

1                                   A bill to be entitled  
 2       An act relating to economic development; amending ss.  
 3       166.231, 212.08, and 220.15, F.S.; revising industry code  
 4       designations; providing a definition; amending s. 212.05,  
 5       F.S.; extending the time for nonresident purchasers to  
 6       remove a boat from the state; revising industry code  
 7       designations; amending s. 212.097, F.S.; revising industry  
 8       code designations; providing a definition; revising review  
 9       and certification requirements for Urban High-Crime Area  
 10      Job Tax Credit Program applications; amending s. 212.098,  
 11      F.S.; revising industry code designations; providing a  
 12      definition; revising a definition specifying county  
 13      population criteria for rural job tax credits; amending s.  
 14      220.191, F.S.; specifying a review and certification  
 15      requirement for capital investment tax credit  
 16      applications; creating s. 288.061, F.S.; providing  
 17      requirements and procedures for an economic development  
 18      incentive application process; providing time periods and  
 19      requirements for certification for economic development  
 20      incentive applications; providing duties and  
 21      responsibilities of Enterprise Florida, Inc., and the  
 22      Office of Tourism, Trade, and Economic Development;  
 23      amending s. 288.063, F.S.; revising required criteria for  
 24      review and certification of transportation projects by the  
 25      Office of Tourism, Trade, and Economic Development;  
 26      amending s. 288.065, F.S.; revising county population  
 27      criteria for loans from the Rural Community Development  
 28      Revolving Loan Fund; amending s. 288.0655, F.S.;

29 | authorizing the Office of Tourism, Trade, and Economic  
30 | Development to award grants for a certain percentage of  
31 | total infrastructure project costs for certain catalyst  
32 | site funding applications; expanding eligible facilities  
33 | for authorized infrastructure projects; providing for  
34 | waiver of the local matching requirement; specifying a  
35 | review and certification requirement for the office for  
36 | certain Rural Infrastructure Fund grant applications;  
37 | amending s. 288.0656, F.S.; providing legislative intent;  
38 | revising and providing definitions; providing additional  
39 | review and action requirements for the Rural Economic  
40 | Development Initiative relating to rural communities;  
41 | revising representation on the initiative; deleting a  
42 | limitation on characterization as a rural area of critical  
43 | economic concern; authorizing rural areas of critical  
44 | economic concern to designate certain catalyst projects  
45 | for certain purposes; providing project requirements;  
46 | requiring the initiative to assist local governments with  
47 | certain comprehensive planning needs; providing procedures  
48 | and requirements for such assistance; revising certain  
49 | reporting requirements for the initiative; amending s.  
50 | 288.06561, F.S., conforming cross-references; amending s.  
51 | 288.0657, F.S.; revising the definition of the term "rural  
52 | community"; amending s. 288.1045, F.S.; revising  
53 | provisions relating to the application and refund process  
54 | for the qualified defense contractor tax refund program;  
55 | specifying a review and certification requirement for  
56 | program refunds; revising the cap on refunds per

57 | applicant; deleting a report requirement; amending s.  
58 | 288.106, F.S.; revising and providing definitions;  
59 | including targeted industry zones under the tax refund  
60 | program for qualified target industry businesses; revising  
61 | industry code designation requirements for the program;  
62 | revising program application and approval process  
63 | provisions; specifying a review and certification  
64 | requirement for program applications; revising tax refund  
65 | agreement requirements; revising an economic-stimulus  
66 | exemption request provision; extending a final date for  
67 | exemption requests; extending a certification expiration  
68 | provision; amending s. 288.107, F.S.; revising criteria  
69 | for businesses eligible for brownfield redevelopment bonus  
70 | refunds; providing an additional criterion for  
71 | participation in brownfield redevelopment bonus refunds;  
72 | specifying a review and certification requirement for  
73 | brownfield redevelopment bonus refund applications;  
74 | amending s. 288.108, F.S.; specifying a review and  
75 | certification requirement for applications for high-impact  
76 | business performance grants; deleting certain final order  
77 | and report requirements; amending s. 288.1088, F.S.;  
78 | specifying a review requirement for Quick Action Closing  
79 | Fund project applications; providing a time period for the  
80 | director to recommend approval or disapproval of a project  
81 | for receipt of funds from the Quick Action Closing Fund;  
82 | amending s. 288.1089, F.S.; including alternative and  
83 | renewable energy projects under the Innovation Incentive  
84 | Program; revising and providing definitions; revising

85 applicant review and qualification criteria; authorizing  
86 reduction or waiver of certain matching requirements in  
87 certain areas; revising Enterprise Florida, Inc., proposal  
88 evaluation requirements; specifying additional evaluation  
89 criteria for alternative and renewable energy proposals;  
90 deleting an evaluation and recommendation requirement for  
91 the Florida Energy and Climate Commission for certain  
92 proposals; revising requirements and criteria for  
93 agreements to award and receive incentive funds; providing  
94 additional agreement requirements; revising award  
95 performance reporting requirements; requiring award  
96 recipients to comply with certain business ethics  
97 standards; requiring the Office of Tourism, Trade, and  
98 Economic Development to submit annual reports to the  
99 Governor and Legislature on program grant recipients'  
100 activities; requiring the Office of Program Policy  
101 Analysis and Government Accountability to submit triennial  
102 reports evaluating the program; creating s. 288.10895,  
103 F.S.; providing requirements and procedures for and  
104 limitations on transfers of economic development  
105 incentives; providing definitions; providing for the  
106 amount of the incentive that may be transferred; providing  
107 conditions for use of transferred incentives; providing a  
108 limitation on the number of transfers; providing  
109 eligibility of transfers; providing for recovery of  
110 transfers under certain circumstances; providing certain  
111 agency rulemaking authority; amending s. 288.9622, F.S.;  
112 revising legislative intent for the Florida Capital

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113 Formation Act; amending s. 288.9624, F.S.; expanding the  
114 types of investments that may be made by the Florida  
115 Opportunity Fund; providing a limitation on the funds that  
116 may be used in making investments; establishing authority  
117 for certain actions to be taken to use public and private  
118 funds; revising a report requirement; amending ss.  
119 257.193, 288.019, and 627.6699, F.S.; conforming cross-  
120 references; providing an effective date.

121

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

123

124 Section 1. Subsection (6) of section 166.231, Florida  
125 Statutes, is amended to read:

126 166.231 Municipalities; public service tax.--

127 (6) A municipality may exempt from the tax imposed by this  
128 section any amount up to, and including, the total amount of  
129 electricity, metered natural gas, liquefied petroleum gas either  
130 metered or bottled, or manufactured gas either metered or  
131 bottled purchased per month, or reduce the rate of taxation on  
132 the purchase of such electricity or gas when purchased by an  
133 industrial consumer which uses the electricity or gas directly  
134 in industrial manufacturing, processing, compounding, or a  
135 production process, at a fixed location in the municipality, of  
136 items of tangible personal property for sale. The municipality  
137 shall establish the requirements for qualification for this  
138 exemption in the manner prescribed by ordinance. Possession by a  
139 seller of a written certification by the purchaser, certifying  
140 the purchaser's entitlement to an exemption permitted by this

141 subsection, relieves the seller from the responsibility of  
 142 collecting the tax on the nontaxable amounts, and the  
 143 municipality shall look solely to the purchaser for recovery of  
 144 such tax if it determines that the purchaser was not entitled to  
 145 the exemption. Any municipality granting an exemption pursuant  
 146 to this subsection shall grant the exemption to all companies  
 147 classified in the same five-digit NAICS ~~SIC~~ Industry ~~Major Group~~  
 148 Number. As used in this subsection, "NAICS" means those  
 149 classifications contained in the North American Industry  
 150 Classification System, as published in 2007 by the Office of  
 151 Management and Budget, Executive Office of the President.

152 Section 2. Paragraphs (a) and (i) of subsection (1) of  
 153 section 212.05, Florida Statutes, are amended to read:

154 212.05 Sales, storage, use tax.--It is hereby declared to  
 155 be the legislative intent that every person is exercising a  
 156 taxable privilege who engages in the business of selling  
 157 tangible personal property at retail in this state, including  
 158 the business of making mail order sales, or who rents or  
 159 furnishes any of the things or services taxable under this  
 160 chapter, or who stores for use or consumption in this state any  
 161 item or article of tangible personal property as defined herein  
 162 and who leases or rents such property within the state.

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

166 (a)1.a. At the rate of 6 percent of the sales price of  
 167 each item or article of tangible personal property when sold at  
 168 retail in this state, computed on each taxable sale for the

169 | purpose of remitting the amount of tax due the state, and  
170 | including each and every retail sale.

171 |       b. Each occasional or isolated sale of an aircraft, boat,  
172 | mobile home, or motor vehicle of a class or type which is  
173 | required to be registered, licensed, titled, or documented in  
174 | this state or by the United States Government shall be subject  
175 | to tax at the rate provided in this paragraph. The department  
176 | shall by rule adopt any nationally recognized publication for  
177 | valuation of used motor vehicles as the reference price list for  
178 | any used motor vehicle which is required to be licensed pursuant  
179 | to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any  
180 | party to an occasional or isolated sale of such a vehicle  
181 | reports to the tax collector a sales price which is less than 80  
182 | percent of the average loan price for the specified model and  
183 | year of such vehicle as listed in the most recent reference  
184 | price list, the tax levied under this paragraph shall be  
185 | computed by the department on such average loan price unless the  
186 | parties to the sale have provided to the tax collector an  
187 | affidavit signed by each party, or other substantial proof,  
188 | stating the actual sales price. Any party to such sale who  
189 | reports a sales price less than the actual sales price is guilty  
190 | of a misdemeanor of the first degree, punishable as provided in  
191 | s. 775.082 or s. 775.083. The department shall collect or  
192 | attempt to collect from such party any delinquent sales taxes.  
193 | In addition, such party shall pay any tax due and any penalty  
194 | and interest assessed plus a penalty equal to twice the amount  
195 | of the additional tax owed. Notwithstanding any other provision

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196 of law, the Department of Revenue may waive or compromise any  
197 penalty imposed pursuant to this subparagraph.

198 2. This paragraph does not apply to the sale of a boat or  
199 aircraft by or through a registered dealer under this chapter to  
200 a purchaser who, at the time of taking delivery, is a  
201 nonresident of this state, does not make his or her permanent  
202 place of abode in this state, and is not engaged in carrying on  
203 in this state any employment, trade, business, or profession in  
204 which the boat or aircraft will be used in this state, or is a  
205 corporation none of the officers or directors of which is a  
206 resident of, or makes his or her permanent place of abode in,  
207 this state, or is a noncorporate entity that has no individual  
208 vested with authority to participate in the management,  
209 direction, or control of the entity's affairs who is a resident  
210 of, or makes his or her permanent abode in, this state. For  
211 purposes of this exemption, either a registered dealer acting on  
212 his or her own behalf as seller, a registered dealer acting as  
213 broker on behalf of a seller, or a registered dealer acting as  
214 broker on behalf of the purchaser may be deemed to be the  
215 selling dealer. This exemption shall not be allowed unless:

216 a. The purchaser removes a qualifying boat, as described  
217 in sub-subparagraph f., from the state within 180 ~~90~~ days after  
218 the date of purchase or the purchaser removes a nonqualifying  
219 boat or an aircraft from this state within 10 days after the  
220 date of purchase or, when the boat or aircraft is repaired or  
221 altered, within 20 days after completion of the repairs or  
222 alterations;



223           b. The purchaser, within 30 days from the date of  
 224 departure, shall provide the department with written proof that  
 225 the purchaser licensed, registered, titled, or documented the  
 226 boat or aircraft outside the state. If such written proof is  
 227 unavailable, within 30 days the purchaser shall provide proof  
 228 that the purchaser applied for such license, title,  
 229 registration, or documentation. The purchaser shall forward to  
 230 the department proof of title, license, registration, or  
 231 documentation upon receipt.

232           c. The purchaser, within 10 days of removing the boat or  
 233 aircraft from Florida, shall furnish the department with proof  
 234 of removal in the form of receipts for fuel, dockage, slippage,  
 235 tie-down, or hangaring from outside of Florida. The information  
 236 so provided must clearly and specifically identify the boat or  
 237 aircraft;

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

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

245           f. Unless the nonresident purchaser of a boat of 5 net  
 246 tons of admeasurement or larger intends to remove the boat from  
 247 this state within 10 days after the date of purchase or when the  
 248 boat is repaired or altered, within 20 days after completion of  
 249 the repairs or alterations, the nonresident purchaser shall  
 250 apply to the selling dealer for a decal which authorizes 180 ~~90~~

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251 days after the date of purchase for removal of the boat. The  
252 department is authorized to issue decals in advance to dealers.  
253 The number of decals issued in advance to a dealer shall be  
254 consistent with the volume of the dealer's past sales of boats  
255 which qualify under this sub-subparagraph. The selling dealer or  
256 his or her agent shall mark and affix the decals to qualifying  
257 boats in the manner prescribed by the department, prior to  
258 delivery of the boat.

259 (I) The department is hereby authorized to charge dealers  
260 a fee sufficient to recover the costs of decals issued.

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

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

266 (IV) The department is authorized to require dealers who  
267 purchase decals to file reports with the department and may  
268 prescribe all necessary records by rule. All such records are  
269 subject to inspection by the department.

270 (V) Any dealer or his or her agent who issues a decal  
271 falsely, fails to affix a decal, mismarks the expiration date of  
272 a decal, or fails to properly account for decals will be  
273 considered prima facie to have committed a fraudulent act to  
274 evade the tax and will be liable for payment of the tax plus a  
275 mandatory penalty of 200 percent of the tax, and shall be liable  
276 for fine and punishment as provided by law for a conviction of a  
277 misdemeanor of the first degree, as provided in s. 775.082 or s.  
278 775.083.

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279 (VI) Any nonresident purchaser of a boat who removes a  
280 decal prior to permanently removing the boat from the state, or  
281 defaces, changes, modifies, or alters a decal in a manner  
282 affecting its expiration date prior to its expiration, or who  
283 causes or allows the same to be done by another, will be  
284 considered prima facie to have committed a fraudulent act to  
285 evade the tax and will be liable for payment of the tax plus a  
286 mandatory penalty of 200 percent of the tax, and shall be liable  
287 for fine and punishment as provided by law for a conviction of a  
288 misdemeanor of the first degree, as provided in s. 775.082 or s.  
289 775.083.

290 (VII) The department is authorized to adopt rules  
291 necessary to administer and enforce this subparagraph and to  
292 publish the necessary forms and instructions.

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

296  
297 If the purchaser fails to remove the qualifying boat from this  
298 state within 180 ~~90~~ days after purchase or a nonqualifying boat  
299 or an aircraft from this state within 10 days after purchase or,  
300 when the boat or aircraft is repaired or altered, within 20 days  
301 after completion of such repairs or alterations, or permits the  
302 boat or aircraft to return to this state within 6 months from  
303 the date of departure, or if the purchaser fails to furnish the  
304 department with any of the documentation required by this  
305 subparagraph within the prescribed time period, the purchaser  
306 shall be liable for use tax on the cost price of the boat or

307 aircraft and, in addition thereto, payment of a penalty to the  
 308 Department of Revenue equal to the tax payable. This penalty  
 309 shall be in lieu of the penalty imposed by s. 212.12(2) and is  
 310 mandatory and shall not be waived by the department. The 180-day  
 311 ~~90-day~~ period following the sale of a qualifying boat tax-exempt  
 312 to a nonresident may not be tolled for any reason.

313 Notwithstanding other provisions of this paragraph to the  
 314 contrary, an aircraft purchased in this state under the  
 315 provisions of this paragraph may be returned to this state for  
 316 repairs within 6 months after the date of its departure without  
 317 being in violation of the law and without incurring liability  
 318 for the payment of tax or penalty on the purchase price of the  
 319 aircraft if the aircraft is removed from this state within 20  
 320 days after the completion of the repairs and if such removal can  
 321 be demonstrated by invoices for fuel, tie-down, hangar charges  
 322 issued by out-of-state vendors or suppliers, or similar  
 323 documentation.

