, the tax levied under this paragraph shall be
472 computed by the department on such average loan price unless the
473 parties to the sale have provided to the tax collector an
474 affidavit signed by each party, or other substantial proof,
475 stating the actual sales price. Any party to such sale who
476 reports a sales price less than the actual sales price is guilty



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477 of a misdemeanor of the first degree, punishable as provided in
478 s. 775.082 or s. 775.083. The department shall collect or
479 attempt to collect from such party any delinquent sales taxes.
480 In addition, such party shall pay any tax due and any penalty
481 and interest assessed plus a penalty equal to twice the amount
482 of the additional tax owed. Notwithstanding any other provision
483 of law, the Department of Revenue may waive or compromise any
484 penalty imposed pursuant to this subparagraph.

485 2. This paragraph does not apply to the sale of a boat or
486 aircraft by or through a registered dealer under this chapter to
487 a purchaser who, at the time of taking delivery, is a
488 nonresident of this state, does not make his or her permanent
489 place of abode in this state, and is not engaged in carrying on
490 in this state any employment, trade, business, or profession in
491 which the boat or aircraft will be used in this state, or is a
492 corporation none of the officers or directors of which is a
493 resident of, or makes his or her permanent place of abode in,
494 this state, or is a noncorporate entity that has no individual
495 vested with authority to participate in the management,
496 direction, or control of the entity's affairs who is a resident
497 of, or makes his or her permanent abode in, this state. For
498 purposes of this exemption, either a registered dealer acting on
499 his or her own behalf as seller, a registered dealer acting as
500 broker on behalf of a seller, or a registered dealer acting as
501 broker on behalf of the purchaser may be deemed to be the
502 selling dealer. This exemption shall not be allowed unless:

503 a. The purchaser removes a qualifying boat, as described in
504 sub-subparagraph f., from the state within 90 days after the
505 date of purchase or extension, or the purchaser removes a



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506 nonqualifying boat or an aircraft from this state within 10 days
507 after the date of purchase or, when the boat or aircraft is
508 repaired or altered, within 20 days after completion of the
509 repairs or alterations;

510 b. The purchaser, within 30 days from the date of
511 departure, shall provide the department with written proof that
512 the purchaser licensed, registered, titled, or documented the
513 boat or aircraft outside the state. If such written proof is
514 unavailable, within 30 days the purchaser shall provide proof
515 that the purchaser applied for such license, title,
516 registration, or documentation. The purchaser shall forward to
517 the department proof of title, license, registration, or
518 documentation upon receipt.

519 c. The purchaser, within 10 days of removing the boat or
520 aircraft from Florida, shall furnish the department with proof
521 of removal in the form of receipts for fuel, dockage, slippage,
522 tie-down, or hangaring from outside of Florida. The information
523 so provided must clearly and specifically identify the boat or
524 aircraft;

525 d. The selling dealer, within 5 days of the date of sale,
526 shall provide to the department a copy of the sales invoice,
527 closing statement, bills of sale, and the original affidavit
528 signed by the purchaser attesting that he or she has read the
529 provisions of this section;

530 e. The seller makes a copy of the affidavit a part of his
531 or her record for as long as required by s. 213.35; and

532 f. Unless the nonresident purchaser of a boat of 5 net tons
533 of admeasurement or larger intends to remove the boat from this
534 state within 10 days after the date of purchase or when the boat



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535 is repaired or altered, within 20 days after completion of the
536 repairs or alterations, the nonresident purchaser shall apply to
537 the selling dealer for a decal which authorizes 90 days after
538 the date of purchase for removal of the boat. The nonresident
539 purchaser of a qualifying boat may apply to the selling dealer
540 within 60 days after the date of purchase for an extension decal
541 that authorizes the boat to remain in this state for an
542 additional 90 days, but not more than a total of 180 days,
543 before the nonresident purchaser is required to pay the tax
544 imposed by this chapter. The department is authorized to issue
545 decals in advance to dealers. The number of decals issued in
546 advance to a dealer shall be consistent with the volume of the
547 dealer's past sales of boats which qualify under this sub-
548 subparagraph. The selling dealer or his or her agent shall mark
549 and affix the decals to qualifying boats in the manner
550 prescribed by the department, prior to delivery of the boat.

551 (I) The department is hereby authorized to charge dealers a
552 fee sufficient to recover the costs of decals issued, except the
553 extension decal shall cost \$425.

554 (II) The proceeds from the sale of decals will be deposited
555 into the administrative trust fund.

556 (III) Decals shall display information to identify the boat
557 as a qualifying boat under this sub-subparagraph, including, but
558 not limited to, the decal's date of expiration.

559 (IV) The department is authorized to require dealers who
560 purchase decals to file reports with the department and may
561 prescribe all necessary records by rule. All such records are
562 subject to inspection by the department.

563 (V) Any dealer or his or her agent who issues a decal



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564 falsely, fails to affix a decal, mismarks the expiration date of
565 a decal, or fails to properly account for decals will be
566 considered prima facie to have committed a fraudulent act to
567 evade the tax and will be liable for payment of the tax plus a
568 mandatory penalty of 200 percent of the tax, and shall be liable
569 for fine and punishment as provided by law for a conviction of a
570 misdemeanor of the first degree, as provided in s. 775.082 or s.
571 775.083.

572 (VI) Any nonresident purchaser of a boat who removes a
573 decal prior to permanently removing the boat from the state, or
574 defaces, changes, modifies, or alters a decal in a manner
575 affecting its expiration date prior to its expiration, or who
576 causes or allows the same to be done by another, will be
577 considered prima facie to have committed a fraudulent act to
578 evade the tax and will be liable for payment of the tax plus a
579 mandatory penalty of 200 percent of the tax, and shall be liable
580 for fine and punishment as provided by law for a conviction of a
581 misdemeanor of the first degree, as provided in s. 775.082 or s.
582 775.083.

583 (VII) The department is authorized to adopt rules necessary
584 to administer and enforce this subparagraph and to publish the
585 necessary forms and instructions.

586 (VIII) The department is hereby authorized to adopt
587 emergency rules pursuant to s. 120.54(4) to administer and
588 enforce the provisions of this subparagraph.

589
590 If the purchaser fails to remove the qualifying boat from
591 this state within the maximum 180 ~~90~~ days after purchase or a
592 nonqualifying boat or an aircraft from this state within 10 days



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593 after purchase or, when the boat or aircraft is repaired or
594 altered, within 20 days after completion of such repairs or
595 alterations, or permits the boat or aircraft to return to this
596 state within 6 months from the date of departure, or if the
597 purchaser fails to furnish the department with any of the
598 documentation required by this subparagraph within the
599 prescribed time period, the purchaser shall be liable for use
600 tax on the cost price of the boat or aircraft and, in addition
601 thereto, payment of a penalty to the Department of Revenue equal
602 to the tax payable. This penalty shall be in lieu of the penalty
603 imposed by s. 212.12(2) and is mandatory and shall not be waived
604 by the department. The maximum 180-day ~~90-day~~ period following
605 the sale of a qualifying boat tax-exempt to a nonresident may
606 not be tolled for any reason. Notwithstanding other provisions
607 of this paragraph to the contrary, an aircraft purchased in this
608 state under the provisions of this paragraph may be returned to
609 this state for repairs within 6 months after the date of its
610 departure without being in violation of the law and without
611 incurring liability for the payment of tax or penalty on the
612 purchase price of the aircraft if the aircraft is removed from
613 this state within 20 days after the completion of the repairs
614 and if such removal can be demonstrated by invoices for fuel,
615 tie-down, hangar charges issued by out-of-state vendors or
616 suppliers, or similar documentation.

617 (i)1. At the rate of 6 percent on charges for all:
618 a. Detective, burglar protection, and other protection
619 services (NAICS National SIC Industry Numbers 561611, 561612,
620 561613, 7381 and 561621 7382). Any law enforcement officer, as
621 defined in s. 943.10, who is performing approved duties as



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622 determined by his or her local law enforcement agency in his or
623 her capacity as a law enforcement officer, and who is subject to
624 the direct and immediate command of his or her law enforcement
625 agency, and in the law enforcement officer's uniform as
626 authorized by his or her law enforcement agency, is performing
627 law enforcement and public safety services and is not performing
628 detective, burglar protection, or other protective services, if
629 the law enforcement officer is performing his or her approved
630 duties in a geographical area in which the law enforcement
631 officer has arrest jurisdiction. Such law enforcement and public
632 safety services are not subject to tax irrespective of whether
633 the duty is characterized as "extra duty," "off-duty," or
634 "secondary employment," and irrespective of whether the officer
635 is paid directly or through the officer's agency by an outside
636 source. The term "law enforcement officer" includes full-time or
637 part-time law enforcement officers, and any auxiliary law
638 enforcement officer, when such auxiliary law enforcement officer
639 is working under the direct supervision of a full-time or part-
640 time law enforcement officer.

641 b. Nonresidential cleaning and nonresidential pest control
642 services (NAICS National Numbers 561710 and 561720 ~~SIC Industry~~
643 ~~Group Number 734~~).

644 2. As used in this paragraph, "NAICS ~~SIC~~" means those
645 classifications contained in the North American Industry
646 ~~Standard Industrial Classification System Manual, 1987~~, as
647 published in 2007 by the Office of Management and Budget,
648 Executive Office of the President.

649 3. Charges for detective, burglar protection, and other
650 protection security services performed in this state but used



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651 outside this state are exempt from taxation. Charges for
652 detective, burglar protection, and other protection security
653 services performed outside this state and used in this state are
654 subject to tax.

655 4. If a transaction involves both the sale or use of a
656 service taxable under this paragraph and the sale or use of a
657 service or any other item not taxable under this chapter, the
658 consideration paid must be separately identified and stated with
659 respect to the taxable and exempt portions of the transaction or
660 the entire transaction shall be presumed taxable. The burden
661 shall be on the seller of the service or the purchaser of the
662 service, whichever applicable, to overcome this presumption by
663 providing documentary evidence as to which portion of the
664 transaction is exempt from tax. The department is authorized to
665 adjust the amount of consideration identified as the taxable and
666 exempt portions of the transaction; however, a determination
667 that the taxable and exempt portions are inaccurately stated and
668 that the adjustment is applicable must be supported by
669 substantial competent evidence.

