

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 11.905, F.S.; revising the schedule for reviewing state
4 agencies and advisory committees; adding the Office of
5 Tourism, Trade, and Economic Development and certain
6 partners and offices of such office to the list of
7 agencies to be reviewed by July 1, 2010; revising the date
8 by which the office must submit an agency report to the
9 Legislature; amending ss. 166.231 and 220.15, F.S.;
10 revising industry code designations; providing a
11 definition; amending s. 212.05, F.S.; extending the time
12 for nonresident purchasers to remove a boat from the
13 state; revising industry code designations; amending s.
14 212.097, F.S.; revising review and certification
15 requirements for Urban High-Crime Area Job Tax Credit
16 Program applications; amending s. 212.098, F.S.; revising
17 definitions of the terms "qualified employee" and
18 qualified area"; amending s. 220.191, F.S.; specifying a
19 review and certification requirement for capital
20 investment tax credit applications; creating s. 288.061,
21 F.S.; providing requirements and procedures for an
22 economic development incentive application process;
23 providing time periods and requirements for certification
24 for economic development incentive applications; providing
25 duties and responsibilities of Enterprise Florida, Inc.,
26 and the Office of Tourism, Trade, and Economic
27 Development; amending s. 288.063, F.S.; revising required
28 criteria for review and certification of transportation

29 projects by the Office of Tourism, Trade, and Economic
30 Development; amending s. 288.065, F.S.; revising county
31 population criteria for loans from the Rural Community
32 Development Revolving Loan Fund; amending s. 288.0655,
33 F.S.; authorizing the Office of Tourism, Trade, and
34 Economic Development to award grants for a certain
35 percentage of total infrastructure project costs for
36 certain catalyst site funding applications; expanding
37 eligible facilities for authorized infrastructure
38 projects; providing for waiver of the local matching
39 requirement; specifying a review and certification
40 requirement for the office for certain Rural
41 Infrastructure Fund grant applications; amending s.
42 288.0656, F.S.; providing legislative intent; revising and
43 providing definitions; providing additional review and
44 action requirements for the Rural Economic Development
45 Initiative relating to rural communities; revising
46 representation on the initiative; deleting a limitation on
47 characterization as a rural area of critical economic
48 concern; authorizing rural areas of critical economic
49 concern to designate certain catalyst projects for certain
50 purposes; providing project requirements; requiring the
51 initiative to assist local governments with certain
52 comprehensive planning needs; providing procedures and
53 requirements for such assistance; revising certain
54 reporting requirements for the initiative; amending s.
55 288.06561, F.S., conforming cross-references; amending s.
56 288.0657, F.S.; revising the definition of the term "rural

57 | community"; amending s. 288.1045, F.S.; revising
58 | provisions relating to the application and refund process
59 | for the qualified defense contractor tax refund program;
60 | specifying a review and certification requirement for
61 | program refunds; revising the cap on refunds per
62 | applicant; deleting a report requirement; amending s.
63 | 288.106, F.S.; revising and providing definitions;
64 | including targeted industry zones under the tax refund
65 | program for qualified target industry businesses; revising
66 | industry code designation requirements for the program;
67 | revising program application and approval process
68 | provisions; specifying a review and certification
69 | requirement for program applications; revising tax refund
70 | agreement requirements; revising an economic-stimulus
71 | exemption request provision; extending a final date for
72 | exemption requests; extending a certification expiration
73 | provision; amending s. 288.107, F.S.; revising criteria
74 | for businesses eligible for brownfield redevelopment bonus
75 | refunds; providing an additional criterion for
76 | participation in brownfield redevelopment bonus refunds;
77 | specifying a review and certification requirement for
78 | brownfield redevelopment bonus refund applications;
79 | amending s. 288.108, F.S.; specifying a review and
80 | certification requirement for applications for high-impact
81 | business performance grants; deleting certain final order
82 | and report requirements; amending s. 288.1088, F.S.;
83 | specifying a review requirement for Quick Action Closing
84 | Fund project applications; providing a time period for the

85 | director to recommend approval or disapproval of a project
86 | for receipt of funds from the Quick Action Closing Fund;
87 | amending s. 288.1089, F.S.; including alternative and
88 | renewable energy projects under the Innovation Incentive
89 | Program; revising and providing definitions; revising
90 | applicant review and qualification criteria; authorizing
91 | reduction or waiver of certain matching requirements in
92 | certain areas; revising Enterprise Florida, Inc., proposal
93 | evaluation requirements; specifying additional evaluation
94 | criteria for alternative and renewable energy proposals;
95 | deleting an evaluation and recommendation requirement for
96 | the Florida Energy and Climate Commission for certain
97 | proposals; revising requirements and criteria for
98 | agreements to award and receive incentive funds; providing
99 | additional agreement requirements; revising award
100 | performance reporting requirements; requiring award
101 | recipients to comply with certain business ethics
102 | standards; requiring the Office of Tourism, Trade, and
103 | Economic Development to submit annual reports to the
104 | Governor and Legislature on program grant recipients'
105 | activities; requiring the Office of Program Policy
106 | Analysis and Government Accountability to submit triennial
107 | reports evaluating the program; creating s. 288.10895,
108 | F.S.; providing requirements and procedures for and
109 | limitations on transfers of economic development
110 | incentives; providing definitions; providing for the
111 | amount of the incentive that may be transferred; providing
112 | conditions for use of transferred incentives; providing a

113 limitation on the number of transfers; providing
 114 eligibility of transfers; providing for recovery of
 115 transfers under certain circumstances; providing certain
 116 agency rulemaking authority; amending s. 288.9622, F.S.;
 117 revising legislative intent for the Florida Capital
 118 Formation Act; amending s. 288.9624, F.S.; expanding the
 119 types of investments that may be made by the Florida
 120 Opportunity Fund; providing a limitation on the funds that
 121 may be used in making investments; establishing authority
 122 for certain actions to be taken to use public and private
 123 funds; revising a report requirement; amending s. 380.06,
 124 F.S.; exempting certain nonresidential developments and
 125 catalyst sites from development of regional impact
 126 requirements under certain circumstances; amending ss.
 127 257.193, 288.019, and 627.6699, F.S.; conforming cross-
 128 references; providing an effective date.

129

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

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132 Section 1. Paragraph (e) is added to subsection (2) of
 133 section 11.905, Florida Statutes, to read:

134 11.905 Schedule for reviewing state agencies and advisory
 135 committees.--The following state agencies, including their
 136 advisory committees, or the following advisory committees of
 137 agencies shall be reviewed according to the following schedule:

138 (2) Reviewed by July 1, 2010:

139 (e) Office of Tourism, Trade, and Economic Development,
 140 including all of its contracted public-private partners and any

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141 offices created by law within the office. Notwithstanding any
142 other provision of law, the office shall provide the report
143 required under s. 11.906 by October 1, 2009.

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145 Upon completion of this cycle, each agency shall again be
146 subject to sunset review 10 years after its initial review.

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

149 166.231 Municipalities; public service tax.--

150 (6) A municipality may exempt from the tax imposed by this
151 section any amount up to, and including, the total amount of
152 electricity, metered natural gas, liquefied petroleum gas either
153 metered or bottled, or manufactured gas either metered or
154 bottled purchased per month, or reduce the rate of taxation on
155 the purchase of such electricity or gas when purchased by an
156 industrial consumer which uses the electricity or gas directly
157 in industrial manufacturing, processing, compounding, or a
158 production process, at a fixed location in the municipality, of
159 items of tangible personal property for sale. The municipality
160 shall establish the requirements for qualification for this
161 exemption in the manner prescribed by ordinance. Possession by a
162 seller of a written certification by the purchaser, certifying
163 the purchaser's entitlement to an exemption permitted by this
164 subsection, relieves the seller from the responsibility of
165 collecting the tax on the nontaxable amounts, and the
166 municipality shall look solely to the purchaser for recovery of
167 such tax if it determines that the purchaser was not entitled to
168 the exemption. Any municipality granting an exemption pursuant

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169 to this subsection shall grant the exemption to all companies
170 classified in the same five-digit NAICS ~~SIC Industry Major Group~~
171 Number. As used in this subsection, "NAICS" means those
172 classifications contained in the North American Industry
173 Classification System, as published in 2007 by the Office of
174 Management and Budget, Executive Office of the President.

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

177 212.05 Sales, storage, use tax.--It is hereby declared to
178 be the legislative intent that every person is exercising a
179 taxable privilege who engages in the business of selling
180 tangible personal property at retail in this state, including
181 the business of making mail order sales, or who rents or
182 furnishes any of the things or services taxable under this
183 chapter, or who stores for use or consumption in this state any
184 item or article of tangible personal property as defined herein
185 and who leases or rents such property within the state.

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

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

194 b. Each occasional or isolated sale of an aircraft, boat,
195 mobile home, or motor vehicle of a class or type which is
196 required to be registered, licensed, titled, or documented in

197 | this state or by the United States Government shall be subject
 198 | to tax at the rate provided in this paragraph. The department
 199 | shall by rule adopt any nationally recognized publication for
 200 | valuation of used motor vehicles as the reference price list for
 201 | any used motor vehicle which is required to be licensed pursuant
 202 | to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
 203 | party to an occasional or isolated sale of such a vehicle
 204 | reports to the tax collector a sales price which is less than 80
 205 | percent of the average loan price for the specified model and
 206 | year of such vehicle as listed in the most recent reference
 207 | price list, the tax levied under this paragraph shall be
 208 | computed by the department on such average loan price unless the
 209 | parties to the sale have provided to the tax collector an
 210 | affidavit signed by each party, or other substantial proof,
 211 | stating the actual sales price. Any party to such sale who
 212 | reports a sales price less than the actual sales price is guilty
 213 | of a misdemeanor of the first degree, punishable as provided in
 214 | s. 775.082 or s. 775.083. The department shall collect or
 215 | attempt to collect from such party any delinquent sales taxes.
 216 | In addition, such party shall pay any tax due and any penalty
 217 | and interest assessed plus a penalty equal to twice the amount
 218 | of the additional tax owed. Notwithstanding any other provision
 219 | of law, the Department of Revenue may waive or compromise any
 220 | penalty imposed pursuant to this subparagraph.

221 | 2. This paragraph does not apply to the sale of a boat or
 222 | aircraft by or through a registered dealer under this chapter to
 223 | a purchaser who, at the time of taking delivery, is a
 224 | nonresident of this state, does not make his or her permanent

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225 | place of abode in this state, and is not engaged in carrying on
226 | in this state any employment, trade, business, or profession in
227 | which the boat or aircraft will be used in this state, or is a
228 | corporation none of the officers or directors of which is a
229 | resident of, or makes his or her permanent place of abode in,
230 | this state, or is a noncorporate entity that has no individual
231 | vested with authority to participate in the management,
232 | direction, or control of the entity's affairs who is a resident
233 | of, or makes his or her permanent abode in, this state. For
234 | purposes of this exemption, either a registered dealer acting on
235 | his or her own behalf as seller, a registered dealer acting as
236 | broker on behalf of a seller, or a registered dealer acting as
237 | broker on behalf of the purchaser may be deemed to be the
238 | selling dealer. This exemption shall not be allowed unless:

239 | a. The purchaser removes a qualifying boat, as described
240 | in sub-subparagraph f., from the state within 180 ~~90~~ days after
241 | the date of purchase or the purchaser removes a nonqualifying
242 | boat or an aircraft from this state within 10 days after the
243 | date of purchase or, when the boat or aircraft is repaired or
244 | altered, within 20 days after completion of the repairs or
245 | alterations;

246 | b. The purchaser, within 30 days from the date of
247 | departure, shall provide the department with written proof that
248 | the purchaser licensed, registered, titled, or documented the
249 | boat or aircraft outside the state. If such written proof is
250 | unavailable, within 30 days the purchaser shall provide proof
251 | that the purchaser applied for such license, title,
252 | registration, or documentation. The purchaser shall forward to

253 the department proof of title, license, registration, or
 254 documentation upon receipt.

255 c. The purchaser, within 10 days of removing the boat or
 256 aircraft from Florida, shall furnish the department with proof
 257 of removal in the form of receipts for fuel, dockage, slippage,
 258 tie-down, or hangaring from outside of Florida. The information
 259 so provided must clearly and specifically identify the boat or
 260 aircraft;

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

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

268 f. Unless the nonresident purchaser of a boat of 5 net
 269 tons of admeasurement or larger intends to remove the boat from
 270 this state within 10 days after the date of purchase or when the
 271 boat is repaired or altered, within 20 days after completion of
 272 the repairs or alterations, the nonresident purchaser shall
 273 apply to the selling dealer for a decal which authorizes 180 ~~90~~
 274 days after the date of purchase for removal of the boat. The
 275 department is authorized to issue decals in advance to dealers.
 276 The number of decals issued in advance to a dealer shall be
 277 consistent with the volume of the dealer's past sales of boats
 278 which qualify under this sub-subparagraph. The selling dealer or
 279 his or her agent shall mark and affix the decals to qualifying

280 boats in the manner prescribed by the department, prior to
 281 delivery of the boat.

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

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

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

289 (IV) The department is authorized to require dealers who
 290 purchase decals to file reports with the department and may
 291 prescribe all necessary records by rule. All such records are
 292 subject to inspection by the department.

293 (V) Any dealer or his or her agent who issues a decal
 294 falsely, fails to affix a decal, mismarks the expiration date of
 295 a decal, or fails to properly account for decals will be
 296 considered prima facie to have committed a fraudulent act to
 297 evade the tax and will be liable for payment of the tax plus a
 298 mandatory penalty of 200 percent of the tax, and shall be liable
 299 for fine and punishment as provided by law for a conviction of a
 300 misdemeanor of the first degree, as provided in s. 775.082 or s.
 301 775.083.