324 (i)1. At the rate of 6 percent on charges for all:  
 325 a. Detective, burglar protection, and other protection  
 326 services (NAICS National SIC Industry Numbers 561611, 561612,  
 327 561613, ~~7381~~ and 561621 ~~7382~~). Any law enforcement officer, as  
 328 defined in s. 943.10, who is performing approved duties as  
 329 determined by his or her local law enforcement agency in his or  
 330 her capacity as a law enforcement officer, and who is subject to  
 331 the direct and immediate command of his or her law enforcement  
 332 agency, and in the law enforcement officer's uniform as  
 333 authorized by his or her law enforcement agency, is performing  
 334 law enforcement and public safety services and is not performing

335 | detective, burglar protection, or other protective services, if  
336 | the law enforcement officer is performing his or her approved  
337 | duties in a geographical area in which the law enforcement  
338 | officer has arrest jurisdiction. Such law enforcement and public  
339 | safety services are not subject to tax irrespective of whether  
340 | the duty is characterized as "extra duty," "off-duty," or  
341 | "secondary employment," and irrespective of whether the officer  
342 | is paid directly or through the officer's agency by an outside  
343 | source. The term "law enforcement officer" includes full-time or  
344 | part-time law enforcement officers, and any auxiliary law  
345 | enforcement officer, when such auxiliary law enforcement officer  
346 | is working under the direct supervision of a full-time or part-  
347 | time law enforcement officer.

348 |       b. Nonresidential cleaning and nonresidential pest control  
349 | services (NAICS National Numbers 561710, 561720, and 561790 ~~SIC~~  
350 | ~~Industry Group Number 734~~).

351 |       2. As used in this paragraph, "NAICS ~~SIC~~" means those  
352 | classifications contained in the North American Industry  
353 | ~~Standard Industrial Classification System Manual, 1987~~, as  
354 | published in 2007 by the Office of Management and Budget,  
355 | Executive Office of the President.

356 |       3. Charges for detective, burglar protection, and other  
357 | protection security services performed in this state but used  
358 | outside this state are exempt from taxation. Charges for  
359 | detective, burglar protection, and other protection security  
360 | services performed outside this state and used in this state are  
361 | subject to tax.

362           4. If a transaction involves both the sale or use of a  
363 service taxable under this paragraph and the sale or use of a  
364 service or any other item not taxable under this chapter, the  
365 consideration paid must be separately identified and stated with  
366 respect to the taxable and exempt portions of the transaction or  
367 the entire transaction shall be presumed taxable. The burden  
368 shall be on the seller of the service or the purchaser of the  
369 service, whichever applicable, to overcome this presumption by  
370 providing documentary evidence as to which portion of the  
371 transaction is exempt from tax. The department is authorized to  
372 adjust the amount of consideration identified as the taxable and  
373 exempt portions of the transaction; however, a determination  
374 that the taxable and exempt portions are inaccurately stated and  
375 that the adjustment is applicable must be supported by  
376 substantial competent evidence.

377           5. Each seller of services subject to sales tax pursuant  
378 to this paragraph shall maintain a monthly log showing each  
379 transaction for which sales tax was not collected because the  
380 services meet the requirements of subparagraph 3. for out-of-  
381 state use. The log must identify the purchaser's name, location  
382 and mailing address, and federal employer identification number,  
383 if a business, or the social security number, if an individual,  
384 the service sold, the price of the service, the date of sale,  
385 the reason for the exemption, and the sales invoice number. The  
386 monthly log shall be maintained pursuant to the same  
387 requirements and subject to the same penalties imposed for the  
388 keeping of similar records pursuant to this chapter.

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389 Section 3. Paragraphs (ff), (xx), and (yy) of subsection  
390 (7) of section 212.08, Florida Statutes, are amended to read:

391 212.08 Sales, rental, use, consumption, distribution, and  
392 storage tax; specified exemptions.--The sale at retail, the  
393 rental, the use, the consumption, the distribution, and the  
394 storage to be used or consumed in this state of the following  
395 are hereby specifically exempt from the tax imposed by this  
396 chapter.

397 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to any  
398 entity by this chapter do not inure to any transaction that is  
399 otherwise taxable under this chapter when payment is made by a  
400 representative or employee of the entity by any means,  
401 including, but not limited to, cash, check, or credit card, even  
402 when that representative or employee is subsequently reimbursed  
403 by the entity. In addition, exemptions provided to any entity by  
404 this subsection do not inure to any transaction that is  
405 otherwise taxable under this chapter unless the entity has  
406 obtained a sales tax exemption certificate from the department  
407 or the entity obtains or provides other documentation as  
408 required by the department. Eligible purchases or leases made  
409 with such a certificate must be in strict compliance with this  
410 subsection and departmental rules, and any person who makes an  
411 exempt purchase with a certificate that is not in strict  
412 compliance with this subsection and the rules is liable for and  
413 shall pay the tax. The department may adopt rules to administer  
414 this subsection.

415 (ff) Certain electricity or steam uses.--

416           1. Subject to the provisions of subparagraph 4., charges  
 417 for electricity or steam used to operate machinery and equipment  
 418 at a fixed location in this state when such machinery and  
 419 equipment is used to manufacture, process, compound, produce, or  
 420 prepare for shipment items of tangible personal property for  
 421 sale, or to operate pollution control equipment, recycling  
 422 equipment, maintenance equipment, or monitoring or control  
 423 equipment used in such operations are exempt to the extent  
 424 provided in this paragraph. If 75 percent or more of the  
 425 electricity or steam used at the fixed location is used to  
 426 operate qualifying machinery or equipment, 100 percent of the  
 427 charges for electricity or steam used at the fixed location are  
 428 exempt. If less than 75 percent but 50 percent or more of the  
 429 electricity or steam used at the fixed location is used to  
 430 operate qualifying machinery or equipment, 50 percent of the  
 431 charges for electricity or steam used at the fixed location are  
 432 exempt. If less than 50 percent of the electricity or steam used  
 433 at the fixed location is used to operate qualifying machinery or  
 434 equipment, none of the charges for electricity or steam used at  
 435 the fixed location are exempt.

436           2. This exemption applies only to industries classified  
 437 under NAICS Sector ~~SIC Industry Major Group~~ Numbers 21, 31, 32,  
 438 and 33 and NAICS National Numbers 113310, 238910, 488390,  
 439 511110, 511120, 511130, 511140, 511199, 512220, 512230, 541360,  
 440 541710, and 811490 but not NAICS National Numbers 311119,  
 441 311330, 311340, 311611, 311612, 311811, 312112, 312210, 312221,  
 442 312229, 313311, 313312, 314121, 314129, 314999, 315222, 315223,  
 443 315233, 323114, 326212, 327112, 334611, 334612, 335312, 337110,



444 337121, 337122, 339113, 339115, or 339116 ~~10, 12, 13, 14, 20,~~  
 445 ~~22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,~~  
 446 ~~38, and 39~~ and Industry Group Number 212. As used in this  
 447 paragraph, "NAICS SIC" means those classifications contained in  
 448 the North American Industry Standard Industrial Classification  
 449 System Manual, 1987, as published in 2007 by the Office of  
 450 Management and Budget, Executive Office of the President.

451 3. Possession by a seller of a written certification by  
 452 the purchaser, certifying the purchaser's entitlement to an  
 453 exemption permitted by this subsection, relieves the seller from  
 454 the responsibility of collecting the tax on the nontaxable  
 455 amounts, and the department shall look solely to the purchaser  
 456 for recovery of such tax if it determines that the purchaser was  
 457 not entitled to the exemption.

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

461 (xx) Certain repair and labor charges.--

462 1. Subject to the provisions of subparagraphs 2. and 3.,  
 463 there is exempt from the tax imposed by this chapter all labor  
 464 charges for the repair of, and parts and materials used in the  
 465 repair of and incorporated into, industrial machinery and  
 466 equipment which is used for the manufacture, processing,  
 467 compounding, production, or preparation for shipping of items of  
 468 tangible personal property at a fixed location within this  
 469 state.

470 2. This exemption applies only to industries classified  
 471 under NAICS Sector SIC Industry Major Group Numbers 21, 31, 32,

472 and 33 and NAICS National Numbers 113310, 238910, 488390,  
 473 511110, 511120, 511130, 511140, 511199, 512220, 512230, 541360,  
 474 541710, and 811490 but not NAICS National Numbers 311119,  
 475 311330, 311340, 311611, 311612, 311811, 312112, 312210, 312221,  
 476 312229, 313311, 313312, 314121, 314129, 314999, 315222, 315223,  
 477 315233, 323114, 326212, 327112, 334611, 334612, 335312, 337110,  
 478 337121, 337122, 339113, 339115, or 339116 ~~10, 12, 13, 14, 20,~~  
 479 ~~22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37,~~  
 480 ~~38, and 39 and Industry Group Number 212.~~ As used in this  
 481 subparagraph, "NAICS SIC" means those classifications contained  
 482 in the North American Industry Standard Industrial  
 483 Classification System Manual, 1987, as published in 2007 by the  
 484 Office of Management and Budget, Executive Office of the  
 485 President.

486 3. This exemption shall be applied as follows:

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

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

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

493 (yy) Film and other printing supplies.--Also exempt are  
 494 the following materials purchased, produced, or created by  
 495 businesses classified under NAICS National SIC Industry Numbers  
 496 323110, 323111, 323112, 323113, 323114, 323115, 323116, 323118,  
 497 323119, 323121, and 323122 ~~275, 276, 277, 278, or 279~~ for use in  
 498 producing graphic matter for sale: film, photographic paper,  
 499 dyes used for embossing and engraving, artwork, typography,

500 lithographic plates, and negatives. As used in this paragraph,  
 501 "NAICS SIC" means those classifications contained in the North  
 502 American Industry Standard Industrial Classification System  
 503 Manual, 1987, as published in 2007 by the Office of Management  
 504 and Budget, Executive Office of the President.

505 Section 4. Paragraph (a) of subsection (1) and paragraph  
 506 (b) of subsection (10) of section 212.097, Florida Statutes, are  
 507 amended to read:

508 212.097 Urban High-Crime Area Job Tax Credit Program.--

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

510 (a) "Eligible business" means any sole proprietorship,  
 511 firm, partnership, or corporation that is located in a qualified  
 512 county and is predominantly engaged in, or is headquarters for a  
 513 business predominantly engaged in, activities usually provided  
 514 for consideration by firms classified within the following North  
 515 American Industry Classification System ~~standard industrial~~  
 516 classifications: NAICS Sector Number 11 ~~SIC 01-SIC 09~~

517 (agriculture, forestry, ~~and~~ fishing, and hunting); NAICS Sector  
 518 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,  
 519 and 212399 ~~SIC 20-SIC 39~~ (manufacturing); NAICS National Numbers  
 520 212324, 441110, 441120, 441210, 441221, 441222, 441229, 441310,  
 521 441320, 442110, 442210, 442291, 442299, 443111, 443112, 443120,  
 522 443130, 444110, 444120, 444130, 444190, 444210, 444220, 445110,  
 523 445120, 445210, 445220, 445230, 445291, 445292, 445299, 445310,  
 524 446110, 446120, 446130, 446191, 446199, 447110, 447190, 448110,  
 525 448120, 448130, 448140, 448150, 448190, 448210, 448310, 448320,  
 526 451110, 451120, 451130, 451140, 451211, 451212, 451220, 452111,  
 527 452112, 452910, 452990, 453110, 453210, 453220, 453310, 453910,

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528 453920, 453930, 453991, 453998, 454111, 454112, 454113, 454210,  
 529 454311, 454312, 454319, 454390, 488390, 511110, 511120, 511130,  
 530 511140, 511199, 512220, 512230, 522298, 541320, 541710, 541940,  
 531 561730, 722213, 722330, 811490, and 812910 ~~SIC 52~~ ~~SIC 57~~ ~~and SIC~~  
 532 ~~59~~ (retail); NAICS National Numbers 493110, 493120, 493130,  
 533 493190, and 531130 ~~SIC 422~~ (public warehousing and storage);  
 534 NAICS National Numbers 721110, 721120, 721191, 721199, 721211,  
 535 721214, and 721310 ~~SIC 70~~ (hotels and other lodging places);  
 536 NAICS National Number 541710 ~~SIC 7391~~ (research and  
 537 development); NAICS National Numbers 334612, 512110, 512191,  
 538 512199, 532220, 532490, 541214, 541690, 561310, and 711510 ~~SIC~~  
 539 ~~781~~ (motion picture production and allied services); NAICS  
 540 National Number 713910 ~~SIC 7992~~ (public golf courses); and NAICS  
 541 National Number 713110 ~~SIC 7996~~ (amusement parks). A call center  
 542 or similar customer service operation that services a multistate  
 543 market or international market is also an eligible business. In  
 544 addition, the Office of Tourism, Trade, and Economic Development  
 545 may, as part of its final budget request submitted pursuant to  
 546 s. 216.023, recommend additions to or deletions from the list of  
 547 standard industrial classifications used to determine an  
 548 eligible business, and the Legislature may implement such  
 549 recommendations. Excluded from eligible receipts are receipts  
 550 from retail sales, except such receipts for NAICS National  
 551 Numbers 311330, 311340, 311811, 314121, 314129, 315222, 315233,  
 552 327112, 337110, 337121, 337122, 339113, 339115, 441110, 441120,  
 553 441210, 441221, 441222, 441229, 441310, 441320, 442110, 442210,  
 554 442291, 442299, 443111, 443112, 443120, 443130, 444110, 444120,  
 555 444130, 444190, 444210, 444220, 445110, 445120, 445210, 445220,

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556 445230, 445291, 445292, 445299, 445310, 446110, 446120, 446130,  
 557 446191, 446199, 447110, 447190, 448110, 448120, 448130, 448140,  
 558 448150, 448190, 448210, 448310, 448320, 451110, 451120, 451130,  
 559 451140, 451211, 451212, 451220, 452111, 452112, 452910, 452990,  
 560 453110, 453210, 453220, 453310, 453910, 453920, 453930, 453991,  
 561 453998, 454111, 454112, 454113, 454210, 454311, 454312, 454319,  
 562 454390, 522298, 722213, and 722330 ~~SIC 52-SIC 57 and SIC 59~~  
 563 (retail), hotels and other lodging places classified in NAICS  
 564 National Numbers 721110, 721120, 721191, 721199, 721211, 721214,  
 565 and 721310 ~~SIC 70~~, public golf courses in NAICS National Number  
 566 713910 ~~SIC 7992~~, and amusement parks in NAICS National Number  
 567 713110 ~~SIC 7996~~. For purposes of this paragraph, the term  
 568 "predominantly" means that more than 50 percent of the  
 569 business's gross receipts from all sources is generated by those  
 570 activities usually provided for consideration by firms in the  
 571 specified standard industrial classification. As used in this  
 572 paragraph, "NAICS" means those classifications contained in the  
 573 North American Industry Classification System, as published in  
 574 2007 by the Office of Management and Budget, Executive Office of  
 575 the President. The determination of whether the business is  
 576 located in a qualified high-crime area and the tier ranking of  
 577 that area must be based on the date of application for the  
 578 credit under this section. Commonly owned and controlled  
 579 entities are to be considered a single business entity.

