

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 nonresident purchasers have to remove a boat from the
13 state after purchase; providing for an extension decal to
14 be issued by a dealer; imposing a decal cost; revising
15 industry code designations; amending s. 212.097, F.S.;
16 revising review and certification requirements for Urban
17 High-Crime Area Job Tax Credit Program applications;
18 amending s. 212.098, F.S.; revising the definition of the
19 term "qualified area"; amending s. 220.191, F.S.;
20 specifying a review and certification requirement for
21 capital investment tax credit applications; creating s.
22 288.061, F.S.; providing requirements and procedures for
23 an economic development incentive application process;
24 providing time periods and requirements for certification
25 for economic development incentive applications; providing
26 duties and responsibilities of Enterprise Florida, Inc.,
27 and the Office of Tourism, Trade, and Economic
28 Development; amending s. 288.063, F.S.; revising required

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

57 reporting requirements for the initiative; amending s.
58 288.06561, F.S., conforming cross-references; amending s.
59 288.0657, F.S.; revising the definition of the term "rural
60 community"; amending s. 288.1045, F.S.; revising
61 provisions relating to the application and refund process
62 for the qualified defense contractor tax refund program;
63 specifying a review and certification requirement for
64 program refunds; revising the cap on refunds per
65 applicant; deleting a report requirement; amending s.
66 288.106, F.S.; revising and providing definitions;
67 including targeted industry zones under the tax refund
68 program for qualified target industry businesses; revising
69 industry code designation requirements for the program;
70 revising program application and approval process
71 provisions; specifying a review and certification
72 requirement for program applications; revising tax refund
73 agreement requirements; revising an economic-stimulus
74 exemption request provision; extending a final date for
75 exemption requests; extending a certification expiration
76 provision; amending s. 288.107, F.S.; revising criteria
77 for businesses eligible for brownfield redevelopment bonus
78 refunds; providing an additional criterion for
79 participation in brownfield redevelopment bonus refunds;
80 specifying a review and certification requirement for
81 brownfield redevelopment bonus refund applications;
82 amending s. 288.108, F.S.; specifying a review and
83 certification requirement for applications for high-impact
84 business performance grants; deleting certain final order

85 | and report requirements; amending s. 288.1088, F.S.;

86 | specifying a review requirement for Quick Action Closing

87 | Fund project applications; providing a time period for the

88 | director to recommend approval or disapproval of a project

89 | for receipt of funds from the Quick Action Closing Fund;

90 | amending s. 288.1089, F.S.; including alternative and

91 | renewable energy projects under the Innovation Incentive

92 | Program; revising and providing definitions; revising

93 | applicant review and qualification criteria; authorizing

94 | reduction or waiver of certain matching requirements in

95 | certain areas; revising Enterprise Florida, Inc., proposal

96 | evaluation requirements; specifying additional evaluation

97 | criteria for alternative and renewable energy proposals;

98 | deleting an evaluation and recommendation requirement for

99 | the Florida Energy and Climate Commission for certain

100 | proposals; revising requirements and criteria for

101 | agreements to award and receive incentive funds; providing

102 | additional agreement requirements; revising award

103 | performance reporting requirements; requiring award

104 | recipients to comply with certain business ethics

105 | standards; requiring the Office of Tourism, Trade, and

106 | Economic Development to submit annual reports to the

107 | Governor and Legislature on program grant recipients'

108 | activities; requiring the Office of Program Policy

109 | Analysis and Government Accountability to submit triennial

110 | reports evaluating the program; creating s. 288.10895,

111 | F.S.; providing requirements and procedures for and

112 | limitations on transfers of economic development

113 incentives; providing definitions; providing for the
 114 amount of the incentive that may be transferred; providing
 115 conditions for use of transferred incentives; providing a
 116 limitation on the number of transfers; providing
 117 eligibility of transfers; providing for recovery of
 118 transfers under certain circumstances; providing certain
 119 agency rulemaking authority; amending s. 288.9622, F.S.;
 120 revising legislative intent for the Florida Capital
 121 Formation Act; amending s. 288.9624, F.S.; expanding the
 122 types of investments that may be made by the Florida
 123 Opportunity Fund; providing a limitation on the funds that
 124 may be used in making investments; establishing authority
 125 for certain actions to be taken to use public and private
 126 funds; revising a report requirement; amending s. 380.06,
 127 F.S.; exempting certain nonresidential developments and
 128 catalyst sites from development of regional impact
 129 requirements under certain circumstances; amending ss.
 130 257.193, 288.019, and 627.6699, F.S.; conforming cross-
 131 references; providing an effective date.

132

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

134

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

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

141 (2) Reviewed by July 1, 2010:

142 (e) Office of Tourism, Trade, and Economic Development,
 143 including all of its contracted public-private partners and any
 144 offices created by law within the office. Notwithstanding any
 145 other provision of law, the office shall provide the report
 146 required under s. 11.906 by October 1, 2009.

147
 148 Upon completion of this cycle, each agency shall again be
 149 subject to sunset review 10 years after its initial review.

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

152 166.231 Municipalities; public service tax.--

153 (6) A municipality may exempt from the tax imposed by this
 154 section any amount up to, and including, the total amount of
 155 electricity, metered natural gas, liquefied petroleum gas either
 156 metered or bottled, or manufactured gas either metered or
 157 bottled purchased per month, or reduce the rate of taxation on
 158 the purchase of such electricity or gas when purchased by an
 159 industrial consumer which uses the electricity or gas directly
 160 in industrial manufacturing, processing, compounding, or a
 161 production process, at a fixed location in the municipality, of
 162 items of tangible personal property for sale. The municipality
 163 shall establish the requirements for qualification for this
 164 exemption in the manner prescribed by ordinance. Possession by a
 165 seller of a written certification by the purchaser, certifying
 166 the purchaser's entitlement to an exemption permitted by this
 167 subsection, relieves the seller from the responsibility of
 168 collecting the tax on the nontaxable amounts, and the

169 municipality shall look solely to the purchaser for recovery of
 170 such tax if it determines that the purchaser was not entitled to
 171 the exemption. Any municipality granting an exemption pursuant
 172 to this subsection shall grant the exemption to all companies
 173 classified in the same five-digit NAICS SIC Industry Major Group
 174 Number. As used in this subsection, "NAICS" means those
 175 classifications contained in the North American Industry
 176 Classification System, as published in 2007 by the Office of
 177 Management and Budget, Executive Office of the President.