670 5. Each seller of services subject to sales tax pursuant to
671 this paragraph shall maintain a monthly log showing each
672 transaction for which sales tax was not collected because the
673 services meet the requirements of subparagraph 3. for out-of-
674 state use. The log must identify the purchaser's name, location
675 and mailing address, and federal employer identification number,
676 if a business, or the social security number, if an individual,
677 the service sold, the price of the service, the date of sale,
678 the reason for the exemption, and the sales invoice number. The
679 monthly log shall be maintained pursuant to the same



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680 requirements and subject to the same penalties imposed for the
681 keeping of similar records pursuant to this chapter.

682 Section 4. Paragraph (b) of subsection (10) of section
683 212.097, Florida Statutes, are amended to read:

684 212.097 Urban High-Crime Area Job Tax Credit Program.—

685 (10)

686 (b) Applications shall be reviewed and certified pursuant
687 to s. 288.061. ~~Within 30 working days after receipt of an~~
688 ~~application for credit, the Office of Tourism, Trade, and~~
689 ~~Economic Development shall review the application to determine~~
690 ~~whether it contains all the information required by this~~
691 ~~subsection and meets the criteria set out in this section.~~
692 ~~Subject to the provisions of paragraph (c), the Office of~~
693 ~~Tourism, Trade, and Economic Development shall approve all~~
694 ~~applications that contain the information required by this~~
695 ~~subsection and meet the criteria set out in this section as~~
696 ~~eligible to receive a credit.~~

697 Section 5. Paragraph (c) of subsection (1) of section
698 212.098, Florida Statutes, is amended to read:

699 212.098 Rural Job Tax Credit Program.—

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

701 (c) "Qualified area" means any area that is contained
702 within a rural area of critical economic concern designated
703 under s. 288.0656, a county that has a population of fewer than
704 75,000 persons, a ~~or any~~ county that has a population of 125,000
705 ~~100,000~~ or less and is contiguous to a county that has a
706 population of less than 75,000, selected in the following
707 manner: every third year, the Office of Tourism, Trade, and
708 Economic Development shall rank and tier the state's counties



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709 according to the following four factors:

710 1. Highest unemployment rate for the most recent 36-month
711 period.

712 2. Lowest per capita income for the most recent 36-month
713 period.

714 3. Highest percentage of residents whose incomes are below
715 the poverty level, based upon the most recent data available.

716 4. Average weekly manufacturing wage, based upon the most
717 recent data available.

718 Section 6. Subparagraph 3. of paragraph (k) of subsection
719 (8) of section 213.053, Florida Statutes, is created to read:

720 213.053 Confidentiality and information sharing.—

721 (8) Notwithstanding any other provision of this section,
722 the department may provide:

723 (k)1. Payment information relative to chapters 199, 201,
724 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and
725 Economic Development, or its employees or agents that are
726 identified in writing by the office to the department, in the
727 administration of the tax refund program for qualified defense
728 contractors and space flight business contractors authorized by
729 s. 288.1045 and the tax refund program for qualified target
730 industry businesses authorized by s. 288.106.

731 2. Information relative to tax credits taken by a business
732 under s. 220.191 and exemptions or tax refunds received by a
733 business under s. 212.08(5)(j) to the Office of Tourism, Trade,
734 and Economic Development, or its employees or agents that are
735 identified in writing by the office to the department, in the
736 administration and evaluation of the capital investment tax
737 credit program authorized in s. 220.191 and the semiconductor,



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738 defense, and space tax exemption program authorized in s.
739 212.08(5)(j).

740 3. Information relative to tax credits taken by a taxpayer
741 pursuant to the tax credit programs created in ss. 193.017;
742 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
743 212.098; 220.181; 220.182; 220,183; 220.184; 220.1845; 220.185;
744 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
745 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
746 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
747 the Office of Tourism, Trade, and Economic Development, or its
748 employees or agents that are identified in writing by the office
749 to the department, for use in the administration or evaluation
750 of such programs.

751
752 Disclosure of information under this subsection shall be
753 pursuant to a written agreement between the executive director
754 and the agency. Such agencies, governmental or nongovernmental,
755 shall be bound by the same requirements of confidentiality as
756 the Department of Revenue. Breach of confidentiality is a
757 misdemeanor of the first degree, punishable as provided by s.
758 775.082 or s. 775.083.

759 Section 7. Paragraph (b) of subsection (5) of section
760 220.15, Florida Statutes, is amended to read:

761 220.15 Apportionment of adjusted federal income.—

762 (5) The sales factor is a fraction the numerator of which
763 is the total sales of the taxpayer in this state during the
764 taxable year or period and the denominator of which is the total
765 sales of the taxpayer everywhere during the taxable year or
766 period.



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767 (b)1. Sales of tangible personal property occur in this
768 state if the property is delivered or shipped to a purchaser
769 within this state, regardless of the f.o.b. point, other
770 conditions of the sale, or ultimate destination of the property,
771 unless shipment is made via a common or contract carrier.
772 However, for industries in NAICS National SIC Industry Number
773 311411 2037, if the ultimate destination of the product is to a
774 location outside this state, regardless of the method of
775 shipment or f.o.b. point, the sale shall not be deemed to occur
776 in this state. As used in this paragraph, "NAICS" means those
777 classifications contained in the North American Industry
778 Classification System, as published in 2007 by the Office of
779 Management and Budget, Executive Office of the President.

780 2. When citrus fruit is delivered by a cooperative for a
781 grower-member, by a grower-member to a cooperative, or by a
782 grower-participant to a Florida processor, the sales factor for
783 the growers for such citrus fruit delivered to such processor
784 shall be the same as the sales factor for the most recent
785 taxable year of that processor. That sales factor, expressed
786 only as a percentage and not in terms of the dollar volume of
787 sales, so as to protect the confidentiality of the sales of the
788 processor, shall be furnished on the request of such a grower
789 promptly after it has been determined for that taxable year.

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

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

795 220.191 Capital investment tax credit.-



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796 (5) Applications shall be reviewed and certified pursuant
797 to s. 288.061. The office, upon a recommendation by Enterprise
798 Florida, Inc., shall first certify a business as eligible to
799 receive tax credits pursuant to this section prior to the
800 commencement of operations of a qualifying project, and such
801 certification shall be transmitted to the Department of Revenue.
802 Upon receipt of the certification, the Department of Revenue
803 shall enter into a written agreement with the qualifying
804 business specifying, at a minimum, the method by which income
805 generated by or arising out of the qualifying project will be
806 determined.

807 Section 9. Section 288.061, Florida Statutes, is created to
808 read:

809 288.061 Economic development incentive application
810 process.—

811 (1) Within 10 business days after receiving a submitted
812 economic development incentive application, Enterprise Florida,
813 Inc., shall review the application and inform the applicant
814 business whether or not its application is complete. Within 10
815 business days after the application is deemed complete,
816 Enterprise Florida, Inc., shall evaluate the application and
817 recommend approval or disapproval of the application to the
818 director of the Office of Tourism, Trade, and Economic
819 Development. In recommending an applicant business for approval,
820 Enterprise Florida, Inc., shall include in its evaluation a
821 recommended grant award amount and a review of the applicant's
822 ability to meet specific program criteria.

823 (2) Within 10 calendar days after the Office of Tourism,
824 Trade, and Economic Development receives the evaluation and



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825 recommendation from Enterprise Florida, Inc., the office shall
826 notify Enterprise Florida, Inc., whether or not the application
827 is reviewable. Within 22 calendar days after the office receives
828 the recommendation from Enterprise Florida, Inc., the director
829 of the office shall review the application and issue a letter of
830 certification to the applicant that approves or disapproves an
831 applicant business and includes a justification of that
832 decision, unless the business requests an extension of that
833 time. The final order shall specify the total amount of the
834 award, the performance conditions that must be met to obtain the
835 award, and the schedule for payment.

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

838 288.063 Contracts for transportation projects.—

839 (4) The Office of Tourism, Trade, and Economic Development
840 may adopt criteria by which transportation projects are to be
841 reviewed and certified in accordance with s. 288.061 ~~specified~~
842 ~~and identified~~. In approving transportation projects for
843 funding, the Office of Tourism, Trade, and Economic Development
844 shall consider factors including, but not limited to, the cost
845 per job created or retained considering the amount of
846 transportation funds requested; the average hourly rate of wages
847 for jobs created; the reliance on the program as an inducement
848 for the project's location decision; the amount of capital
849 investment to be made by the business; the demonstrated local
850 commitment; the location of the project in an enterprise zone
851 designated pursuant to s. 290.0055; the location of the project
852 in a spaceport territory as defined in s. 331.304; the
853 unemployment rate of the surrounding area; the poverty rate of



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854 the community; and the adoption of an economic element as part
855 of its local comprehensive plan in accordance with s.
856 163.3177(7)(j). The Office of Tourism, Trade, and Economic
857 Development may contact any agency it deems appropriate for
858 additional input regarding the approval of projects.

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

861 288.065 Rural Community Development Revolving Loan Fund.—

862 (2) The program shall provide for long-term loans, loan
863 guarantees, and loan loss reserves to units of local
864 governments, or economic development organizations substantially
865 underwritten by a unit of local government, within counties with
866 populations of 75,000 or fewer less, or within any county with
867 ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which less and
868 is contiguous to a county with a population of 75,000 or fewer
869 less, based on ~~as determined by~~ the most recent official
870 population estimate as determined under ~~pursuant to~~ s. 186.901,
871 including those residing in incorporated areas and those
872 residing in unincorporated areas of the county, or to units of
873 local government, or economic development organizations
874 substantially underwritten by a unit of local government, within
875 a rural area of critical economic concern. Requests for loans
876 shall be made by application to the Office of Tourism, Trade,
877 and Economic Development. Loans shall be made pursuant to
878 agreements specifying the terms and conditions agreed to between
879 the applicant and the Office of Tourism, Trade, and Economic
880 Development. The loans shall be the legal obligations of the
881 applicant. All repayments of principal and interest shall be
882 returned to the loan fund and made available for loans to other



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883 applicants. However, in a rural area of critical economic
884 concern designated by the Governor, and upon approval by the
885 Office of Tourism, Trade, and Economic Development, repayments
886 of principal and interest may be retained by the applicant if
887 such repayments are dedicated and matched to fund regionally
888 based economic development organizations representing the rural
889 area of critical economic concern.