580 (10)

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

584 ~~Economic Development shall review the application to determine~~  
 585 ~~whether it contains all the information required by this~~  
 586 ~~subsection and meets the criteria set out in this section.~~  
 587 ~~Subject to the provisions of paragraph (c), the Office of~~  
 588 ~~Tourism, Trade, and Economic Development shall approve all~~  
 589 ~~applications that contain the information required by this~~  
 590 ~~subsection and meet the criteria set out in this section as~~  
 591 ~~eligible to receive a credit.~~

592 Section 5. Paragraphs (a) and (c) of subsection (1) of  
 593 section 212.098, Florida Statutes, are amended to read:

594 212.098 Rural Job Tax Credit Program.--

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

596 (a) "Eligible business" means any sole proprietorship,  
 597 firm, partnership, or corporation that is located in a qualified  
 598 county and is predominantly engaged in, or is headquarters for a  
 599 business predominantly engaged in, activities usually provided  
 600 for consideration by firms classified within the following North  
 601 American Industry Classification System ~~standard industrial~~  
 602 classifications: NAICS Sector Number 11 and NAICS National  
 603 Numbers 541320, 541940, 561730, and 812910 ~~SIC 01-SIC 09~~  
 604 (agriculture, forestry, and fishing, and hunting); NAICS Sector  
 605 Numbers 31-33 and NAICS National Numbers 212324, 212325, 212393,  
 606 212399, 488390, 511110, 511120, 511130, 511140, 511199, 512220,  
 607 512230, 541710, and 811490 ~~SIC 20-SIC 39~~ (manufacturing); NAICS  
 608 National Numbers 493110, 493120, 493130, 493190, and 531130 ~~SIC~~  
 609 422 (public warehousing and storage); NAICS National Numbers  
 610 721110, 721120, 721191, 721199, 721211, 721214, and 721310 ~~SIC~~  
 611 70 (hotels and other lodging places); NAICS National Number

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612 541710 ~~SIC 7391~~ (research and development); NAICS National  
 613 Numbers 334612, 512110, 512191, 512199, 532220, 532490, 541214,  
 614 541690, 561310, and 711510 ~~SIC 781~~ (motion picture production  
 615 and allied services); NAICS National Number 713910 ~~SIC 7992~~  
 616 (public golf courses); NAICS National Number 713110 ~~SIC 7996~~  
 617 (amusement parks); and a targeted industry eligible for the  
 618 qualified target industry business tax refund under s. 288.106.  
 619 A call center or similar customer service operation that  
 620 services a multistate market or an international market is also  
 621 an eligible business. In addition, the Office of Tourism, Trade,  
 622 and Economic Development may, as part of its final budget  
 623 request submitted pursuant to s. 216.023, recommend additions to  
 624 or deletions from the list of standard industrial  
 625 classifications used to determine an eligible business, and the  
 626 Legislature may implement such recommendations. Excluded from  
 627 eligible receipts are receipts from retail sales, except such  
 628 receipts for hotels and other lodging places classified in NAICS  
 629 National Numbers 721110, 721120, 721191, 721199, 721211, 721214,  
 630 and 721310 ~~SIC 70~~, public golf courses in NAICS National Number  
 631 713910 ~~SIC 7992~~, and amusement parks in NAICS National Number  
 632 713110 ~~SIC 7996~~. For purposes of this paragraph, the term  
 633 "predominantly" means that more than 50 percent of the  
 634 business's gross receipts from all sources is generated by those  
 635 activities usually provided for consideration by firms in the  
 636 specified standard industrial classification. As used in this  
 637 paragraph, "NAICS" means those classifications contained in the  
 638 North American Industry Classification System, as published in  
 639 2007 by the Office of Management and Budget, Executive Office of

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640 the President. The determination of whether the business is  
 641 located in a qualified county and the tier ranking of that  
 642 county must be based on the date of application for the credit  
 643 under this section. Commonly owned and controlled entities are  
 644 to be considered a single business entity.

645 (c) "Qualified area" means any area that is contained  
 646 within a rural area of critical economic concern designated  
 647 under s. 288.0656, a county that has a population of fewer than  
 648 75,000 persons, a ~~or any~~ county that has a population of 125,000  
 649 ~~100,000~~ or less and is contiguous to a county that has a  
 650 population of less than 75,000, or a county with a population  
 651 density of no more than 550 persons per square mile that is  
 652 contiguous to either Alabama or Georgia and that does not  
 653 contain the state capital selected in the following manner:  
 654 every third year, the Office of Tourism, Trade, and Economic  
 655 Development shall rank and tier the state's counties according  
 656 to the following four factors:

- 657 1. Highest unemployment rate for the most recent 36-month  
 658 period.
- 659 2. Lowest per capita income for the most recent 36-month  
 660 period.
- 661 3. Highest percentage of residents whose incomes are below  
 662 the poverty level, based upon the most recent data available.
- 663 4. Average weekly manufacturing wage, based upon the most  
 664 recent data available.

665 Section 6. Paragraph (b) of subsection (5) of section  
 666 220.15, Florida Statutes, is amended to read:

667 220.15 Apportionment of adjusted federal income.--



668 (5) The sales factor is a fraction the numerator of which  
 669 is the total sales of the taxpayer in this state during the  
 670 taxable year or period and the denominator of which is the total  
 671 sales of the taxpayer everywhere during the taxable year or  
 672 period.

673 (b)1. Sales of tangible personal property occur in this  
 674 state if the property is delivered or shipped to a purchaser  
 675 within this state, regardless of the f.o.b. point, other  
 676 conditions of the sale, or ultimate destination of the property,  
 677 unless shipment is made via a common or contract carrier.  
 678 However, for industries in NAICS National ~~SIC Industry~~ Number  
 679 311411 2037, if the ultimate destination of the product is to a  
 680 location outside this state, regardless of the method of  
 681 shipment or f.o.b. point, the sale shall not be deemed to occur  
 682 in this state. As used in this paragraph, "NAICS" means those  
 683 classifications contained in the North American Industry  
 684 Classification System, as published in 2007 by the Office of  
 685 Management and Budget, Executive Office of the President.

686 2. When citrus fruit is delivered by a cooperative for a  
 687 grower-member, by a grower-member to a cooperative, or by a  
 688 grower-participant to a Florida processor, the sales factor for  
 689 the growers for such citrus fruit delivered to such processor  
 690 shall be the same as the sales factor for the most recent  
 691 taxable year of that processor. That sales factor, expressed  
 692 only as a percentage and not in terms of the dollar volume of  
 693 sales, so as to protect the confidentiality of the sales of the  
 694 processor, shall be furnished on the request of such a grower  
 695 promptly after it has been determined for that taxable year.

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

699 Section 7. Subsection (5) of section 220.191, Florida  
 700 Statutes, is amended to read:

701 220.191 Capital investment tax credit.--

702 (5) Applications shall be reviewed and certified pursuant  
 703 to s. 288.061. The office, upon a recommendation by Enterprise  
 704 Florida, Inc., shall first certify a business as eligible to  
 705 receive tax credits pursuant to this section prior to the  
 706 commencement of operations of a qualifying project, and such  
 707 certification shall be transmitted to the Department of Revenue.  
 708 Upon receipt of the certification, the Department of Revenue  
 709 shall enter into a written agreement with the qualifying  
 710 business specifying, at a minimum, the method by which income  
 711 generated by or arising out of the qualifying project will be  
 712 determined.

713 Section 8. Section 288.061, Florida Statutes, is created  
 714 to read:

715 288.061 Economic development incentive application  
 716 process.--

717 (1) Within 10 business days after receiving a submitted  
 718 economic development incentive application, Enterprise Florida,  
 719 Inc., shall review the application and inform the applicant  
 720 business whether or not its application is complete. Within 10  
 721 business days after the application is deemed complete,  
 722 Enterprise Florida, Inc., shall evaluate the application and  
 723 recommend approval or disapproval of the application to the

724 director of the Office of Tourism, Trade, and Economic  
 725 Development. In recommending an applicant business for approval,  
 726 Enterprise Florida, Inc., shall include in its evaluation a  
 727 recommended grant award amount and a review of the applicant's  
 728 ability to meet specific program criteria.

729 (2) Within 10 calendar days after the Office of Tourism,  
 730 Trade, and Economic Development receives the evaluation and  
 731 recommendation from Enterprise Florida, Inc., the office shall  
 732 notify Enterprise Florida, Inc., whether or not the application  
 733 is reviewable. Within 22 calendar days after the office receives  
 734 the recommendation from Enterprise Florida, Inc., the director  
 735 of the office shall review the application and issue a letter of  
 736 certification to the applicant that approves or disapproves an  
 737 applicant business and includes a justification of that  
 738 decision, unless the business requests an extension of that  
 739 time. The letter shall specify the total amount of the award,  
 740 the performance conditions that must be met to obtain the award,  
 741 and the schedule for payment.

742 Section 9. Subsection (4) of section 288.063, Florida  
 743 Statutes, is amended to read:

744 288.063 Contracts for transportation projects.--

745 (4) The Office of Tourism, Trade, and Economic Development  
 746 may adopt criteria by which transportation projects are to be  
 747 reviewed and certified in accordance with s. 288.061 ~~specified~~  
 748 ~~and identified~~. In approving transportation projects for  
 749 funding, the Office of Tourism, Trade, and Economic Development  
 750 shall consider factors including, but not limited to, the cost  
 751 per job created or retained considering the amount of

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752 transportation funds requested; the average hourly rate of wages  
753 for jobs created; the reliance on the program as an inducement  
754 for the project's location decision; the amount of capital  
755 investment to be made by the business; the demonstrated local  
756 commitment; the location of the project in an enterprise zone  
757 designated pursuant to s. 290.0055; the location of the project  
758 in a spaceport territory as defined in s. 331.304; the  
759 unemployment rate of the surrounding area; the poverty rate of  
760 the community; and the adoption of an economic element as part  
761 of its local comprehensive plan in accordance with s.  
762 163.3177(7)(j). The Office of Tourism, Trade, and Economic  
763 Development may contact any agency it deems appropriate for  
764 additional input regarding the approval of projects.

765 Section 10. Subsection (2) of section 288.065, Florida  
766 Statutes, is amended to read:

767 288.065 Rural Community Development Revolving Loan Fund.--

768 (2) The program shall provide for long-term loans, loan  
769 guarantees, and loan loss reserves to units of local  
770 governments, or economic development organizations substantially  
771 underwritten by a unit of local government, within counties with  
772 populations of 75,000 or less, within ~~or~~ any county with that  
773 ~~has~~ a population of 125,000 ~~100,000~~ or less that ~~and~~ is  
774 contiguous to a county with a population of 75,000 or less, or  
775 within any county with a population density of no more than 550  
776 persons per square mile that is contiguous to either Alabama or  
777 Georgia and that does not contain the state capital based on ~~as~~  
778 ~~determined by~~ the most recent official population estimate as  
779 determined under ~~pursuant to~~ s. 186.901, including those

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780 | residing in incorporated areas and those residing in  
781 | unincorporated areas of the county, or to units of local  
782 | government, or economic development organizations substantially  
783 | underwritten by a unit of local government, within a rural area  
784 | of critical economic concern. Requests for loans shall be made  
785 | by application to the Office of Tourism, Trade, and Economic  
786 | Development. Loans shall be made pursuant to agreements  
787 | specifying the terms and conditions agreed to between the  
788 | applicant and the Office of Tourism, Trade, and Economic  
789 | Development. The loans shall be the legal obligations of the  
790 | applicant. All repayments of principal and interest shall be  
791 | returned to the loan fund and made available for loans to other  
792 | applicants. However, in a rural area of critical economic  
793 | concern designated by the Governor, and upon approval by the  
794 | Office of Tourism, Trade, and Economic Development, repayments  
795 | of principal and interest may be retained by the applicant if  
796 | such repayments are dedicated and matched to fund regionally  
797 | based economic development organizations representing the rural  
798 | area of critical economic concern.

799 | Section 11. Paragraphs (b) and (e) of subsection (2) and  
800 | subsection (3) of section 288.0655, Florida Statutes, are  
801 | amended to read:

802 | 288.0655 Rural Infrastructure Fund.--

803 | (2)

804 | (b) To facilitate access of rural communities and rural  
805 | areas of critical economic concern as defined by the Rural  
806 | Economic Development Initiative to infrastructure funding  
807 | programs of the Federal Government, such as those offered by the

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808 United States Department of Agriculture and the United States  
809 Department of Commerce, and state programs, including those  
810 offered by Rural Economic Development Initiative agencies, and  
811 to facilitate local government or private infrastructure funding  
812 efforts, the office may award grants for up to 30 percent of the  
813 total infrastructure project cost. If an application for funding  
814 is for a catalyst site, as defined in s. 288.0656, the office  
815 may award grants for up to 40 percent of the total  
816 infrastructure project cost. Eligible projects must be related  
817 to specific job-creation or job-retention opportunities.  
818 Eligible projects may also include improving any inadequate  
819 infrastructure that has resulted in regulatory action that  
820 prohibits economic or community growth or reducing the costs to  
821 community users of proposed infrastructure improvements that  
822 exceed such costs in comparable communities. Eligible uses of  
823 funds shall include improvements to public infrastructure for  
824 industrial or commercial sites and upgrades to or development of  
825 public tourism infrastructure. Authorized infrastructure may  
826 include the following public or public-private partnership  
827 facilities: storm water systems; telecommunications facilities;  
828 broadband facilities; roads or other remedies to transportation  
829 impediments; nature-based tourism facilities; or other physical  
830 requirements necessary to facilitate tourism, trade, and  
831 economic development activities in the community. Authorized  
832 infrastructure may also include publicly or privately owned  
833 self-powered nature-based tourism facilities,  
834 telecommunications facilities, and broadband facilities and  
835 additions to the distribution facilities of the existing natural

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836 gas utility as defined in s. 366.04(3)(c), the existing electric  
837 utility as defined in s. 366.02, or the existing water or  
838 wastewater utility as defined in s. 367.021(12), or any other  
839 existing water or wastewater facility, which owns a gas or  
840 electric distribution system or a water or wastewater system in  
841 this state where:

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

846 2. Such utilities as defined herein are willing and able  
847 to provide such service.

848 (e) To enable local governments to access the resources  
849 available pursuant to s. 403.973(18), the office may award  
850 grants for surveys, feasibility studies, and other activities  
851 related to the identification and preclearance review of land  
852 which is suitable for preclearance review. Authorized grants  
853 under this paragraph shall not exceed \$75,000 each, except in  
854 the case of a project in a rural area of critical economic  
855 concern, in which case the grant shall not exceed \$300,000. Any  
856 funds awarded under this paragraph must be matched at a level of  
857 50 percent with local funds, except that any funds awarded for a  
858 project in a rural area of critical economic concern must be  
859 matched at a level of 33 percent with local funds. If an  
860 application for funding is for a catalyst site, as defined in s.  
861 288.0656, the requirement for local match may be waived. In  
862 evaluating applications under this paragraph, the office shall

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863 consider the extent to which the application seeks to minimize  
864 administrative and consultant expenses.

865 (3) The office, in consultation with Enterprise Florida,  
866 Inc., VISIT Florida, the Department of Environmental Protection,  
867 and the Florida Fish and Wildlife Conservation Commission, as  
868 appropriate, shall review and certify applications pursuant to  
869 s. 288.061. The review shall include an evaluation of ~~and~~  
870 ~~evaluate~~ the economic benefit of the projects and their long-  
871 term viability. The office shall have final approval for any  
872 grant under this section ~~and must make a grant decision within~~  
873 ~~30 days of receiving a completed application~~.

874 Section 12. Section 288.0656, Florida Statutes, is amended  
875 to read:

876 288.0656 Rural Economic Development Initiative.--

877 (1) (a) Recognizing that rural communities and regions  
878 continue to face extraordinary challenges in their efforts to  
879 significantly improve their economies, specifically in terms of  
880 personal income, job creation, average wages, and strong tax  
881 bases, it is the intent of the Legislature to encourage and  
882 facilitate the location and expansion of major economic  
883 development projects of significant scale in such rural  
884 communities.

885 (b) The Rural Economic Development Initiative, known as  
886 "REDI," is created within the Office of Tourism, Trade, and  
887 Economic Development, and the participation of state and  
888 regional agencies in this initiative is authorized.

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



890           (a) "Catalyst project" means a business locating or  
 891 expanding in a rural area of critical economic concern to serve  
 892 as an economic growth opportunity of regional significance for  
 893 the growth of a regional target industry cluster. The project  
 894 must provide capital investment on a scale significant enough to  
 895 affect the entire region and result in the development of high-  
 896 wage and high-skill jobs.