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

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

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

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

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

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

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

249 b. The purchaser, within 30 days from the date of
250 departure, shall provide the department with written proof that
251 the purchaser licensed, registered, titled, or documented the

252 boat or aircraft outside the state. If such written proof is
253 unavailable, within 30 days the purchaser shall provide proof
254 that the purchaser applied for such license, title,
255 registration, or documentation. The purchaser shall forward to
256 the department proof of title, license, registration, or
257 documentation upon receipt.

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

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

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

271 f. Unless the nonresident purchaser of a boat of 5 net
272 tons of admeasurement or larger intends to remove the boat from
273 this state within 10 days after the date of purchase or when the
274 boat is repaired or altered, within 20 days after completion of
275 the repairs or alterations, the nonresident purchaser shall
276 apply to the selling dealer for a decal which authorizes 90 days
277 after the date of purchase for removal of the boat. The
278 nonresident purchaser of a qualifying boat may apply to the
279 selling dealer within 60 days after the date of purchase for an

280 extension decal that authorizes the boat to remain in this state
281 for an additional 90 days, but not more than a total of 180
282 days, before the nonresident purchaser is required to pay the
283 tax imposed by this chapter. The department is authorized to
284 issue decals in advance to dealers. The number of decals issued
285 in advance to a dealer shall be consistent with the volume of
286 the dealer's past sales of boats which qualify under this sub-
287 subparagraph. The selling dealer or his or her agent shall mark
288 and affix the decals to qualifying boats in the manner
289 prescribed by the department, prior to delivery of the boat.

290 (I) The department is hereby authorized to charge dealers
291 a fee sufficient to recover the costs of decals issued, except
292 the extension decal shall cost \$350.

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

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

298 (IV) The department is authorized to require dealers who
299 purchase decals to file reports with the department and may
300 prescribe all necessary records by rule. All such records are
301 subject to inspection by the department.

302 (V) Any dealer or his or her agent who issues a decal
303 falsely, fails to affix a decal, mismarks the expiration date of
304 a decal, or fails to properly account for decals will be
305 considered prima facie to have committed a fraudulent act to
306 evade the tax and will be liable for payment of the tax plus a
307 mandatory penalty of 200 percent of the tax, and shall be liable

308 | for fine and punishment as provided by law for a conviction of a
309 | misdemeanor of the first degree, as provided in s. 775.082 or s.
310 | 775.083.

311 | (VI) Any nonresident purchaser of a boat who removes a
312 | decal prior to permanently removing the boat from the state, or
313 | defaces, changes, modifies, or alters a decal in a manner
314 | affecting its expiration date prior to its expiration, or who
315 | causes or allows the same to be done by another, will be
316 | considered prima facie to have committed a fraudulent act to
317 | evade the tax and will be liable for payment of the tax plus a
318 | mandatory penalty of 200 percent of the tax, and shall be liable
319 | for fine and punishment as provided by law for a conviction of a
320 | misdemeanor of the first degree, as provided in s. 775.082 or s.
321 | 775.083.

322 | (VII) The department is authorized to adopt rules
323 | necessary to administer and enforce this subparagraph and to
324 | publish the necessary forms and instructions.

325 | (VIII) The department is hereby authorized to adopt
326 | emergency rules pursuant to s. 120.54(4) to administer and
327 | enforce the provisions of this subparagraph.

328 |
329 | If the purchaser fails to remove the qualifying boat from this
330 | state within the maximum 180 ~~90~~ days after purchase or a
331 | nonqualifying boat or an aircraft from this state within 10 days
332 | after purchase or, when the boat or aircraft is repaired or
333 | altered, within 20 days after completion of such repairs or
334 | alterations, or permits the boat or aircraft to return to this
335 | state within 6 months from the date of departure, or if the

336 purchaser fails to furnish the department with any of the
 337 documentation required by this subparagraph within the
 338 prescribed time period, the purchaser shall be liable for use
 339 tax on the cost price of the boat or aircraft and, in addition
 340 thereto, payment of a penalty to the Department of Revenue equal
 341 to the tax payable. This penalty shall be in lieu of the penalty
 342 imposed by s. 212.12(2) and is mandatory and shall not be waived
 343 by the department. The maximum 180-day ~~90-day~~ period following
 344 the sale of a qualifying boat tax-exempt to a nonresident may
 345 not be tolled for any reason. Notwithstanding other provisions
 346 of this paragraph to the contrary, an aircraft purchased in this
 347 state under the provisions of this paragraph may be returned to
 348 this state for repairs within 6 months after the date of its
 349 departure without being in violation of the law and without
 350 incurring liability for the payment of tax or penalty on the
 351 purchase price of the aircraft if the aircraft is removed from
 352 this state within 20 days after the completion of the repairs
 353 and if such removal can be demonstrated by invoices for fuel,
 354 tie-down, hangar charges issued by out-of-state vendors or
 355 suppliers, or similar documentation.

- 356 (i)1. At the rate of 6 percent on charges for all:
- 357 a. Detective, burglar protection, and other protection
 358 services (NAICS National SIC Industry Numbers 561611, 561612,
 359 561613, ~~7381~~ and 561621 ~~7382~~). Any law enforcement officer, as
 360 defined in s. 943.10, who is performing approved duties as
 361 determined by his or her local law enforcement agency in his or
 362 her capacity as a law enforcement officer, and who is subject to
 363 the direct and immediate command of his or her law enforcement

364 agency, and in the law enforcement officer's uniform as
 365 authorized by his or her law enforcement agency, is performing
 366 law enforcement and public safety services and is not performing
 367 detective, burglar protection, or other protective services, if
 368 the law enforcement officer is performing his or her approved
 369 duties in a geographical area in which the law enforcement
 370 officer has arrest jurisdiction. Such law enforcement and public
 371 safety services are not subject to tax irrespective of whether
 372 the duty is characterized as "extra duty," "off-duty," or
 373 "secondary employment," and irrespective of whether the officer
 374 is paid directly or through the officer's agency by an outside
 375 source. The term "law enforcement officer" includes full-time or
 376 part-time law enforcement officers, and any auxiliary law
 377 enforcement officer, when such auxiliary law enforcement officer
 378 is working under the direct supervision of a full-time or part-
 379 time law enforcement officer.