890 Section 12. Paragraphs (b) and (e) of subsection (2) and
891 subsection (3) of section 288.0655, Florida Statutes, are
892 amended to read:

893 288.0655 Rural Infrastructure Fund.—

894 (2)

895 (b) To facilitate access of rural communities and rural
896 areas of critical economic concern as defined by the Rural
897 Economic Development Initiative to infrastructure funding
898 programs of the Federal Government, such as those offered by the
899 United States Department of Agriculture and the United States
900 Department of Commerce, and state programs, including those
901 offered by Rural Economic Development Initiative agencies, and
902 to facilitate local government or private infrastructure funding
903 efforts, the office may award grants for up to 30 percent of the
904 total infrastructure project cost. If an application for funding
905 is for a catalyst site, as defined in s. 288.0656, the office
906 may award grants for up to 40 percent of the total
907 infrastructure project cost. Eligible projects must be related
908 to specific job-creation or job-retention opportunities.
909 Eligible projects may also include improving any inadequate
910 infrastructure that has resulted in regulatory action that
911 prohibits economic or community growth or reducing the costs to



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912 community users of proposed infrastructure improvements that
913 exceed such costs in comparable communities. Eligible uses of
914 funds shall include improvements to public infrastructure for
915 industrial or commercial sites and upgrades to or development of
916 public tourism infrastructure. Authorized infrastructure may
917 include the following public or public-private partnership
918 facilities: storm water systems; telecommunications facilities;
919 broadband facilities; roads or other remedies to transportation
920 impediments; nature-based tourism facilities; or other physical
921 requirements necessary to facilitate tourism, trade, and
922 economic development activities in the community. Authorized
923 infrastructure may also include publicly or privately owned
924 self-powered nature-based tourism facilities, publicly owned
925 telecommunications facilities, and broadband facilities, and
926 additions to the distribution facilities of the existing natural
927 gas utility as defined in s. 366.04(3)(c), the existing electric
928 utility as defined in s. 366.02, or the existing water or
929 wastewater utility as defined in s. 367.021(12), or any other
930 existing water or wastewater facility, which owns a gas or
931 electric distribution system or a water or wastewater system in
932 this state where:

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

937 2. Such utilities as defined herein are willing and able to
938 provide such service.

939 (e) To enable local governments to access the resources
940 available pursuant to s. 403.973(18), the office may award



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941 grants for surveys, feasibility studies, and other activities
942 related to the identification and preclearance review of land
943 which is suitable for preclearance review. Authorized grants
944 under this paragraph shall not exceed \$75,000 each, except in
945 the case of a project in a rural area of critical economic
946 concern, in which case the grant shall not exceed \$300,000. Any
947 funds awarded under this paragraph must be matched at a level of
948 50 percent with local funds, except that any funds awarded for a
949 project in a rural area of critical economic concern must be
950 matched at a level of 33 percent with local funds. If an
951 application for funding is for a catalyst site, as defined in s.
952 288.0656, the requirement for local match may be waived pursuant
953 to the process in s. 288.06561. In evaluating applications under
954 this paragraph, the office shall consider the extent to which
955 the application seeks to minimize administrative and consultant
956 expenses.

957 (3) The office, in consultation with Enterprise Florida,
958 Inc., VISIT Florida, the Department of Environmental Protection,
959 and the Florida Fish and Wildlife Conservation Commission, as
960 appropriate, shall review and certify applications pursuant to
961 s. 288.061. The review shall include an evaluation of ~~and~~
962 ~~evaluate~~ the economic benefit of the projects and their long-
963 term viability. The office shall have final approval for any
964 grant under this section ~~and must make a grant decision within~~
965 ~~30 days of receiving a completed application.~~

966 Section 13. Section 288.0656, Florida Statutes, is amended
967 to read:

968 288.0656 Rural Economic Development Initiative.-

969 (1) (a) Recognizing that rural communities and regions



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970 continue to face extraordinary challenges in their efforts to
971 significantly improve their economies, specifically in terms of
972 personal income, job creation, average wages, and strong tax
973 bases, it is the intent of the Legislature to encourage and
974 facilitate the location and expansion of major economic
975 development projects of significant scale in such rural
976 communities.

977 (b) The Rural Economic Development Initiative, known as
978 "REDI," is created within the Office of Tourism, Trade, and
979 Economic Development, and the participation of state and
980 regional agencies in this initiative is authorized.

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

982 (a) "Catalyst project" means a business locating or
983 expanding in a rural area of critical economic concern to serve
984 as an economic generator of regional significance for the growth
985 of a regional target industry cluster. The project must provide
986 capital investment on a scale significant enough to affect the
987 entire region and result in the development of high-wage and
988 high-skill jobs.

989 (b) "Catalyst site" means a parcel or parcels of land
990 within a rural area of critical economic concern that has been
991 prioritized as a geographic site for economic development
992 through partnerships with state, regional, and local
993 organizations. The site must be reviewed by REDI and approved by
994 the Office of Tourism, Trade, and Economic Development for the
995 purposes of locating a catalyst project.

996 (c) ~~(a)~~ "Economic distress" means conditions affecting the
997 fiscal and economic viability of a rural community, including
998 such factors as low per capita income, low per capita taxable



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999 values, high unemployment, high underemployment, low weekly
1000 earned wages compared to the state average, low housing values
1001 compared to the state average, high percentages of the
1002 population receiving public assistance, high poverty levels
1003 compared to the state average, and a lack of year-round stable
1004 employment opportunities.

1005 (d) "Rural area of critical economic concern" means a rural
1006 community, or a region composed of rural communities, designated
1007 by the Governor, that has been adversely affected by an
1008 extraordinary economic event, severe or chronic distress, or a
1009 natural disaster or that presents a unique economic development
1010 opportunity of regional impact.

1011 (e) ~~(b)~~ "Rural community" means:

1012 1. A county with a population of 75,000 or less.

1013 2. A county with a population of 125,000 ~~100,000~~ or fewer
1014 which less than is contiguous to a county with a population of
1015 75,000 or fewer less.

1016 3. A municipality within a county described in subparagraph
1017 1. or subparagraph 2.

1018 4. An unincorporated federal enterprise community or an
1019 incorporated rural city with a population of 25,000 or less and
1020 an employment base focused on traditional agricultural or
1021 resource-based industries, located in a county not defined as
1022 rural, which has at least three or more of the economic distress
1023 factors identified in paragraph (c) ~~(a)~~ and verified by the
1024 Office of Tourism, Trade, and Economic Development.

1025
1026 For purposes of this paragraph, population shall be determined
1027 in accordance with the most recent official estimate pursuant to



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1028 s. 186.901.

1029 (3) REDI shall be responsible for coordinating and focusing
1030 the efforts and resources of state and regional agencies on the
1031 problems which affect the fiscal, economic, and community
1032 viability of Florida's economically distressed rural
1033 communities, working with local governments, community-based
1034 organizations, and private organizations that have an interest
1035 in the growth and development of these communities to find ways
1036 to balance environmental and growth management issues with local
1037 needs.

1038 (4) REDI shall review and evaluate the impact of statutes
1039 and rules on rural communities and shall work to minimize any
1040 adverse impact and undertake outreach and capacity building
1041 efforts.

1042 (5) REDI shall facilitate better access to state resources
1043 by promoting direct access and referrals to appropriate state
1044 and regional agencies and statewide organizations. REDI may
1045 undertake outreach, capacity-building, and other advocacy
1046 efforts to improve conditions in rural communities. These
1047 activities may include sponsorship of conferences and
1048 achievement awards.

1049 (6) (a) By August 1 of each year, the head of each of the
1050 following agencies and organizations shall designate a deputy
1051 secretary or higher-level ~~high-level~~ staff person from within
1052 the agency or organization to serve as the REDI representative
1053 for the agency or organization:

- 1054 1. The Department of Community Affairs.
- 1055 2. The Department of Transportation.
- 1056 3. The Department of Environmental Protection.



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- 1057 4. The Department of Agriculture and Consumer Services.
- 1058 5. The Department of State.
- 1059 6. The Department of Health.
- 1060 7. The Department of Children and Family Services.
- 1061 8. The Department of Corrections.
- 1062 9. The Agency for Workforce Innovation.
- 1063 10. The Department of Education.
- 1064 11. The Department of Juvenile Justice.
- 1065 12. The Fish and Wildlife Conservation Commission.
- 1066 13. Each water management district.
- 1067 14. Enterprise Florida, Inc.
- 1068 15. Workforce Florida, Inc.
- 1069 16. The Florida Commission on Tourism or VISIT Florida.
- 1070 17. The Florida Regional Planning Council Association.
- 1071 18. The Agency for Health Care Administration ~~Florida State~~
- 1072 ~~Rural Development Council.~~
- 1073 19. The Institute of Food and Agricultural Sciences (IFAS).

1074
1075 An alternate for each designee shall also be chosen, and the
1076 names of the designees and alternates shall be sent to the
1077 director of the Office of Tourism, Trade, and Economic
1078 Development.

1079 (b) Each REDI representative must have comprehensive
1080 knowledge of his or her agency's functions, both regulatory and
1081 service in nature, and of the state's economic goals, policies,
1082 and programs. This person shall be the primary point of contact
1083 for his or her agency with REDI on issues and projects relating
1084 to economically distressed rural communities and with regard to
1085 expediting project review, shall ensure a prompt effective



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1086 response to problems arising with regard to rural issues, and
1087 shall work closely with the other REDI representatives in the
1088 identification of opportunities for preferential awards of
1089 program funds and allowances and waiver of program requirements
1090 when necessary to encourage and facilitate long-term private
1091 capital investment and job creation.

1092 (c) The REDI representatives shall work with REDI in the
1093 review and evaluation of statutes and rules for adverse impact
1094 on rural communities and the development of alternative
1095 proposals to mitigate that impact.

1096 (d) Each REDI representative shall be responsible for
1097 ensuring that each district office or facility of his or her
1098 agency is informed about the Rural Economic Development
1099 Initiative and for providing assistance throughout the agency in
1100 the implementation of REDI activities.

1101 (7) (a) REDI may recommend to the Governor up to three rural
1102 areas of critical economic concern. ~~A rural area of critical~~
1103 ~~economic concern must be a rural community, or a region composed~~
1104 ~~of such, that has been adversely affected by an extraordinary~~
1105 ~~economic event or a natural disaster or that presents a unique~~
1106 ~~economic development opportunity of regional impact that will~~
1107 ~~create more than 1,000 jobs over a 5-year period.~~ The Governor
1108 may by executive order designate up to three rural areas of
1109 critical economic concern which will establish these areas as
1110 priority assignments for REDI as well as to allow the Governor,
1111 acting through REDI, to waive criteria, requirements, or similar
1112 provisions of any economic development incentive. Such
1113 incentives shall include, but not be limited to: the Qualified
1114 Target Industry Tax Refund Program under s. 288.106, the Quick



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1115 Response Training Program under s. 288.047, the Quick Response
1116 Training Program for participants in the welfare transition
1117 program under s. 288.047(8), transportation projects under s.
1118 288.063, the brownfield redevelopment bonus refund under s.
1119 288.107, and the rural job tax credit program under ss. 212.098
1120 and 220.1895.