897           (b) "Catalyst site" means a parcel or parcels of land  
 898 within a rural area of critical economic concern that has been  
 899 prioritized as a geographic site for economic development  
 900 through partnerships with state, regional, and local  
 901 organizations. The site must be reviewed by REDI and approved by  
 902 the Office of Tourism, Trade, and Economic Development for the  
 903 purposes of locating a catalyst project.

904           (c) ~~(a)~~ "Economic distress" means conditions affecting the  
 905 fiscal and economic viability of a rural community, including  
 906 such factors as low per capita income, low per capita taxable  
 907 values, high unemployment, high underemployment, low weekly  
 908 earned wages compared to the state average, low housing values  
 909 compared to the state average, high percentages of the  
 910 population receiving public assistance, high poverty levels  
 911 compared to the state average, and a lack of year-round stable  
 912 employment opportunities.

913           (d) "Rural area of critical economic concern" means a  
 914 rural community, or a region composed of rural communities,  
 915 designated by the Governor, that has been adversely affected by  
 916 an extraordinary economic event, severe or chronic distress, or

917 a natural disaster or that presents a unique economic  
 918 development opportunity of regional impact.

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

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

921 2. A county with a population of 125,000 ~~100,000~~ or less  
 922 that is contiguous to a county with a population of 75,000 or  
 923 less.

924 3. A county with a population density of no more than 550  
 925 persons per square mile that is contiguous to either Alabama or  
 926 Georgia and that does not contain the state capital.

927 4.3. A municipality within a county described in  
 928 subparagraph 1. or subparagraph 2.

929 5.4. An unincorporated federal enterprise community or an  
 930 incorporated rural city with a population of 25,000 or less and  
 931 an employment base focused on traditional agricultural or  
 932 resource-based industries, located in a county not defined as  
 933 rural, which has at least three or more of the economic distress  
 934 factors identified in paragraph (c) ~~(a)~~ and verified by the  
 935 Office of Tourism, Trade, and Economic Development.

936  
 937 For purposes of this paragraph, population shall be determined  
 938 in accordance with the most recent official estimate pursuant to  
 939 s. 186.901.

940 (3) REDI shall be responsible for coordinating and  
 941 focusing the efforts and resources of state and regional  
 942 agencies on the problems which affect the fiscal, economic, and  
 943 community viability of Florida's economically distressed rural  
 944 communities, working with local governments, community-based

945 organizations, and private organizations that have an interest  
 946 in the growth and development of these communities to find ways  
 947 to balance environmental and growth management issues with local  
 948 needs.

949 (4) REDI shall review and evaluate the impact of statutes  
 950 and rules on rural communities and shall work to minimize any  
 951 adverse impact and undertake outreach and capacity building  
 952 efforts.

953 (5) REDI shall facilitate better access to state resources  
 954 by promoting direct access and referrals to appropriate state  
 955 and regional agencies and statewide organizations. REDI may  
 956 undertake outreach, capacity-building, and other advocacy  
 957 efforts to improve conditions in rural communities. These  
 958 activities may include sponsorship of conferences and  
 959 achievement awards.

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

- 965 1. The Department of Community Affairs.
- 966 2. The Department of Transportation.
- 967 3. The Department of Environmental Protection.
- 968 4. The Department of Agriculture and Consumer Services.
- 969 5. The Department of State.
- 970 6. The Department of Health.
- 971 7. The Department of Children and Family Services.
- 972 8. The Department of Corrections.

- 973 9. The Agency for Workforce Innovation.
- 974 10. The Department of Education.
- 975 11. The Department of Juvenile Justice.
- 976 12. The Fish and Wildlife Conservation Commission.
- 977 13. Each water management district.
- 978 14. Enterprise Florida, Inc.
- 979 15. Workforce Florida, Inc.
- 980 16. The Florida Commission on Tourism or VISIT Florida.
- 981 17. The Florida Regional Planning Council Association.
- 982 18. The Agency for Health Care Administration ~~Florida~~
- 983 ~~State Rural Development Council.~~
- 984 19. The Institute of Food and Agricultural Sciences
- 985 (IFAS).

986

987 An alternate for each designee shall also be chosen, and the

988 names of the designees and alternates shall be sent to the

989 director of the Office of Tourism, Trade, and Economic

990 Development.

991 (b) Each REDI representative must have comprehensive

992 knowledge of his or her agency's functions, both regulatory and

993 service in nature, and of the state's economic goals, policies,

994 and programs. This person shall be the primary point of contact

995 for his or her agency with REDI on issues and projects relating

996 to economically distressed rural communities and with regard to

997 expediting project review, shall ensure a prompt effective

998 response to problems arising with regard to rural issues, and

999 shall work closely with the other REDI representatives in the

1000 identification of opportunities for preferential awards of

1001 program funds and allowances and waiver of program requirements  
 1002 when necessary to encourage and facilitate long-term private  
 1003 capital investment and job creation.

1004 (c) The REDI representatives shall work with REDI in the  
 1005 review and evaluation of statutes and rules for adverse impact  
 1006 on rural communities and the development of alternative  
 1007 proposals to mitigate that impact.

1008 (d) Each REDI representative shall be responsible for  
 1009 ensuring that each district office or facility of his or her  
 1010 agency is informed about the Rural Economic Development  
 1011 Initiative and for providing assistance throughout the agency in  
 1012 the implementation of REDI activities.

1013 (7) (a) REDI may recommend to the Governor up to three  
 1014 rural areas of critical economic concern. ~~A rural area of~~  
 1015 ~~critical economic concern must be a rural community, or a region~~  
 1016 ~~composed of such, that has been adversely affected by an~~  
 1017 ~~extraordinary economic event or a natural disaster or that~~  
 1018 ~~presents a unique economic development opportunity of regional~~  
 1019 ~~impact that will create more than 1,000 jobs over a 5-year~~  
 1020 ~~period.~~ The Governor may by executive order designate up to  
 1021 three rural areas of critical economic concern which will  
 1022 establish these areas as priority assignments for REDI as well  
 1023 as to allow the Governor, acting through REDI, to waive  
 1024 criteria, requirements, or similar provisions of any economic  
 1025 development incentive. Such incentives shall include, but not be  
 1026 limited to: the Qualified Target Industry Tax Refund Program  
 1027 under s. 288.106, the Quick Response Training Program under s.  
 1028 288.047, the Quick Response Training Program for participants in

1029 the welfare transition program under s. 288.047(8),  
 1030 transportation projects under s. 288.063, the brownfield  
 1031 redevelopment bonus refund under s. 288.107, and the rural job  
 1032 tax credit program under ss. 212.098 and 220.1895.

1033 (b) Designation as a rural area of critical economic  
 1034 concern under this subsection shall be contingent upon the  
 1035 execution of a memorandum of agreement among the Office of  
 1036 Tourism, Trade, and Economic Development; the governing body of  
 1037 the county; and the governing bodies of any municipalities to be  
 1038 included within a rural area of critical economic concern. Such  
 1039 agreement shall specify the terms and conditions of the  
 1040 designation, including, but not limited to, the duties and  
 1041 responsibilities of the county and any participating  
 1042 municipalities to take actions designed to facilitate the  
 1043 retention and expansion of existing businesses in the area, as  
 1044 well as the recruitment of new businesses to the area.

1045 (c) Each rural area of critical economic concern may  
 1046 designate catalyst projects, provided that each catalyst project  
 1047 is specifically recommended by REDI, identified as a catalyst  
 1048 project by Enterprise Florida, Inc., and confirmed as a catalyst  
 1049 project by the Office of Tourism, Trade, and Economic  
 1050 Development. All state agencies and departments shall use all  
 1051 available tools and resources to the extent permissible by law  
 1052 to promote the creation and development of each catalyst project  
 1053 and the development of catalyst sites.

1054 (8) REDI shall assist local governments within rural areas  
 1055 of critical economic concern with comprehensive planning needs  
 1056 that further the provisions of this section. Such assistance

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1057 shall reflect a multidisciplinary approach among all agencies  
1058 and include economic development and planning objectives.

1059 (a) A local government may request assistance in the  
1060 preparation of comprehensive plan amendments, pursuant to part  
1061 II of chapter 163, that will stimulate economic activity.

1062 1. The local government must contact the Office of  
1063 Tourism, Trade, and Economic Development to request assistance.

1064 2. REDI representatives shall meet with the local  
1065 government within 15 days after such request to develop the  
1066 scope of assistance that will be provided for the development,  
1067 transmittal, and adoption of the proposed comprehensive plan  
1068 amendment.

1069 3. As part of the assistance provided, REDI  
1070 representatives shall also identify other needed local and  
1071 developer actions for approval of the project and recommend a  
1072 timeline for the local government and developer that will  
1073 minimize project delays.

1074 (b) In addition, each year REDI shall solicit requests for  
1075 assistance from local governments within a rural area of  
1076 critical economic concern to update the future land use element  
1077 and other associated elements of the local government's  
1078 comprehensive plan to better position the community to respond  
1079 to economic development potential within the county or  
1080 municipality. REDI shall provide direct assistance to such local  
1081 governments to update their comprehensive plans pursuant to this  
1082 paragraph. At least one comprehensive planning technical  
1083 assistance effort shall be selected each year.

1084            (c) REDI shall develop and annually update a technical  
 1085 assistance manual based upon experiences learned in providing  
 1086 direct assistance under this subsection.

1087            (9)~~(8)~~ REDI shall submit a report to the Governor, the  
 1088 President of the Senate, and the Speaker of the House of  
 1089 Representatives each year on or before September ~~February~~ 1 on  
 1090 all REDI activities for the prior fiscal year. This report shall  
 1091 include a status report on all projects currently being  
 1092 coordinated through REDI, the number of preferential awards and  
 1093 allowances made pursuant to this section, the dollar amount of  
 1094 such awards, and the names of the recipients. The report shall  
 1095 also include a description of all waivers of program  
 1096 requirements granted. The report shall also include information  
 1097 as to the economic impact of the projects coordinated by REDI.

1098            Section 13. Section 288.06561, Florida Statutes, is  
 1099 amended to read:

1100            288.06561 Reduction or waiver of financial match  
 1101 requirements.--Notwithstanding any other law, the member  
 1102 agencies and organizations of the Rural Economic Development  
 1103 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review  
 1104 the financial match requirements for projects in rural areas as  
 1105 defined in s. 288.0656(2) ~~(b)~~.

1106            (1) Each agency and organization shall develop a proposal  
 1107 to waive or reduce the match requirement for rural areas.

1108            (2) Agencies and organizations shall ensure that all  
 1109 proposals are submitted to the Office of Tourism, Trade, and  
 1110 Economic Development for review by the REDI agencies.



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1111 (3) These proposals shall be delivered to the Office of  
 1112 Tourism, Trade, and Economic Development for distribution to the  
 1113 REDI agencies and organizations. A meeting of REDI agencies and  
 1114 organizations must be called within 30 days after receipt of  
 1115 such proposals for REDI comment and recommendations on each  
 1116 proposal.

1117 (4) Waivers and reductions must be requested by the county  
 1118 or community, and such county or community must have three or  
 1119 more of the factors identified in s. 288.0656(2) (c) ~~(a)~~.

1120 (5) Any other funds available to the project may be used  
 1121 for financial match of federal programs when there is fiscal  
 1122 hardship, and the match requirements may not be waived or  
 1123 reduced.

1124 (6) When match requirements are not reduced or eliminated,  
 1125 donations of land, though usually not recognized as an in-kind  
 1126 match, may be permitted.

1127 (7) To the fullest extent possible, agencies and  
 1128 organizations shall expedite the rule adoption and amendment  
 1129 process if necessary to incorporate the reduction in match by  
 1130 rural areas in fiscal distress.

1131 (8) REDI shall include in its annual report an evaluation  
 1132 on the status of changes to rules, number of awards made with  
 1133 waivers, and recommendations for future changes.

1134 Section 14. Subsection (1) of section 288.0657, Florida  
 1135 Statutes, is amended to read:

1136 288.0657 Florida rural economic development strategy  
 1137 grants.--

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1138 (1) As used in this section, the term "rural community"  
 1139 means:

1140 (a) A county with a population of 75,000 or less.

1141 (b) A county with a population of 125,000 ~~100,000~~ or less  
 1142 that is contiguous to a county with a population of 75,000 or  
 1143 less.

1144 (c) A county with a population density of no more than 550  
 1145 persons per square mile that is contiguous to either Alabama or  
 1146 Georgia and that does not contain the state capital.

1147 (d)(e) A municipality within a county described in  
 1148 paragraph (a) or paragraph (b).

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

1153 Section 15. Paragraph (c) of subsection (2), paragraphs  
 1154 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),  
 1155 and paragraph (c) of subsection (5) of section 288.1045, Florida  
 1156 Statutes, are amended to read:

1157 288.1045 Qualified defense contractor and space flight  
 1158 business tax refund program.--

1159 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

1160 (c) A qualified applicant may not receive more than \$5  
 1161 ~~\$7.5~~ million in tax refunds pursuant to this section in all  
 1162 fiscal years.

1163 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
 1164 DETERMINATION.--

1165 (a) To apply for certification as a qualified applicant  
1166 pursuant to this section, an applicant must file an application  
1167 with the office which satisfies the requirements of paragraphs  
1168 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or  
1169 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for  
1170 certification pursuant to this section after a proposal has been  
1171 submitted for a new Department of Defense contract, after the  
1172 applicant has made the decision to consolidate an existing  
1173 Department of Defense contract in this state for which such  
1174 applicant is seeking certification, after a proposal has been  
1175 submitted for a new space flight business contract in this  
1176 state, after the applicant has made the decision to consolidate  
1177 an existing space flight business contract in this state for  
1178 which such applicant is seeking certification, or after the  
1179 applicant has made the decision to convert defense production  
1180 jobs to nondefense production jobs for which such applicant is  
1181 seeking certification.

1182 (e) To qualify for review by the office, the application  
1183 of an applicant must, at a minimum, establish the following to  
1184 the satisfaction of the office:

1185 1. The jobs proposed to be provided under the application,  
1186 pursuant to subparagraph (b)6., subparagraph (c)6., or  
1187 subparagraph (j) ~~(k)~~6., must pay an estimated annual average wage  
1188 equaling at least 115 percent of the average wage in the area  
1189 where the project is to be located.

1190 2. The consolidation of a Department of Defense contract  
1191 must result in a net increase of at least 25 percent in the  
1192 number of jobs at the applicant's facilities in this state or

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1193 the addition of at least 80 jobs at the applicant's facilities  
1194 in this state.

1195 3. The conversion of defense production jobs to nondefense  
1196 production jobs must result in net increases in nondefense  
1197 employment at the applicant's facilities in this state.

1198 4. The Department of Defense contract or the space flight  
1199 business contract cannot allow the business to include the costs  
1200 of relocation or retooling in its base as allowable costs under  
1201 a cost-plus, or similar, contract.

1202 5. A business unit of the applicant must have derived not  
1203 less than 60 percent of its gross receipts in this state from  
1204 Department of Defense contracts or space flight business  
1205 contracts over the applicant's last fiscal year, and must have  
1206 derived not less than an average of 60 percent of its gross  
1207 receipts in this state from Department of Defense contracts or  
1208 space flight business contracts over the 5 years preceding the  
1209 date an application is submitted pursuant to this section. This  
1210 subparagraph does not apply to any application for certification  
1211 based on a contract for reuse of a defense-related facility.

1212 6. The reuse of a defense-related facility must result in  
1213 the creation of at least 100 jobs at such facility.

1214 7. A new space flight business contract or the  
1215 consolidation of a space flight business contract must result in  
1216 net increases in space flight business employment at the  
1217 applicant's facilities in this state.

1218 (f) Each application meeting the requirements of  
1219 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)  
1220 and (e), or paragraphs (e) and (j) ~~(k)~~ must be submitted to the

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1221 office for a determination of eligibility. The office shall  
 1222 review and evaluate each application based on, but not limited  
 1223 to, the following criteria:

1224 1. Expected contributions to the state strategic economic  
 1225 development plan adopted by Enterprise Florida, Inc., taking  
 1226 into account the extent to which the project contributes to the  
 1227 state's high-technology base, and the long-term impact of the  
 1228 project and the applicant on the state's economy.