380 b. Nonresidential cleaning and nonresidential pest control
 381 services (NAICS National Numbers 561710 and 561720 ~~SIC Industry~~
 382 ~~Group Number 734~~).

383 2. As used in this paragraph, "NAICS SIC" means those
 384 classifications contained in the North American Industry
 385 ~~Standard Industrial Classification System Manual, 1987,~~ as
 386 published in 2007 by the Office of Management and Budget,
 387 Executive Office of the President.

388 3. Charges for detective, burglar protection, and other
 389 protection security services performed in this state but used
 390 outside this state are exempt from taxation. Charges for
 391 detective, burglar protection, and other protection security

392 services performed outside this state and used in this state are
393 subject to tax.

394 4. If a transaction involves both the sale or use of a
395 service taxable under this paragraph and the sale or use of a
396 service or any other item not taxable under this chapter, the
397 consideration paid must be separately identified and stated with
398 respect to the taxable and exempt portions of the transaction or
399 the entire transaction shall be presumed taxable. The burden
400 shall be on the seller of the service or the purchaser of the
401 service, whichever applicable, to overcome this presumption by
402 providing documentary evidence as to which portion of the
403 transaction is exempt from tax. The department is authorized to
404 adjust the amount of consideration identified as the taxable and
405 exempt portions of the transaction; however, a determination
406 that the taxable and exempt portions are inaccurately stated and
407 that the adjustment is applicable must be supported by
408 substantial competent evidence.

409 5. Each seller of services subject to sales tax pursuant
410 to this paragraph shall maintain a monthly log showing each
411 transaction for which sales tax was not collected because the
412 services meet the requirements of subparagraph 3. for out-of-
413 state use. The log must identify the purchaser's name, location
414 and mailing address, and federal employer identification number,
415 if a business, or the social security number, if an individual,
416 the service sold, the price of the service, the date of sale,
417 the reason for the exemption, and the sales invoice number. The
418 monthly log shall be maintained pursuant to the same

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

421 Section 4. Paragraph (b) of subsection (10) of section
 422 212.097, Florida Statutes, is amended to read:

423 212.097 Urban High-Crime Area Job Tax Credit Program.--

424 (10)

425 (b) Applications shall be reviewed and certified pursuant

426 to s. 288.061 ~~Within 30 working days after receipt of an~~
 427 ~~application for credit, the Office of Tourism, Trade, and~~
 428 ~~Economic Development shall review the application to determine~~
 429 ~~whether it contains all the information required by this~~
 430 ~~subsection and meets the criteria set out in this section.~~

431 ~~Subject to the provisions of paragraph (c), the Office of~~
 432 ~~Tourism, Trade, and Economic Development shall approve all~~
 433 ~~applications that contain the information required by this~~
 434 ~~subsection and meet the criteria set out in this section as~~
 435 ~~eligible to receive a credit.~~

436 Section 5. Paragraph (c) of subsection (1) of section
 437 212.098, Florida Statutes, is amended to read:

438 212.098 Rural Job Tax Credit Program.--

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

440 (c) "Qualified area" means any area that is contained
 441 within a rural area of critical economic concern designated
 442 under s. 288.0656, a county that has a population of fewer than
 443 75,000 persons, a ~~or any~~ county that has a population of 125,000
 444 ~~100,000~~ or less and is contiguous to a county that has a
 445 population of less than 75,000, selected in the following
 446 manner: every third year, the Office of Tourism, Trade, and

447 Economic Development shall rank and tier the state's counties
 448 according to the following four factors:

449 1. Highest unemployment rate for the most recent 36-month
 450 period.

451 2. Lowest per capita income for the most recent 36-month
 452 period.

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

455 4. Average weekly manufacturing wage, based upon the most
 456 recent data available.

457 Section 6. Paragraph (b) of subsection (5) of section
 458 220.15, Florida Statutes, is amended to read:

459 220.15 Apportionment of adjusted federal income.--

460 (5) The sales factor is a fraction the numerator of which
 461 is the total sales of the taxpayer in this state during the
 462 taxable year or period and the denominator of which is the total
 463 sales of the taxpayer everywhere during the taxable year or
 464 period.

465 (b)1. Sales of tangible personal property occur in this
 466 state if the property is delivered or shipped to a purchaser
 467 within this state, regardless of the f.o.b. point, other
 468 conditions of the sale, or ultimate destination of the property,
 469 unless shipment is made via a common or contract carrier.

470 However, for industries in NAICS National ~~SIC Industry~~ Number
 471 311411 2037, if the ultimate destination of the product is to a
 472 location outside this state, regardless of the method of
 473 shipment or f.o.b. point, the sale shall not be deemed to occur
 474 in this state. As used in this paragraph, "NAICS" means those

475 classifications contained in the North American Industry
 476 Classification System, as published in 2007 by the Office of
 477 Management and Budget, Executive Office of the President.

478 2. When citrus fruit is delivered by a cooperative for a
 479 grower-member, by a grower-member to a cooperative, or by a
 480 grower-participant to a Florida processor, the sales factor for
 481 the growers for such citrus fruit delivered to such processor
 482 shall be the same as the sales factor for the most recent
 483 taxable year of that processor. That sales factor, expressed
 484 only as a percentage and not in terms of the dollar volume of
 485 sales, so as to protect the confidentiality of the sales of the
 486 processor, shall be furnished on the request of such a grower
 487 promptly after it has been determined for that taxable year.