302 (VI) Any nonresident purchaser of a boat who removes a
 303 decal prior to permanently removing the boat from the state, or
 304 defaces, changes, modifies, or alters a decal in a manner
 305 affecting its expiration date prior to its expiration, or who
 306 causes or allows the same to be done by another, will be
 307 considered prima facie to have committed a fraudulent act to

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308 evade the tax and will be liable for payment of the tax plus a
309 mandatory penalty of 200 percent of the tax, and shall be liable
310 for fine and punishment as provided by law for a conviction of a
311 misdemeanor of the first degree, as provided in s. 775.082 or s.
312 775.083.

313 (VII) The department is authorized to adopt rules
314 necessary to administer and enforce this subparagraph and to
315 publish the necessary forms and instructions.

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

319
320 If the purchaser fails to remove the qualifying boat from this
321 state within 180 ~~90~~ days after purchase or a nonqualifying boat
322 or an aircraft from this state within 10 days after purchase or,
323 when the boat or aircraft is repaired or altered, within 20 days
324 after completion of such repairs or alterations, or permits the
325 boat or aircraft to return to this state within 6 months from
326 the date of departure, or if the purchaser fails to furnish the
327 department with any of the documentation required by this
328 subparagraph within the prescribed time period, the purchaser
329 shall be liable for use tax on the cost price of the boat or
330 aircraft and, in addition thereto, payment of a penalty to the
331 Department of Revenue equal to the tax payable. This penalty
332 shall be in lieu of the penalty imposed by s. 212.12(2) and is
333 mandatory and shall not be waived by the department. The 180-day
334 ~~90-day~~ period following the sale of a qualifying boat tax-exempt
335 to a nonresident may not be tolled for any reason.

336 Notwithstanding other provisions of this paragraph to the
337 contrary, an aircraft purchased in this state under the
338 provisions of this paragraph may be returned to this state for
339 repairs within 6 months after the date of its departure without
340 being in violation of the law and without incurring liability
341 for the payment of tax or penalty on the purchase price of the
342 aircraft if the aircraft is removed from this state within 20
343 days after the completion of the repairs and if such removal can
344 be demonstrated by invoices for fuel, tie-down, hangar charges
345 issued by out-of-state vendors or suppliers, or similar
346 documentation.

347 (i)1. At the rate of 6 percent on charges for all:
348 a. Detective, burglar protection, and other protection
349 services (NAICS National SIC Industry Numbers 561611, 561612,
350 561613, ~~7381~~ and 561621 ~~7382~~). Any law enforcement officer, as
351 defined in s. 943.10, who is performing approved duties as
352 determined by his or her local law enforcement agency in his or
353 her capacity as a law enforcement officer, and who is subject to
354 the direct and immediate command of his or her law enforcement
355 agency, and in the law enforcement officer's uniform as
356 authorized by his or her law enforcement agency, is performing
357 law enforcement and public safety services and is not performing
358 detective, burglar protection, or other protective services, if
359 the law enforcement officer is performing his or her approved
360 duties in a geographical area in which the law enforcement
361 officer has arrest jurisdiction. Such law enforcement and public
362 safety services are not subject to tax irrespective of whether
363 the duty is characterized as "extra duty," "off-duty," or

364 "secondary employment," and irrespective of whether the officer
 365 is paid directly or through the officer's agency by an outside
 366 source. The term "law enforcement officer" includes full-time or
 367 part-time law enforcement officers, and any auxiliary law
 368 enforcement officer, when such auxiliary law enforcement officer
 369 is working under the direct supervision of a full-time or part-
 370 time law enforcement officer.

371 b. Nonresidential cleaning and nonresidential pest control
 372 services (NAICS National Numbers 561710 and 561720 ~~SIC Industry~~
 373 ~~Group Number 734~~).

374 2. As used in this paragraph, "NAICS ~~SIC~~" means those
 375 classifications contained in the North American Industry
 376 ~~Standard Industrial Classification System Manual, 1987~~, as
 377 published in 2007 by the Office of Management and Budget,
 378 Executive Office of the President.

379 3. Charges for detective, burglar protection, and other
 380 protection security services performed in this state but used
 381 outside this state are exempt from taxation. Charges for
 382 detective, burglar protection, and other protection security
 383 services performed outside this state and used in this state are
 384 subject to tax.

385 4. If a transaction involves both the sale or use of a
 386 service taxable under this paragraph and the sale or use of a
 387 service or any other item not taxable under this chapter, the
 388 consideration paid must be separately identified and stated with
 389 respect to the taxable and exempt portions of the transaction or
 390 the entire transaction shall be presumed taxable. The burden
 391 shall be on the seller of the service or the purchaser of the

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392 service, whichever applicable, to overcome this presumption by
393 providing documentary evidence as to which portion of the
394 transaction is exempt from tax. The department is authorized to
395 adjust the amount of consideration identified as the taxable and
396 exempt portions of the transaction; however, a determination
397 that the taxable and exempt portions are inaccurately stated and
398 that the adjustment is applicable must be supported by
399 substantial competent evidence.

400 5. Each seller of services subject to sales tax pursuant
401 to this paragraph shall maintain a monthly log showing each
402 transaction for which sales tax was not collected because the
403 services meet the requirements of subparagraph 3. for out-of-
404 state use. The log must identify the purchaser's name, location
405 and mailing address, and federal employer identification number,
406 if a business, or the social security number, if an individual,
407 the service sold, the price of the service, the date of sale,
408 the reason for the exemption, and the sales invoice number. The
409 monthly log shall be maintained pursuant to the same
410 requirements and subject to the same penalties imposed for the
411 keeping of similar records pursuant to this chapter.

412 Section 4. Paragraph (b) of subsection (10) of section
413 212.097, Florida Statutes, is amended to read:

414 212.097 Urban High-Crime Area Job Tax Credit Program.--
415 (10)

416 (b) Applications shall be reviewed and certified pursuant
417 to s. 288.061 ~~Within 30 working days after receipt of an~~
418 ~~application for credit, the Office of Tourism, Trade, and~~
419 ~~Economic Development shall review the application to determine~~

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420 ~~whether it contains all the information required by this~~
421 ~~subsection and meets the criteria set out in this section.~~
422 ~~Subject to the provisions of paragraph (c), the Office of~~
423 ~~Tourism, Trade, and Economic Development shall approve all~~
424 ~~applications that contain the information required by this~~
425 ~~subsection and meet the criteria set out in this section as~~
426 ~~eligible to receive a credit.~~

427 Section 5. Paragraphs (b) and (c) of subsection (1) of
428 section 212.098, Florida Statutes, are amended to read:

429 212.098 Rural Job Tax Credit Program.--

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

431 (b) "Qualified employee" means any employee of an eligible
432 business who performs duties in connection with the operations
433 of the business on a regular, full-time basis for an average of
434 at least 36 hours per week for at least 3 months within the
435 qualified county in which the eligible business is located. The
436 term also includes an employee leased from an employee leasing
437 company licensed under chapter 468, if such employee has been
438 continuously leased to the employer for an average of at least
439 36 hours per week for more than 6 months. An owner or partner of
440 the eligible business is not a qualified employee. For a county
441 with a population density of no more than 550 persons per square
442 mile that is contiguous to either Alabama or Georgia and that
443 does not contain the state capital, the term "qualified
444 employee" means any employee of an eligible business who
445 performs duties in connection with the operations of the
446 business on a regular, full-time basis for an average of at
447 least 36 hours per week for at least 3 months within the

448 qualified county in which the eligible business is located and
 449 was hired on or after July 1, 2009.

450 (c) "Qualified area" means any area that is contained
 451 within a rural area of critical economic concern designated
 452 under s. 288.0656, a county that has a population of fewer than
 453 75,000 persons, a ~~or any~~ county that has a population of 125,000
 454 ~~100,000~~ or less and is contiguous to a county that has a
 455 population of less than 75,000, or a county with a population
 456 density of no more than 550 persons per square mile that is
 457 contiguous to either Alabama or Georgia and that does not
 458 contain the state capital selected in the following manner:
 459 every third year, the Office of Tourism, Trade, and Economic
 460 Development shall rank and tier the state's counties according
 461 to the following four factors:

462 1. Highest unemployment rate for the most recent 36-month
 463 period.

464 2. Lowest per capita income for the most recent 36-month
 465 period.

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

468 4. Average weekly manufacturing wage, based upon the most
 469 recent data available.

470 Section 6. Paragraph (b) of subsection (5) of section
 471 220.15, Florida Statutes, is amended to read:

472 220.15 Apportionment of adjusted federal income.--

473 (5) The sales factor is a fraction the numerator of which
 474 is the total sales of the taxpayer in this state during the
 475 taxable year or period and the denominator of which is the total

476 sales of the taxpayer everywhere during the taxable year or
477 period.

478 (b)1. Sales of tangible personal property occur in this
479 state if the property is delivered or shipped to a purchaser
480 within this state, regardless of the f.o.b. point, other
481 conditions of the sale, or ultimate destination of the property,
482 unless shipment is made via a common or contract carrier.
483 However, for industries in NAICS National ~~SIC Industry~~ Number
484 311411 ~~2037~~, if the ultimate destination of the product is to a
485 location outside this state, regardless of the method of
486 shipment or f.o.b. point, the sale shall not be deemed to occur
487 in this state. As used in this paragraph, "NAICS" means those
488 classifications contained in the North American Industry
489 Classification System, as published in 2007 by the Office of
490 Management and Budget, Executive Office of the President.

491 2. When citrus fruit is delivered by a cooperative for a
492 grower-member, by a grower-member to a cooperative, or by a
493 grower-participant to a Florida processor, the sales factor for
494 the growers for such citrus fruit delivered to such processor
495 shall be the same as the sales factor for the most recent
496 taxable year of that processor. That sales factor, expressed
497 only as a percentage and not in terms of the dollar volume of
498 sales, so as to protect the confidentiality of the sales of the
499 processor, shall be furnished on the request of such a grower
500 promptly after it has been determined for that taxable year.

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

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

506 220.191 Capital investment tax credit.--

507 (5) Applications shall be reviewed and certified pursuant
 508 to s. 288.061. The office, upon a recommendation by Enterprise
 509 Florida, Inc., shall first certify a business as eligible to
 510 receive tax credits pursuant to this section prior to the
 511 commencement of operations of a qualifying project, and such
 512 certification shall be transmitted to the Department of Revenue.
 513 Upon receipt of the certification, the Department of Revenue
 514 shall enter into a written agreement with the qualifying
 515 business specifying, at a minimum, the method by which income
 516 generated by or arising out of the qualifying project will be
 517 determined.

518 Section 8. Section 288.061, Florida Statutes, is created
 519 to read:

520 288.061 Economic development incentive application
 521 process.--

522 (1) Within 10 business days after receiving a submitted
 523 economic development incentive application, Enterprise Florida,
 524 Inc., shall review the application and inform the applicant
 525 business whether or not its application is complete. Within 10
 526 business days after the application is deemed complete,
 527 Enterprise Florida, Inc., shall evaluate the application and
 528 recommend approval or disapproval of the application to the
 529 director of the Office of Tourism, Trade, and Economic
 530 Development. In recommending an applicant business for approval,
 531 Enterprise Florida, Inc., shall include in its evaluation a

532 recommended grant award amount and a review of the applicant's
 533 ability to meet specific program criteria.

534 (2) Within 10 calendar days after the Office of Tourism,
 535 Trade, and Economic Development receives the evaluation and
 536 recommendation from Enterprise Florida, Inc., the office shall
 537 notify Enterprise Florida, Inc., whether or not the application
 538 is reviewable. Within 22 calendar days after the office receives
 539 the recommendation from Enterprise Florida, Inc., the director
 540 of the office shall review the application and issue a letter of
 541 certification to the applicant that approves or disapproves an
 542 applicant business and includes a justification of that
 543 decision, unless the business requests an extension of that
 544 time. The letter shall specify the total amount of the award,
 545 the performance conditions that must be met to obtain the award,
 546 and the schedule for payment.

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

549 288.063 Contracts for transportation projects.--

550 (4) The Office of Tourism, Trade, and Economic Development
 551 may adopt criteria by which transportation projects are to be
 552 reviewed and certified in accordance with s. 288.061 ~~specified~~
 553 ~~and identified~~. In approving transportation projects for
 554 funding, the Office of Tourism, Trade, and Economic Development
 555 shall consider factors including, but not limited to, the cost
 556 per job created or retained considering the amount of
 557 transportation funds requested; the average hourly rate of wages
 558 for jobs created; the reliance on the program as an inducement
 559 for the project's location decision; the amount of capital

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560 investment to be made by the business; the demonstrated local
 561 commitment; the location of the project in an enterprise zone
 562 designated pursuant to s. 290.0055; the location of the project
 563 in a spaceport territory as defined in s. 331.304; the
 564 unemployment rate of the surrounding area; the poverty rate of
 565 the community; and the adoption of an economic element as part
 566 of its local comprehensive plan in accordance with s.
 567 163.3177(7)(j). The Office of Tourism, Trade, and Economic
 568 Development may contact any agency it deems appropriate for
 569 additional input regarding the approval of projects.