1229 2. The economic benefit of the jobs created or retained by  
 1230 the project in this state, taking into account the cost and  
 1231 average wage of each job created or retained, and the potential  
 1232 risk to existing jobs.

1233 3. The amount of capital investment to be made by the  
 1234 applicant in this state.

1235 4. The local commitment and support for the project and  
 1236 applicant.

1237 5. The impact of the project on the local community,  
 1238 taking into account the unemployment rate for the county where  
 1239 the project will be located.

1240 6. The dependence of the local community on the defense  
 1241 industry or space flight business.

1242 7. The impact of any tax refunds granted pursuant to this  
 1243 section on the viability of the project and the probability that  
 1244 the project will occur in this state if such tax refunds are  
 1245 granted to the applicant, taking into account the expected long-  
 1246 term commitment of the applicant to economic growth and  
 1247 employment in this state.

1248 8. The length of the project, or the expected long-term  
1249 commitment to this state resulting from the project.

1250 (g) Applications shall be reviewed and certified pursuant  
1251 to s. 288.061. ~~The office shall forward its written findings and~~  
1252 ~~evaluation on each application meeting the requirements of~~  
1253 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~  
1254 ~~and (e), or paragraphs (e) and (k) to the director within 60~~  
1255 ~~calendar days after receipt of a complete application. The~~  
1256 ~~office shall notify each applicant when its application is~~  
1257 ~~complete, and when the 60-day period begins. In its written~~  
1258 ~~report to the director, the office shall specifically address~~  
1259 ~~each of the factors specified in paragraph (f), and shall make a~~  
1260 ~~specific assessment with respect to the minimum requirements~~  
1261 ~~established in paragraph (e). The office shall include in its~~  
1262 ~~report projections of the tax refunds the applicant would be~~  
1263 ~~eligible to receive in each fiscal year based on the creation~~  
1264 ~~and maintenance of the net new Florida jobs specified in~~  
1265 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~  
1266 ~~subparagraph (k)6. as of December 31 of the preceding state~~  
1267 ~~fiscal year.~~

1268 (h) ~~Within 30 days after receipt of the office's findings~~  
1269 ~~and evaluation, the director shall issue a letter of~~  
1270 ~~certification which either approves or disapproves an~~  
1271 ~~application. The decision must be in writing and provide the~~  
1272 ~~justifications for either approval or disapproval. If~~  
1273 ~~appropriate, the director shall enter into a written agreement~~  
1274 ~~with the qualified applicant pursuant to subsection (4).~~

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1275        (h)~~(i)~~ The director may not certify any applicant as a  
1276 qualified applicant when the value of tax refunds to be included  
1277 in that letter of certification exceeds the available amount of  
1278 authority to certify new businesses as determined in s.  
1279 288.095(3). A letter of certification that approves an  
1280 application must specify the maximum amount of a tax refund that  
1281 is to be available to the contractor for each fiscal year and  
1282 the total amount of tax refunds for all fiscal years.

1283        (i)~~(j)~~ This section does not create a presumption that an  
1284 applicant should receive any tax refunds under this section.

1285        (j)~~(k)~~ Applications for certification based upon a new  
1286 space flight business contract or the consolidation of a space  
1287 flight business contract must be submitted to the office as  
1288 prescribed by the office and must include, but are not limited  
1289 to, the following information:

1290            1. The applicant's federal employer identification number,  
1291 the applicant's Florida sales tax registration number, and a  
1292 signature of an officer of the applicant.

1293            2. The permanent location of the space flight business  
1294 facility in this state where the project is or will be located.

1295            3. The new space flight business contract number, the  
1296 space flight business contract numbers of the contract to be  
1297 consolidated, or the request-for-proposal number of a proposed  
1298 space flight business contract.

1299            4. The date the contract was executed and the date the  
1300 contract is due to expire, is expected to expire, or was  
1301 canceled.

1302           5. The commencement date for project operations under the  
1303 contract in this state.

1304           6. The number of net new full-time equivalent Florida jobs  
1305 included in the project as of December 31 of each year and the  
1306 average wage of such jobs.

1307           7. The total number of full-time equivalent employees  
1308 employed by the applicant in this state.

1309           8. The percentage of the applicant's gross receipts  
1310 derived from space flight business contracts during the 5  
1311 taxable years immediately preceding the date the application is  
1312 submitted.

1313           9. The number of full-time equivalent jobs in this state  
1314 to be retained by the project.

1315           10. A brief statement concerning the applicant's need for  
1316 tax refunds and the proposed uses of such refunds by the  
1317 applicant.

1318           11. A resolution adopted by the governing board of the  
1319 county or municipality in which the project will be located  
1320 which recommends the applicant be approved as a qualified  
1321 applicant and indicates that the necessary commitments of local  
1322 financial support for the applicant exist. Prior to the adoption  
1323 of the resolution, the county commission may review the proposed  
1324 public or private sources of such support and determine whether  
1325 the proposed sources of local financial support can be provided  
1326 or, for any applicant whose project is located in a county  
1327 designated by the Rural Economic Development Initiative, a  
1328 resolution adopted by the county commissioners of such county



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1329 requesting that the applicant's project be exempt from the local  
1330 financial support requirement.

1331 12. Any additional information requested by the office.

1332 (5) ANNUAL CLAIM FOR REFUND.--

1333 (c) A tax refund may not be approved for any qualified  
1334 applicant unless local financial support has been paid to the  
1335 Economic Development Trust Fund for that refund. If the local  
1336 financial support is less than 20 percent of the approved tax  
1337 refund, the tax refund shall be reduced. The tax refund paid may  
1338 not exceed 5 times the local financial support received. Funding  
1339 from local sources includes tax abatement under s. 196.1995 or  
1340 the appraised market value of municipal or county land,  
1341 including any improvements or structures, conveyed or provided  
1342 at a discount through a sale or lease to that applicant. The  
1343 amount of any tax refund for an applicant approved under this  
1344 section shall be reduced by the amount of any such tax abatement  
1345 granted or the value of the land granted, including the value of  
1346 any improvements or structures; and the limitations in  
1347 subsection (2) ~~and paragraph (3) (h)~~ shall be reduced by the  
1348 amount of any such tax abatement or the value of the land  
1349 granted, including any improvements or structures. A report  
1350 listing all sources of the local financial support shall be  
1351 provided to the office when such support is paid to the Economic  
1352 Development Trust Fund.

1353 Section 16. Paragraphs (k) and (t) of subsection (1),  
1354 paragraph (b) of subsection (2), subsection (3), paragraph (b)  
1355 of subsection (4), paragraph (c) of subsection (5), and  
1356 subsection (8) of section 288.106, Florida Statutes, are

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1357 amended, and paragraph (v) is added to subsection (1) of that  
 1358 section, to read:

1359 288.106 Tax refund program for qualified target industry  
 1360 businesses.--

1361 (1) DEFINITIONS.--As used in this section:

1362 (k) "Local financial support exemption option" means the  
 1363 option to exercise an exemption from the local financial support  
 1364 requirement available to any applicant whose project is located  
 1365 in a brownfield area or a county with a population of 75,000 or  
 1366 fewer, ~~or~~ a county with a population of 125,000 ~~100,000~~ or fewer  
 1367 that which is contiguous to a county with a population of 75,000  
 1368 or fewer, or a county with a population density of no more than  
 1369 550 persons per square mile that is contiguous to either Alabama  
 1370 or Georgia and that does not contain the state capital. Any  
 1371 applicant that exercises this option shall not be eligible for  
 1372 more than 80 percent of the total tax refunds allowed such  
 1373 applicant under this section.

1374 (t) "Rural community" means:

- 1375 1. A county with a population of 75,000 or less.
- 1376 2. A county with a population of 125,000 ~~100,000~~ or less  
 1377 that is contiguous to a county with a population of 75,000 or  
 1378 less.
- 1379 3. A county with a population density of no more than 550  
 1380 persons per square mile that is contiguous to either Alabama or  
 1381 Georgia and that does not contain the state capital.

1382 ~~4.3.~~ A municipality within a county described in  
 1383 subparagraph 1. or subparagraph 2.

1384

1385 For purposes of this paragraph, population shall be determined  
 1386 in accordance with the most recent official estimate pursuant to  
 1387 s. 186.901.

1388 (v) "Targeted industry zone" means any catalyst site  
 1389 designated pursuant to s. 288.0656(2)(b) and any area with a  
 1390 sector plan adopted pursuant to s. 163.3245.

1391 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1392 (b) Upon approval by the director, a qualified target  
 1393 industry business shall be allowed tax refund payments equal to  
 1394 \$3,000 times the number of jobs specified in the tax refund  
 1395 agreement under subparagraph (4)(a)1., or equal to \$6,000 times  
 1396 the number of jobs if the project is located in a rural county,  
 1397 a targeted industry zone, or an enterprise zone. Further, a  
 1398 qualified target industry business shall be allowed additional  
 1399 tax refund payments equal to \$1,000 times the number of jobs  
 1400 specified in the tax refund agreement under subparagraph  
 1401 (4)(a)1., if such jobs pay an annual average wage of at least  
 1402 150 percent of the average private sector wage in the area, or  
 1403 equal to \$2,000 times the number of jobs if such jobs pay an  
 1404 annual average wage of at least 200 percent of the average  
 1405 private sector wage in the area. A qualified target industry  
 1406 business may not receive refund payments of more than 25 percent  
 1407 of the total tax refunds specified in the tax refund agreement  
 1408 under subparagraph (4)(a)1. in any fiscal year. Further, a  
 1409 qualified target industry business may not receive more than  
 1410 \$1.5 million in refunds under this section in any single fiscal  
 1411 year, or more than \$2.5 million in any single fiscal year if the  
 1412 project is located in an enterprise zone. A qualified target

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1413 industry may not receive more than \$5 million in refund payments  
 1414 under this section in all fiscal years, or more than \$7.5  
 1415 million if the project is located in an enterprise zone. Funds  
 1416 made available pursuant to this section may not be expended in  
 1417 connection with the relocation of a business from one community  
 1418 to another community in this state unless the Office of Tourism,  
 1419 Trade, and Economic Development determines that without such  
 1420 relocation the business will move outside this state or  
 1421 determines that the business has a compelling economic rationale  
 1422 for the relocation and that the relocation will create  
 1423 additional jobs.

1424 (3) APPLICATION AND APPROVAL PROCESS.--

1425 (a) To apply for certification as a qualified target  
 1426 industry business under this section, the business must file an  
 1427 application with the office before the business has made the  
 1428 decision to locate a new business in this state or before the  
 1429 business had made the decision to expand an existing business in  
 1430 this state. The application shall include, but is not limited  
 1431 to, the following information:

1432 1. The applicant's federal employer identification number  
 1433 and the applicant's state sales tax registration number.

1434 2. The permanent location of the applicant's facility in  
 1435 this state at which the project is or is to be located.

1436 3. A description of the type of business activity or  
 1437 product covered by the project, including a minimum of a five-  
 1438 digit NAICS code ~~four-digit SIC codes~~ for all activities  
 1439 included in the project. As used in this paragraph, "NAICS"  
 1440 means those classifications contained in the North American

1441 Industry Classification System, as published in 2007 by the  
 1442 Office of Management and Budget, Executive Office of the  
 1443 President.

1444 4. The number of net new full-time equivalent Florida jobs  
 1445 at the qualified target industry business as of December 31 of  
 1446 each year included in the project and the average wage of those  
 1447 jobs. If more than one type of business activity or product is  
 1448 included in the project, the number of jobs and average wage for  
 1449 those jobs must be separately stated for each type of business  
 1450 activity or product.

1451 5. The total number of full-time equivalent employees  
 1452 employed by the applicant in this state.

1453 6. The anticipated commencement date of the project.

1454 7. A brief statement concerning the role that the tax  
 1455 refunds requested will play in the decision of the applicant to  
 1456 locate or expand in this state.

1457 8. An estimate of the proportion of the sales resulting  
 1458 from the project that will be made outside this state.

1459 9. A resolution adopted by the governing board of the  
 1460 county or municipality in which the project will be located,  
 1461 which resolution recommends that certain types of businesses be  
 1462 approved as a qualified target industry business and states that  
 1463 the commitments of local financial support necessary for the  
 1464 target industry business exist. In advance of the passage of  
 1465 such resolution, the office may also accept an official letter  
 1466 from an authorized local economic development agency that  
 1467 endorses the proposed target industry project and pledges that  
 1468 sources of local financial support for such project exist. For

1469 the purposes of making pledges of local financial support under  
 1470 this subsection, the authorized local economic development  
 1471 agency shall be officially designated by the passage of a one-  
 1472 time resolution by the local governing authority.

1473 10. Any additional information requested by the office.

1474 (b) To qualify for review by the office, the application  
 1475 of a target industry business must, at a minimum, establish the  
 1476 following to the satisfaction of the office:

1477 1. The jobs proposed to be provided under the application,  
 1478 pursuant to subparagraph (a)4., must pay an estimated annual  
 1479 average wage equaling at least 115 percent of the average  
 1480 private sector wage in the area where the business is to be  
 1481 located or the statewide private sector average wage. In  
 1482 determining the average annual wage, the office shall only  
 1483 include new proposed jobs, and wages for existing jobs shall be  
 1484 excluded from this calculation. The office may waive the ~~this~~  
 1485 average wage requirement at the request of the local governing  
 1486 body recommending the project and Enterprise Florida, Inc. The  
 1487 wage requirement may only be waived for a project located in a  
 1488 brownfield area designated under s. 376.80, ~~or~~ in a rural city  
 1489 or county, in a targeted industry zone, or in an enterprise zone  
 1490 and only when the merits of the individual project or the  
 1491 specific circumstances in the community in relationship to the  
 1492 project warrant such action. If the local governing body and  
 1493 Enterprise Florida, Inc., make such a recommendation, it must be  
 1494 transmitted in writing and the specific justification for the  
 1495 waiver recommendation must be explained. If the director elects  
 1496 to waive the wage requirement, the waiver must be stated in

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1497 writing and the reasons for granting the waiver must be  
1498 explained.

1499       2. The target industry business's project must result in  
1500 the creation of at least 10 jobs at such project and, if an  
1501 expansion of an existing business, must result in a net increase  
1502 in employment of at least ~~not less than~~ 10 percent at the such  
1503 business. Notwithstanding the definition of the term "expansion  
1504 of an existing business" in paragraph (1)(g), at the request of  
1505 the local governing body recommending the project and Enterprise  
1506 Florida, Inc., the office may define an "expansion of an  
1507 existing business" in a rural community or an enterprise zone as  
1508 the expansion of a business resulting in a net increase in  
1509 employment of less than 10 percent at such business if the  
1510 merits of the individual project or the specific circumstances  
1511 in the community in relationship to the project warrant such  
1512 action. If the local governing body and Enterprise Florida,  
1513 Inc., make such a request, the request ~~it~~ must be transmitted in  
1514 writing and the specific justification for the request must be  
1515 explained. If the director elects to grant the such request, the  
1516 grant such election must be stated in writing and the reason for  
1517 granting the request must be explained.

1518       3. The business activity or product for the applicant's  
1519 project is within an industry or industries that have been  
1520 identified by the office to be high-value-added industries that  
1521 contribute to the area and to the economic growth of the state  
1522 and that produce a higher standard of living for residents  
1523 ~~citizens~~ of this state in the new global economy or that can be  
1524 shown to make an equivalent contribution to the area and state's

1525 economic progress. The director must approve requests to waive  
 1526 the wage requirement for brownfield areas designated under s.  
 1527 376.80 unless it is demonstrated that such action is not in the  
 1528 public interest.

1529 (c) Each application meeting the requirements of paragraph  
 1530 (b) must be submitted to the office for determination of  
 1531 eligibility. The office shall review and evaluate each  
 1532 application based on, but not limited to, the following  
 1533 criteria:

1534 1. Expected contributions to the state strategic economic  
 1535 development plan adopted by Enterprise Florida, Inc., taking  
 1536 into account the long-term effects of the project and of the  
 1537 applicant on the state economy.