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

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

493 220.191 Capital investment tax credit.--

494 (5) Applications shall be reviewed and certified pursuant
 495 to s. 288.061. The office, upon a recommendation by Enterprise
 496 Florida, Inc., shall first certify a business as eligible to
 497 receive tax credits pursuant to this section prior to the
 498 commencement of operations of a qualifying project, and such
 499 certification shall be transmitted to the Department of Revenue.
 500 Upon receipt of the certification, the Department of Revenue
 501 shall enter into a written agreement with the qualifying
 502 business specifying, at a minimum, the method by which income

503 generated by or arising out of the qualifying project will be
 504 determined.

505 Section 8. Section 288.061, Florida Statutes, is created
 506 to read:

507 288.061 Economic development incentive application
 508 process.--

509 (1) Within 10 business days after receiving a submitted
 510 economic development incentive application, Enterprise Florida,
 511 Inc., shall review the application and inform the applicant
 512 business whether or not its application is complete. Within 10
 513 business days after the application is deemed complete,
 514 Enterprise Florida, Inc., shall evaluate the application and
 515 recommend approval or disapproval of the application to the
 516 director of the Office of Tourism, Trade, and Economic
 517 Development. In recommending an applicant business for approval,
 518 Enterprise Florida, Inc., shall include in its evaluation a
 519 recommended grant award amount and a review of the applicant's
 520 ability to meet specific program criteria.

521 (2) Within 10 calendar days after the Office of Tourism,
 522 Trade, and Economic Development receives the evaluation and
 523 recommendation from Enterprise Florida, Inc., the office shall
 524 notify Enterprise Florida, Inc., whether or not the application
 525 is reviewable. Within 22 calendar days after the office receives
 526 the recommendation from Enterprise Florida, Inc., the director
 527 of the office shall review the application and issue a letter of
 528 certification to the applicant that approves or disapproves an
 529 applicant business and includes a justification of that
 530 decision, unless the business requests an extension of that

531 time. The letter shall specify the total amount of the award,
532 the performance conditions that must be met to obtain the award,
533 and the schedule for payment.

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

536 288.063 Contracts for transportation projects.--

537 (4) The Office of Tourism, Trade, and Economic Development
538 may adopt criteria by which transportation projects are to be
539 reviewed and certified in accordance with s. 288.061 ~~specified~~
540 ~~and identified~~. In approving transportation projects for
541 funding, the Office of Tourism, Trade, and Economic Development
542 shall consider factors including, but not limited to, the cost
543 per job created or retained considering the amount of
544 transportation funds requested; the average hourly rate of wages
545 for jobs created; the reliance on the program as an inducement
546 for the project's location decision; the amount of capital
547 investment to be made by the business; the demonstrated local
548 commitment; the location of the project in an enterprise zone
549 designated pursuant to s. 290.0055; the location of the project
550 in a spaceport territory as defined in s. 331.304; the
551 unemployment rate of the surrounding area; the poverty rate of
552 the community; and the adoption of an economic element as part
553 of its local comprehensive plan in accordance with s.
554 163.3177(7)(j). The Office of Tourism, Trade, and Economic
555 Development may contact any agency it deems appropriate for
556 additional input regarding the approval of projects.

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

559 | 288.065 Rural Community Development Revolving Loan Fund.--
560 | (2) The program shall provide for long-term loans, loan
561 | guarantees, and loan loss reserves to units of local
562 | governments, or economic development organizations substantially
563 | underwritten by a unit of local government, within counties with
564 | populations of 75,000 or less, or within any county with that
565 | ~~has~~ a population of 125,000 ~~100,000~~ or less that ~~and~~ is
566 | contiguous to a county with a population of 75,000 or less,
567 | based on as determined by the most recent official population
568 | estimate as determined under ~~pursuant to~~ s. 186.901, including
569 | those residing in incorporated areas and those residing in
570 | unincorporated areas of the county, or to units of local
571 | government, or economic development organizations substantially
572 | underwritten by a unit of local government, within a rural area
573 | of critical economic concern. Requests for loans shall be made
574 | by application to the Office of Tourism, Trade, and Economic
575 | Development. Loans shall be made pursuant to agreements
576 | specifying the terms and conditions agreed to between the
577 | applicant and the Office of Tourism, Trade, and Economic
578 | Development. The loans shall be the legal obligations of the
579 | applicant. All repayments of principal and interest shall be
580 | returned to the loan fund and made available for loans to other
581 | applicants. However, in a rural area of critical economic
582 | concern designated by the Governor, and upon approval by the
583 | Office of Tourism, Trade, and Economic Development, repayments
584 | of principal and interest may be retained by the applicant if
585 | such repayments are dedicated and matched to fund regionally
586 | based economic development organizations representing the rural

587 area of critical economic concern.

588 Section 11. Paragraphs (b) and (e) of subsection (2) and
 589 subsection (3) of section 288.0655, Florida Statutes, are
 590 amended to read:

591 288.0655 Rural Infrastructure Fund.--

592 (2)

593 (b) To facilitate access of rural communities and rural
 594 areas of critical economic concern as defined by the Rural
 595 Economic Development Initiative to infrastructure funding
 596 programs of the Federal Government, such as those offered by the
 597 United States Department of Agriculture and the United States
 598 Department of Commerce, and state programs, including those
 599 offered by Rural Economic Development Initiative agencies, and
 600 to facilitate local government or private infrastructure funding
 601 efforts, the office may award grants for up to 30 percent of the
 602 total infrastructure project cost. If an application for funding
 603 is for a catalyst site, as defined in s. 288.0656, the office
 604 may award grants for up to 40 percent of the total
 605 infrastructure project cost. Eligible projects must be related
 606 to specific job-creation or job-retention opportunities.
 607 Eligible projects may also include improving any inadequate
 608 infrastructure that has resulted in regulatory action that
 609 prohibits economic or community growth or reducing the costs to
 610 community users of proposed infrastructure improvements that
 611 exceed such costs in comparable communities. Eligible uses of
 612 funds shall include improvements to public infrastructure for
 613 industrial or commercial sites and upgrades to or development of
 614 public tourism infrastructure. Authorized infrastructure may

615 include the following public or public-private partnership
616 facilities: storm water systems; telecommunications facilities;
617 broadband facilities; roads or other remedies to transportation
618 impediments; nature-based tourism facilities; or other physical
619 requirements necessary to facilitate tourism, trade, and
620 economic development activities in the community. Authorized
621 infrastructure may also include publicly or privately owned
622 self-powered nature-based tourism facilities,
623 telecommunications facilities, and broadband facilities and
624 additions to the distribution facilities of the existing natural
625 gas utility as defined in s. 366.04(3)(c), the existing electric
626 utility as defined in s. 366.02, or the existing water or
627 wastewater utility as defined in s. 367.021(12), or any other
628 existing water or wastewater facility, which owns a gas or
629 electric distribution system or a water or wastewater system in
630 this state where:

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

635 2. Such utilities as defined herein are willing and able
636 to provide such service.