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

572 288.065 Rural Community Development Revolving Loan Fund.--

573 (2) The program shall provide for long-term loans, loan
 574 guarantees, and loan loss reserves to units of local
 575 governments, or economic development organizations substantially
 576 underwritten by a unit of local government, within counties with
 577 populations of 75,000 or less, within ~~or~~ any county with that
 578 ~~has~~ a population of 125,000 ~~100,000~~ or less that and is
 579 contiguous to a county with a population of 75,000 or less, or
 580 within any county with a population density of no more than 550
 581 persons per square mile that is contiguous to either Alabama or
 582 Georgia and that does not contain the state capital based on as
 583 ~~determined by~~ the most recent official population estimate as
 584 determined under ~~pursuant to~~ s. 186.901, including those
 585 residing in incorporated areas and those residing in
 586 unincorporated areas of the county, or to units of local
 587 government, or economic development organizations substantially

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588 | underwritten by a unit of local government, within a rural area
589 | of critical economic concern. Requests for loans shall be made
590 | by application to the Office of Tourism, Trade, and Economic
591 | Development. Loans shall be made pursuant to agreements
592 | specifying the terms and conditions agreed to between the
593 | applicant and the Office of Tourism, Trade, and Economic
594 | Development. The loans shall be the legal obligations of the
595 | applicant. All repayments of principal and interest shall be
596 | returned to the loan fund and made available for loans to other
597 | applicants. However, in a rural area of critical economic
598 | concern designated by the Governor, and upon approval by the
599 | Office of Tourism, Trade, and Economic Development, repayments
600 | of principal and interest may be retained by the applicant if
601 | such repayments are dedicated and matched to fund regionally
602 | based economic development organizations representing the rural
603 | area of critical economic concern.

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

607 | 288.0655 Rural Infrastructure Fund.--

608 | (2)

609 | (b) To facilitate access of rural communities and rural
610 | areas of critical economic concern as defined by the Rural
611 | Economic Development Initiative to infrastructure funding
612 | programs of the Federal Government, such as those offered by the
613 | United States Department of Agriculture and the United States
614 | Department of Commerce, and state programs, including those
615 | offered by Rural Economic Development Initiative agencies, and

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616 to facilitate local government or private infrastructure funding
617 efforts, the office may award grants for up to 30 percent of the
618 total infrastructure project cost. If an application for funding
619 is for a catalyst site, as defined in s. 288.0656, the office
620 may award grants for up to 40 percent of the total
621 infrastructure project cost. Eligible projects must be related
622 to specific job-creation or job-retention opportunities.
623 Eligible projects may also include improving any inadequate
624 infrastructure that has resulted in regulatory action that
625 prohibits economic or community growth or reducing the costs to
626 community users of proposed infrastructure improvements that
627 exceed such costs in comparable communities. Eligible uses of
628 funds shall include improvements to public infrastructure for
629 industrial or commercial sites and upgrades to or development of
630 public tourism infrastructure. Authorized infrastructure may
631 include the following public or public-private partnership
632 facilities: storm water systems; telecommunications facilities;
633 broadband facilities; roads or other remedies to transportation
634 impediments; nature-based tourism facilities; or other physical
635 requirements necessary to facilitate tourism, trade, and
636 economic development activities in the community. Authorized
637 infrastructure may also include publicly or privately owned
638 self-powered nature-based tourism facilities,
639 telecommunications facilities, and broadband facilities and
640 additions to the distribution facilities of the existing natural
641 gas utility as defined in s. 366.04(3)(c), the existing electric
642 utility as defined in s. 366.02, or the existing water or
643 wastewater utility as defined in s. 367.021(12), or any other

644 existing water or wastewater facility, which owns a gas or
645 electric distribution system or a water or wastewater system in
646 this state where:

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

651 2. Such utilities as defined herein are willing and able
652 to provide such service.

653 (e) To enable local governments to access the resources
654 available pursuant to s. 403.973(18), the office may award
655 grants for surveys, feasibility studies, and other activities
656 related to the identification and preclearance review of land
657 which is suitable for preclearance review. Authorized grants
658 under this paragraph shall not exceed \$75,000 each, except in
659 the case of a project in a rural area of critical economic
660 concern, in which case the grant shall not exceed \$300,000. Any
661 funds awarded under this paragraph must be matched at a level of
662 50 percent with local funds, except that any funds awarded for a
663 project in a rural area of critical economic concern must be
664 matched at a level of 33 percent with local funds. If an
665 application for funding is for a catalyst site, as defined in s.
666 288.0656, the requirement for local match may be waived. In
667 evaluating applications under this paragraph, the office shall
668 consider the extent to which the application seeks to minimize
669 administrative and consultant expenses.

670 (3) The office, in consultation with Enterprise Florida,
671 Inc., VISIT Florida, the Department of Environmental Protection,

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672 and the Florida Fish and Wildlife Conservation Commission, as
673 appropriate, shall review and certify applications pursuant to
674 s. 288.061. The review shall include an evaluation of ~~and~~
675 ~~evaluate~~ the economic benefit of the projects and their long-
676 term viability. The office shall have final approval for any
677 grant under this section ~~and must make a grant decision within~~
678 ~~30 days of receiving a completed application~~.

679 Section 12. Section 288.0656, Florida Statutes, is amended
680 to read:

681 288.0656 Rural Economic Development Initiative.--

682 (1) (a) Recognizing that rural communities and regions
683 continue to face extraordinary challenges in their efforts to
684 significantly improve their economies, specifically in terms of
685 personal income, job creation, average wages, and strong tax
686 bases, it is the intent of the Legislature to encourage and
687 facilitate the location and expansion of major economic
688 development projects of significant scale in such rural
689 communities.

690 (b) The Rural Economic Development Initiative, known as
691 "REDI," is created within the Office of Tourism, Trade, and
692 Economic Development, and the participation of state and
693 regional agencies in this initiative is authorized.

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

695 (a) "Catalyst project" means a business locating or
696 expanding in a rural area of critical economic concern to serve
697 as an economic growth opportunity of regional significance for
698 the growth of a regional target industry cluster. The project
699 must provide capital investment on a scale significant enough to

700 affect the entire region and result in the development of high-
 701 wage and high-skill jobs.

702 (b) "Catalyst site" means a parcel or parcels of land
 703 within a rural area of critical economic concern that has been
 704 prioritized as a geographic site for economic development
 705 through partnerships with state, regional, and local
 706 organizations. The site must be reviewed by REDI and approved by
 707 the Office of Tourism, Trade, and Economic Development for the
 708 purposes of locating a catalyst project.

709 (c)-(a) "Economic distress" means conditions affecting the
 710 fiscal and economic viability of a rural community, including
 711 such factors as low per capita income, low per capita taxable
 712 values, high unemployment, high underemployment, low weekly
 713 earned wages compared to the state average, low housing values
 714 compared to the state average, high percentages of the
 715 population receiving public assistance, high poverty levels
 716 compared to the state average, and a lack of year-round stable
 717 employment opportunities.

718 (d) "Rural area of critical economic concern" means a
 719 rural community, or a region composed of rural communities,
 720 designated by the Governor, that has been adversely affected by
 721 an extraordinary economic event, severe or chronic distress, or
 722 a natural disaster or that presents a unique economic
 723 development opportunity of regional impact.

724 (e)-(b) "Rural community" means:
 725 1. A county with a population of 75,000 or less.

726 2. A county with a population of 125,000 ~~100,000~~ or less
727 that is contiguous to a county with a population of 75,000 or
728 less.

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

732 ~~4.3.~~ A municipality within a county described in
733 subparagraph 1. or subparagraph 2.

734 ~~5.4.~~ An unincorporated federal enterprise community or an
735 incorporated rural city with a population of 25,000 or less and
736 an employment base focused on traditional agricultural or
737 resource-based industries, located in a county not defined as
738 rural, which has at least three or more of the economic distress
739 factors identified in paragraph (c) ~~(a)~~ and verified by the
740 Office of Tourism, Trade, and Economic Development.

741
742 For purposes of this paragraph, population shall be determined
743 in accordance with the most recent official estimate pursuant to
744 s. 186.901.

745 (3) REDI shall be responsible for coordinating and
746 focusing the efforts and resources of state and regional
747 agencies on the problems which affect the fiscal, economic, and
748 community viability of Florida's economically distressed rural
749 communities, working with local governments, community-based
750 organizations, and private organizations that have an interest
751 in the growth and development of these communities to find ways
752 to balance environmental and growth management issues with local
753 needs.

754 (4) REDI shall review and evaluate the impact of statutes
 755 and rules on rural communities and shall work to minimize any
 756 adverse impact and undertake outreach and capacity building
 757 efforts.

758 (5) REDI shall facilitate better access to state resources
 759 by promoting direct access and referrals to appropriate state
 760 and regional agencies and statewide organizations. REDI may
 761 undertake outreach, capacity-building, and other advocacy
 762 efforts to improve conditions in rural communities. These
 763 activities may include sponsorship of conferences and
 764 achievement awards.

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

- 770 1. The Department of Community Affairs.
- 771 2. The Department of Transportation.
- 772 3. The Department of Environmental Protection.
- 773 4. The Department of Agriculture and Consumer Services.
- 774 5. The Department of State.
- 775 6. The Department of Health.
- 776 7. The Department of Children and Family Services.
- 777 8. The Department of Corrections.
- 778 9. The Agency for Workforce Innovation.
- 779 10. The Department of Education.
- 780 11. The Department of Juvenile Justice.
- 781 12. The Fish and Wildlife Conservation Commission.

- 782 13. Each water management district.
- 783 14. Enterprise Florida, Inc.
- 784 15. Workforce Florida, Inc.
- 785 16. The Florida Commission on Tourism or VISIT Florida.
- 786 17. The Florida Regional Planning Council Association.
- 787 18. The Agency for Health Care Administration ~~Florida~~
- 788 ~~State Rural Development Council.~~
- 789 19. The Institute of Food and Agricultural Sciences
- 790 (IFAS).

791

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

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

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

795 Development.

796 (b) Each REDI representative must have comprehensive

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

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

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

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

801 to economically distressed rural communities and with regard to

802 expediting project review, shall ensure a prompt effective

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

804 shall work closely with the other REDI representatives in the

805 identification of opportunities for preferential awards of

806 program funds and allowances and waiver of program requirements

807 when necessary to encourage and facilitate long-term private

808 capital investment and job creation.

809 (c) The REDI representatives shall work with REDI in the
810 review and evaluation of statutes and rules for adverse impact
811 on rural communities and the development of alternative
812 proposals to mitigate that impact.

813 (d) Each REDI representative shall be responsible for
814 ensuring that each district office or facility of his or her
815 agency is informed about the Rural Economic Development
816 Initiative and for providing assistance throughout the agency in
817 the implementation of REDI activities.

818 (7) (a) REDI may recommend to the Governor up to three
819 rural areas of critical economic concern. ~~A rural area of
820 critical economic concern must be a rural community, or a region
821 composed of such, that has been adversely affected by an
822 extraordinary economic event or a natural disaster or that
823 presents a unique economic development opportunity of regional
824 impact that will create more than 1,000 jobs over a 5-year
825 period.~~ The Governor may by executive order designate up to
826 three rural areas of critical economic concern which will
827 establish these areas as priority assignments for REDI as well
828 as to allow the Governor, acting through REDI, to waive
829 criteria, requirements, or similar provisions of any economic
830 development incentive. Such incentives shall include, but not be
831 limited to: the Qualified Target Industry Tax Refund Program
832 under s. 288.106, the Quick Response Training Program under s.
833 288.047, the Quick Response Training Program for participants in
834 the welfare transition program under s. 288.047(8),
835 transportation projects under s. 288.063, the brownfield

836 redevelopment bonus refund under s. 288.107, and the rural job
837 tax credit program under ss. 212.098 and 220.1895.

838 (b) Designation as a rural area of critical economic
839 concern under this subsection shall be contingent upon the
840 execution of a memorandum of agreement among the Office of
841 Tourism, Trade, and Economic Development; the governing body of
842 the county; and the governing bodies of any municipalities to be
843 included within a rural area of critical economic concern. Such
844 agreement shall specify the terms and conditions of the
845 designation, including, but not limited to, the duties and
846 responsibilities of the county and any participating
847 municipalities to take actions designed to facilitate the
848 retention and expansion of existing businesses in the area, as
849 well as the recruitment of new businesses to the area.

850 (c) Each rural area of critical economic concern may
851 designate catalyst projects, provided that each catalyst project
852 is specifically recommended by REDI, identified as a catalyst
853 project by Enterprise Florida, Inc., and confirmed as a catalyst
854 project by the Office of Tourism, Trade, and Economic
855 Development. All state agencies and departments shall use all
856 available tools and resources to the extent permissible by law
857 to promote the creation and development of each catalyst project
858 and the development of catalyst sites.

859 (8) REDI shall assist local governments within rural areas
860 of critical economic concern with comprehensive planning needs
861 that further the provisions of this section. Such assistance
862 shall reflect a multidisciplinary approach among all agencies
863 and include economic development and planning objectives.

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

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

869 2. REDI representatives shall meet with the local
 870 government within 15 days after such request to develop the
 871 scope of assistance that will be provided for the development,
 872 transmittal, and adoption of the proposed comprehensive plan
 873 amendment.

874 3. As part of the assistance provided, REDI
 875 representatives shall also identify other needed local and
 876 developer actions for approval of the project and recommend a
 877 timeline for the local government and developer that will
 878 minimize project delays.

879 (b) In addition, each year REDI shall solicit requests for
 880 assistance from local governments within a rural area of
 881 critical economic concern to update the future land use element
 882 and other associated elements of the local government's
 883 comprehensive plan to better position the community to respond
 884 to economic development potential within the county or
 885 municipality. REDI shall provide direct assistance to such local
 886 governments to update their comprehensive plans pursuant to this
 887 paragraph. At least one comprehensive planning technical
 888 assistance effort shall be selected each year.