1538 2. The economic benefit of the jobs created by the project  
 1539 in this state, taking into account the cost and average wage of  
 1540 each job created.

1541 3. The amount of capital investment to be made by the  
 1542 applicant in this state.

1543 4. The local commitment and support for the project.

1544 5. The effect of the project on the local community,  
 1545 taking into account the unemployment rate for the county where  
 1546 the project will be located.

1547 6. The effect of any tax refunds granted pursuant to this  
 1548 section on the viability of the project and the probability that  
 1549 the project will be undertaken in this state if such tax refunds  
 1550 are granted to the applicant, taking into account the expected  
 1551 long-term commitment of the applicant to economic growth and  
 1552 employment in this state.



1553 7. The expected long-term commitment to this state  
1554 resulting from the project.

1555 8. A review of the business's past activities in this  
1556 state or other states, including whether such business has been  
1557 subjected to criminal or civil fines and penalties. ~~Nothing in~~  
1558 This subparagraph does not ~~shall~~ require the disclosure of  
1559 confidential information.

1560 (d) Applications shall be reviewed and certified pursuant  
1561 to s. 288.061. ~~The office shall forward its written findings and~~  
1562 ~~evaluation concerning each application meeting the requirements~~  
1563 ~~of paragraph (b) to the director within 45 calendar days after~~  
1564 ~~receipt of a complete application. The office shall notify each~~  
1565 ~~target industry business when its application is complete, and~~  
1566 ~~of the time when the 45-day period begins. In its written report~~  
1567 ~~to the director, the office shall specifically address each of~~  
1568 ~~the factors specified in paragraph (c) and shall make a specific~~  
1569 ~~assessment with respect to the minimum requirements established~~  
1570 ~~in paragraph (b).~~ The office shall include in its review report  
1571 projections of the tax refunds the business would be eligible to  
1572 receive in each fiscal year based on the creation and  
1573 maintenance of the net new Florida jobs specified in  
1574 subparagraph (a)4. as of December 31 of the preceding state  
1575 fiscal year.

1576 ~~(e)1. Within 30 days after receipt of the office's~~  
1577 ~~findings and evaluation, the director shall issue a letter of~~  
1578 ~~certification that either approves or disapproves the~~  
1579 ~~application of the target industry business. The decision must~~

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1580 ~~be in writing and must provide the justifications for approval~~  
1581 ~~or disapproval.~~

1582       ~~2.~~ If appropriate, the director shall enter into a written  
1583 agreement with the qualified target industry business pursuant  
1584 to subsection (4).

1585       ~~(e)-(f)~~ The director may not certify any target industry  
1586 business as a qualified target industry business if the value of  
1587 tax refunds to be included in that letter of certification  
1588 exceeds the available amount of authority to certify new  
1589 businesses as determined in s. 288.095(3). However, if the  
1590 commitments of local financial support represent less than 20  
1591 percent of the eligible tax refund payments, or to otherwise  
1592 preserve the viability and fiscal integrity of the program, the  
1593 director may certify a qualified target industry business to  
1594 receive tax refund payments of less than the allowable amounts  
1595 specified in paragraph (2) (b). A letter of certification that  
1596 approves an application must specify the maximum amount of tax  
1597 refund that will be available to the qualified industry business  
1598 in each fiscal year and the total amount of tax refunds that  
1599 will be available to the business for all fiscal years.

1600       ~~(f)-(g)~~ ~~Nothing in~~ This section does not ~~shall~~ create a  
1601 presumption that an applicant shall ~~will~~ receive any tax refunds  
1602 under this section. However, the office may issue nonbinding  
1603 opinion letters, upon the request of prospective applicants, as  
1604 to the applicants' eligibility and the potential amount of  
1605 refunds.

1606       (4) TAX REFUND AGREEMENT.--

1607 (b) Compliance with the terms and conditions of the  
 1608 agreement is a condition precedent for the receipt of a tax  
 1609 refund each year. The failure to comply with the terms and  
 1610 conditions of the tax refund agreement results in the loss of  
 1611 eligibility for receipt of all tax refunds previously authorized  
 1612 under this section and the revocation by the director of the  
 1613 certification of the business entity as a qualified target  
 1614 industry business, unless the business is eligible to receive  
 1615 and elects to accept a prorated refund under paragraph (5)(d) or  
 1616 the office grants the business an economic-stimulus exemption.

1617 1. A qualified target industry business may submit, in  
 1618 writing, a request to the office for an economic-stimulus  
 1619 exemption. The request must provide quantitative evidence  
 1620 demonstrating how negative economic conditions in the business's  
 1621 industry, the effects of the impact of a named hurricane or  
 1622 tropical storm, or specific acts of terrorism affecting the  
 1623 qualified target industry business have prevented the business  
 1624 from complying with the terms and conditions of its tax refund  
 1625 agreement.

1626 2. Upon receipt of a request under subparagraph 1., the  
 1627 director shall have 45 days to notify the requesting business,  
 1628 in writing, if its exemption has been granted or denied. In  
 1629 determining if an exemption should be granted, the director  
 1630 shall consider the extent to which negative economic conditions  
 1631 in the requesting business's industry have occurred in the state  
 1632 or~~7~~ the effects of the impact of a named hurricane or tropical  
 1633 storm~~7~~ or specific acts of terrorism affecting the qualified  
 1634 target industry business have prevented the business from

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1635 complying with the terms and conditions of its tax refund  
1636 agreement. The office shall consider current employment  
1637 statistics for this state by industry, including whether the  
1638 business's industry had substantial job loss during the prior  
1639 year, when determining whether an exemption shall be granted.

1640 3. As a condition for receiving a prorated refund under  
1641 paragraph (5) (d) or an economic-stimulus exemption under this  
1642 paragraph, a qualified target industry business must agree to  
1643 renegotiate its tax refund agreement with the office to, at a  
1644 minimum, ensure that the terms of the agreement comply with  
1645 current law and office procedures governing application for and  
1646 award of tax refunds. Upon approving the award of a prorated  
1647 refund or granting an economic-stimulus exemption, the office  
1648 shall renegotiate the tax refund agreement with the business as  
1649 required by this subparagraph. When amending the agreement of a  
1650 business receiving an economic-stimulus exemption, the office  
1651 may extend the duration of the agreement for a period not to  
1652 exceed 2 years.

1653 4. A qualified target industry business may submit a  
1654 request for an economic-stimulus exemption to the office in lieu  
1655 of any tax refund claim scheduled to be submitted after January  
1656 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1657 5. A qualified target industry business that receives an  
1658 economic-stimulus exemption may not receive a tax refund for the  
1659 period covered by the exemption.

1660 (5) ANNUAL CLAIM FOR REFUND.--

1661 (c) A tax refund may not be approved for a qualified  
1662 target industry business unless the required local financial

1663 support has been paid into the account for that refund. If the  
 1664 local financial support provided is less than 20 percent of the  
 1665 approved tax refund, the tax refund must be reduced. In no event  
 1666 may the tax refund exceed an amount that is equal to 5 times the  
 1667 amount of the local financial support received. Further, funding  
 1668 from local sources includes any tax abatement granted to that  
 1669 business under s. 196.1995 or the appraised market value of  
 1670 municipal or county land conveyed or provided at a discount to  
 1671 that business. The amount of any tax refund for such business  
 1672 approved under this section must be reduced by the amount of any  
 1673 such tax abatement granted or the value of the land granted; and  
 1674 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must  
 1675 be reduced by the amount of any such tax abatement or the value  
 1676 of the land granted. A report listing all sources of the local  
 1677 financial support shall be provided to the office when such  
 1678 support is paid to the account.

1679 (8) EXPIRATION.--An applicant may not be certified as  
 1680 qualified under this section after June 30, 2014 ~~2010~~. A tax  
 1681 refund agreement existing on that date shall continue in effect  
 1682 in accordance with its terms.

1683 Section 17. Paragraph (e) of subsection (1), paragraph (b)  
 1684 of subsection (3), and paragraph (f) of subsection (4) of  
 1685 section 288.107, Florida Statutes, are amended, and paragraph  
 1686 (e) is added to subsection (3) of that section, to read:

1687 288.107 Brownfield redevelopment bonus refunds.--

1688 (1) Definitions.--As used in this section:

1689 (e) "Eligible business" means:

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1690 1. A qualified target industry business as defined in s.  
1691 288.106(1) (o); or

1692 2. A business that can demonstrate a fixed capital  
1693 investment of at least \$2 million in mixed-use business  
1694 activities, including multiunit housing, commercial, retail, and  
1695 industrial in brownfield areas, or at least \$500,000 in  
1696 brownfield areas that do not require site cleanup, and which  
1697 provides benefits to its employees.

1698 (3) CRITERIA.--The minimum criteria for participation in  
1699 the brownfield redevelopment bonus refund are:

1700 (b) The completion of a fixed capital investment of at  
1701 least \$2 million in mixed-use business activities, including  
1702 multiunit housing, commercial, retail, and industrial in  
1703 brownfield areas, or at least \$500,000 in brownfield areas that  
1704 do not require site cleanup, by an eligible business applying  
1705 for a refund under paragraph (2) (b) which provides benefits to  
1706 its employees.

1707 (e) A resolution adopted by the governing board of the  
1708 county or municipality in which the project will be located that  
1709 recommends that certain types of businesses be approved.

1710 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1711 (f) Applications shall be reviewed and certified pursuant  
1712 to s. 288.061. The office shall review all applications  
1713 submitted under s. 288.106 or other similar application forms  
1714 for other eligible businesses as defined in paragraph (1) (e)  
1715 which indicate that the proposed project will be located in a  
1716 brownfield and determine, with the assistance of the Department

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1717 of Environmental Protection, that the project location is within  
1718 a brownfield as provided in this act.

1719 Section 18. Paragraphs (b), (c), and (d) of subsection (5)  
1720 and subsections (7) and (8) of section 288.108, Florida  
1721 Statutes, are amended to read:

1722 288.108 High-impact business.--

1723 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT  
1724 AGREEMENT.--

1725 (b) Applications shall be reviewed and certified pursuant  
1726 to s. 288.061. Enterprise Florida, Inc., shall review each  
1727 submitted application and inform the applicant business whether  
1728 or not its application is complete within 10 working days. Once  
1729 the application is deemed complete, Enterprise Florida, Inc.,  
1730 has 10 working days within which to evaluate the application and  
1731 recommend approval or disapproval of the application to the  
1732 director. In recommending an applicant business for approval,  
1733 Enterprise Florida, Inc., shall include a recommended grant  
1734 award amount in its evaluation forwarded to the office.

1735 ~~(c) Upon receipt of the evaluation and recommendation of~~  
1736 ~~Enterprise Florida, Inc., the director has 5 working days to~~  
1737 ~~enter a final order that either approves or disapproves an~~  
1738 ~~applicant business as a qualified high-impact business facility,~~  
1739 ~~unless the business requests an extension of the time. The final~~  
1740 ~~order shall specify the total amount of the qualified high-~~  
1741 ~~impact business facility performance grant award, the~~  
1742 ~~performance conditions that must be met to obtain the award, and~~  
1743 ~~the schedule for payment of the performance grant.~~

1744        (c) ~~(d)~~ The director and the qualified high-impact business  
 1745 shall enter into a performance grant agreement setting forth the  
 1746 conditions for payment of the qualified high-impact business  
 1747 performance grant. The agreement shall include the total amount  
 1748 of the qualified high-impact business facility performance grant  
 1749 award, the performance conditions that must be met to obtain the  
 1750 award, including the employment, average salary, investment, the  
 1751 methodology for determining if the conditions have been met, and  
 1752 the schedule of performance grant payments.

1753        ~~(7) REPORTING.--The office shall by December 1 of each~~  
 1754 ~~year issue a complete and detailed report of all designated~~  
 1755 ~~high-impact sectors, all applications received and their~~  
 1756 ~~disposition, all final orders issued, and all payments made,~~  
 1757 ~~including analyses of benefits and costs, types of projects~~  
 1758 ~~supported, and employment and investments created. The report~~  
 1759 ~~shall be submitted to the Governor, the President of the Senate,~~  
 1760 ~~and the Speaker of the House of Representatives.~~

1761        (7) ~~(8)~~ RULEMAKING.--The office may adopt rules necessary  
 1762 to carry out the provisions of this section.

1763        Section 19. Paragraphs (a) and (b) of subsection (3) of  
 1764 section 288.1088, Florida Statutes, are amended to read:

1765        288.1088 Quick Action Closing Fund.--

1766        (3) (a) Enterprise Florida, Inc., shall review applications  
 1767 pursuant to s. 288.061 and determine eligibility of each project  
 1768 consistent with the criteria in subsection (2). Enterprise  
 1769 Florida, Inc., in consultation with the Office of Tourism,  
 1770 Trade, and Economic Development, may waive these criteria based  
 1771 on extraordinary circumstances or in rural areas of critical



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1772 economic concern if the project would significantly benefit the  
1773 local or regional economy. Enterprise Florida, Inc., shall  
1774 evaluate individual proposals for high-impact business  
1775 facilities and forward recommendations regarding the use of  
1776 moneys in the fund for such facilities to the director of the  
1777 Office of Tourism, Trade, and Economic Development. Such  
1778 evaluation and recommendation must include, but need not be  
1779 limited to:

1780 1. A description of the type of facility or  
1781 infrastructure, its operations, and the associated product or  
1782 service associated with the facility.

1783 2. The number of full-time-equivalent jobs that will be  
1784 created by the facility and the total estimated average annual  
1785 wages of those jobs or, in the case of privately developed rural  
1786 infrastructure, the types of business activities and jobs  
1787 stimulated by the investment.

1788 3. The cumulative amount of investment to be dedicated to  
1789 the facility within a specified period.

1790 4. A statement of any special impacts the facility is  
1791 expected to stimulate in a particular business sector in the  
1792 state or regional economy or in the state's universities and  
1793 community colleges.

1794 5. A statement of the role the incentive is expected to  
1795 play in the decision of the applicant business to locate or  
1796 expand in this state or for the private investor to provide  
1797 critical rural infrastructure.

1798 6. A report evaluating the quality and value of the  
1799 company submitting a proposal. The report must include:

1800 a. A financial analysis of the company, including an  
 1801 evaluation of the company's short-term liquidity ratio as  
 1802 measured by its assets to liability, the company's profitability  
 1803 ratio, and the company's long-term solvency as measured by its  
 1804 debt-to-equity ratio;

1805 b. The historical market performance of the company;

1806 c. A review of any independent evaluations of the company;

1807 d. A review of the latest audit of the company's financial  
 1808 statement and the related auditor's management letter; and

1809 e. A review of any other types of audits that are related  
 1810 to the internal and management controls of the company.

1811 (b) Within 22 calendar days after receiving ~~Upon receipt~~  
 1812 ~~of~~ the evaluation and recommendation from Enterprise Florida,  
 1813 Inc., the director shall recommend to the Governor approval or  
 1814 disapproval of a project for receipt of funds from the Quick  
 1815 Action Closing Fund ~~to the Governor~~. In recommending a project,  
 1816 the director shall include proposed performance conditions that  
 1817 the project must meet to obtain incentive funds. The Governor  
 1818 shall provide the evaluation of projects recommended for  
 1819 approval to the President of the Senate and the Speaker of the  
 1820 House of Representatives and consult with the President of the  
 1821 Senate and the Speaker of the House of Representatives before  
 1822 giving final approval for a project. The Executive Office of the  
 1823 Governor shall recommend approval of a project and the release  
 1824 of funds pursuant to the legislative consultation and review  
 1825 requirements set forth in s. 216.177. The recommendation must  
 1826 include proposed performance conditions that the project must  
 1827 meet in order to obtain funds.