637 (e) To enable local governments to access the resources
638 available pursuant to s. 403.973(18), the office may award
639 grants for surveys, feasibility studies, and other activities
640 related to the identification and preclearance review of land
641 which is suitable for preclearance review. Authorized grants
642 under this paragraph shall not exceed \$75,000 each, except in

643 the case of a project in a rural area of critical economic
644 concern, in which case the grant shall not exceed \$300,000. Any
645 funds awarded under this paragraph must be matched at a level of
646 50 percent with local funds, except that any funds awarded for a
647 project in a rural area of critical economic concern must be
648 matched at a level of 33 percent with local funds. If an
649 application for funding is for a catalyst site, as defined in s.
650 288.0656, the requirement for local match may be waived. In
651 evaluating applications under this paragraph, the office shall
652 consider the extent to which the application seeks to minimize
653 administrative and consultant expenses.

654 (3) The office, in consultation with Enterprise Florida,
655 Inc., VISIT Florida, the Department of Environmental Protection,
656 and the Florida Fish and Wildlife Conservation Commission, as
657 appropriate, shall review and certify applications pursuant to
658 s. 288.061. The review shall include an evaluation of ~~and~~
659 ~~evaluate~~ the economic benefit of the projects and their long-
660 term viability. The office shall have final approval for any
661 grant under this section ~~and must make a grant decision within~~
662 ~~30 days of receiving a completed application.~~

663 Section 12. Section 288.0656, Florida Statutes, is amended
664 to read:

665 288.0656 Rural Economic Development Initiative.--

666 (1) (a) Recognizing that rural communities and regions
667 continue to face extraordinary challenges in their efforts to
668 significantly improve their economies, specifically in terms of
669 personal income, job creation, average wages, and strong tax
670 bases, it is the intent of the Legislature to encourage and

671 facilitate the location and expansion of major economic
672 development projects of significant scale in such rural
673 communities.

674 (b) The Rural Economic Development Initiative, known as
675 "REDI," is created within the Office of Tourism, Trade, and
676 Economic Development, and the participation of state and
677 regional agencies in this initiative is authorized.

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

679 (a) "Catalyst project" means a business locating or
680 expanding in a rural area of critical economic concern to serve
681 as an economic growth opportunity of regional significance for
682 the growth of a regional target industry cluster. The project
683 must provide capital investment on a scale significant enough to
684 affect the entire region and result in the development of high-
685 wage and high-skill jobs.

686 (b) "Catalyst site" means a parcel or parcels of land
687 within a rural area of critical economic concern that has been
688 prioritized as a geographic site for economic development
689 through partnerships with state, regional, and local
690 organizations. The site must be reviewed by REDI and approved by
691 the Office of Tourism, Trade, and Economic Development for the
692 purposes of locating a catalyst project.

693 (c)-(a) "Economic distress" means conditions affecting the
694 fiscal and economic viability of a rural community, including
695 such factors as low per capita income, low per capita taxable
696 values, high unemployment, high underemployment, low weekly
697 earned wages compared to the state average, low housing values
698 compared to the state average, high percentages of the

699 population receiving public assistance, high poverty levels
 700 compared to the state average, and a lack of year-round stable
 701 employment opportunities.

702 (d) "Rural area of critical economic concern" means a
 703 rural community, or a region composed of rural communities,
 704 designated by the Governor, that has been adversely affected by
 705 an extraordinary economic event, severe or chronic distress, or
 706 a natural disaster or that presents a unique economic
 707 development opportunity of regional impact.

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

- 709 1. A county with a population of 75,000 or less.
- 710 2. A county with a population of 125,000 ~~100,000~~ or less
 711 that is contiguous to a county with a population of 75,000 or
 712 less.
- 713 3. A municipality within a county described in
 714 subparagraph 1. or subparagraph 2.

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

722
 723 For purposes of this paragraph, population shall be determined
 724 in accordance with the most recent official estimate pursuant to
 725 s. 186.901.

726 (3) REDI shall be responsible for coordinating and
 727 focusing the efforts and resources of state and regional
 728 agencies on the problems which affect the fiscal, economic, and
 729 community viability of Florida's economically distressed rural
 730 communities, working with local governments, community-based
 731 organizations, and private organizations that have an interest
 732 in the growth and development of these communities to find ways
 733 to balance environmental and growth management issues with local
 734 needs.

735 (4) REDI shall review and evaluate the impact of statutes
 736 and rules on rural communities and shall work to minimize any
 737 adverse impact and undertake outreach and capacity building
 738 efforts.

739 (5) REDI shall facilitate better access to state resources
 740 by promoting direct access and referrals to appropriate state
 741 and regional agencies and statewide organizations. REDI may
 742 undertake outreach, capacity-building, and other advocacy
 743 efforts to improve conditions in rural communities. These
 744 activities may include sponsorship of conferences and
 745 achievement awards.

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

- 751 1. The Department of Community Affairs.
- 752 2. The Department of Transportation.
- 753 3. The Department of Environmental Protection.