1121 (b) Designation as a rural area of critical economic
1122 concern under this subsection shall be contingent upon the
1123 execution of a memorandum of agreement among the Office of
1124 Tourism, Trade, and Economic Development; the governing body of
1125 the county; and the governing bodies of any municipalities to be
1126 included within a rural area of critical economic concern. Such
1127 agreement shall specify the terms and conditions of the
1128 designation, including, but not limited to, the duties and
1129 responsibilities of the county and any participating
1130 municipalities to take actions designed to facilitate the
1131 retention and expansion of existing businesses in the area, as
1132 well as the recruitment of new businesses to the area.

1133 (c) Each rural area of critical economic concern may
1134 designate catalyst projects, provided that each catalyst project
1135 is specifically recommended by REDI, identified as a catalyst
1136 project by Enterprise Florida, Inc., and confirmed as a catalyst
1137 project by the Office of Tourism, Trade, and Economic
1138 Development. All state agencies and departments shall use all
1139 available tools and resources to the extent permissible by law
1140 to promote the creation and development of each catalyst project
1141 and the development of catalyst sites.

1142 (8) REDI shall submit a report to the Governor, the
1143 President of the Senate, and the Speaker of the House of



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1144 Representatives each year on or before September ~~February~~ 1 on
1145 all REDI activities for the prior fiscal year. This report shall
1146 include a status report on all projects currently being
1147 coordinated through REDI, the number of preferential awards and
1148 allowances made pursuant to this section, the dollar amount of
1149 such awards, and the names of the recipients. The report shall
1150 also include a description of all waivers of program
1151 requirements granted. The report shall also include information
1152 as to the economic impact of the projects coordinated by REDI,
1153 and recommendations based on the review and evaluation of
1154 statutes and rules having an adverse impact on rural
1155 communities, and proposals to mitigate such adverse impacts.

1156 Section 14. Section 288.06561, Florida Statutes, is amended
1157 to read:

1158 288.06561 Reduction or waiver of financial match
1159 requirements.—Notwithstanding any other law, the member agencies
1160 and organizations of the Rural Economic Development Initiative
1161 (REDI), as defined in s. 288.0656(6)(a), shall review the
1162 financial match requirements for projects in rural areas as
1163 defined in s. 288.0656(2) ~~(b)~~.

1164 (1) Each agency and organization shall develop a proposal
1165 to waive or reduce the match requirement for rural areas.

1166 (2) Agencies and organizations shall ensure that all
1167 proposals are submitted to the Office of Tourism, Trade, and
1168 Economic Development for review by the REDI agencies.

1169 (3) These proposals shall be delivered to the Office of
1170 Tourism, Trade, and Economic Development for distribution to the
1171 REDI agencies and organizations. A meeting of REDI agencies and
1172 organizations must be called within 30 days after receipt of



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1173 such proposals for REDI comment and recommendations on each
1174 proposal.

1175 (4) Waivers and reductions must be requested by the county
1176 or community, and such county or community must have three or
1177 more of the factors identified in s. 288.0656(2) (c) ~~(a)~~.

1178 (5) Any other funds available to the project may be used
1179 for financial match of federal programs when there is fiscal
1180 hardship, and the match requirements may not be waived or
1181 reduced.

1182 (6) When match requirements are not reduced or eliminated,
1183 donations of land, though usually not recognized as an in-kind
1184 match, may be permitted.

1185 (7) To the fullest extent possible, agencies and
1186 organizations shall expedite the rule adoption and amendment
1187 process if necessary to incorporate the reduction in match by
1188 rural areas in fiscal distress.

1189 (8) REDI shall include in its annual report an evaluation
1190 on the status of changes to rules, number of awards made with
1191 waivers, and recommendations for future changes.

1192 Section 15. Subsection (1) of section 288.0657, Florida
1193 Statutes, is amended to read:

1194 288.0657 Florida rural economic development strategy
1195 grants.—

1196 (1) As used in this section, the term "rural community"
1197 means:

1198 (a) A county with a population of 75,000 or fewer ~~less~~.

1199 (b) A county with a population of 125,000 ~~100,000~~ or fewer
1200 which less than is contiguous to a county with a population of
1201 75,000 or fewer ~~less~~.



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1202 (c) A municipality within a county described in paragraph
1203 (a) or paragraph (b).

1204
1205 For purposes of this subsection, population shall be determined
1206 in accordance with the most recent official estimate pursuant to
1207 s. 186.901.

1208 Section 16. Paragraph (c) of subsection (2), paragraphs
1209 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
1210 and paragraph (c) of subsection (5) of section 288.1045, Florida
1211 Statutes, are amended to read:

1212 288.1045 Qualified defense contractor and space flight
1213 business tax refund program.—

1214 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1215 (c) A qualified applicant may not receive more than \$5 ~~\$7.5~~
1216 million in tax refunds pursuant to this section in all fiscal
1217 years.

1218 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1219 DETERMINATION.—

1220 (a) To apply for certification as a qualified applicant
1221 pursuant to this section, an applicant must file an application
1222 with the office which satisfies the requirements of paragraphs
1223 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1224 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
1225 certification pursuant to this section after a proposal has been
1226 submitted for a new Department of Defense contract, after the
1227 applicant has made the decision to consolidate an existing
1228 Department of Defense contract in this state for which such
1229 applicant is seeking certification, after a proposal has been
1230 submitted for a new space flight business contract in this



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1231 state, after the applicant has made the decision to consolidate
1232 an existing space flight business contract in this state for
1233 which such applicant is seeking certification, or after the
1234 applicant has made the decision to convert defense production
1235 jobs to nondefense production jobs for which such applicant is
1236 seeking certification.

1237 (e) To qualify for review by the office, the application of
1238 an applicant must, at a minimum, establish the following to the
1239 satisfaction of the office:

1240 1. The jobs proposed to be provided under the application,
1241 pursuant to subparagraph (b)6., subparagraph (c)6., or
1242 subparagraph (j)~~(k)~~6., must pay an estimated annual average wage
1243 equaling at least 115 percent of the average wage in the area
1244 where the project is to be located.

1245 2. The consolidation of a Department of Defense contract
1246 must result in a net increase of at least 25 percent in the
1247 number of jobs at the applicant's facilities in this state or
1248 the addition of at least 80 jobs at the applicant's facilities
1249 in this state.

1250 3. The conversion of defense production jobs to nondefense
1251 production jobs must result in net increases in nondefense
1252 employment at the applicant's facilities in this state.

1253 4. The Department of Defense contract or the space flight
1254 business contract cannot allow the business to include the costs
1255 of relocation or retooling in its base as allowable costs under
1256 a cost-plus, or similar, contract.

1257 5. A business unit of the applicant must have derived not
1258 less than 60 percent of its gross receipts in this state from
1259 Department of Defense contracts or space flight business



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1260 contracts over the applicant's last fiscal year, and must have
1261 derived not less than an average of 60 percent of its gross
1262 receipts in this state from Department of Defense contracts or
1263 space flight business contracts over the 5 years preceding the
1264 date an application is submitted pursuant to this section. This
1265 subparagraph does not apply to any application for certification
1266 based on a contract for reuse of a defense-related facility.

1267 6. The reuse of a defense-related facility must result in
1268 the creation of at least 100 jobs at such facility.

1269 7. A new space flight business contract or the
1270 consolidation of a space flight business contract must result in
1271 net increases in space flight business employment at the
1272 applicant's facilities in this state.

1273 (f) Each application meeting the requirements of paragraphs
1274 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
1275 paragraphs (e) and (j) ~~(k)~~ must be submitted to the office for a
1276 determination of eligibility. The office shall review and
1277 evaluate each application based on, but not limited to, the
1278 following criteria:

1279 1. Expected contributions to the state strategic economic
1280 development plan adopted by Enterprise Florida, Inc., taking
1281 into account the extent to which the project contributes to the
1282 state's high-technology base, and the long-term impact of the
1283 project and the applicant on the state's economy.

1284 2. The economic benefit of the jobs created or retained by
1285 the project in this state, taking into account the cost and
1286 average wage of each job created or retained, and the potential
1287 risk to existing jobs.

1288 3. The amount of capital investment to be made by the



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1289 applicant in this state.

1290 4. The local commitment and support for the project and
1291 applicant.

1292 5. The impact of the project on the local community, taking
1293 into account the unemployment rate for the county where the
1294 project will be located.

1295 6. The dependence of the local community on the defense
1296 industry or space flight business.

1297 7. The impact of any tax refunds granted pursuant to this
1298 section on the viability of the project and the probability that
1299 the project will occur in this state if such tax refunds are
1300 granted to the applicant, taking into account the expected long-
1301 term commitment of the applicant to economic growth and
1302 employment in this state.

1303 8. The length of the project, or the expected long-term
1304 commitment to this state resulting from the project.

1305 (g) Applications shall be reviewed and certified pursuant
1306 to s. 288.061. ~~The office shall forward its written findings and~~
1307 ~~evaluation on each application meeting the requirements of~~
1308 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1309 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1310 ~~calendar days after receipt of a complete application. The~~
1311 ~~office shall notify each applicant when its application is~~
1312 ~~complete, and when the 60-day period begins. In its written~~
1313 ~~report to the director, the office shall specifically address~~
1314 ~~each of the factors specified in paragraph (f), and shall make a~~
1315 ~~specific assessment with respect to the minimum requirements~~
1316 ~~established in paragraph (e). The office shall include in its~~
1317 ~~report projections of the tax refunds the applicant would be~~



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1318 ~~eligible to receive in each fiscal year based on the creation~~
1319 ~~and maintenance of the net new Florida jobs specified in~~
1320 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1321 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1322 ~~fiscal year.~~

1323 ~~(h) Within 30 days after receipt of the office's findings~~
1324 ~~and evaluation, the director shall issue a letter of~~
1325 ~~certification which either approves or disapproves an~~
1326 ~~application. The decision must be in writing and provide the~~
1327 ~~justifications for either approval or disapproval. If~~
1328 ~~appropriate, the director shall enter into a written agreement~~
1329 ~~with the qualified applicant pursuant to subsection (4).~~

1330 ~~(h)~~(i) The director may not certify any applicant as a
1331 qualified applicant when the value of tax refunds to be included
1332 in that letter of certification exceeds the available amount of
1333 authority to certify new businesses as determined in s.
1334 288.095(3). A letter of certification that approves an
1335 application must specify the maximum amount of a tax refund that
1336 is to be available to the contractor for each fiscal year and
1337 the total amount of tax refunds for all fiscal years.