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1828 Section 20. Section 288.1089, Florida Statutes, is amended  
 1829 to read:

1830 288.1089 Innovation Incentive Program.--

1831 (1) The Innovation Incentive Program is created within the  
 1832 Office of Tourism, Trade, and Economic Development to ensure  
 1833 that sufficient resources are available to allow the state to  
 1834 respond expeditiously to extraordinary economic opportunities  
 1835 and to compete effectively for high-value research and  
 1836 development, alternative and renewable energy, and innovation  
 1837 business projects.

1838 (2) As used in this section, the term:

1839 (a) "Alternative and renewable energy" means electrical,  
 1840 mechanical, or thermal energy produced from a method that uses  
 1841 one or more of the following fuels or energy sources: ethanol,  
 1842 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,  
 1843 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,  
 1844 or geothermal.

1845 (b) "Average private sector wage" means the statewide  
 1846 average wage in the private sector or the average of all private  
 1847 sector wages in the county or in the standard metropolitan area  
 1848 in which the project is located as determined by the Agency for  
 1849 Workforce Innovation.

1850 (c) "Brownfield area" means an area designated as a  
 1851 brownfield area pursuant to s. 376.80.

1852 (d) "Commission" means the Florida Energy and Climate  
 1853 Commission.

1854        (e)~~(d)~~ "Cumulative investment" means cumulative capital  
1855 investment and all eligible capital costs, as defined in s.  
1856 220.191.

1857        (f)~~(e)~~ "Director" means the director of the Office of  
1858 Tourism, Trade, and Economic Development.

1859        (g)~~(f)~~ "Enterprise zone" means an area designated as an  
1860 enterprise zone pursuant to s. 290.0065.

1861        (h)~~(g)~~ "Fiscal year" means the state fiscal year.

1862        (i) "Industry wage" means the average annual wage paid to  
1863 employees in a particular industry, as designated by the North  
1864 American Industry Classification System (NAICS) and compiled by  
1865 the Bureau of Labor Statistics of the United States Department  
1866 of Labor.

1867        (j)~~(h)~~ "Innovation business" means a business expanding or  
1868 locating in this state that is likely to serve as a catalyst for  
1869 the growth of an existing or emerging technology cluster or will  
1870 significantly impact the regional economy in which it is to  
1871 expand or locate.

1872        (k)~~(i)~~ "Jobs" means full-time equivalent positions, as  
1873 that term is consistent with terms used by the Agency for  
1874 Workforce Innovation and the United States Department of Labor  
1875 for purposes of unemployment compensation tax administration and  
1876 employment estimation, resulting directly from a project in this  
1877 state. The term does not include temporary construction jobs.

1878        (l)~~(j)~~ "Match" means funding from local sources, public or  
1879 private, which will be paid to the applicant and which is equal  
1880 to 100 percent of an award. Eligible match funding may include  
1881 any tax abatement granted to the applicant under s. 196.1995 or

1882 the appraised market value of land, buildings, infrastructure,  
 1883 or equipment conveyed or provided at a discount to the  
 1884 applicant. Complete documentation of a match payment or other  
 1885 conveyance must be presented to and verified by the office prior  
 1886 to transfer of state funds to an applicant. An applicant may not  
 1887 provide, directly or indirectly, more than 5 percent of match  
 1888 funding in any fiscal year. The sources of such funding may not  
 1889 include, directly or indirectly, state funds appropriated from  
 1890 the General Revenue Fund or any state trust fund, excluding tax  
 1891 revenues shared with local governments pursuant to law.

1892 (m) ~~(k)~~ "Office" means the Office of Tourism, Trade, and  
 1893 Economic Development.

1894 (n) ~~(l)~~ "Project" means the location to or expansion in  
 1895 this state by an innovation business, alternative and renewable  
 1896 energy business, or research and development applicant approved  
 1897 for an award pursuant to this section.

1898 (o) ~~(m)~~ "Research and development" means basic and applied  
 1899 research in the sciences or engineering, as well as the design,  
 1900 development, and testing of prototypes or processes of new or  
 1901 improved products. Research and development does not include  
 1902 market research, routine consumer product testing, sales  
 1903 research, research in the social sciences or psychology,  
 1904 nontechnological activities, or technical services.

1905 (p) ~~(n)~~ "Research and development facility" means a  
 1906 facility that is predominately engaged in research and  
 1907 development activities. For purposes of this paragraph, the term  
 1908 "predominantly" means at least 51 percent of the time.

1909            (g) ~~(e)~~ "Rural area" means a rural city, rural community,  
 1910 or rural county as defined in s. 288.106.

1911            (3) To be eligible for consideration for an innovation  
 1912 incentive award, an innovation business, a ~~or~~ research and  
 1913 development entity, or an alternative and renewable energy  
 1914 company project must submit a written application to Enterprise  
 1915 Florida, Inc., before making a decision to locate new operations  
 1916 in this state or expand an existing operation in this state. The  
 1917 application must include, but not be limited to:

1918            (a) The applicant's federal employer identification  
 1919 number, unemployment account number, and state sales tax  
 1920 registration number. If such numbers are not available at the  
 1921 time of application, they must be submitted to the office in  
 1922 writing prior to the disbursement of any payments under this  
 1923 section.

1924            (b) The location in this state at which the project is  
 1925 located or is to be located.

1926            (c) A description of the type of business activity,  
 1927 product, or research and development undertaken by the  
 1928 applicant, including six-digit North American Industry  
 1929 Classification System codes for all activities included in the  
 1930 project.

1931            (d) The applicant's projected investment in the project.

1932            (e) The total investment, from all sources, in the  
 1933 project.

1934            (f) The number of net new full-time equivalent jobs in  
 1935 this state the applicant anticipates having created as of

1936 | December 31 of each year in the project and the average annual  
 1937 | wage of such jobs.

1938 |         (g) The total number of full-time equivalent employees  
 1939 | currently employed by the applicant in this state, if  
 1940 | applicable.

1941 |         (h) The anticipated commencement date of the project.

1942 |         (i) A detailed explanation of why the innovation incentive  
 1943 | is needed to induce the applicant to expand or locate in the  
 1944 | state and whether an award would cause the applicant to locate  
 1945 | or expand in this state.

1946 |         (j) If applicable, an estimate of the proportion of the  
 1947 | revenues resulting from the project that will be generated  
 1948 | outside this state.

1949 |         (4) To qualify for review by the office, the applicant  
 1950 | must, at a minimum, establish the following to the satisfaction  
 1951 | of Enterprise Florida, Inc., and the office:

1952 |         (a) The jobs created by the project must pay an estimated  
 1953 | annual average wage equaling at least 130 percent of the average  
 1954 | private sector wage. The office may waive this average wage  
 1955 | requirement at the request of Enterprise Florida, Inc., for a  
 1956 | project located in a rural area, a brownfield area, or an  
 1957 | enterprise zone, when the merits of the individual project or  
 1958 | the specific circumstances in the community in relationship to  
 1959 | the project warrant such action. A recommendation for waiver by  
 1960 | Enterprise Florida, Inc., must include a specific justification  
 1961 | for the waiver and be transmitted to the office in writing. If  
 1962 | the director elects to waive the wage requirement, the waiver

1963 must be stated in writing and the reasons for granting the  
 1964 waiver must be explained.

1965 (b) A research and development project must:

1966 1. Serve as a catalyst for an emerging or evolving  
 1967 technology cluster.

1968 2. Demonstrate a plan for significant higher education  
 1969 collaboration.

1970 3. Provide the state, at a minimum, a break-even return on  
 1971 investment within a 20-year period.

1972 4. Be provided with a one-to-one match from the local  
 1973 community. The match requirement may be reduced or waived in  
 1974 rural areas of critical economic concern or reduced in rural  
 1975 areas, brownfield areas, and enterprise zones.

1976 (c) An innovation business project in this state, other  
 1977 than a research and development project, must:

1978 1.a. Result in the creation of at least 1,000 direct, new  
 1979 jobs at the business; or

1980 b. Result in the creation of at least 500 direct, new jobs  
 1981 if the project is located in a rural area, a brownfield area, or  
 1982 an enterprise zone.

1983 2. Have an activity or product that is within an industry  
 1984 that is designated as a target industry business under s.  
 1985 288.106 or a designated sector under s. 288.108.

1986 3.a. Have a cumulative investment of at least \$500 million  
 1987 within a 5-year period; or

1988 b. Have a cumulative investment that exceeds \$250 million  
 1989 within a 10-year period if the project is located in a rural  
 1990 area, brownfield area, or an enterprise zone.



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1991 4. Be provided with a one-to-one match from the local  
 1992 community. The match requirement may be reduced or waived in  
 1993 rural areas of critical economic concern or reduced in rural  
 1994 areas, brownfield areas, and enterprise zones.

1995 (d) For an alternative and renewable energy project in  
 1996 this state, the project must:

1997 1. Demonstrate a plan for significant collaboration with  
 1998 an institution of higher education.†

1999 2. Provide the state, at a minimum, a break-even return on  
 2000 investment within a 20-year period.†

2001 3. Include matching funds provided by the applicant or  
 2002 other available sources. The match requirement may be reduced or  
 2003 waived in rural areas of critical economic concern or reduced in  
 2004 rural areas, brownfield areas, and enterprise zones. This  
 2005 requirement may be waived if the office and the department  
 2006 determine that the merits of the individual project or the  
 2007 specific circumstances warrant such action;

2008 4. Be located in this state.†

2009 5. Provide at least 35 direct, new jobs that pay an  
 2010 estimated annual average wage that equals at least 130 percent  
 2011 of the average private sector wage. ~~The average wage requirement~~  
 2012 ~~may be waived if the office and the commission determine that~~  
 2013 ~~the merits of the individual project or the specific~~  
 2014 ~~circumstances warrant such action; and~~

2015 6. ~~Meet one of the following criteria:~~

2016 a. ~~Result in the creation of at least 35 direct, new jobs~~  
 2017 ~~at the business.~~

2018            ~~b. Have an activity or product that uses feedstock or~~  
 2019 ~~other raw materials grown or produced in this state.~~

2020            ~~e. Have a cumulative investment of at least \$50 million~~  
 2021 ~~within a 5-year period.~~

2022            ~~d. Address the technical feasibility of the technology,~~  
 2023 ~~and the extent to which the proposed project has been~~  
 2024 ~~demonstrated to be technically feasible based on pilot project~~  
 2025 ~~demonstrations, laboratory testing, scientific modeling, or~~  
 2026 ~~engineering or chemical theory that supports the proposal.~~

2027            ~~e. Include innovative technology and the degree to which~~  
 2028 ~~the project or business incorporates an innovative new~~  
 2029 ~~technology or an innovative application of an existing~~  
 2030 ~~technology.~~

2031            ~~f. Include production potential and the degree to which a~~  
 2032 ~~project or business generates thermal, mechanical, or electrical~~  
 2033 ~~energy by means of a renewable energy resource that has~~  
 2034 ~~substantial long-term production potential. The project must, to~~  
 2035 ~~the extent possible, quantify annual production potential in~~  
 2036 ~~megawatts or kilowatts.~~

2037            ~~g. Include and address energy efficiency and the degree to~~  
 2038 ~~which a project demonstrates efficient use of energy, water, and~~  
 2039 ~~material resources.~~

2040            ~~h. Include project management and the ability of~~  
 2041 ~~management to administer and complete the business project.~~

2042            (5) Enterprise Florida, Inc., shall evaluate proposals for  
 2043 all three categories of innovation incentive awards and transmit  
 2044 recommendations for awards to the office. Before making its  
 2045 recommendations on alternative and renewable energy projects,

2046 Enterprise Florida, Inc., shall solicit comments and  
 2047 recommendations from the Florida Energy and Climate Commission  
 2048 ~~for alternative and renewable energy project proposals.~~ For each  
 2049 project, an ~~Such~~ evaluation and recommendation to the office  
 2050 must include, but need not be limited to:

2051 (a) A description of the project, its required facilities,  
 2052 and the associated product, service, or research and development  
 2053 associated with the project.

2054 (b) The percentage of match provided for the project.

2055 (c) The number of full-time equivalent jobs that will be  
 2056 created by the project, the total estimated average annual wages  
 2057 of such jobs, and the types of business activities and jobs  
 2058 likely to be stimulated by the project.

2059 (d) The cumulative investment to be dedicated to the  
 2060 project within 5 years and the total investment expected in the  
 2061 project if more than 5 years.

2062 (e) The projected economic and fiscal impacts on the local  
 2063 and state economies relative to investment.

2064 (f) A statement of any special impacts the project is  
 2065 expected to stimulate in a particular business sector in the  
 2066 state or regional economy or in the state's universities and  
 2067 community colleges.

2068 (g) A statement of any anticipated or proposed  
 2069 relationships with state universities.

2070 (h) A statement of the role the incentive is expected to  
 2071 play in the decision of the applicant to locate or expand in  
 2072 this state.

2073 (i) A recommendation and explanation of the amount of the  
 2074 award needed to cause the applicant to expand or locate in this  
 2075 state.

2076 (j) A discussion of the efforts and commitments made by  
 2077 the local community in which the project is to be located to  
 2078 induce the applicant's location or expansion, taking into  
 2079 consideration local resources and abilities.

2080 (k) A recommendation for specific performance criteria the  
 2081 applicant would be expected to achieve in order to receive  
 2082 payments from the fund and penalties or sanctions for failure to  
 2083 meet or maintain performance conditions.

2084 (l) Additional evaluation criteria for a research and  
 2085 development facility project include:

2086 1. A description of the extent to which the project has  
 2087 the potential to serve as catalyst for an emerging or evolving  
 2088 cluster.

2089 2. A description of the extent to which the project has or  
 2090 could have a long-term collaborative research and development  
 2091 relationship with one or more universities or community colleges  
 2092 in this state.

2093 3. A description of the existing or projected impact of  
 2094 the project on established clusters or targeted industry  
 2095 sectors.

2096 4. A description of the project's contribution to the  
 2097 diversity and resiliency of the innovation economy of this  
 2098 state.

2099 5. A description of the project's impact on special needs  
 2100 communities, including, but not limited to, rural areas,  
 2101 distressed urban areas, and enterprise zones.

2102 (m) Additional evaluation criteria for alternative and  
 2103 renewable energy proposals include:

2104 1. The availability of matching funds or other in-kind  
 2105 contributions applied to the total project from an applicant.  
 2106 The commission shall give greater preference to projects that  
 2107 provide such matching funds or other in-kind contributions.

2108 2. The degree to which the project stimulates in-state  
 2109 capital investment and economic development in metropolitan and  
 2110 rural areas, including the creation of jobs and the future  
 2111 development of a commercial market for renewable energy  
 2112 technologies.

2113 3. The extent to which the proposed project has been  
 2114 demonstrated to be technically feasible based on pilot project  
 2115 demonstrations, laboratory testing, scientific modeling, or  
 2116 engineering or chemical theory that supports the proposal.

2117 4. The degree to which the project incorporates an  
 2118 innovative new technology or an innovative application of an  
 2119 existing technology.

2120 5. The degree to which a project generates thermal,  
 2121 mechanical, or electrical energy by means of a renewable energy  
 2122 resource that has substantial long-term production potential.

2123 6. The degree to which a project demonstrates efficient  
 2124 use of energy and material resources.

2125 7. The degree to which the project fosters overall  
 2126 understanding and appreciation of renewable energy technologies.

- 2127 |       8. The ability to administer a complete project.
- 2128 |       9. Project duration and timeline for expenditures.
- 2129 |       10. The geographic area in which the project is to be
- 2130 | conducted in relation to other projects.
- 2131 |       11. The degree of public visibility and interaction.

2132 |       (6) In consultation with Enterprise Florida, Inc., the

2133 | office may negotiate the proposed amount of an award for any

2134 | applicant meeting the requirements of this section. In

2135 | negotiating such award, the office shall consider the amount of

2136 | the incentive needed to cause the applicant to locate or expand

2137 | in this state in conjunction with other relevant applicant

2138 | impact and cost information and analysis as described in this

2139 | section. Particular emphasis shall be given to the potential for

2140 | the project to stimulate additional private investment and high-

2141 | quality employment opportunities in the area.