- 754 4. The Department of Agriculture and Consumer Services.
- 755 5. The Department of State.
- 756 6. The Department of Health.
- 757 7. The Department of Children and Family Services.
- 758 8. The Department of Corrections.
- 759 9. The Agency for Workforce Innovation.
- 760 10. The Department of Education.
- 761 11. The Department of Juvenile Justice.
- 762 12. The Fish and Wildlife Conservation Commission.
- 763 13. Each water management district.
- 764 14. Enterprise Florida, Inc.
- 765 15. Workforce Florida, Inc.
- 766 16. The Florida Commission on Tourism or VISIT Florida.
- 767 17. The Florida Regional Planning Council Association.
- 768 18. The Agency for Health Care Administration ~~Florida~~
- 769 ~~State Rural Development Council.~~
- 770 19. The Institute of Food and Agricultural Sciences
- 771 (IFAS).

772

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

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

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

776 Development.

777 (b) Each REDI representative must have comprehensive

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

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

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

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

782 to economically distressed rural communities and with regard to
 783 expediting project review, shall ensure a prompt effective
 784 response to problems arising with regard to rural issues, and
 785 shall work closely with the other REDI representatives in the
 786 identification of opportunities for preferential awards of
 787 program funds and allowances and waiver of program requirements
 788 when necessary to encourage and facilitate long-term private
 789 capital investment and job creation.

790 (c) The REDI representatives shall work with REDI in the
 791 review and evaluation of statutes and rules for adverse impact
 792 on rural communities and the development of alternative
 793 proposals to mitigate that impact.

794 (d) Each REDI representative shall be responsible for
 795 ensuring that each district office or facility of his or her
 796 agency is informed about the Rural Economic Development
 797 Initiative and for providing assistance throughout the agency in
 798 the implementation of REDI activities.

799 (7) (a) REDI may recommend to the Governor up to three
 800 rural areas of critical economic concern. ~~A rural area of~~
 801 ~~critical economic concern must be a rural community, or a region~~
 802 ~~composed of such, that has been adversely affected by an~~
 803 ~~extraordinary economic event or a natural disaster or that~~
 804 ~~presents a unique economic development opportunity of regional~~
 805 ~~impact that will create more than 1,000 jobs over a 5-year~~
 806 ~~period.~~ The Governor may by executive order designate up to
 807 three rural areas of critical economic concern. The Governor may
 808 also designate as a rural area of critical economic concern the
 809 unincorporated and municipal areas that are within a 6-mile

810 radius of the path on which the center of the August 24, 1992,
 811 storm known as Hurricane Andrew crossed land that are in a
 812 county operating under home rule charter adopted pursuant to s.
 813 10, s. 11, or s. 24, Art. VIII of the State Constitution of
 814 1885, as preserved by s. 6(e), Art. VIII of the State
 815 Constitution of 1968, and that has a population of at least 2
 816 million persons. The designations shall ~~which will~~ establish
 817 these areas as priority assignments for REDI as well as to allow
 818 the Governor, acting through REDI, to waive criteria,
 819 requirements, or similar provisions of any economic development
 820 incentive. Such incentives shall include, but not be limited to:
 821 the Qualified Target Industry Tax Refund Program under s.
 822 288.106, the Quick Response Training Program under s. 288.047,
 823 the Quick Response Training Program for participants in the
 824 welfare transition program under s. 288.047(8), transportation
 825 projects under s. 288.063, the brownfield redevelopment bonus
 826 refund under s. 288.107, and the rural job tax credit program
 827 under ss. 212.098 and 220.1895.

828 (b) Designation as a rural area of critical economic
 829 concern under this subsection shall be contingent upon the
 830 execution of a memorandum of agreement among the Office of
 831 Tourism, Trade, and Economic Development; the governing body of
 832 the county; and the governing bodies of any municipalities to be
 833 included within a rural area of critical economic concern. Such
 834 agreement shall specify the terms and conditions of the
 835 designation, including, but not limited to, the duties and
 836 responsibilities of the county and any participating
 837 municipalities to take actions designed to facilitate the

838 retention and expansion of existing businesses in the area, as
839 well as the recruitment of new businesses to the area.

840 (c) Each rural area of critical economic concern may
841 designate catalyst projects, provided that each catalyst project
842 is specifically recommended by REDI, identified as a catalyst
843 project by Enterprise Florida, Inc., and confirmed as a catalyst
844 project by the Office of Tourism, Trade, and Economic
845 Development. All state agencies and departments shall use all
846 available tools and resources to the extent permissible by law
847 to promote the creation and development of each catalyst project
848 and the development of catalyst sites.

849 (8) REDI shall assist local governments within rural areas
850 of critical economic concern with comprehensive planning needs
851 that further the provisions of this section. Such assistance
852 shall reflect a multidisciplinary approach among all agencies
853 and include economic development and planning objectives.

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

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

859 2. REDI representatives shall meet with the local
860 government within 15 days after such request to develop the
861 scope of assistance that will be provided for the development,
862 transmittal, and adoption of the proposed comprehensive plan
863 amendment.

864 3. As part of the assistance provided, REDI
865 representatives shall also identify other needed local and

866 developer actions for approval of the project and recommend a
867 timeline for the local government and developer that will
868 minimize project delays.

869 (b) In addition, each year REDI shall solicit requests for
870 assistance from local governments within a rural area of
871 critical economic concern to update the future land use element
872 and other associated elements of the local government's
873 comprehensive plan to better position the community to respond
874 to economic development potential within the county or
875 municipality. REDI shall provide direct assistance to such local
876 governments to update their comprehensive plans pursuant to this
877 paragraph. At least one comprehensive planning technical
878 assistance effort shall be selected each year.

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

882 (9) ~~(8)~~ REDI shall submit a report to the Governor, the
883 President of the Senate, and the Speaker of the House of
884 Representatives each year on or before ~~September~~ February 1 on
885 all REDI activities for the prior fiscal year. This report shall
886 include a status report on all projects currently being
887 coordinated through REDI, the number of preferential awards and
888 allowances made pursuant to this section, the dollar amount of
889 such awards, and the names of the recipients. The report shall
890 also include a description of all waivers of program
891 requirements granted. The report shall also include information
892 as to the economic impact of the projects coordinated by REDI,
893 recommendations based upon the review and evaluation of laws and

894 rules having an adverse impact on rural communities, and
 895 proposals to mitigate such adverse impacts.