1338 ~~(i)~~(j) This section does not create a presumption that an
1339 applicant should receive any tax refunds under this section.

1340 ~~(j)~~(k) Applications for certification based upon a new
1341 space flight business contract or the consolidation of a space
1342 flight business contract must be submitted to the office as
1343 prescribed by the office and must include, but are not limited
1344 to, the following information:

1345 1. The applicant's federal employer identification number,
1346 the applicant's Florida sales tax registration number, and a



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1347 signature of an officer of the applicant.
1348 2. The permanent location of the space flight business
1349 facility in this state where the project is or will be located.
1350 3. The new space flight business contract number, the space
1351 flight business contract numbers of the contract to be
1352 consolidated, or the request-for-proposal number of a proposed
1353 space flight business contract.
1354 4. The date the contract was executed and the date the
1355 contract is due to expire, is expected to expire, or was
1356 canceled.
1357 5. The commencement date for project operations under the
1358 contract in this state.
1359 6. The number of net new full-time equivalent Florida jobs
1360 included in the project as of December 31 of each year and the
1361 average wage of such jobs.
1362 7. The total number of full-time equivalent employees
1363 employed by the applicant in this state.
1364 8. The percentage of the applicant's gross receipts derived
1365 from space flight business contracts during the 5 taxable years
1366 immediately preceding the date the application is submitted.
1367 9. The number of full-time equivalent jobs in this state to
1368 be retained by the project.
1369 10. A brief statement concerning the applicant's need for
1370 tax refunds and the proposed uses of such refunds by the
1371 applicant.
1372 11. A resolution adopted by the governing board of the
1373 county or municipality in which the project will be located
1374 which recommends the applicant be approved as a qualified
1375 applicant and indicates that the necessary commitments of local



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1376 financial support for the applicant exist. Prior to the adoption
1377 of the resolution, the county commission may review the proposed
1378 public or private sources of such support and determine whether
1379 the proposed sources of local financial support can be provided
1380 or, for any applicant whose project is located in a county
1381 designated by the Rural Economic Development Initiative, a
1382 resolution adopted by the county commissioners of such county
1383 requesting that the applicant's project be exempt from the local
1384 financial support requirement.

1385 12. Any additional information requested by the office.

1386 (5) ANNUAL CLAIM FOR REFUND.—

1387 (c) A tax refund may not be approved for any qualified
1388 applicant unless local financial support has been paid to the
1389 Economic Development Trust Fund for that refund. If the local
1390 financial support is less than 20 percent of the approved tax
1391 refund, the tax refund shall be reduced. The tax refund paid may
1392 not exceed 5 times the local financial support received. Funding
1393 from local sources includes tax abatement under s. 196.1995 or
1394 the appraised market value of municipal or county land,
1395 including any improvements or structures, conveyed or provided
1396 at a discount through a sale or lease to that applicant. The
1397 amount of any tax refund for an applicant approved under this
1398 section shall be reduced by the amount of any such tax abatement
1399 granted or the value of the land granted, including the value of
1400 any improvements or structures; and the limitations in
1401 subsection (2) ~~and paragraph (3) (h)~~ shall be reduced by the
1402 amount of any such tax abatement or the value of the land
1403 granted, including any improvements or structures. A report
1404 listing all sources of the local financial support shall be



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1405 provided to the office when such support is paid to the Economic
1406 Development Trust Fund.

1407 Section 17. Paragraphs (k) and (t) of subsection (1),
1408 subsection (3), paragraph (b) of subsection (4), paragraph (c)
1409 of subsection (5), and subsection (8) of section 288.106,
1410 Florida Statutes, are amended to read:

1411 288.106 Tax refund program for qualified target industry
1412 businesses.—

1413 (1) DEFINITIONS.—As used in this section:

1414 (k) "Local financial support exemption option" means the
1415 option to exercise an exemption from the local financial support
1416 requirement available to any applicant whose project is located
1417 in a brownfield area or a county with a population of 75,000 or
1418 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
1419 which is contiguous to a county with a population of 75,000 or
1420 fewer. Any applicant that exercises this option shall not be
1421 eligible for more than 80 percent of the total tax refunds
1422 allowed such applicant under this section.

1423 (t) "Rural community" means:

1424 1. A county with a population of 75,000 or fewer ~~less~~.

1425 2. A county with a population of 125,000 ~~100,000~~ or fewer
1426 which less than is contiguous to a county with a population of
1427 75,000 or fewer ~~less~~.

1428 3. A municipality within a county described in subparagraph
1429 1. or subparagraph 2.

1430

1431 For purposes of this paragraph, population shall be determined
1432 in accordance with the most recent official estimate pursuant to
1433 s. 186.901.



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1434 (3) APPLICATION AND APPROVAL PROCESS.-

1435 (a) To apply for certification as a qualified target
1436 industry business under this section, the business must file an
1437 application with the office before the business has made the
1438 decision to locate a new business in this state or before the
1439 business had made the decision to expand an existing business in
1440 this state. The application shall include, but is not limited
1441 to, the following information:

1442 1. The applicant's federal employer identification number
1443 and the applicant's state sales tax registration number.

1444 2. The permanent location of the applicant's facility in
1445 this state at which the project is or is to be located.

1446 3. A description of the type of business activity or
1447 product covered by the project, including a minimum of a five-
1448 digit NAICS code ~~four-digit SIC codes~~ for all activities
1449 included in the project. As used in this paragraph, "NAICS"
1450 means those classifications contained in the North American
1451 Industry Classification System, as published in 2007 by the
1452 Office of Management and Budget, Executive Office of the
1453 President.

1454 4. The number of net new full-time equivalent Florida jobs
1455 at the qualified target industry business as of December 31 of
1456 each year included in the project and the average wage of those
1457 jobs. If more than one type of business activity or product is
1458 included in the project, the number of jobs and average wage for
1459 those jobs must be separately stated for each type of business
1460 activity or product.

1461 5. The total number of full-time equivalent employees
1462 employed by the applicant in this state.



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- 1463 6. The anticipated commencement date of the project.
- 1464 7. A brief statement concerning the role that the tax
1465 refunds requested will play in the decision of the applicant to
1466 locate or expand in this state.
- 1467 8. An estimate of the proportion of the sales resulting
1468 from the project that will be made outside this state.
- 1469 9. A resolution adopted by the governing board of the
1470 county or municipality in which the project will be located,
1471 which resolution recommends that certain types of businesses be
1472 approved as a qualified target industry business and states that
1473 the commitments of local financial support necessary for the
1474 target industry business exist. In advance of the passage of
1475 such resolution, the office may also accept an official letter
1476 from an authorized local economic development agency that
1477 endorses the proposed target industry project and pledges that
1478 sources of local financial support for such project exist. For
1479 the purposes of making pledges of local financial support under
1480 this subsection, the authorized local economic development
1481 agency shall be officially designated by the passage of a one-
1482 time resolution by the local governing authority.
- 1483 10. Any additional information requested by the office.
- 1484 (b) To qualify for review by the office, the application of
1485 a target industry business must, at a minimum, establish the
1486 following to the satisfaction of the office:
- 1487 1. The jobs proposed to be provided under the application,
1488 pursuant to subparagraph (a)4., must pay an estimated annual
1489 average wage equaling at least 115 percent of the average
1490 private sector wage in the area where the business is to be
1491 located or the statewide private sector average wage. In



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1492 determining the average annual wage, the office shall include
1493 only new proposed jobs, and wages for existing jobs shall be
1494 excluded from this calculation. The office may waive the ~~this~~
1495 average wage requirement at the request of the local governing
1496 body recommending the project and Enterprise Florida, Inc. The
1497 wage requirement may only be waived for a project located in a
1498 brownfield area designated under s. 376.80 or in a rural city or
1499 county or in an enterprise zone and only when the merits of the
1500 individual project or the specific circumstances in the
1501 community in relationship to the project warrant such action. If
1502 the local governing body and Enterprise Florida, Inc., make such
1503 a recommendation, it must be transmitted in writing and the
1504 specific justification for the waiver recommendation must be
1505 explained. If the director elects to waive the wage requirement,
1506 the waiver must be stated in writing and the reasons for
1507 granting the waiver must be explained.

1508 2. The target industry business's project must result in
1509 the creation of at least 10 jobs at such project and, if an
1510 expansion of an existing business, must result in a net increase
1511 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1512 business. Notwithstanding the definition of the term "expansion
1513 of an existing business" in paragraph (1)(g), at the request of
1514 the local governing body recommending the project and Enterprise
1515 Florida, Inc., the office may define an "expansion of an
1516 existing business" in a rural community or an enterprise zone as
1517 the expansion of a business resulting in a net increase in
1518 employment of less than 10 percent at such business if the
1519 merits of the individual project or the specific circumstances
1520 in the community in relationship to the project warrant such



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1521 action. If the local governing body and Enterprise Florida,
1522 Inc., make such a request, the request ~~it~~ must be transmitted in
1523 writing and the specific justification for the request must be
1524 explained. If the director elects to grant the ~~such~~ request, the
1525 grant ~~such election~~ must be stated in writing and the reason for
1526 granting the request must be explained.

1527 3. The business activity or product for the applicant's
1528 project is within an industry or industries that have been
1529 identified by the office to be high-value-added industries that
1530 contribute to the area and to the economic growth of the state
1531 and that produce a higher standard of living for residents
1532 ~~citizens~~ of this state in the new global economy or that can be
1533 shown to make an equivalent contribution to the area and state's
1534 economic progress. The director must approve requests to waive
1535 the wage requirement for brownfield areas designated under s.
1536 376.80 unless it is demonstrated that such action is not in the
1537 public interest.

1538 (c) Each application meeting the requirements of paragraph
1539 (b) must be submitted to the office for determination of
1540 eligibility. The office shall review and evaluate each
1541 application based on, but not limited to, the following
1542 criteria:

1543 1. Expected contributions to the state strategic economic
1544 development plan adopted by Enterprise Florida, Inc., taking
1545 into account the long-term effects of the project and of the
1546 applicant on the state economy.

1547 2. The economic benefit of the jobs created by the project
1548 in this state, taking into account the cost and average wage of
1549 each job created.



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1550 3. The amount of capital investment to be made by the
1551 applicant in this state.

1552 4. The local commitment and support for the project.