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

892 (9)~~(8)~~ REDI shall submit a report to the Governor, the
 893 President of the Senate, and the Speaker of the House of
 894 Representatives each year on or before September ~~February~~ 1 on
 895 all REDI activities for the prior fiscal year. This report shall
 896 include a status report on all projects currently being
 897 coordinated through REDI, the number of preferential awards and
 898 allowances made pursuant to this section, the dollar amount of
 899 such awards, and the names of the recipients. The report shall
 900 also include a description of all waivers of program
 901 requirements granted. The report shall also include information
 902 as to the economic impact of the projects coordinated by REDI,
 903 recommendations based upon the review and evaluation of laws and
 904 rules having an adverse impact on rural communities, and
 905 proposals to mitigate such adverse impacts.

906 Section 13. Section 288.06561, Florida Statutes, is
 907 amended to read:

908 288.06561 Reduction or waiver of financial match
 909 requirements.--Notwithstanding any other law, the member
 910 agencies and organizations of the Rural Economic Development
 911 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review
 912 the financial match requirements for projects in rural areas as
 913 defined in s. 288.0656(2)~~(b)~~.

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

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

919 (3) These proposals shall be delivered to the Office of
 920 Tourism, Trade, and Economic Development for distribution to the
 921 REDI agencies and organizations. A meeting of REDI agencies and
 922 organizations must be called within 30 days after receipt of
 923 such proposals for REDI comment and recommendations on each
 924 proposal.

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

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

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

935 (7) To the fullest extent possible, agencies and
 936 organizations shall expedite the rule adoption and amendment
 937 process if necessary to incorporate the reduction in match by
 938 rural areas in fiscal distress.

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

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

944 288.0657 Florida rural economic development strategy
 945 grants.--

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

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

949 (b) A county with a population of 125,000 ~~100,000~~ or less
 950 that is contiguous to a county with a population of 75,000 or
 951 less.

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

955 ~~(d)(e)~~ A municipality within a county described in
 956 paragraph (a) or paragraph (b).

957
 958 For purposes of this subsection, population shall be determined
 959 in accordance with the most recent official estimate pursuant to
 960 s. 186.901.

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

965 288.1045 Qualified defense contractor and space flight
 966 business tax refund program.--

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

968 (c) A qualified applicant may not receive more than \$5
 969 ~~\$7.5~~ million in tax refunds pursuant to this section in all
 970 fiscal years.

971 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 972 DETERMINATION.--

973 (a) To apply for certification as a qualified applicant
974 pursuant to this section, an applicant must file an application
975 with the office which satisfies the requirements of paragraphs
976 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
977 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
978 certification pursuant to this section after a proposal has been
979 submitted for a new Department of Defense contract, after the
980 applicant has made the decision to consolidate an existing
981 Department of Defense contract in this state for which such
982 applicant is seeking certification, after a proposal has been
983 submitted for a new space flight business contract in this
984 state, after the applicant has made the decision to consolidate
985 an existing space flight business contract in this state for
986 which such applicant is seeking certification, or after the
987 applicant has made the decision to convert defense production
988 jobs to nondefense production jobs for which such applicant is
989 seeking certification.

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

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

998 2. The consolidation of a Department of Defense contract
999 must result in a net increase of at least 25 percent in the
1000 number of jobs at the applicant's facilities in this state or

1001 the addition of at least 80 jobs at the applicant's facilities
 1002 in this state.

1003 3. The conversion of defense production jobs to nondefense
 1004 production jobs must result in net increases in nondefense
 1005 employment at the applicant's facilities in this state.

1006 4. The Department of Defense contract or the space flight
 1007 business contract cannot allow the business to include the costs
 1008 of relocation or retooling in its base as allowable costs under
 1009 a cost-plus, or similar, contract.

1010 5. A business unit of the applicant must have derived not
 1011 less than 60 percent of its gross receipts in this state from
 1012 Department of Defense contracts or space flight business
 1013 contracts over the applicant's last fiscal year, and must have
 1014 derived not less than an average of 60 percent of its gross
 1015 receipts in this state from Department of Defense contracts or
 1016 space flight business contracts over the 5 years preceding the
 1017 date an application is submitted pursuant to this section. This
 1018 subparagraph does not apply to any application for certification
 1019 based on a contract for reuse of a defense-related facility.

1020 6. The reuse of a defense-related facility must result in
 1021 the creation of at least 100 jobs at such facility.

1022 7. A new space flight business contract or the
 1023 consolidation of a space flight business contract must result in
 1024 net increases in space flight business employment at the
 1025 applicant's facilities in this state.

1026 (f) Each application meeting the requirements of
 1027 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
 1028 and (e), or paragraphs (e) and (j) ~~(k)~~ must be submitted to the

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1029 office for a determination of eligibility. The office shall
1030 review and evaluate each application based on, but not limited
1031 to, the following criteria:

1032 1. Expected contributions to the state strategic economic
1033 development plan adopted by Enterprise Florida, Inc., taking
1034 into account the extent to which the project contributes to the
1035 state's high-technology base, and the long-term impact of the
1036 project and the applicant on the state's economy.

1037 2. The economic benefit of the jobs created or retained by
1038 the project in this state, taking into account the cost and
1039 average wage of each job created or retained, and the potential
1040 risk to existing jobs.

1041 3. The amount of capital investment to be made by the
1042 applicant in this state.

1043 4. The local commitment and support for the project and
1044 applicant.

1045 5. The impact of the project on the local community,
1046 taking into account the unemployment rate for the county where
1047 the project will be located.

1048 6. The dependence of the local community on the defense
1049 industry or space flight business.

1050 7. The impact of any tax refunds granted pursuant to this
1051 section on the viability of the project and the probability that
1052 the project will occur in this state if such tax refunds are
1053 granted to the applicant, taking into account the expected long-
1054 term commitment of the applicant to economic growth and
1055 employment in this state.

1056 8. The length of the project, or the expected long-term
1057 commitment to this state resulting from the project.

1058 (g) Applications shall be reviewed and certified pursuant
1059 to s. 288.061. ~~The office shall forward its written findings and~~
1060 ~~evaluation on each application meeting the requirements of~~
1061 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1062 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1063 ~~calendar days after receipt of a complete application. The~~
1064 ~~office shall notify each applicant when its application is~~
1065 ~~complete, and when the 60-day period begins. In its written~~
1066 ~~report to the director, the office shall specifically address~~
1067 ~~each of the factors specified in paragraph (f), and shall make a~~
1068 ~~specific assessment with respect to the minimum requirements~~
1069 ~~established in paragraph (e). The office shall include in its~~
1070 ~~report projections of the tax refunds the applicant would be~~
1071 ~~eligible to receive in each fiscal year based on the creation~~
1072 ~~and maintenance of the net new Florida jobs specified in~~
1073 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1074 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1075 ~~fiscal year.~~

1076 ~~(h) Within 30 days after receipt of the office's findings~~
1077 ~~and evaluation, the director shall issue a letter of~~
1078 ~~certification which either approves or disapproves an~~
1079 ~~application. The decision must be in writing and provide the~~
1080 ~~justifications for either approval or disapproval. If~~
1081 ~~appropriate, the director shall enter into a written agreement~~
1082 ~~with the qualified applicant pursuant to subsection (4).~~

1083 (h)~~(i)~~ The director may not certify any applicant as a
 1084 qualified applicant when the value of tax refunds to be included
 1085 in that letter of certification exceeds the available amount of
 1086 authority to certify new businesses as determined in s.
 1087 288.095(3). A letter of certification that approves an
 1088 application must specify the maximum amount of a tax refund that
 1089 is to be available to the contractor for each fiscal year and
 1090 the total amount of tax refunds for all fiscal years.

1091 (i)~~(j)~~ This section does not create a presumption that an
 1092 applicant should receive any tax refunds under this section.

1093 (j)~~(k)~~ Applications for certification based upon a new
 1094 space flight business contract or the consolidation of a space
 1095 flight business contract must be submitted to the office as
 1096 prescribed by the office and must include, but are not limited
 1097 to, the following information:

1098 1. The applicant's federal employer identification number,
 1099 the applicant's Florida sales tax registration number, and a
 1100 signature of an officer of the applicant.

1101 2. The permanent location of the space flight business
 1102 facility in this state where the project is or will be located.

1103 3. The new space flight business contract number, the
 1104 space flight business contract numbers of the contract to be
 1105 consolidated, or the request-for-proposal number of a proposed
 1106 space flight business contract.

1107 4. The date the contract was executed and the date the
 1108 contract is due to expire, is expected to expire, or was
 1109 canceled.

1110 5. The commencement date for project operations under the
1111 contract in this state.

1112 6. The number of net new full-time equivalent Florida jobs
1113 included in the project as of December 31 of each year and the
1114 average wage of such jobs.

1115 7. The total number of full-time equivalent employees
1116 employed by the applicant in this state.

1117 8. The percentage of the applicant's gross receipts
1118 derived from space flight business contracts during the 5
1119 taxable years immediately preceding the date the application is
1120 submitted.

1121 9. The number of full-time equivalent jobs in this state
1122 to be retained by the project.

1123 10. A brief statement concerning the applicant's need for
1124 tax refunds and the proposed uses of such refunds by the
1125 applicant.

1126 11. A resolution adopted by the governing board of the
1127 county or municipality in which the project will be located
1128 which recommends the applicant be approved as a qualified
1129 applicant and indicates that the necessary commitments of local
1130 financial support for the applicant exist. Prior to the adoption
1131 of the resolution, the county commission may review the proposed
1132 public or private sources of such support and determine whether
1133 the proposed sources of local financial support can be provided
1134 or, for any applicant whose project is located in a county
1135 designated by the Rural Economic Development Initiative, a
1136 resolution adopted by the county commissioners of such county

1137 requesting that the applicant's project be exempt from the local
 1138 financial support requirement.

1139 12. Any additional information requested by the office.

1140 (5) ANNUAL CLAIM FOR REFUND.--

1141 (c) A tax refund may not be approved for any qualified
 1142 applicant unless local financial support has been paid to the
 1143 Economic Development Trust Fund for that refund. If the local
 1144 financial support is less than 20 percent of the approved tax
 1145 refund, the tax refund shall be reduced. The tax refund paid may
 1146 not exceed 5 times the local financial support received. Funding
 1147 from local sources includes tax abatement under s. 196.1995 or
 1148 the appraised market value of municipal or county land,
 1149 including any improvements or structures, conveyed or provided
 1150 at a discount through a sale or lease to that applicant. The
 1151 amount of any tax refund for an applicant approved under this
 1152 section shall be reduced by the amount of any such tax abatement
 1153 granted or the value of the land granted, including the value of
 1154 any improvements or structures; and the limitations in
 1155 subsection (2) ~~and paragraph (3) (h)~~ shall be reduced by the
 1156 amount of any such tax abatement or the value of the land
 1157 granted, including any improvements or structures. A report
 1158 listing all sources of the local financial support shall be
 1159 provided to the office when such support is paid to the Economic
 1160 Development Trust Fund.

1161 Section 16. Paragraphs (k) and (t) of subsection (1),
 1162 paragraph (b) of subsection (2), subsection (3), paragraph (b)
 1163 of subsection (4), paragraph (c) of subsection (5), and
 1164 subsection (8) of section 288.106, Florida Statutes, are

1165 amended, and paragraph (v) is added to subsection (1) of that
 1166 section, to read:

1167 288.106 Tax refund program for qualified target industry
 1168 businesses.--

1169 (1) DEFINITIONS.--As used in this section:

1170 (k) "Local financial support exemption option" means the
 1171 option to exercise an exemption from the local financial support
 1172 requirement available to any applicant whose project is located
 1173 in a brownfield area or a county with a population of 75,000 or
 1174 fewer, ~~or~~ a county with a population of 125,000 ~~100,000~~ or fewer
 1175 that which is contiguous to a county with a population of 75,000
 1176 or fewer, or a county with a population density of no more than
 1177 550 persons per square mile that is contiguous to either Alabama
 1178 or Georgia and that does not contain the state capital. Any
 1179 applicant that exercises this option shall not be eligible for
 1180 more than 80 percent of the total tax refunds allowed such
 1181 applicant under this section.

1182 (t) "Rural community" means:

- 1183 1. A county with a population of 75,000 or less.
- 1184 2. A county with a population of 125,000 ~~100,000~~ or less
 1185 that is contiguous to a county with a population of 75,000 or
 1186 less.
- 1187 3. A county with a population density of no more than 550
 1188 persons per square mile that is contiguous to either Alabama or
 1189 Georgia and that does not contain the state capital.

1190 ~~4.3.~~ A municipality within a county described in
 1191 subparagraph 1. or subparagraph 2.

1192

1193 For purposes of this paragraph, population shall be determined
 1194 in accordance with the most recent official estimate pursuant to
 1195 s. 186.901.

1196 (v) "Targeted industry zone" means any catalyst site
 1197 designated pursuant to s. 288.0656(2)(b) and any area with a
 1198 sector plan adopted pursuant to s. 163.3245.