896 Section 13. Section 288.06561, Florida Statutes, is
 897 amended to read:

898 288.06561 Reduction or waiver of financial match
 899 requirements.--Notwithstanding any other law, the member
 900 agencies and organizations of the Rural Economic Development
 901 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review
 902 the financial match requirements for projects in rural areas as
 903 defined in s. 288.0656(2) ~~(b)~~.

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

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

909 (3) These proposals shall be delivered to the Office of
 910 Tourism, Trade, and Economic Development for distribution to the
 911 REDI agencies and organizations. A meeting of REDI agencies and
 912 organizations must be called within 30 days after receipt of
 913 such proposals for REDI comment and recommendations on each
 914 proposal.

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

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

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

925 (7) To the fullest extent possible, agencies and
 926 organizations shall expedite the rule adoption and amendment
 927 process if necessary to incorporate the reduction in match by
 928 rural areas in fiscal distress.

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

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

934 288.0657 Florida rural economic development strategy
 935 grants.--

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

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

939 (b) A county with a population of 125,000 ~~100,000~~ or less
 940 that is contiguous to a county with a population of 75,000 or
 941 less.

942 (c) A municipality within a county described in paragraph
 943 (a) or paragraph (b).

944
 945 For purposes of this subsection, population shall be determined
 946 in accordance with the most recent official estimate pursuant to
 947 s. 186.901.

948 Section 15. Paragraph (c) of subsection (2), paragraphs
 949 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),

950 and paragraph (c) of subsection (5) of section 288.1045, Florida
 951 Statutes, are amended to read:

952 288.1045 Qualified defense contractor and space flight
 953 business tax refund program.--

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

955 (c) A qualified applicant may not receive more than \$5
 956 ~~\$7.5~~ million in tax refunds pursuant to this section in all
 957 fiscal years.

958 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 959 DETERMINATION.--

960 (a) To apply for certification as a qualified applicant
 961 pursuant to this section, an applicant must file an application
 962 with the office which satisfies the requirements of paragraphs
 963 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
 964 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
 965 certification pursuant to this section after a proposal has been
 966 submitted for a new Department of Defense contract, after the
 967 applicant has made the decision to consolidate an existing
 968 Department of Defense contract in this state for which such
 969 applicant is seeking certification, after a proposal has been
 970 submitted for a new space flight business contract in this
 971 state, after the applicant has made the decision to consolidate
 972 an existing space flight business contract in this state for
 973 which such applicant is seeking certification, or after the
 974 applicant has made the decision to convert defense production
 975 jobs to nondefense production jobs for which such applicant is
 976 seeking certification.

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

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

985 2. The consolidation of a Department of Defense contract
986 must result in a net increase of at least 25 percent in the
987 number of jobs at the applicant's facilities in this state or
988 the addition of at least 80 jobs at the applicant's facilities
989 in this state.

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

993 4. The Department of Defense contract or the space flight
994 business contract cannot allow the business to include the costs
995 of relocation or retooling in its base as allowable costs under
996 a cost-plus, or similar, contract.

997 5. A business unit of the applicant must have derived not
998 less than 60 percent of its gross receipts in this state from
999 Department of Defense contracts or space flight business
1000 contracts over the applicant's last fiscal year, and must have
1001 derived not less than an average of 60 percent of its gross
1002 receipts in this state from Department of Defense contracts or
1003 space flight business contracts over the 5 years preceding the
1004 date an application is submitted pursuant to this section. This

1005 subparagraph does not apply to any application for certification
 1006 based on a contract for reuse of a defense-related facility.

1007 6. The reuse of a defense-related facility must result in
 1008 the creation of at least 100 jobs at such facility.

1009 7. A new space flight business contract or the
 1010 consolidation of a space flight business contract must result in
 1011 net increases in space flight business employment at the
 1012 applicant's facilities in this state.

1013 (f) Each application meeting the requirements of
 1014 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
 1015 and (e), or paragraphs (e) and (j) ~~(k)~~ must be submitted to the
 1016 office for a determination of eligibility. The office shall
 1017 review and evaluate each application based on, but not limited
 1018 to, the following criteria:

1019 1. Expected contributions to the state strategic economic
 1020 development plan adopted by Enterprise Florida, Inc., taking
 1021 into account the extent to which the project contributes to the
 1022 state's high-technology base, and the long-term impact of the
 1023 project and the applicant on the state's economy.

1024 2. The economic benefit of the jobs created or retained by
 1025 the project in this state, taking into account the cost and
 1026 average wage of each job created or retained, and the potential
 1027 risk to existing jobs.

1028 3. The amount of capital investment to be made by the
 1029 applicant in this state.

1030 4. The local commitment and support for the project and
 1031 applicant.

1032 5. The impact of the project on the local community,
1033 taking into account the unemployment rate for the county where
1034 the project will be located.

1035 6. The dependence of the local community on the defense
1036 industry or space flight business.

1037 7. The impact of any tax refunds granted pursuant to this
1038 section on the viability of the project and the probability that
1039 the project will occur in this state if such tax refunds are
1040 granted to the applicant, taking into account the expected long-
1041 term commitment of the applicant to economic growth and
1042 employment in this state.

1043 8. The length of the project, or the expected long-term
1044 commitment to this state resulting from the project.