1553 5. The effect of the project on the local community, taking
1554 into account the unemployment rate for the county where the
1555 project will be located.

1556 6. The effect of any tax refunds granted pursuant to this
1557 section on the viability of the project and the probability that
1558 the project will be undertaken in this state if such tax refunds
1559 are granted to the applicant, taking into account the expected
1560 long-term commitment of the applicant to economic growth and
1561 employment in this state.

1562 7. The expected long-term commitment to this state
1563 resulting from the project.

1564 8. A review of the business's past activities in this state
1565 or other states, including whether such business has been
1566 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1567 This subparagraph does not ~~shall~~ require the disclosure of
1568 confidential information.

1569 (d) Applications shall be reviewed and certified pursuant
1570 to s. 288.061. ~~The office shall forward its written findings and~~
1571 ~~evaluation concerning each application meeting the requirements~~
1572 ~~of paragraph (b) to the director within 45 calendar days after~~
1573 ~~receipt of a complete application. The office shall notify each~~
1574 ~~target industry business when its application is complete, and~~
1575 ~~of the time when the 45-day period begins. In its written report~~
1576 ~~to the director, the office shall specifically address each of~~
1577 ~~the factors specified in paragraph (c) and shall make a specific~~
1578 ~~assessment with respect to the minimum requirements established~~



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1579 ~~in paragraph (b).~~ The office shall include in its review report
1580 projections of the tax refunds the business would be eligible to
1581 receive in each fiscal year based on the creation and
1582 maintenance of the net new Florida jobs specified in
1583 subparagraph (a)4. as of December 31 of the preceding state
1584 fiscal year.

1585 ~~(c)1. Within 30 days after receipt of the office's findings~~
1586 ~~and evaluation, the director shall issue a letter of~~
1587 ~~certification that either approves or disapproves the~~
1588 ~~application of the target industry business. The decision must~~
1589 ~~be in writing and must provide the justifications for approval~~
1590 ~~or disapproval.~~

1591 ~~2.~~ If appropriate, the director shall enter into a written
1592 agreement with the qualified target industry business pursuant
1593 to subsection (4).

1594 ~~(e)(f)~~ The director may not certify any target industry
1595 business as a qualified target industry business if the value of
1596 tax refunds to be included in that letter of certification
1597 exceeds the available amount of authority to certify new
1598 businesses as determined in s. 288.095(3). However, if the
1599 commitments of local financial support represent less than 20
1600 percent of the eligible tax refund payments, or to otherwise
1601 preserve the viability and fiscal integrity of the program, the
1602 director may certify a qualified target industry business to
1603 receive tax refund payments of less than the allowable amounts
1604 specified in paragraph (2) (b). A letter of certification that
1605 approves an application must specify the maximum amount of tax
1606 refund that will be available to the qualified industry business
1607 in each fiscal year and the total amount of tax refunds that



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1608 will be available to the business for all fiscal years.

1609 ~~(f)(g) Nothing in~~ This section does not shall create a
1610 presumption that an applicant shall will receive any tax refunds
1611 under this section. However, the office may issue nonbinding
1612 opinion letters, upon the request of prospective applicants, as
1613 to the applicants' eligibility and the potential amount of
1614 refunds.

1615 (4) TAX REFUND AGREEMENT.—

1616 (b) Compliance with the terms and conditions of the
1617 agreement is a condition precedent for the receipt of a tax
1618 refund each year. The failure to comply with the terms and
1619 conditions of the tax refund agreement results in the loss of
1620 eligibility for receipt of all tax refunds previously authorized
1621 under this section and the revocation by the director of the
1622 certification of the business entity as a qualified target
1623 industry business, unless the business is eligible to receive
1624 and elects to accept a prorated refund under paragraph (5) (d) or
1625 the office grants the business an economic-stimulus exemption.

1626 1. A qualified target industry business may submit, in
1627 writing, a request to the office for an economic-stimulus
1628 exemption. The request must provide quantitative evidence
1629 demonstrating how negative economic conditions in the business's
1630 industry, the effects of the impact of a named hurricane or
1631 tropical storm, or specific acts of terrorism affecting the
1632 qualified target industry business have prevented the business
1633 from complying with the terms and conditions of its tax refund
1634 agreement.

1635 2. Upon receipt of a request under subparagraph 1., the
1636 director shall have 45 days to notify the requesting business,



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1637 in writing, if its exemption has been granted or denied. In
1638 determining if an exemption should be granted, the director
1639 shall consider the extent to which negative economic conditions
1640 in the requesting business's industry have occurred in the state
1641 or the effects of the impact of a named hurricane or tropical
1642 storm, or specific acts of terrorism affecting the qualified
1643 target industry business have prevented the business from
1644 complying with the terms and conditions of its tax refund
1645 agreement. The office shall consider current employment
1646 statistics for this state by industry, including whether the
1647 business's industry had substantial job loss during the prior
1648 year, when determining whether an exemption shall be granted.

1649 3. As a condition for receiving a prorated refund under
1650 paragraph (5) (d) or an economic-stimulus exemption under this
1651 paragraph, a qualified target industry business must agree to
1652 renegotiate its tax refund agreement with the office to, at a
1653 minimum, ensure that the terms of the agreement comply with
1654 current law and office procedures governing application for and
1655 award of tax refunds. Upon approving the award of a prorated
1656 refund or granting an economic-stimulus exemption, the office
1657 shall renegotiate the tax refund agreement with the business as
1658 required by this subparagraph. When amending the agreement of a
1659 business receiving an economic-stimulus exemption, the office
1660 may extend the duration of the agreement for a period not to
1661 exceed 2 years.

1662 4. A qualified target industry business may submit a
1663 request for an economic-stimulus exemption to the office in lieu
1664 of any tax refund claim scheduled to be submitted after January
1665 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.



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1666 5. A qualified target industry business that receives an
1667 economic-stimulus exemption may not receive a tax refund for the
1668 period covered by the exemption.

1669 (5) ANNUAL CLAIM FOR REFUND.—

1670 (c) A tax refund may not be approved for a qualified target
1671 industry business unless the required local financial support
1672 has been paid into the account for that refund. If the local
1673 financial support provided is less than 20 percent of the
1674 approved tax refund, the tax refund must be reduced. In no event
1675 may the tax refund exceed an amount that is equal to 5 times the
1676 amount of the local financial support received. Further, funding
1677 from local sources includes any tax abatement granted to that
1678 business under s. 196.1995 or the appraised market value of
1679 municipal or county land conveyed or provided at a discount to
1680 that business. The amount of any tax refund for such business
1681 approved under this section must be reduced by the amount of any
1682 such tax abatement granted or the value of the land granted; and
1683 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
1684 be reduced by the amount of any such tax abatement or the value
1685 of the land granted. A report listing all sources of the local
1686 financial support shall be provided to the office when such
1687 support is paid to the account.

1688 (8) EXPIRATION.—An applicant may not be certified as
1689 qualified under this section after June 30, 2010. A tax refund
1690 agreement existing on that date shall continue in effect in
1691 accordance with its terms.

1692 Section 18. Paragraph (e) of subsection (1), paragraph (b)
1693 of subsection (3), and paragraph (f) of subsection (4) of
1694 section 288.107, Florida Statutes, are amended, and paragraph



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1695 (e) is added to subsection (3) of that section, to read:
1696 288.107 Brownfield redevelopment bonus refunds.—
1697 (1) Definitions.— As used in this section:
1698 (e) "Eligible business" means:
1699 1. A qualified target industry business as defined in s.
1700 288.106(1)(o); or
1701 2. A business that can demonstrate a fixed capital
1702 investment of at least \$2 million in mixed-use business
1703 activities, including multiunit housing, commercial, retail, and
1704 industrial in brownfield areas, or at least \$500,000 in
1705 brownfield areas that do not require site cleanup, and which
1706 provides benefits to its employees.
1707 (3) CRITERIA.—The minimum criteria for participation in the
1708 brownfield redevelopment bonus refund are:
1709 (b) The completion of a fixed capital investment of at
1710 least \$2 million in mixed-use business activities, including
1711 multiunit housing, commercial, retail, and industrial in
1712 brownfield areas, or at least \$500,000 in brownfield areas that
1713 do not require site cleanup, by an eligible business applying
1714 for a refund under paragraph (2)(b) which provides benefits to
1715 its employees.
1716 (e) A resolution adopted by the governing board of the
1717 county or municipality in which the project will be located that
1718 recommends that certain types of businesses be approved.
1719 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—
1720 (f) Applications shall be reviewed and certified pursuant
1721 to s. 288.061. The office shall review all applications
1722 submitted under s. 288.106 or other similar application forms
1723 for other eligible businesses as defined in paragraph (1)(e)



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1724 which indicate that the proposed project will be located in a
1725 brownfield and determine, with the assistance of the Department
1726 of Environmental Protection, that the project location is within
1727 a brownfield as provided in this act.

1728 Section 19. Paragraphs (b), (c), and (d) of subsection (5)
1729 and subsections (7) and (8) of section 288.108, Florida
1730 Statutes, are amended to read:

1731 288.108 High-impact business.—

1732 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1733 (b) Applications shall be reviewed and certified pursuant
1734 to s. 288.061. Enterprise Florida, Inc., shall review each
1735 submitted application and inform the applicant business whether
1736 or not its application is complete within 10 working days. Once
1737 the application is deemed complete, Enterprise Florida, Inc.,
1738 has 10 working days within which to evaluate the application and
1739 recommend approval or disapproval of the application to the
1740 director. In recommending an applicant business for approval,
1741 Enterprise Florida, Inc., shall include a recommended grant
1742 award amount in its evaluation forwarded to the office.

1743 ~~(c) Upon receipt of the evaluation and recommendation of~~
1744 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1745 ~~enter a final order that either approves or disapproves an~~
1746 ~~applicant business as a qualified high-impact business facility,~~
1747 ~~unless the business requests an extension of the time. The final~~
1748 ~~order shall specify the total amount of the qualified high-~~
1749 ~~impact business facility performance grant award, the~~
1750 ~~performance conditions that must be met to obtain the award, and~~
1751 ~~the schedule for payment of the performance grant.~~

1752 (c) ~~(d)~~ The director and the qualified high-impact business



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1753 shall enter into a performance grant agreement setting forth the
1754 conditions for payment of the qualified high-impact business
1755 performance grant. The agreement shall include the total amount
1756 of the qualified high-impact business facility performance grant
1757 award, the performance conditions that must be met to obtain the
1758 award, including the employment, average salary, investment, the
1759 methodology for determining if the conditions have been met, and
1760 the schedule of performance grant payments.