2142 |       (7) Upon receipt of the evaluation and recommendation from

2143 | Enterprise Florida, Inc., ~~and from the Florida Energy and~~

2144 | ~~Climate Commission for alternative and renewable energy project~~

2145 | ~~proposals,~~ the director shall recommend to the Governor the

2146 | approval or disapproval of an award. In recommending approval of

2147 | an award, the director shall include proposed performance

2148 | conditions that the applicant must meet in order to obtain

2149 | incentive funds and any other conditions that must be met before

2150 | the receipt of any incentive funds. The Governor shall consult

2151 | with the President of the Senate and the Speaker of the House of

2152 | Representatives before giving approval for an award. Upon review

2153 | and approval of an award by the Legislative Budget Commission,

2154 | the Executive Office of the Governor shall release the funds

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2155 ~~pursuant to the legislative consultation and review requirements~~  
 2156 ~~set forth in s. 216.177.~~

2157 (8) (a) After the conditions ~~Upon approval by the Governor~~  
 2158 ~~and release of the funds as~~ set forth in subsection (7) have  
 2159 been met, the director shall issue a letter certifying the  
 2160 applicant as qualified for an award. The office and the award  
 2161 recipient ~~applicant~~ shall enter into an agreement that sets  
 2162 forth the conditions for payment of the incentive funds  
 2163 ~~incentives~~. The agreement must include, at a minimum:

- 2164 1. The total amount of funds awarded.~~†~~
- 2165 2. The performance conditions that must be met in order to  
 2166 obtain the award or portions of the award, including, but not  
 2167 limited to, net new employment in the state, average wage, and  
 2168 total cumulative investment.†
- 2169 3. Demonstration of a baseline of current service and a  
 2170 measure of enhanced capability.~~†~~
- 2171 4. The methodology for validating performance.~~†~~
- 2172 5. The schedule of payments.~~†~~ ~~and~~
- 2173 6. Sanctions for failure to meet performance conditions,  
 2174 including any clawback provisions.

2175 (b) Additionally, agreements signed on or after July 1,  
 2176 2009, must include the following provisions:

- 2177 1. Notwithstanding subsection (4), a requirement that the  
 2178 jobs created by the recipient of the incentive funds pay an  
 2179 annual average wage at least equal to the relevant industry's  
 2180 annual average wage or at least 130 percent of the average  
 2181 private-sector wage, whichever is greater.
- 2182 2. Requirements for the establishment of internship

2183 programs or other learning opportunities for educators and  
 2184 secondary, postsecondary, graduate, and doctoral students.

2185 3. A requirement that the recipient submit quarterly  
 2186 reports and annual reports related to activities and performance  
 2187 to the office, according to standardized reporting periods.

2188 4. A requirement for an annual accounting to the office of  
 2189 the expenditure of funds disbursed under this section.

2190 5. A process for amending the agreement.

2191 (9) Enterprise Florida, Inc., shall assist the office in  
 2192 validating the performance of an innovation business, an  
 2193 alternative and renewable energy business, or a research and  
 2194 development facility that has received an award. At the  
 2195 conclusion of the innovation incentive award agreement, or its  
 2196 earlier termination, Enterprise Florida, Inc., shall, within 90  
 2197 days, submit a report ~~the results of the innovation incentive~~  
 2198 ~~award~~ to the Governor, the President of the Senate, and the  
 2199 Speaker of the House of Representatives detailing whether the  
 2200 recipient of the innovation incentive grant achieved its  
 2201 specified outcomes.

2202 (10) Each recipient of an award shall comply with  
 2203 ~~Enterprise Florida, Inc., shall develop~~ business ethics  
 2204 standards developed by Enterprise Florida, Inc., that are based  
 2205 on appropriate best industry practices ~~which shall be applicable~~  
 2206 ~~to all award recipients.~~ The standards shall address ethical  
 2207 duties of business enterprises, fiduciary responsibilities of  
 2208 management, and compliance with the laws of this state.  
 2209 ~~Enterprise Florida, Inc., may collaborate with the State~~  
 2210 ~~University System in reviewing and evaluating appropriate~~



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2211 ~~business ethics standards. Such standards shall be provided to~~  
2212 ~~the Governor, the President of the Senate, and the Speaker of~~  
2213 ~~the House of Representatives by December 31, 2006. An award~~  
2214 ~~agreement entered into on or after December 31, 2006, shall~~  
2215 ~~require a recipient to comply with the business ethics standards~~  
2216 ~~developed pursuant to this section.~~

2217 (11) (a) Beginning January 5, 2010, and every year  
2218 thereafter, the office shall submit to the Governor, the  
2219 President of the Senate, and the Speaker of the House of  
2220 Representatives a report summarizing the activities and  
2221 accomplishments of the recipients of grants from the Innovation  
2222 Incentive Program during the previous 12 months and an  
2223 evaluation by the office of whether the recipients are catalysts  
2224 for additional direct and indirect economic development in this  
2225 state.

2226 (b) Beginning March 1, 2010, and every third year  
2227 thereafter, the Office of Program Policy Analysis and Government  
2228 Accountability, in consultation with the Office of the Auditor  
2229 General, shall release a report evaluating the Innovation  
2230 Incentive Program's progress toward creating clusters of high-  
2231 wage, high-skilled, complementary industries that serve as  
2232 catalysts for economic growth specifically in the regions in  
2233 which they are located and generally for the state as a whole.  
2234 Such report must include critical analyses of quarterly and  
2235 annual reports, annual audits, and other documents prepared by  
2236 the Innovation Incentive Program awardees; relevant economic  
2237 development reports prepared by the office, Enterprise Florida,  
2238 Inc., and local or regional economic development organizations;

2239 interviews with the parties involved; and any other relevant  
 2240 data. Such report should also include legislative  
 2241 recommendations, if necessary, on how to improve the Innovation  
 2242 Incentive Program so that the program reaches its anticipated  
 2243 potential as a catalyst for direct and indirect economic  
 2244 development in this state.

2245 (12) The office may seek the assistance of the Office of  
 2246 Program Policy Analysis and Government Accountability, the  
 2247 Legislature's Office of Economic and Demographic Research, and  
 2248 other entities for the purpose of developing performance  
 2249 measures or techniques to quantify the synergistic economic  
 2250 development impacts that awardees of grants are having within  
 2251 their communities.

2252 Section 21. Section 288.10895, Florida Statutes, is  
 2253 created to read:

2254 288.10895 Transfers of economic development incentives.--

2255 (1) Any person as defined in s. 1.01 that is entitled to  
 2256 receive an economic development incentive may transfer such  
 2257 incentive as provided in this section. For purposes of this  
 2258 section, the term "economic development incentive" means the  
 2259 incentives specified under ss. 212.097, 212.098, 220.191,  
 2260 288.1045, 288.106, 288.107, and 290.007.

2261 (2) The original recipient of an economic development  
 2262 incentive may transfer any unused incentive in whole or in units  
 2263 of not less than 25 percent of the remaining incentive. The  
 2264 transferee may use such incentive in the same manner and with  
 2265 the same limitations as provided in this section and in the  
 2266 provisions creating such incentive and to the same extent as if

2267 they were the original recipient, provided that the total amount  
 2268 does not exceed the maximum amount of incentive to which the  
 2269 original recipient would have been entitled.

2270 (3) Any transferred economic development incentive may not  
 2271 be transferred again, except that such transferred incentive may  
 2272 transfer to a surviving or acquiring entity subject to the same  
 2273 conditions and limitations as described in this section and in  
 2274 the provisions creating such incentive.

2275 (4) (a) An economic development incentive may be  
 2276 transferred after a merger or acquisition to the surviving or  
 2277 acquiring entity.

2278 (b) An entity treated as a partnership or a disregarded  
 2279 entity may transfer an economic development incentive to its  
 2280 partners, members, or parent entity. For purposes of this  
 2281 section, the term "disregarded entity" means an entity that is  
 2282 disregarded as an entity separate from its owner for federal tax  
 2283 purposes.

2284 (c) A corporation may transfer an economic development  
 2285 incentive to other members of its affiliated group of  
 2286 corporations as defined in s. 220.03(1)(b).

2287 (5) If an economic development incentive is reduced as a  
 2288 result of an examination or audit by an applicable agency, such  
 2289 deficiency or repayment shall be recovered from the first person  
 2290 or the surviving or acquiring entity to have claimed such  
 2291 incentive up to the amount of incentive taken. Any subsequent  
 2292 deficiency or repayment shall be assessed against any person  
 2293 acquiring and claiming such incentive, or in the case of

2294 multiple succeeding persons, in the order of incentive  
 2295 succession.

2296 (6) A person may not transfer an economic development  
 2297 incentive if the transferee receiving the incentive is not  
 2298 subject to the tax for which the incentive is allowed or is  
 2299 unable to otherwise use such incentive.

2300 (7) Each agency may adopt rules related to such agency's  
 2301 administration of an economic development incentive necessary to  
 2302 implement and administer this section, including rules, forms,  
 2303 specific procedures, guidelines for transferring and claiming an  
 2304 incentive, and the method by which a transferor or transferee  
 2305 shall notify the agency of the transfer of the incentive.

2306 Section 22. Subsection (2) of section 288.9622, Florida  
 2307 Statutes, is amended to read:

2308 288.9622 Findings and intent.--

2309 (2) It is the intent of the Legislature that ss. 288.9621-  
 2310 288.9625 serve to mobilize private investment in a broad variety  
 2311 of venture capital partnerships in diversified industries and  
 2312 geographies; retain private sector investment criteria focused  
 2313 on rate of return; use the services of highly qualified managers  
 2314 in the venture capital industry regardless of location;  
 2315 facilitate the organization of the Florida Opportunity Fund as  
 2316 an a fund-of-funds investor in seed and early stage businesses,  
 2317 infrastructure projects, venture capital funds, and angel funds;  
 2318 and precipitate capital investment and extensions of credit to  
 2319 and in the Florida Opportunity Fund.

2320 Section 23. Paragraphs (a) and (d) of subsection (4) and  
 2321 paragraph (a) of subsection (5) of section 288.9624, Florida

2322 Statutes, are amended, and paragraph (e) is added to subsection  
 2323 (4) of that section, to read:

2324 288.9624 Florida Opportunity Fund; creation; duties.--

2325 (4) For the purpose of mobilizing investment in a broad  
 2326 variety of Florida-based, new technology companies and  
 2327 generating a return sufficient to continue reinvestment, the  
 2328 fund shall:

2329 (a) Invest ~~directly only~~ in seed and early stage venture  
 2330 capital funds that have experienced managers or management teams  
 2331 with demonstrated experience, expertise, and a successful  
 2332 history in the investment of venture capital funds, focusing on  
 2333 opportunities in this state. The fund may also ~~not~~ make direct  
 2334 investments, including loans, in individual businesses and  
 2335 infrastructure projects. While not precluded from investing in  
 2336 venture capital funds that have investments outside this state,  
 2337 the fund must require a venture capital fund to show a record of  
 2338 successful investment in this state, to be based in this state,  
 2339 or to have an office in this state staffed with a full-time,  
 2340 professional venture investment executive in order to be  
 2341 eligible for investment.

2342 (d) Invest only in funds, businesses, and infrastructure  
 2343 projects that have raised capital from other sources so that the  
 2344 amount invested in such funds, businesses, or infrastructure  
 2345 projects ~~an entity in this state~~ is at least twice the amount  
 2346 invested by the fund. Direct investments must be made in  
 2347 infrastructure projects in this state or in businesses that are  
 2348 Florida-based companies or have significant business activities  
 2349 in this state and operate in technology sectors that are

2350 strategic to this state, including, but not limited to,  
 2351 enterprises in life sciences, information technology, advanced  
 2352 manufacturing processes, aviation and aerospace, and homeland  
 2353 security and defense, as well as other strategic technologies.  
 2354 The fund may not use its original appropriation of \$29.5 million  
 2355 for such direct investments in businesses or infrastructure  
 2356 projects.

2357 (e) Form or operate other entities and accept additional  
 2358 funds from other public and private sources to further its  
 2359 purpose.

2360 (5) By December 1 of each year, the board shall issue an  
 2361 annual report concerning the activities conducted by the fund to  
 2362 the Governor, the President of the Senate, and the Speaker of  
 2363 the House of Representatives. The annual report, at a minimum,  
 2364 must include:

2365 (a) An accounting of the amount of investments disbursed  
 2366 by the fund and the progress of the fund, including the progress  
 2367 of businesses and infrastructure projects provided with direct  
 2368 investments from the fund.

2369 Section 24. Subsection (2) of section 257.193, Florida  
 2370 Statutes, is amended to read:

2371 257.193 Community Libraries in Caring Program.--

2372 (2) The purpose of the Community Libraries in Caring  
 2373 Program is to assist libraries in rural communities, as defined  
 2374 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.  
 2375 288.06561, to strengthen their collections and services, improve  
 2376 literacy in their communities, and improve the economic  
 2377 viability of their communities.

2378 Section 25. Section 288.019, Florida Statutes, is amended  
 2379 to read:

2380 288.019 Rural considerations in grant review and  
 2381 evaluation processes.--Notwithstanding any other law, and to the  
 2382 fullest extent possible, the member agencies and organizations  
 2383 of the Rural Economic Development Initiative (REDI) as defined  
 2384 in s. 288.0656(6) (a) shall review all grant and loan application  
 2385 evaluation criteria to ensure the fullest access for rural  
 2386 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available  
 2387 throughout the state.

2388 (1) Each REDI agency and organization shall review all  
 2389 evaluation and scoring procedures and develop modifications to  
 2390 those procedures which minimize the impact of a project within a  
 2391 rural area.

2392 (2) Evaluation criteria and scoring procedures must  
 2393 provide for an appropriate ranking based on the proportionate  
 2394 impact that projects have on a rural area when compared with  
 2395 similar project impacts on an urban area.

2396 (3) Evaluation criteria and scoring procedures must  
 2397 recognize the disparity of available fiscal resources for an  
 2398 equal level of financial support from an urban county and a  
 2399 rural county.

2400 (a) The evaluation criteria should weight contribution in  
 2401 proportion to the amount of funding available at the local  
 2402 level.

2403 (b) In-kind match should be allowed and applied as  
 2404 financial match when a county is experiencing financial distress  
 2405 through elevated unemployment at a rate in excess of the state's

2406 average by 5 percentage points or because of the loss of its ad  
 2407 valorem base.

2408 (4) For existing programs, the modified evaluation  
 2409 criteria and scoring procedure must be delivered to the Office  
 2410 of Tourism, Trade, and Economic Development for distribution to  
 2411 the REDI agencies and organizations. The REDI agencies and  
 2412 organizations shall review and make comments. Future rules,  
 2413 programs, evaluation criteria, and scoring processes must be  
 2414 brought before a REDI meeting for review, discussion, and  
 2415 recommendation to allow rural counties fuller access to the  
 2416 state's resources.

2417 Section 26. Paragraph (d) of subsection (15) of section  
 2418 627.6699, Florida Statutes, is amended to read:

2419 627.6699 Employee Health Care Access Act.--

2420 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2421 (d) Eligibility.--

2422 1. Any small employer that is actively engaged in  
 2423 business, has its principal place of business in this state,  
 2424 employs up to 25 eligible employees on business days during the  
 2425 preceding calendar year, employs at least 2 employees on the  
 2426 first day of the plan year, and has had no prior coverage for  
 2427 the last 6 months may participate.

2428 2. Any municipality, county, school district, or hospital  
 2429 employer located in a rural community as defined in s.  
 2430 288.0656(2) ~~(b)~~ may participate.

2431 3. Nursing home employers may participate.

2432 4. Each dependent of a person eligible for coverage is  
 2433 also eligible to participate.



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2434  
2435 Any employer participating in the program must do so until the  
2436 end of the term for which the carrier providing the coverage is  
2437 obligated to provide such coverage to the program. Coverage for  
2438 a small employer group that ceases to meet the eligibility  
2439 requirements of this section may be terminated at the end of the  
2440 policy period for which the necessary premiums have been paid.

2441 Section 27. This act shall take effect July 1, 2009.