1199 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1200 (b) Upon approval by the director, a qualified target
 1201 industry business shall be allowed tax refund payments equal to
 1202 \$3,000 times the number of jobs specified in the tax refund
 1203 agreement under subparagraph (4)(a)1., or equal to \$6,000 times
 1204 the number of jobs if the project is located in a rural county,
 1205 a targeted industry zone, or an enterprise zone. Further, a
 1206 qualified target industry business shall be allowed additional
 1207 tax refund payments equal to \$1,000 times the number of jobs
 1208 specified in the tax refund agreement under subparagraph
 1209 (4)(a)1., if such jobs pay an annual average wage of at least
 1210 150 percent of the average private sector wage in the area, or
 1211 equal to \$2,000 times the number of jobs if such jobs pay an
 1212 annual average wage of at least 200 percent of the average
 1213 private sector wage in the area. A qualified target industry
 1214 business may not receive refund payments of more than 25 percent
 1215 of the total tax refunds specified in the tax refund agreement
 1216 under subparagraph (4)(a)1. in any fiscal year. Further, a
 1217 qualified target industry business may not receive more than
 1218 \$1.5 million in refunds under this section in any single fiscal
 1219 year, or more than \$2.5 million in any single fiscal year if the
 1220 project is located in an enterprise zone. A qualified target

1221 industry may not receive more than \$5 million in refund payments
 1222 under this section in all fiscal years, or more than \$7.5
 1223 million if the project is located in an enterprise zone. Funds
 1224 made available pursuant to this section may not be expended in
 1225 connection with the relocation of a business from one community
 1226 to another community in this state unless the Office of Tourism,
 1227 Trade, and Economic Development determines that without such
 1228 relocation the business will move outside this state or
 1229 determines that the business has a compelling economic rationale
 1230 for the relocation and that the relocation will create
 1231 additional jobs.

1232 (3) APPLICATION AND APPROVAL PROCESS.--

1233 (a) To apply for certification as a qualified target
 1234 industry business under this section, the business must file an
 1235 application with the office before the business has made the
 1236 decision to locate a new business in this state or before the
 1237 business had made the decision to expand an existing business in
 1238 this state. The application shall include, but is not limited
 1239 to, the following information:

1240 1. The applicant's federal employer identification number
 1241 and the applicant's state sales tax registration number.

1242 2. The permanent location of the applicant's facility in
 1243 this state at which the project is or is to be located.

1244 3. A description of the type of business activity or
 1245 product covered by the project, including a minimum of a five-
 1246 digit NAICS code ~~four-digit SIC codes~~ for all activities
 1247 included in the project. As used in this paragraph, "NAICS"
 1248 means those classifications contained in the North American

1249 Industry Classification System, as published in 2007 by the
 1250 Office of Management and Budget, Executive Office of the
 1251 President.

1252 4. The number of net new full-time equivalent Florida jobs
 1253 at the qualified target industry business as of December 31 of
 1254 each year included in the project and the average wage of those
 1255 jobs. If more than one type of business activity or product is
 1256 included in the project, the number of jobs and average wage for
 1257 those jobs must be separately stated for each type of business
 1258 activity or product.

1259 5. The total number of full-time equivalent employees
 1260 employed by the applicant in this state.

1261 6. The anticipated commencement date of the project.

1262 7. A brief statement concerning the role that the tax
 1263 refunds requested will play in the decision of the applicant to
 1264 locate or expand in this state.

1265 8. An estimate of the proportion of the sales resulting
 1266 from the project that will be made outside this state.

1267 9. A resolution adopted by the governing board of the
 1268 county or municipality in which the project will be located,
 1269 which resolution recommends that certain types of businesses be
 1270 approved as a qualified target industry business and states that
 1271 the commitments of local financial support necessary for the
 1272 target industry business exist. In advance of the passage of
 1273 such resolution, the office may also accept an official letter
 1274 from an authorized local economic development agency that
 1275 endorses the proposed target industry project and pledges that
 1276 sources of local financial support for such project exist. For

1277 | the purposes of making pledges of local financial support under
 1278 | this subsection, the authorized local economic development
 1279 | agency shall be officially designated by the passage of a one-
 1280 | time resolution by the local governing authority.

1281 | 10. Any additional information requested by the office.

1282 | (b) To qualify for review by the office, the application
 1283 | of a target industry business must, at a minimum, establish the
 1284 | following to the satisfaction of the office:

1285 | 1. The jobs proposed to be provided under the application,
 1286 | pursuant to subparagraph (a)4., must pay an estimated annual
 1287 | average wage equaling at least 115 percent of the average
 1288 | private sector wage in the area where the business is to be
 1289 | located or the statewide private sector average wage. In
 1290 | determining the average annual wage, the office shall only
 1291 | include new proposed jobs, and wages for existing jobs shall be
 1292 | excluded from this calculation. The office may waive the ~~this~~
 1293 | average wage requirement at the request of the local governing
 1294 | body recommending the project and Enterprise Florida, Inc. The
 1295 | wage requirement may only be waived for a project located in a
 1296 | brownfield area designated under s. 376.80, ~~or~~ in a rural city
 1297 | or county, in a targeted industry zone, or in an enterprise zone
 1298 | and only when the merits of the individual project or the
 1299 | specific circumstances in the community in relationship to the
 1300 | project warrant such action. If the local governing body and
 1301 | Enterprise Florida, Inc., make such a recommendation, it must be
 1302 | transmitted in writing and the specific justification for the
 1303 | waiver recommendation must be explained. If the director elects
 1304 | to waive the wage requirement, the waiver must be stated in

1305 writing and the reasons for granting the waiver must be
 1306 explained.

1307 2. The target industry business's project must result in
 1308 the creation of at least 10 jobs at such project and, if an
 1309 expansion of an existing business, must result in a net increase
 1310 in employment of at least ~~not less than~~ 10 percent at the such
 1311 business. Notwithstanding the definition of the term "expansion
 1312 of an existing business" in paragraph (1)(g), at the request of
 1313 the local governing body recommending the project and Enterprise
 1314 Florida, Inc., the office may define an "expansion of an
 1315 existing business" in a rural community or an enterprise zone as
 1316 the expansion of a business resulting in a net increase in
 1317 employment of less than 10 percent at such business if the
 1318 merits of the individual project or the specific circumstances
 1319 in the community in relationship to the project warrant such
 1320 action. If the local governing body and Enterprise Florida,
 1321 Inc., make such a request, the request ~~it~~ must be transmitted in
 1322 writing and the specific justification for the request must be
 1323 explained. If the director elects to grant the such request, the
 1324 grant such election must be stated in writing and the reason for
 1325 granting the request must be explained.

1326 3. The business activity or product for the applicant's
 1327 project is within an industry or industries that have been
 1328 identified by the office to be high-value-added industries that
 1329 contribute to the area and to the economic growth of the state
 1330 and that produce a higher standard of living for residents
 1331 ~~citizens~~ of this state in the new global economy or that can be
 1332 shown to make an equivalent contribution to the area and state's

1333 economic progress. The director must approve requests to waive
 1334 the wage requirement for brownfield areas designated under s.
 1335 376.80 unless it is demonstrated that such action is not in the
 1336 public interest.

1337 (c) Each application meeting the requirements of paragraph
 1338 (b) must be submitted to the office for determination of
 1339 eligibility. The office shall review and evaluate each
 1340 application based on, but not limited to, the following
 1341 criteria:

1342 1. Expected contributions to the state strategic economic
 1343 development plan adopted by Enterprise Florida, Inc., taking
 1344 into account the long-term effects of the project and of the
 1345 applicant on the state economy.

1346 2. The economic benefit of the jobs created by the project
 1347 in this state, taking into account the cost and average wage of
 1348 each job created.

1349 3. The amount of capital investment to be made by the
 1350 applicant in this state.

1351 4. The local commitment and support for the project.

1352 5. The effect of the project on the local community,
 1353 taking into account the unemployment rate for the county where
 1354 the project will be located.

1355 6. The effect of any tax refunds granted pursuant to this
 1356 section on the viability of the project and the probability that
 1357 the project will be undertaken in this state if such tax refunds
 1358 are granted to the applicant, taking into account the expected
 1359 long-term commitment of the applicant to economic growth and
 1360 employment in this state.

1361 7. The expected long-term commitment to this state
1362 resulting from the project.

1363 8. A review of the business's past activities in this
1364 state or other states, including whether such business has been
1365 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1366 This subparagraph does not ~~shall~~ require the disclosure of
1367 confidential information.

1368 (d) Applications shall be reviewed and certified pursuant
1369 to s. 288.061. ~~The office shall forward its written findings and~~
1370 ~~evaluation concerning each application meeting the requirements~~
1371 ~~of paragraph (b) to the director within 45 calendar days after~~
1372 ~~receipt of a complete application. The office shall notify each~~
1373 ~~target industry business when its application is complete, and~~
1374 ~~of the time when the 45-day period begins. In its written report~~
1375 ~~to the director, the office shall specifically address each of~~
1376 ~~the factors specified in paragraph (c) and shall make a specific~~
1377 ~~assessment with respect to the minimum requirements established~~
1378 ~~in paragraph (b).~~ The office shall include in its review report
1379 projections of the tax refunds the business would be eligible to
1380 receive in each fiscal year based on the creation and
1381 maintenance of the net new Florida jobs specified in
1382 subparagraph (a)4. as of December 31 of the preceding state
1383 fiscal year.

1384 ~~(e)1. Within 30 days after receipt of the office's~~
1385 ~~findings and evaluation, the director shall issue a letter of~~
1386 ~~certification that either approves or disapproves the~~
1387 ~~application of the target industry business. The decision must~~

1388 ~~be in writing and must provide the justifications for approval~~
 1389 ~~or disapproval.~~

1390 ~~2.~~ If appropriate, the director shall enter into a written
 1391 agreement with the qualified target industry business pursuant
 1392 to subsection (4).

1393 (e) ~~(f)~~ The director may not certify any target industry
 1394 business as a qualified target industry business if the value of
 1395 tax refunds to be included in that letter of certification
 1396 exceeds the available amount of authority to certify new
 1397 businesses as determined in s. 288.095(3). However, if the
 1398 commitments of local financial support represent less than 20
 1399 percent of the eligible tax refund payments, or to otherwise
 1400 preserve the viability and fiscal integrity of the program, the
 1401 director may certify a qualified target industry business to
 1402 receive tax refund payments of less than the allowable amounts
 1403 specified in paragraph (2) (b). A letter of certification that
 1404 approves an application must specify the maximum amount of tax
 1405 refund that will be available to the qualified industry business
 1406 in each fiscal year and the total amount of tax refunds that
 1407 will be available to the business for all fiscal years.

1408 (f) ~~(g)~~ ~~Nothing in~~ This section does not ~~shall~~ create a
 1409 presumption that an applicant shall ~~will~~ receive any tax refunds
 1410 under this section. However, the office may issue nonbinding
 1411 opinion letters, upon the request of prospective applicants, as
 1412 to the applicants' eligibility and the potential amount of
 1413 refunds.

1414 (4) TAX REFUND AGREEMENT.--

1415 (b) Compliance with the terms and conditions of the
1416 agreement is a condition precedent for the receipt of a tax
1417 refund each year. The failure to comply with the terms and
1418 conditions of the tax refund agreement results in the loss of
1419 eligibility for receipt of all tax refunds previously authorized
1420 under this section and the revocation by the director of the
1421 certification of the business entity as a qualified target
1422 industry business, unless the business is eligible to receive
1423 and elects to accept a prorated refund under paragraph (5)(d) or
1424 the office grants the business an economic-stimulus exemption.

1425 1. A qualified target industry business may submit, in
1426 writing, a request to the office for an economic-stimulus
1427 exemption. The request must provide quantitative evidence
1428 demonstrating how negative economic conditions in the business's
1429 industry, the effects of the impact of a named hurricane or
1430 tropical storm, or specific acts of terrorism affecting the
1431 qualified target industry business have prevented the business
1432 from complying with the terms and conditions of its tax refund
1433 agreement.

1434 2. Upon receipt of a request under subparagraph 1., the
1435 director shall have 45 days to notify the requesting business,
1436 in writing, if its exemption has been granted or denied. In
1437 determining if an exemption should be granted, the director
1438 shall consider the extent to which negative economic conditions
1439 in the requesting business's industry have occurred in the state
1440 or the effects of the impact of a named hurricane or tropical
1441 storm, or specific acts of terrorism affecting the qualified
1442 target industry business have prevented the business from

1443 complying with the terms and conditions of its tax refund
1444 agreement. The office shall consider current employment
1445 statistics for this state by industry, including whether the
1446 business's industry had substantial job loss during the prior
1447 year, when determining whether an exemption shall be granted.

1448 3. As a condition for receiving a prorated refund under
1449 paragraph (5) (d) or an economic-stimulus exemption under this
1450 paragraph, a qualified target industry business must agree to
1451 renegotiate its tax refund agreement with the office to, at a
1452 minimum, ensure that the terms of the agreement comply with
1453 current law and office procedures governing application for and
1454 award of tax refunds. Upon approving the award of a prorated
1455 refund or granting an economic-stimulus exemption, the office
1456 shall renegotiate the tax refund agreement with the business as
1457 required by this subparagraph. When amending the agreement of a
1458 business receiving an economic-stimulus exemption, the office
1459 may extend the duration of the agreement for a period not to
1460 exceed 2 years.

1461 4. A qualified target industry business may submit a
1462 request for an economic-stimulus exemption to the office in lieu
1463 of any tax refund claim scheduled to be submitted after January
1464 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1465 5. A qualified target industry business that receives an
1466 economic-stimulus exemption may not receive a tax refund for the
1467 period covered by the exemption.