1761 ~~(7) REPORTING.—The office shall by December 1 of each year~~
1762 ~~issue a complete and detailed report of all designated high-~~
1763 ~~impact sectors, all applications received and their disposition,~~
1764 ~~all final orders issued, and all payments made, including~~
1765 ~~analyses of benefits and costs, types of projects supported, and~~
1766 ~~employment and investments created. The report shall be~~
1767 ~~submitted to the Governor, the President of the Senate, and the~~
1768 ~~Speaker of the House of Representatives.~~

1769 (7) ~~(8)~~ RULEMAKING.—The office may adopt rules necessary to
1770 carry out the provisions of this section.

1771 Section 20. Paragraphs (a), (b), and (c) of subsection (3)
1772 of section 288.1088, Florida Statutes, are amended to read:

1773 288.1088 Quick Action Closing Fund.—

1774 (3) (a) Enterprise Florida, Inc., shall review applications
1775 pursuant to s. 288.061 and determine eligibility of each project
1776 consistent with the criteria in subsection (2). Enterprise
1777 Florida, Inc., in consultation with the Office of Tourism,
1778 Trade, and Economic Development, may waive these criteria based
1779 on extraordinary circumstances or in rural areas of critical
1780 economic concern if the project would significantly benefit the
1781 local or regional economy. Enterprise Florida, Inc., shall



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1782 evaluate individual proposals for high-impact business
1783 facilities and forward recommendations regarding the use of
1784 moneys in the fund for such facilities to the director of the
1785 Office of Tourism, Trade, and Economic Development. Such
1786 evaluation and recommendation must include, but need not be
1787 limited to:

1788 1. A description of the type of facility or infrastructure,
1789 its operations, and the associated product or service associated
1790 with the facility.

1791 2. The number of full-time-equivalent jobs that will be
1792 created by the facility and the total estimated average annual
1793 wages of those jobs or, in the case of privately developed rural
1794 infrastructure, the types of business activities and jobs
1795 stimulated by the investment.

1796 3. The cumulative amount of investment to be dedicated to
1797 the facility within a specified period.

1798 4. A statement of any special impacts the facility is
1799 expected to stimulate in a particular business sector in the
1800 state or regional economy or in the state's universities and
1801 community colleges.

1802 5. A statement of the role the incentive is expected to
1803 play in the decision of the applicant business to locate or
1804 expand in this state or for the private investor to provide
1805 critical rural infrastructure.

1806 6. A report evaluating the quality and value of the company
1807 submitting a proposal. The report must include:

1808 a. A financial analysis of the company, including an
1809 evaluation of the company's short-term liquidity ratio as
1810 measured by its assets to liability, the company's profitability



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1811 ratio, and the company's long-term solvency as measured by its
1812 debt-to-equity ratio;

1813 b. The historical market performance of the company;

1814 c. A review of any independent evaluations of the company;

1815 d. A review of the latest audit of the company's financial
1816 statement and the related auditor's management letter; and

1817 e. A review of any other types of audits that are related
1818 to the internal and management controls of the company.

1819 (b) Within 22 calendar days after receiving ~~Upon receipt of~~
1820 the evaluation and recommendation from Enterprise Florida, Inc.,
1821 the director shall recommend to the Governor approval or
1822 disapproval of a project for receipt of funds from the Quick
1823 Action Closing Fund ~~to the Governor~~. In recommending a project,
1824 the director shall include proposed performance conditions that
1825 the project must meet to obtain incentive funds. The Governor
1826 shall provide the evaluation of projects recommended for
1827 approval to the President of the Senate and the Speaker of the
1828 House of Representatives and consult with the President of the
1829 Senate and the Speaker of the House of Representatives before
1830 giving final approval for a project. The Executive Office of the
1831 Governor shall recommend approval of a project and the release
1832 of funds pursuant to the legislative consultation and review
1833 requirements set forth in s. 216.177. The recommendation must
1834 include proposed performance conditions that the project must
1835 meet in order to obtain funds.

1836 (c) Upon the approval of the Governor, the director of the
1837 Office of Tourism, Trade, and Economic Development and the
1838 business shall enter into a contract that sets forth the
1839 conditions for payment of moneys from the fund. The contract



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1840 must include the total amount of funds awarded; the performance
1841 conditions that must be met to obtain the award, including, but
1842 not limited to, net new employment in the state, average salary,
1843 and total capital investment; demonstrate a baseline of current
1844 service and a measure of enhanced capability; the methodology
1845 for validating performance; the schedule of payments from the
1846 fund; and sanctions for failure to meet performance conditions.
1847 The contract must provide that payment of moneys from the fund
1848 is contingent upon sufficient appropriation of funds by the
1849 Legislature and upon sufficient release of appropriated funds by
1850 the Legislative Budget Commission.

1851 Section 21. Subsection (2) of section 257.193, Florida
1852 Statutes, is amended to read:

1853 257.193 Community Libraries in Caring Program.—

1854 (2) The purpose of the Community Libraries in Caring
1855 Program is to assist libraries in rural communities, as defined
1856 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
1857 288.06561, to strengthen their collections and services, improve
1858 literacy in their communities, and improve the economic
1859 viability of their communities.

1860 Section 22. Section 288.019, Florida Statutes, is amended
1861 to read:

1862 288.019 Rural considerations in grant review and evaluation
1863 processes.—Notwithstanding any other law, and to the fullest
1864 extent possible, the member agencies and organizations of the
1865 Rural Economic Development Initiative (REDI) as defined in s.
1866 288.0656(6) (a) shall review all grant and loan application
1867 evaluation criteria to ensure the fullest access for rural
1868 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available



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1869 throughout the state.

1870 (1) Each REDI agency and organization shall review all
1871 evaluation and scoring procedures and develop modifications to
1872 those procedures which minimize the impact of a project within a
1873 rural area.

1874 (2) Evaluation criteria and scoring procedures must provide
1875 for an appropriate ranking based on the proportionate impact
1876 that projects have on a rural area when compared with similar
1877 project impacts on an urban area.

1878 (3) Evaluation criteria and scoring procedures must
1879 recognize the disparity of available fiscal resources for an
1880 equal level of financial support from an urban county and a
1881 rural county.

1882 (a) The evaluation criteria should weight contribution in
1883 proportion to the amount of funding available at the local
1884 level.

1885 (b) In-kind match should be allowed and applied as
1886 financial match when a county is experiencing financial distress
1887 through elevated unemployment at a rate in excess of the state's
1888 average by 5 percentage points or because of the loss of its ad
1889 valorem base.

1890 (4) For existing programs, the modified evaluation criteria
1891 and scoring procedure must be delivered to the Office of
1892 Tourism, Trade, and Economic Development for distribution to the
1893 REDI agencies and organizations. The REDI agencies and
1894 organizations shall review and make comments. Future rules,
1895 programs, evaluation criteria, and scoring processes must be
1896 brought before a REDI meeting for review, discussion, and
1897 recommendation to allow rural counties fuller access to the



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1898 state's resources.

1899 Section 23. Paragraph (d) of subsection (15) of section
1900 627.6699, Florida Statutes, is amended to read:

1901 627.6699 Employee Health Care Access Act.—

1902 (15) SMALL EMPLOYERS ACCESS PROGRAM.—

1903 (d) *Eligibility*.—

1904 1. Any small employer that is actively engaged in business,
1905 has its principal place of business in this state, employs up to
1906 25 eligible employees on business days during the preceding
1907 calendar year, employs at least 2 employees on the first day of
1908 the plan year, and has had no prior coverage for the last 6
1909 months may participate.

1910 2. Any municipality, county, school district, or hospital
1911 employer located in a rural community as defined in s.
1912 288.0656(2) ~~(b)~~ may participate.

1913 3. Nursing home employers may participate.

1914 4. Each dependent of a person eligible for coverage is also
1915 eligible to participate.

1916
1917 Any employer participating in the program must do so until the
1918 end of the term for which the carrier providing the coverage is
1919 obligated to provide such coverage to the program. Coverage for
1920 a small employer group that ceases to meet the eligibility
1921 requirements of this section may be terminated at the end of the
1922 policy period for which the necessary premiums have been paid.

1923 Section 24. Subsection (8) is added to section 288.9015,
1924 Florida Statutes, to read:

1925 288.9015 Enterprise Florida, Inc.; purpose; duties.—

1926 (8) Enterprise Florida, Inc., shall be responsible for



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1927 responding to all inquiries related to Florida's business
1928 requirements, economic incentives, and business development
1929 opportunities.

1930 Section 25. Subsection (2) of section 288.9622, Florida
1931 Statutes, is amended to read:

1932 288.9622 Findings and intent.—

1933 (2) It is the intent of the Legislature that ss. 288.9621-
1934 288.9625 serve to mobilize private investment in a broad variety
1935 of venture capital partnerships in diversified industries and
1936 geographies; retain private sector investment criteria focused
1937 on rate of return; use the services of highly qualified managers
1938 in the venture capital industry regardless of location;
1939 facilitate the organization of the Florida Opportunity Fund as
1940 an a fund-of-funds investor in seed and early stage businesses,
1941 infrastructure projects, venture capital funds, and angel funds;
1942 and precipitate capital investment and extensions of credit to
1943 and in the Florida Opportunity Fund.

1944 Section 26. Subsection (4) and paragraph (a) of subsection
1945 (5) of section 288.9624, Florida Statutes, are amended to read:

1946 288.9624 Florida Opportunity Fund; creation; duties.—

1947 (4) For the purpose of mobilizing investment in a broad
1948 variety of Florida-based, new technology companies and
1949 generating a return sufficient to continue reinvestment, the
1950 fund shall:

1951 (a) Invest ~~directly only~~ in seed and early stage venture
1952 capital funds that have experienced managers or management teams
1953 with demonstrated experience, expertise, and a successful
1954 history in the investment of venture capital funds, focusing on
1955 opportunities in this state. The fund also may ~~not~~ make direct



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1956 investments, including loans, in individual businesses and
1957 infrastructure projects. While not precluded from investing in
1958 venture capital funds that have investments outside this state,
1959 the fund must require a venture capital fund to show a record of
1960 successful investment in this state, to be based in this state,
1961 or to have an office in this state staffed with a full-time,
1962 professional venture investment executive in order to be
1963 eligible for investment.

1964 (b) Negotiate for investment capital or loan proceeds from
1965 private, institutional, or banking sources.

1966 (c) Negotiate any and all terms and conditions for its
1967 investments.

1968 (d) Invest only in funds, businesses, and infrastructure
1969 projects that have raised capital from other sources so that the
1970 amount invested in such funds, businesses, or infrastructure
1971 projects ~~an entity in this state~~ is at least twice the amount
1972 invested by the fund. Direct investments must be made in Florida
1973 infrastructure projects or businesses that are Florida-based or
1974 have significant business activities in Florida and operate in
1975 technology sectors that are strategic to Florida ~~companies,~~
1976 including, but not limited to, enterprises in life sciences,
1977 information technology, advanced manufacturing processes,
1978 aviation and aerospace, and homeland security and defense, as
1979 well as other strategic technologies.

1980 (e) Form or operate other entities and accept additional
1981 funds from other public and private sources to further its
1982 purpose.

1983
1984 The Opportunity Fund may not use its original legislative



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1985 appropriation of \$29.5 million for direct investments, including
1986 loans, in businesses or infrastructure projects, or for any
1987 purpose not specified in chapter 2007-189, Laws of Florida.

1988 (5) By December 1 of each year, the board shall issue an
1989 annual report concerning the activities conducted by the fund to
1990 the Governor, the President of the Senate, and the Speaker of
1991 the House of Representatives. The annual report, at a minimum,
1992 must include:

1993 (a) An accounting of the amount of investments disbursed by
1994 the fund and the progress of the fund, including the progress of
1995 business and infrastructure projects that have been provided
1996 direct investment by the fund.

1997 Section 27. Paragraph (a) of subsection (2) of section
1998 443.1715, Florida Statutes, is amended to read:

1999 443.1715 Disclosure of information; confidentiality.—

2000 (2) DISCLOSURE OF INFORMATION.—

2001 (a) Subject to restrictions the Agency for Workforce
2002 Innovation or the state agency providing unemployment tax
2003 collection services adopts by rule, information declared
2004 confidential under this section is available to any agency of
2005 this or any other state, or any federal agency, charged with the
2006 administration of any unemployment compensation law or the
2007 maintenance of the one-stop delivery system, or the Bureau of
2008 Internal Revenue of the United States Department of the
2009 Treasury, the Governor's Office of Tourism, Trade, and Economic
2010 Development, or the Florida Department of Revenue. Information
2011 obtained in connection with the administration of the one-stop
2012 delivery system may be made available to persons or agencies for
2013 purposes appropriate to the operation of a public employment



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2014 service or a job-preparatory or career education or training
2015 program. The Agency for Workforce Innovation shall, on a
2016 quarterly basis, furnish the National Directory of New Hires
2017 with information concerning the wages and unemployment benefits
2018 paid to individuals, by the dates, in the format, and containing
2019 the information specified in the regulations of the United
2020 States Secretary of Health and Human Services. Upon request, the
2021 Agency for Workforce Innovation shall furnish any agency of the
2022 United States charged with the administration of public works or
2023 assistance through public employment, and may furnish to any
2024 state agency similarly charged, the name, address, ordinary
2025 occupation, and employment status of each recipient of benefits
2026 and the recipient's rights to further benefits under this
2027 chapter. Except as otherwise provided by law, the receiving
2028 agency must retain the confidentiality of this information as
2029 provided in this section. The tax collection service provider
2030 may request the Comptroller of the Currency of the United States
2031 to examine the correctness of any return or report of any
2032 national banking association rendered under this chapter and may
2033 in connection with that request transmit any report or return
2034 for examination to the Comptroller of the Currency of the United
2035 States as provided in s. 3305(c) of the federal Internal Revenue
2036 Code.

2037 Section 28. This act shall take effect July 1, 2009.

2038
2039
2040 ===== T I T L E A M E N D M E N T =====

2041 And the title is amended as follows:

2042 Delete everything before the enacting clause



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2043 and insert:

2044 A bill to be entitled

2045 An act relating to economic development; amending s.
2046 288.1089, F.S.; defining the terms "commission," "industry
2047 wage," "naming opportunities," and "net royalty revenues";
2048 expanding the definition of "project" to include alternative and
2049 renewable energy applicants; requiring that an application for
2050 an incentive award include certain information; authorizing the
2051 waiver or reduction of requirements relating to matching funds
2052 for alternative and renewable energy projects; requiring that
2053 Enterprise Florida, Inc., evaluate proposals for all categories
2054 of innovation incentive awards and solicit comments from the
2055 Florida Energy and Climate Commission before making its
2056 recommendations; providing requirements for such evaluations and
2057 recommendations; providing additional criteria for a research
2058 and development facility; deleting qualifying criteria for
2059 alternative and renewable energy projects; creating additional
2060 evaluation criteria for alternative and renewable energy
2061 projects; requiring that the Executive Office of the Governor
2062 release funds upon review and approval of an award by the
2063 Legislative Budget Commission; requiring the Office of Tourism,
2064 Trade, and Economic Development and the recipient of an award to
2065 enter into a contract setting forth conditions for the payment
2066 of incentive funds; requiring that such agreement include
2067 certain provisions; requiring that agreements signed after a
2068 specified date contain certain additional provisions; requiring
2069 that Enterprise Florida, Inc., submit a report containing
2070 certain information within a specified period after the
2071 conclusion of such agreement to the Governor, the President of



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2072 the Senate, and the Speaker of the House of Representatives;
2073 requiring that each recipient of an award comply with certain
2074 business ethics standards developed by Enterprise Florida, Inc.;
2075 deleting provisions authorizing Enterprise Florida, Inc., to
2076 collaborate with the State University System in reviewing and
2077 evaluating business ethics standards; requiring that the office
2078 submit to the Governor, the President of the Senate, and the
2079 Speaker of the House of Representatives a report containing
2080 certain information; specifying a date on which the office shall
2081 begin submitting such reports; requiring that the Office of
2082 Program Policy Analysis and Government Accountability and the
2083 Office of the Auditor General submit a report; requiring that
2084 such reports be submitted at specified intervals; requiring that
2085 such reports include certain information; authorizing the office
2086 to seek the assistance of certain government entities for
2087 certain purposes; amending s. 166.231, F.S.; revising industry
2088 code designations; providing a definition; amending s. 212.05,
2089 F.S.; extending the time nonresident purchasers have to remove a
2090 boat from the state after purchase; providing for an extension
2091 decal to be issued by a dealer; imposing a decal cost; revising
2092 industry code designations; amending s. 212.097, F.S.;
2093 specifying a review and certification requirement for the urban
2094 high crime area job tax credit applications; amending s.
2095 212.098, F.S.; revising the definition for "qualified area";
2096 amending s. 213.053, F.S.; granting the Office of Tourism,
2097 Trade, and Economic Development access to certain confidential
2098 and exempt records held by the Department of Revenue and related
2099 to certain tax incentive and tax refund programs; amending s.
2100 220.15, F.S.; revising industry code designations; providing a



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2101 definition; amending s. 220.191, F.S.; specifying a review and
2102 certification requirement for capital investment tax credit
2103 applications; creating s. 288.061, F.S.; providing requirements
2104 and procedures for an economic development incentive application
2105 process; providing time periods and requirements for
2106 certification for economic development incentive applications;
2107 providing duties and responsibilities of Enterprise Florida,
2108 Inc., and the Office of Tourism, Trade, and Economic
2109 Development; amending s. 288.063, F.S.; revising required
2110 criteria for review and certification of transportation projects
2111 by the Office of Tourism, Trade, and Economic Development;
2112 amending s. 288.065, F.S.; revising county population criteria
2113 for loans from the Rural Community Development Revolving Loan
2114 Fund; amending s. 288.0655, F.S.; authorizing the Office of
2115 Tourism, Trade, and Economic Development to award grants for a
2116 certain percentage of total infrastructure project costs for
2117 certain catalyst site funding applications; expanding eligible
2118 facilities for authorized infrastructure projects; providing for
2119 waiver of the local matching requirement; specifying a review
2120 and certification requirement for the office for certain Rural
2121 Infrastructure Fund grant applications; amending s. 288.0656,
2122 F.S.; providing legislative intent; revising and providing
2123 definitions; providing additional review and action requirements
2124 for the Rural Economic Development Initiative relating to rural
2125 communities; revising representation on the initiative; deleting
2126 a limitation on characterization as a rural area of critical
2127 economic concern; authorizing rural areas of critical economic
2128 concern to designate certain catalyst projects for certain
2129 purposes; providing project requirements; revising certain



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2130 reporting requirements for the initiative; amending s.
2131 288.06561, F.S., conforming cross-references; amending s.
2132 288.0657, F.S.; revising the definition of the term "rural
2133 community"; amending s. 288.1045, F.S.; revising provisions
2134 relating to the application and refund process for the qualified
2135 defense contractor tax refund program; specifying a review and
2136 certification requirement for program refunds; revising the cap
2137 on refunds per applicant; deleting a report requirement;
2138 amending s. 288.106, F.S.; revising certain definitions;
2139 revising industry code designation requirements for certain
2140 activities under the tax refund program for qualified target
2141 industry businesses; revising program application and approval
2142 process provisions; specifying a review and certification
2143 requirement for program applications; revising tax refund
2144 agreement requirements; revising an economic-stimulus exemption
2145 request provision; extending a final date for exemption
2146 requests; extending a certification expiration provision;
2147 amending s. 288.107, F.S.; revising a definition; revising
2148 criteria for participation in brownfield redevelopment bonus
2149 refunds; specifying a review and certification requirement for
2150 brownfield redevelopment bonus refund applications; amending s.
2151 288.108, F.S.; specifying a review and certification requirement
2152 for applications for high-impact business performance grants;
2153 deleting certain final order and report requirements; amending
2154 s. 288.1088, F.S.; specifying a review requirement for Quick
2155 Action Closing Fund project applications; providing a time
2156 period for the director to recommend approval or disapproval of
2157 a project for receipt of funds from the Quick Action Closing
2158 Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.;



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2159 conforming cross-references; amending s. 288.9015, F.S.;

2160 specifying that Enterprise Florida, Inc., is responsible for

2161 responding to inquiries related to the state's business

2162 incentives and opportunities; amending s. 288.9622, F.S.;

2163 expanding the types of investments that may be made by the

2164 Florida Opportunity Fund; amending s. 288.9624, F.S.; providing

2165 a limitation on how the originally appropriated funds may be

2166 invested; allowing the Florida Opportunity Fund to form or

2167 create other entities for investment purposes; revising a

2168 reporting requirement; amending s. 443.1715, F.S.; allowing

2169 disclosure of certain confidential unemployment compensation

2170 data to the Office of Tourism, Trade, and Economic Development;

2171 providing an effective date.