1468 (5) ANNUAL CLAIM FOR REFUND.--

1469 (c) A tax refund may not be approved for a qualified
1470 target industry business unless the required local financial

1471 support has been paid into the account for that refund. If the
 1472 local financial support provided is less than 20 percent of the
 1473 approved tax refund, the tax refund must be reduced. In no event
 1474 may the tax refund exceed an amount that is equal to 5 times the
 1475 amount of the local financial support received. Further, funding
 1476 from local sources includes any tax abatement granted to that
 1477 business under s. 196.1995 or the appraised market value of
 1478 municipal or county land conveyed or provided at a discount to
 1479 that business. The amount of any tax refund for such business
 1480 approved under this section must be reduced by the amount of any
 1481 such tax abatement granted or the value of the land granted; and
 1482 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
 1483 be reduced by the amount of any such tax abatement or the value
 1484 of the land granted. A report listing all sources of the local
 1485 financial support shall be provided to the office when such
 1486 support is paid to the account.

1487 (8) EXPIRATION.--An applicant may not be certified as
 1488 qualified under this section after June 30, 2014 ~~2010~~. A tax
 1489 refund agreement existing on that date shall continue in effect
 1490 in accordance with its terms.

1491 Section 17. Paragraph (e) of subsection (1), paragraph (b)
 1492 of subsection (3), and paragraph (f) of subsection (4) of
 1493 section 288.107, Florida Statutes, are amended, and paragraph
 1494 (e) is added to subsection (3) of that section, to read:

1495 288.107 Brownfield redevelopment bonus refunds.--

1496 (1) Definitions.--As used in this section:

1497 (e) "Eligible business" means:

1498 1. A qualified target industry business as defined in s.
1499 288.106(1) (o); or

1500 2. A business that can demonstrate a fixed capital
1501 investment of at least \$2 million in mixed-use business
1502 activities, including multiunit housing, commercial, retail, and
1503 industrial in brownfield areas, or at least \$500,000 in
1504 brownfield areas that do not require site cleanup, and which
1505 provides benefits to its employees.

1506 (3) CRITERIA.--The minimum criteria for participation in
1507 the brownfield redevelopment bonus refund are:

1508 (b) The completion of a fixed capital investment of at
1509 least \$2 million in mixed-use business activities, including
1510 multiunit housing, commercial, retail, and industrial in
1511 brownfield areas, or at least \$500,000 in brownfield areas that
1512 do not require site cleanup, by an eligible business applying
1513 for a refund under paragraph (2) (b) which provides benefits to
1514 its employees.

1515 (e) A resolution adopted by the governing board of the
1516 county or municipality in which the project will be located that
1517 recommends that certain types of businesses be approved.

1518 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1519 (f) Applications shall be reviewed and certified pursuant
1520 to s. 288.061. The office shall review all applications
1521 submitted under s. 288.106 or other similar application forms
1522 for other eligible businesses as defined in paragraph (1) (e)
1523 which indicate that the proposed project will be located in a
1524 brownfield and determine, with the assistance of the Department

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1525 of Environmental Protection, that the project location is within
1526 a brownfield as provided in this act.

1527 Section 18. Paragraphs (b), (c), and (d) of subsection (5)
1528 and subsections (7) and (8) of section 288.108, Florida
1529 Statutes, are amended to read:

1530 288.108 High-impact business.--

1531 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT
1532 AGREEMENT.--

1533 (b) Applications shall be reviewed and certified pursuant
1534 to s. 288.061. Enterprise Florida, Inc., shall review each
1535 submitted application and inform the applicant business whether
1536 or not its application is complete within 10 working days. Once
1537 the application is deemed complete, Enterprise Florida, Inc.,
1538 has 10 working days within which to evaluate the application and
1539 recommend approval or disapproval of the application to the
1540 director. In recommending an applicant business for approval,
1541 Enterprise Florida, Inc., shall include a recommended grant
1542 award amount in its evaluation forwarded to the office.

1543 ~~(c) Upon receipt of the evaluation and recommendation of~~
1544 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1545 ~~enter a final order that either approves or disapproves an~~
1546 ~~applicant business as a qualified high-impact business facility,~~
1547 ~~unless the business requests an extension of the time. The final~~
1548 ~~order shall specify the total amount of the qualified high-~~
1549 ~~impact business facility performance grant award, the~~
1550 ~~performance conditions that must be met to obtain the award, and~~
1551 ~~the schedule for payment of the performance grant.~~

1552 ~~(c)~~ (c) The director and the qualified high-impact business
 1553 shall enter into a performance grant agreement setting forth the
 1554 conditions for payment of the qualified high-impact business
 1555 performance grant. The agreement shall include the total amount
 1556 of the qualified high-impact business facility performance grant
 1557 award, the performance conditions that must be met to obtain the
 1558 award, including the employment, average salary, investment, the
 1559 methodology for determining if the conditions have been met, and
 1560 the schedule of performance grant payments.

1561 ~~(7) REPORTING.--The office shall by December 1 of each~~
 1562 ~~year issue a complete and detailed report of all designated~~
 1563 ~~high-impact sectors, all applications received and their~~
 1564 ~~disposition, all final orders issued, and all payments made,~~
 1565 ~~including analyses of benefits and costs, types of projects~~
 1566 ~~supported, and employment and investments created. The report~~
 1567 ~~shall be submitted to the Governor, the President of the Senate,~~
 1568 ~~and the Speaker of the House of Representatives.~~

1569 ~~(7)(8)~~ (7) RULEMAKING.--The office may adopt rules necessary
 1570 to carry out the provisions of this section.

1571 Section 19. Paragraphs (a) and (b) of subsection (3) of
 1572 section 288.1088, Florida Statutes, are amended to read:

1573 288.1088 Quick Action Closing Fund.--

1574 (3) (a) Enterprise Florida, Inc., shall review applications
 1575 pursuant to s. 288.061 and determine eligibility of each project
 1576 consistent with the criteria in subsection (2). Enterprise
 1577 Florida, Inc., in consultation with the Office of Tourism,
 1578 Trade, and Economic Development, may waive these criteria based
 1579 on extraordinary circumstances or in rural areas of critical

1580 economic concern if the project would significantly benefit the
1581 local or regional economy. Enterprise Florida, Inc., shall
1582 evaluate individual proposals for high-impact business
1583 facilities and forward recommendations regarding the use of
1584 moneys in the fund for such facilities to the director of the
1585 Office of Tourism, Trade, and Economic Development. Such
1586 evaluation and recommendation must include, but need not be
1587 limited to:

1588 1. A description of the type of facility or
1589 infrastructure, its operations, and the associated product or
1590 service associated with the facility.

1591 2. The number of full-time-equivalent jobs that will be
1592 created by the facility and the total estimated average annual
1593 wages of those jobs or, in the case of privately developed rural
1594 infrastructure, the types of business activities and jobs
1595 stimulated by the investment.

1596 3. The cumulative amount of investment to be dedicated to
1597 the facility within a specified period.

1598 4. A statement of any special impacts the facility is
1599 expected to stimulate in a particular business sector in the
1600 state or regional economy or in the state's universities and
1601 community colleges.

1602 5. A statement of the role the incentive is expected to
1603 play in the decision of the applicant business to locate or
1604 expand in this state or for the private investor to provide
1605 critical rural infrastructure.

1606 6. A report evaluating the quality and value of the
1607 company submitting a proposal. The report must include:

1608 a. A financial analysis of the company, including an
 1609 evaluation of the company's short-term liquidity ratio as
 1610 measured by its assets to liability, the company's profitability
 1611 ratio, and the company's long-term solvency as measured by its
 1612 debt-to-equity ratio;

1613 b. The historical market performance of the company;

1614 c. A review of any independent evaluations of the company;

1615 d. A review of the latest audit of the company's financial
 1616 statement and the related auditor's management letter; and

1617 e. A review of any other types of audits that are related
 1618 to the internal and management controls of the company.

1619 (b) Within 22 calendar days after receiving ~~Upon receipt~~
 1620 ~~of~~ the evaluation and recommendation from Enterprise Florida,
 1621 Inc., the director shall recommend to the Governor approval or
 1622 disapproval of a project for receipt of funds from the Quick
 1623 Action Closing Fund ~~to the Governor~~. In recommending a project,
 1624 the director shall include proposed performance conditions that
 1625 the project must meet to obtain incentive funds. The Governor
 1626 shall provide the evaluation of projects recommended for
 1627 approval to the President of the Senate and the Speaker of the
 1628 House of Representatives and consult with the President of the
 1629 Senate and the Speaker of the House of Representatives before
 1630 giving final approval for a project. The Executive Office of the
 1631 Governor shall recommend approval of a project and the release
 1632 of funds pursuant to the legislative consultation and review
 1633 requirements set forth in s. 216.177. The recommendation must
 1634 include proposed performance conditions that the project must
 1635 meet in order to obtain funds.

1636 Section 20. Section 288.1089, Florida Statutes, is amended
 1637 to read:

1638 288.1089 Innovation Incentive Program.--

1639 (1) The Innovation Incentive Program is created within the
 1640 Office of Tourism, Trade, and Economic Development to ensure
 1641 that sufficient resources are available to allow the state to
 1642 respond expeditiously to extraordinary economic opportunities
 1643 and to compete effectively for high-value research and
 1644 development, alternative and renewable energy, and innovation
 1645 business projects.

1646 (2) As used in this section, the term:

1647 (a) "Alternative and renewable energy" means electrical,
 1648 mechanical, or thermal energy produced from a method that uses
 1649 one or more of the following fuels or energy sources: ethanol,
 1650 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
 1651 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
 1652 or geothermal.

1653 (b) "Average private sector wage" means the statewide
 1654 average wage in the private sector or the average of all private
 1655 sector wages in the county or in the standard metropolitan area
 1656 in which the project is located as determined by the Agency for
 1657 Workforce Innovation.

1658 (c) "Brownfield area" means an area designated as a
 1659 brownfield area pursuant to s. 376.80.

1660 (d) "Commission" means the Florida Energy and Climate
 1661 Commission.

1662 (e)~~(d)~~ "Cumulative investment" means cumulative capital
 1663 investment and all eligible capital costs, as defined in s.
 1664 220.191.

1665 (f)~~(e)~~ "Director" means the director of the Office of
 1666 Tourism, Trade, and Economic Development.

1667 (g)~~(f)~~ "Enterprise zone" means an area designated as an
 1668 enterprise zone pursuant to s. 290.0065.

1669 (h)~~(g)~~ "Fiscal year" means the state fiscal year.

1670 (i) "Industry wage" means the average annual wage paid to
 1671 employees in a particular industry, as designated by the North
 1672 American Industry Classification System (NAICS) and compiled by
 1673 the Bureau of Labor Statistics of the United States Department
 1674 of Labor.

1675 (j)~~(h)~~ "Innovation business" means a business expanding or
 1676 locating in this state that is likely to serve as a catalyst for
 1677 the growth of an existing or emerging technology cluster or will
 1678 significantly impact the regional economy in which it is to
 1679 expand or locate.

1680 (k)~~(i)~~ "Jobs" means full-time equivalent positions, as
 1681 that term is consistent with terms used by the Agency for
 1682 Workforce Innovation and the United States Department of Labor
 1683 for purposes of unemployment compensation tax administration and
 1684 employment estimation, resulting directly from a project in this
 1685 state. The term does not include temporary construction jobs.

1686 (l)~~(j)~~ "Match" means funding from local sources, public or
 1687 private, which will be paid to the applicant and which is equal
 1688 to 100 percent of an award. Eligible match funding may include
 1689 any tax abatement granted to the applicant under s. 196.1995 or

1690 the appraised market value of land, buildings, infrastructure,
 1691 or equipment conveyed or provided at a discount to the
 1692 applicant. Complete documentation of a match payment or other
 1693 conveyance must be presented to and verified by the office prior
 1694 to transfer of state funds to an applicant. An applicant may not
 1695 provide, directly or indirectly, more than 5 percent of match
 1696 funding in any fiscal year. The sources of such funding may not
 1697 include, directly or indirectly, state funds appropriated from
 1698 the General Revenue Fund or any state trust fund, excluding tax
 1699 revenues shared with local governments pursuant to law.

1700 (m) ~~(k)~~ "Office" means the Office of Tourism, Trade, and
 1701 Economic Development.

1702 (n) ~~(l)~~ "Project" means the location to or expansion in
 1703 this state by an innovation business, alternative and renewable
 1704 energy business, or research and development applicant approved
 1705 for an award pursuant to this section.

1706 (o) ~~(m)~~ "Research and development" means basic and applied
 1707 research in the sciences or engineering, as well as the design,
 1708 development, and testing of prototypes or processes of new or
 1709 improved products. Research and development does not include
 1710 market research, routine consumer product testing, sales
 1711 research, research in the social sciences or psychology,
 1712 nontechnological activities, or technical services.

1713 (p) ~~(n)~~ "Research and development facility" means a
 1714 facility that is predominately engaged in research and
 1715 development activities. For purposes of this paragraph, the term
 1716 "predominantly" means at least 51 percent of the time.

1717 (g) ~~(e)~~ "Rural area" means a rural city, rural community,
 1718 or rural county as defined in s. 288.106.

1719 (3) To be eligible for consideration for an innovation
 1720 incentive award, an innovation business, a ~~or~~ research and
 1721 development entity, or an alternative and renewable energy
 1722 company project must submit a written application to Enterprise
 1723 Florida, Inc., before making a decision to locate new operations
 1724 in this state or expand an existing operation in this state. The
 1725 application must include, but not be limited to:

1726 (a) The applicant's federal employer identification
 1727 number, unemployment account number, and state sales tax
 1728 registration number. If such numbers are not available at the
 1729 time of application, they must be submitted to the office in
 1730 writing prior to the disbursement of any payments under this
 1731 section.

1732 (b) The location in this state at which the project is
 1733 located or is to be located.

1734 (c) A description of the type of business activity,
 1735 product, or research and development undertaken by the
 1736 applicant, including six-digit North American Industry
 1737 Classification System codes for all activities included in the
 1738 project.

1739 (d) The applicant's projected investment in the project.

1740 (e) The total investment, from all sources, in the
 1741 project.

1742 (f) The number of net new full-time equivalent jobs in
 1743 this state the applicant anticipates having created as of

1744 December 31 of each year in the project and the average annual
 1745 wage of such jobs.

1746 (g) The total number of full-time equivalent employees
 1747 currently employed by the applicant in this state, if
 1748 applicable.

1749 (h) The anticipated commencement date of the project.

1750 (i) A detailed explanation of why the innovation incentive
 1751 is needed to induce the applicant to expand or locate in the
 1752 state and whether an award would cause the applicant to locate
 1753 or expand in this state.

1754 (j) If applicable, an estimate of the proportion of the
 1755 revenues resulting from the project that will be generated
 1756 outside this state.

1757 (4) To qualify for review by the office, the applicant
 1758 must, at a minimum, establish the following to the satisfaction
 1759 of Enterprise Florida, Inc., and the office:

1760 (a) The jobs created by the project must pay an estimated
 1761 annual average wage equaling at least 130 percent of the average
 1762 private sector wage. The office may waive this average wage
 1763 requirement at the request of Enterprise Florida, Inc., for a
 1764 project located in a rural area, a brownfield area, or an
 1765 enterprise zone, when the merits of the individual project or
 1766 the specific circumstances in the community in relationship to
 1767 the project warrant such action. A recommendation for waiver by
 1768 Enterprise Florida, Inc., must include a specific justification
 1769 for the waiver and be transmitted to the office in writing. If
 1770 the director elects to waive the wage requirement, the waiver

1771 must be stated in writing and the reasons for granting the
 1772 waiver must be explained.

1773 (b) A research and development project must:

1774 1. Serve as a catalyst for an emerging or evolving
 1775 technology cluster.

1776 2. Demonstrate a plan for significant higher education
 1777 collaboration.

1778 3. Provide the state, at a minimum, a break-even return on
 1779 investment within a 20-year period.

1780 4. Be provided with a one-to-one match from the local
 1781 community. The match requirement may be reduced or waived in
 1782 rural areas of critical economic concern or reduced in rural
 1783 areas, brownfield areas, and enterprise zones.

1784 (c) An innovation business project in this state, other
 1785 than a research and development project, must:

1786 1.a. Result in the creation of at least 1,000 direct, new
 1787 jobs at the business; or

1788 b. Result in the creation of at least 500 direct, new jobs
 1789 if the project is located in a rural area, a brownfield area, or
 1790 an enterprise zone.

1791 2. Have an activity or product that is within an industry
 1792 that is designated as a target industry business under s.
 1793 288.106 or a designated sector under s. 288.108.

1794 3.a. Have a cumulative investment of at least \$500 million
 1795 within a 5-year period; or

1796 b. Have a cumulative investment that exceeds \$250 million
 1797 within a 10-year period if the project is located in a rural
 1798 area, brownfield area, or an enterprise zone.

1799 4. Be provided with a one-to-one match from the local
 1800 community. The match requirement may be reduced or waived in
 1801 rural areas of critical economic concern or reduced in rural
 1802 areas, brownfield areas, and enterprise zones.

1803 (d) For an alternative and renewable energy project in
 1804 this state, the project must:

1805 1. Demonstrate a plan for significant collaboration with
 1806 an institution of higher education.;

1807 2. Provide the state, at a minimum, a break-even return on
 1808 investment within a 20-year period.;

1809 3. Include matching funds provided by the applicant or
 1810 other available sources. The match requirement may be reduced or
 1811 waived in rural areas of critical economic concern or reduced in
 1812 rural areas, brownfield areas, and enterprise zones. This
 1813 ~~requirement may be waived if the office and the department~~
 1814 ~~determine that the merits of the individual project or the~~
 1815 ~~specific circumstances warrant such action;~~

1816 4. Be located in this state.;

1817 5. Provide at least 35 direct, new jobs that pay an
 1818 estimated annual average wage that equals at least 130 percent
 1819 of the average private sector wage. ~~The average wage requirement~~
 1820 ~~may be waived if the office and the commission determine that~~
 1821 ~~the merits of the individual project or the specific~~
 1822 ~~circumstances warrant such action; and~~

1823 ~~6. Meet one of the following criteria:~~

1824 ~~a. Result in the creation of at least 35 direct, new jobs~~
 1825 ~~at the business.~~

1826 ~~b. Have an activity or product that uses feedstock or~~
1827 ~~other raw materials grown or produced in this state.~~

1828 ~~e. Have a cumulative investment of at least \$50 million~~
1829 ~~within a 5-year period.~~

1830 ~~d. Address the technical feasibility of the technology,~~
1831 ~~and the extent to which the proposed project has been~~
1832 ~~demonstrated to be technically feasible based on pilot project~~
1833 ~~demonstrations, laboratory testing, scientific modeling, or~~
1834 ~~engineering or chemical theory that supports the proposal.~~

1835 ~~e. Include innovative technology and the degree to which~~
1836 ~~the project or business incorporates an innovative new~~
1837 ~~technology or an innovative application of an existing~~
1838 ~~technology.~~

1839 ~~f. Include production potential and the degree to which a~~
1840 ~~project or business generates thermal, mechanical, or electrical~~
1841 ~~energy by means of a renewable energy resource that has~~
1842 ~~substantial long-term production potential. The project must, to~~
1843 ~~the extent possible, quantify annual production potential in~~
1844 ~~megawatts or kilowatts.~~

1845 ~~g. Include and address energy efficiency and the degree to~~
1846 ~~which a project demonstrates efficient use of energy, water, and~~
1847 ~~material resources.~~

1848 ~~h. Include project management and the ability of~~
1849 ~~management to administer and complete the business project.~~

1850 (5) Enterprise Florida, Inc., shall evaluate proposals for
1851 all three categories of innovation incentive awards and transmit
1852 recommendations for awards to the office. Before making its
1853 recommendations on alternative and renewable energy projects,

1854 Enterprise Florida, Inc., shall solicit comments and
 1855 recommendations from the Florida Energy and Climate Commission
 1856 ~~for alternative and renewable energy project proposals.~~ For each
 1857 project, an ~~Such~~ evaluation and recommendation to the office
 1858 must include, but need not be limited to:

1859 (a) A description of the project, its required facilities,
 1860 and the associated product, service, or research and development
 1861 associated with the project.

1862 (b) The percentage of match provided for the project.

1863 (c) The number of full-time equivalent jobs that will be
 1864 created by the project, the total estimated average annual wages
 1865 of such jobs, and the types of business activities and jobs
 1866 likely to be stimulated by the project.

1867 (d) The cumulative investment to be dedicated to the
 1868 project within 5 years and the total investment expected in the
 1869 project if more than 5 years.

1870 (e) The projected economic and fiscal impacts on the local
 1871 and state economies relative to investment.

1872 (f) A statement of any special impacts the project is
 1873 expected to stimulate in a particular business sector in the
 1874 state or regional economy or in the state's universities and
 1875 community colleges.

1876 (g) A statement of any anticipated or proposed
 1877 relationships with state universities.

1878 (h) A statement of the role the incentive is expected to
 1879 play in the decision of the applicant to locate or expand in
 1880 this state.

1881 (i) A recommendation and explanation of the amount of the
 1882 award needed to cause the applicant to expand or locate in this
 1883 state.

1884 (j) A discussion of the efforts and commitments made by
 1885 the local community in which the project is to be located to
 1886 induce the applicant's location or expansion, taking into
 1887 consideration local resources and abilities.

1888 (k) A recommendation for specific performance criteria the
 1889 applicant would be expected to achieve in order to receive
 1890 payments from the fund and penalties or sanctions for failure to
 1891 meet or maintain performance conditions.

1892 (l) Additional evaluation criteria for a research and
 1893 development facility project include:

1894 1. A description of the extent to which the project has
 1895 the potential to serve as catalyst for an emerging or evolving
 1896 cluster.

1897 2. A description of the extent to which the project has or
 1898 could have a long-term collaborative research and development
 1899 relationship with one or more universities or community colleges
 1900 in this state.

1901 3. A description of the existing or projected impact of
 1902 the project on established clusters or targeted industry
 1903 sectors.

1904 4. A description of the project's contribution to the
 1905 diversity and resiliency of the innovation economy of this
 1906 state.

1907 5. A description of the project's impact on special needs
 1908 communities, including, but not limited to, rural areas,
 1909 distressed urban areas, and enterprise zones.

1910 (m) Additional evaluation criteria for alternative and
 1911 renewable energy proposals include:

1912 1. The availability of matching funds or other in-kind
 1913 contributions applied to the total project from an applicant.
 1914 The commission shall give greater preference to projects that
 1915 provide such matching funds or other in-kind contributions.

1916 2. The degree to which the project stimulates in-state
 1917 capital investment and economic development in metropolitan and
 1918 rural areas, including the creation of jobs and the future
 1919 development of a commercial market for renewable energy
 1920 technologies.

1921 3. The extent to which the proposed project has been
 1922 demonstrated to be technically feasible based on pilot project
 1923 demonstrations, laboratory testing, scientific modeling, or
 1924 engineering or chemical theory that supports the proposal.

1925 4. The degree to which the project incorporates an
 1926 innovative new technology or an innovative application of an
 1927 existing technology.

1928 5. The degree to which a project generates thermal,
 1929 mechanical, or electrical energy by means of a renewable energy
 1930 resource that has substantial long-term production potential.

1931 6. The degree to which a project demonstrates efficient
 1932 use of energy and material resources.

1933 7. The degree to which the project fosters overall
 1934 understanding and appreciation of renewable energy technologies.

- 1935 | 8. The ability to administer a complete project.
- 1936 | 9. Project duration and timeline for expenditures.
- 1937 | 10. The geographic area in which the project is to be
- 1938 | conducted in relation to other projects.
- 1939 | 11. The degree of public visibility and interaction.

1940 | (6) In consultation with Enterprise Florida, Inc., the

1941 | office may negotiate the proposed amount of an award for any

1942 | applicant meeting the requirements of this section. In

1943 | negotiating such award, the office shall consider the amount of

1944 | the incentive needed to cause the applicant to locate or expand

1945 | in this state in conjunction with other relevant applicant

1946 | impact and cost information and analysis as described in this

1947 | section. Particular emphasis shall be given to the potential for

1948 | the project to stimulate additional private investment and high-

1949 | quality employment opportunities in the area.

1950 | (7) Upon receipt of the evaluation and recommendation from

1951 | Enterprise Florida, Inc., ~~and from the Florida Energy and~~

1952 | ~~Climate Commission for alternative and renewable energy project~~

1953 | ~~proposals,~~ the director shall recommend to the Governor the

1954 | approval or disapproval of an award. In recommending approval of

1955 | an award, the director shall include proposed performance

1956 | conditions that the applicant must meet in order to obtain

1957 | incentive funds and any other conditions that must be met before

1958 | the receipt of any incentive funds. The Governor shall consult

1959 | with the President of the Senate and the Speaker of the House of

1960 | Representatives before giving approval for an award. Upon review

1961 | and approval of an award by the Legislative Budget Commission,

1962 | the Executive Office of the Governor shall release the funds

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1963 ~~pursuant to the legislative consultation and review requirements~~
 1964 ~~set forth in s. 216.177.~~

1965 (8) (a) After the conditions ~~Upon approval by the Governor~~
 1966 ~~and release of the funds as set forth in subsection (7) have~~
 1967 been met, the director shall issue a letter certifying the
 1968 applicant as qualified for an award. The office and the award
 1969 recipient ~~applicant~~ shall enter into an agreement that sets
 1970 forth the conditions for payment of the incentive funds
 1971 ~~incentives~~. The agreement must include, at a minimum:

- 1972 1. The total amount of funds awarded.~~†~~
- 1973 2. The performance conditions that must be met in order to
 1974 obtain the award or portions of the award, including, but not
 1975 limited to, net new employment in the state, average wage, and
 1976 total cumulative investment.~~†~~
- 1977 3. Demonstration of a baseline of current service and a
 1978 measure of enhanced capability.~~†~~
- 1979 4. The methodology for validating performance.~~†~~
- 1980 5. The schedule of payments.~~†~~ ~~and~~
- 1981 6. Sanctions for failure to meet performance conditions,
 1982 including any clawback provisions.

1983 (b) Additionally, agreements signed on or after July 1,
 1984 2009, must include the following provisions:

- 1985 1. Notwithstanding subsection (4), a requirement that the
 1986 jobs created by the recipient of the incentive funds pay an
 1987 annual average wage at least equal to the relevant industry's
 1988 annual average wage or at least 130 percent of the average
 1989 private-sector wage, whichever is greater.
- 1990 2. Requirements for the establishment of internship

1991 programs or other learning opportunities for educators and
 1992 secondary, postsecondary, graduate, and doctoral students.

1993 3. A requirement that the recipient submit quarterly
 1994 reports and annual reports related to activities and performance
 1995 to the office, according to standardized reporting periods.

1996 4. A requirement for an annual accounting to the office of
 1997 the expenditure of funds disbursed under this section.

1998 5. A process for amending the agreement.

1999 (9) Enterprise Florida, Inc., shall assist the office in
 2000 validating the performance of an innovation business, an
 2001 alternative and renewable energy business, or a research and
 2002 development facility that has received an award. At the
 2003 conclusion of the innovation incentive award agreement, or its
 2004 earlier termination, Enterprise Florida, Inc., shall, within 90
 2005 days, submit a report ~~the results of the innovation incentive~~
 2006 ~~award~~ to the Governor, the President of the Senate, and the
 2007 Speaker of the House of Representatives detailing whether the
 2008 recipient of the innovation incentive grant achieved its
 2009 specified outcomes.

2010 (10) Each recipient of an award shall comply with
 2011 ~~Enterprise Florida, Inc., shall develop~~ business ethics
 2012 standards developed by Enterprise Florida, Inc., that are based
 2013 on appropriate best industry practices ~~which shall be applicable~~
 2014 ~~to all award recipients.~~ The standards shall address ethical
 2015 duties of business enterprises, fiduciary responsibilities of
 2016 management, and compliance with the laws of this state.
 2017 ~~Enterprise Florida, Inc., may collaborate with the State~~
 2018 ~~University System in reviewing and evaluating appropriate~~

2019 ~~business ethics standards. Such standards shall be provided to~~
 2020 ~~the Governor, the President of the Senate, and the Speaker of~~
 2021 ~~the House of Representatives by December 31, 2006. An award~~
 2022 ~~agreement entered into on or after December 31, 2006, shall~~
 2023 ~~require a recipient to comply with the business ethics standards~~
 2024 ~~developed pursuant to this section.~~

2025 (11) (a) Beginning January 5, 2010, and every year
 2026 thereafter, the office shall submit to the Governor, the
 2027 President of the Senate, and the Speaker of the House of
 2028 Representatives a report summarizing the activities and
 2029 accomplishments of the recipients of grants from the Innovation
 2030 Incentive Program during the previous 12 months and an
 2031 evaluation by the office of whether the recipients are catalysts
 2032 for additional direct and indirect economic development in this
 2033 state.

2034 (b) Beginning March 1, 2010, and every third year
 2035 thereafter, the Office of Program Policy Analysis and Government
 2036 Accountability, in consultation with the Office of the Auditor
 2037 General, shall release a report evaluating the Innovation
 2038 Incentive Program's progress toward creating clusters of high-
 2039 wage, high-skilled, complementary industries that serve as
 2040 catalysts for economic growth specifically in the regions in
 2041 which they are located and generally for the state as a whole.
 2042 Such report must include critical analyses of quarterly and
 2043 annual reports, annual audits, and other documents prepared by
 2044 the Innovation Incentive Program awardees; relevant economic
 2045 development reports prepared by the office, Enterprise Florida,
 2046 Inc., and local or regional economic development organizations;

2047 interviews with the parties involved; and any other relevant
 2048 data. Such report should also include legislative
 2049 recommendations, if necessary, on how to improve the Innovation
 2050 Incentive Program so that the program reaches its anticipated
 2051 potential as a catalyst for direct and indirect economic
 2052 development in this state.

2053 (12) The office may seek the assistance of the Office of
 2054 Program Policy Analysis and Government Accountability, the
 2055 Legislature's Office of Economic and Demographic Research, and
 2056 other entities for the purpose of developing performance
 2057 measures or techniques to quantify the synergistic economic
 2058 development impacts that awardees of grants are having within
 2059 their communities.

2060 Section 21. Section 288.10895, Florida Statutes, is
 2061 created to read:

2062 288.10895 Transfers of economic development incentives.--

2063 (1) Any person as defined in s. 1.01 that is entitled to
 2064 receive an economic development incentive may transfer such
 2065 incentive as provided in this section. For purposes of this
 2066 section, the term "economic development incentive" means the
 2067 incentives specified under ss. 288.1045, 288.106, and 288.107.

2068 (2) An economic development incentive may be transferred
 2069 as follows:

2070 (a) An economic development incentive may be transferred
 2071 after a merger or acquisition to the surviving or acquiring
 2072 entity.

2073 (b) An entity treated as a partnership or a disregarded
 2074 entity may transfer an economic development incentive to its

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2075 partners, members, or parent entity. For purposes of this
2076 section, the term "disregarded entity" means an entity that is
2077 disregarded as an entity separate from its owner for federal tax
2078 purposes.

2079 (c) A corporation may transfer an economic development
2080 incentive to other members of its affiliated group of
2081 corporations as defined in s. 220.03(1)(b).

2082 (3) The original recipient of an economic development
2083 incentive, as described in subsection (2), may transfer any
2084 unused incentive in whole or in units of not less than 25
2085 percent of the remaining incentive. The transferee may use such
2086 incentive in the same manner and with the same limitations as
2087 provided in this section and in the provisions creating such
2088 incentive and to the same extent as if they were the original
2089 recipient, provided that the total amount does not exceed the
2090 maximum amount of incentive to which the original recipient
2091 would have been entitled.

2092 (4) Any transferred economic development incentive may not
2093 be transferred again, except that such transferred incentive may
2094 transfer to a surviving or acquiring entity subject to the same
2095 conditions and limitations as described in this section and in
2096 the provisions creating such incentive.

2097 (5) If an economic development incentive is reduced as a
2098 result of an examination or audit by an applicable agency, such
2099 deficiency or repayment shall be recovered from the first person
2100 or the surviving or acquiring entity to have claimed such
2101 incentive up to the amount of incentive taken. Any subsequent
2102 deficiency or repayment shall be assessed against any person

2103 acquiring and claiming such incentive, or in the case of
 2104 multiple succeeding persons, in the order of incentive
 2105 succession.

2106 (6) A person may not transfer an economic development
 2107 incentive if the transferee receiving the incentive is not
 2108 subject to the tax for which the incentive is allowed or is
 2109 unable to otherwise use such incentive.

2110 (7) Each agency may adopt rules related to such agency's
 2111 administration of an economic development incentive necessary to
 2112 implement and administer this section, including rules, forms,
 2113 specific procedures, guidelines for transferring and claiming an
 2114 incentive, and the method by which a transferor or transferee
 2115 shall notify the agency of the transfer of the incentive.

2116 Section 22. Subsection (2) of section 288.9622, Florida
 2117 Statutes, is amended to read:

2118 288.9622 Findings and intent.--

2119 (2) It is the intent of the Legislature that ss. 288.9621-
 2120 288.9625 serve to mobilize private investment in a broad variety
 2121 of venture capital partnerships in diversified industries and
 2122 geographies; retain private sector investment criteria focused
 2123 on rate of return; use the services of highly qualified managers
 2124 in the venture capital industry regardless of location;
 2125 facilitate the organization of the Florida Opportunity Fund as
 2126 an a fund-of-funds investor in seed and early stage businesses,
 2127 infrastructure projects, venture capital funds, and angel funds;
 2128 and precipitate capital investment and extensions of credit to
 2129 and in the Florida Opportunity Fund.

2130 Section 23. Paragraphs (a) and (d) of subsection (4) and
 2131 paragraph (a) of subsection (5) of section 288.9624, Florida
 2132 Statutes, are amended, and paragraph (e) is added to subsection
 2133 (4) of that section, to read:

2134 288.9624 Florida Opportunity Fund; creation; duties.--

2135 (4) For the purpose of mobilizing investment in a broad
 2136 variety of Florida-based, new technology companies and
 2137 generating a return sufficient to continue reinvestment, the
 2138 fund shall:

2139 (a) Invest ~~directly only~~ in seed and early stage venture
 2140 capital funds that have experienced managers or management teams
 2141 with demonstrated experience, expertise, and a successful
 2142 history in the investment of venture capital funds, focusing on
 2143 opportunities in this state. The fund may also ~~not~~ make direct
 2144 investments, including loans, in individual businesses and
 2145 infrastructure projects. While not precluded from investing in
 2146 venture capital funds that have investments outside this state,
 2147 the fund must require a venture capital fund to show a record of
 2148 successful investment in this state, to be based in this state,
 2149 or to have an office in this state staffed with a full-time,
 2150 professional venture investment executive in order to be
 2151 eligible for investment.

2152 (d) Invest only in funds, businesses, and infrastructure
 2153 projects that have raised capital from other sources so that the
 2154 amount invested in such funds, businesses, or infrastructure
 2155 projects ~~an entity in this state~~ is at least twice the amount
 2156 invested by the fund. Direct investments must be made in
 2157 infrastructure projects in this state or in businesses that are

2158 Florida-based companies or have significant business activities
 2159 in this state and operate in technology sectors that are
 2160 strategic to this state, including, but not limited to,
 2161 enterprises in life sciences, information technology, advanced
 2162 manufacturing processes, aviation and aerospace, and homeland
 2163 security and defense, as well as other strategic technologies.
 2164 The fund may not use its original appropriation of \$29.5 million
 2165 for such direct investments in businesses or infrastructure
 2166 projects.

2167 (e) Form or operate other entities and accept additional
 2168 funds from other public and private sources to further its
 2169 purpose.

2170 (5) By December 1 of each year, the board shall issue an
 2171 annual report concerning the activities conducted by the fund to
 2172 the Governor, the President of the Senate, and the Speaker of
 2173 the House of Representatives. The annual report, at a minimum,
 2174 must include:

2175 (a) An accounting of the amount of investments disbursed
 2176 by the fund and the progress of the fund, including the progress
 2177 of businesses and infrastructure projects provided with direct
 2178 investments from the fund.

2179 Section 24. Paragraph (v) is added to subsection (24) of
 2180 section 380.06, Florida Statutes, to read:

2181 380.06 Developments of regional impact.--

2182 (24) STATUTORY EXEMPTIONS.--

2183 (v) Any nonresidential development within a catalyst site
 2184 as defined in s. 288.0656(2)(b) or a catalyst site submitted to
 2185 Enterprise Florida, Inc., if the Office of Tourism, Trade, and

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2186 Economic Development states in writing that the project supports
 2187 a regional target industry that is identified in an economic
 2188 development plan prepared for one of the economic development
 2189 projects identified in s. 288.0656(7), is exempt from the
 2190 provisions of this section.

2191
 2192 If a use is exempt from review as a development of regional
 2193 impact under paragraphs (a)-(t), but will be part of a larger
 2194 project that is subject to review as a development of regional
 2195 impact, the impact of the exempt use must be included in the
 2196 review of the larger project.

2197 Section 25. Subsection (2) of section 257.193, Florida
 2198 Statutes, is amended to read:

2199 257.193 Community Libraries in Caring Program.--

2200 (2) The purpose of the Community Libraries in Caring
 2201 Program is to assist libraries in rural communities, as defined
 2202 in s. 288.0656(2)~~(b)~~ and subject to the provisions of s.
 2203 288.06561, to strengthen their collections and services, improve
 2204 literacy in their communities, and improve the economic
 2205 viability of their communities.

2206 Section 26. Section 288.019, Florida Statutes, is amended
 2207 to read:

2208 288.019 Rural considerations in grant review and
 2209 evaluation processes.--Notwithstanding any other law, and to the
 2210 fullest extent possible, the member agencies and organizations
 2211 of the Rural Economic Development Initiative (REDI) as defined
 2212 in s. 288.0656(6)(a) shall review all grant and loan application
 2213 evaluation criteria to ensure the fullest access for rural

2214 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
 2215 throughout the state.

2216 (1) Each REDI agency and organization shall review all
 2217 evaluation and scoring procedures and develop modifications to
 2218 those procedures which minimize the impact of a project within a
 2219 rural area.

2220 (2) Evaluation criteria and scoring procedures must
 2221 provide for an appropriate ranking based on the proportionate
 2222 impact that projects have on a rural area when compared with
 2223 similar project impacts on an urban area.

2224 (3) Evaluation criteria and scoring procedures must
 2225 recognize the disparity of available fiscal resources for an
 2226 equal level of financial support from an urban county and a
 2227 rural county.

2228 (a) The evaluation criteria should weight contribution in
 2229 proportion to the amount of funding available at the local
 2230 level.

2231 (b) In-kind match should be allowed and applied as
 2232 financial match when a county is experiencing financial distress
 2233 through elevated unemployment at a rate in excess of the state's
 2234 average by 5 percentage points or because of the loss of its ad
 2235 valorem base.

2236 (4) For existing programs, the modified evaluation
 2237 criteria and scoring procedure must be delivered to the Office
 2238 of Tourism, Trade, and Economic Development for distribution to
 2239 the REDI agencies and organizations. The REDI agencies and
 2240 organizations shall review and make comments. Future rules,
 2241 programs, evaluation criteria, and scoring processes must be

2242 brought before a REDI meeting for review, discussion, and
 2243 recommendation to allow rural counties fuller access to the
 2244 state's resources.

2245 Section 27. Paragraph (d) of subsection (15) of section
 2246 627.6699, Florida Statutes, is amended to read:

2247 627.6699 Employee Health Care Access Act.--

2248 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2249 (d) Eligibility.--

2250 1. Any small employer that is actively engaged in
 2251 business, has its principal place of business in this state,
 2252 employs up to 25 eligible employees on business days during the
 2253 preceding calendar year, employs at least 2 employees on the
 2254 first day of the plan year, and has had no prior coverage for
 2255 the last 6 months may participate.

2256 2. Any municipality, county, school district, or hospital
 2257 employer located in a rural community as defined in s.
 2258 288.0656(2) ~~(b)~~ may participate.

2259 3. Nursing home employers may participate.

2260 4. Each dependent of a person eligible for coverage is
 2261 also eligible to participate.

2262
 2263 Any employer participating in the program must do so until the
 2264 end of the term for which the carrier providing the coverage is
 2265 obligated to provide such coverage to the program. Coverage for
 2266 a small employer group that ceases to meet the eligibility
 2267 requirements of this section may be terminated at the end of the
 2268 policy period for which the necessary premiums have been paid.

2269 Section 28. This act shall take effect July 1, 2009.