1045 (g) Applications shall be reviewed and certified pursuant
1046 to s. 288.061. ~~The office shall forward its written findings and~~
1047 ~~evaluation on each application meeting the requirements of~~
1048 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1049 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1050 ~~calendar days after receipt of a complete application. The~~
1051 ~~office shall notify each applicant when its application is~~
1052 ~~complete, and when the 60-day period begins. In its written~~
1053 ~~report to the director, the office shall specifically address~~
1054 ~~each of the factors specified in paragraph (f), and shall make a~~
1055 ~~specific assessment with respect to the minimum requirements~~
1056 ~~established in paragraph (e). The office shall include in its~~
1057 ~~report projections of the tax refunds the applicant would be~~
1058 ~~eligible to receive in each fiscal year based on the creation~~
1059 ~~and maintenance of the net new Florida jobs specified in~~

1060 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
 1061 ~~subparagraph (k)6. as of December 31 of the preceding state~~
 1062 ~~fiscal year.~~

1063 ~~(h) Within 30 days after receipt of the office's findings~~
 1064 ~~and evaluation, the director shall issue a letter of~~
 1065 ~~certification which either approves or disapproves an~~
 1066 ~~application. The decision must be in writing and provide the~~
 1067 ~~justifications for either approval or disapproval. If~~
 1068 ~~appropriate, the director shall enter into a written agreement~~
 1069 ~~with the qualified applicant pursuant to subsection (4).~~

1070 (h) ~~(i)~~ The director may not certify any applicant as a
 1071 qualified applicant when the value of tax refunds to be included
 1072 in that letter of certification exceeds the available amount of
 1073 authority to certify new businesses as determined in s.
 1074 288.095(3). A letter of certification that approves an
 1075 application must specify the maximum amount of a tax refund that
 1076 is to be available to the contractor for each fiscal year and
 1077 the total amount of tax refunds for all fiscal years.

1078 (i) ~~(j)~~ This section does not create a presumption that an
 1079 applicant should receive any tax refunds under this section.

1080 (j) ~~(k)~~ Applications for certification based upon a new
 1081 space flight business contract or the consolidation of a space
 1082 flight business contract must be submitted to the office as
 1083 prescribed by the office and must include, but are not limited
 1084 to, the following information:

1085 1. The applicant's federal employer identification number,
 1086 the applicant's Florida sales tax registration number, and a
 1087 signature of an officer of the applicant.

1088 2. The permanent location of the space flight business
1089 facility in this state where the project is or will be located.

1090 3. The new space flight business contract number, the
1091 space flight business contract numbers of the contract to be
1092 consolidated, or the request-for-proposal number of a proposed
1093 space flight business contract.

1094 4. The date the contract was executed and the date the
1095 contract is due to expire, is expected to expire, or was
1096 canceled.

1097 5. The commencement date for project operations under the
1098 contract in this state.

1099 6. The number of net new full-time equivalent Florida jobs
1100 included in the project as of December 31 of each year and the
1101 average wage of such jobs.

1102 7. The total number of full-time equivalent employees
1103 employed by the applicant in this state.

1104 8. The percentage of the applicant's gross receipts
1105 derived from space flight business contracts during the 5
1106 taxable years immediately preceding the date the application is
1107 submitted.

1108 9. The number of full-time equivalent jobs in this state
1109 to be retained by the project.

1110 10. A brief statement concerning the applicant's need for
1111 tax refunds and the proposed uses of such refunds by the
1112 applicant.

1113 11. A resolution adopted by the governing board of the
1114 county or municipality in which the project will be located
1115 which recommends the applicant be approved as a qualified

1116 applicant and indicates that the necessary commitments of local
 1117 financial support for the applicant exist. Prior to the adoption
 1118 of the resolution, the county commission may review the proposed
 1119 public or private sources of such support and determine whether
 1120 the proposed sources of local financial support can be provided
 1121 or, for any applicant whose project is located in a county
 1122 designated by the Rural Economic Development Initiative, a
 1123 resolution adopted by the county commissioners of such county
 1124 requesting that the applicant's project be exempt from the local
 1125 financial support requirement.

1126 12. Any additional information requested by the office.

1127 (5) ANNUAL CLAIM FOR REFUND.--

1128 (c) A tax refund may not be approved for any qualified
 1129 applicant unless local financial support has been paid to the
 1130 Economic Development Trust Fund for that refund. If the local
 1131 financial support is less than 20 percent of the approved tax
 1132 refund, the tax refund shall be reduced. The tax refund paid may
 1133 not exceed 5 times the local financial support received. Funding
 1134 from local sources includes tax abatement under s. 196.1995 or
 1135 the appraised market value of municipal or county land,
 1136 including any improvements or structures, conveyed or provided
 1137 at a discount through a sale or lease to that applicant. The
 1138 amount of any tax refund for an applicant approved under this
 1139 section shall be reduced by the amount of any such tax abatement
 1140 granted or the value of the land granted, including the value of
 1141 any improvements or structures; and the limitations in
 1142 subsection (2) and ~~paragraph (3)(h)~~ shall be reduced by the
 1143 amount of any such tax abatement or the value of the land

1144 granted, including any improvements or structures. A report
 1145 listing all sources of the local financial support shall be
 1146 provided to the office when such support is paid to the Economic
 1147 Development Trust Fund.

1148 Section 16. Paragraphs (k) and (t) of subsection (1),
 1149 paragraph (b) of subsection (2), subsection (3), paragraph (b)
 1150 of subsection (4), paragraph (c) of subsection (5), and
 1151 subsection (8) of section 288.106, Florida Statutes, are
 1152 amended, and paragraph (v) is added to subsection (1) of that
 1153 section, to read:

1154 288.106 Tax refund program for qualified target industry
 1155 businesses.--

1156 (1) DEFINITIONS.--As used in this section:

1157 (k) "Local financial support exemption option" means the
 1158 option to exercise an exemption from the local financial support
 1159 requirement available to any applicant whose project is located
 1160 in a brownfield area or a county with a population of 75,000 or
 1161 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
 1162 that ~~which~~ is contiguous to a county with a population of 75,000
 1163 or fewer. Any applicant that exercises this option shall not be
 1164 eligible for more than 80 percent of the total tax refunds
 1165 allowed such applicant under this section.

1166 (t) "Rural community" means:

- 1167 1. A county with a population of 75,000 or less.
- 1168 2. A county with a population of 125,000 ~~100,000~~ or less
 1169 that is contiguous to a county with a population of 75,000 or
 1170 less.
- 1171 3. A municipality within a county described in

1172 subparagraph 1. or subparagraph 2.

1173

1174 For purposes of this paragraph, population shall be determined
 1175 in accordance with the most recent official estimate pursuant to
 1176 s. 186.901.

1177 (v) "Targeted industry zone" means any catalyst site
 1178 designated pursuant to s. 288.0656(2)(b) and any area with a
 1179 sector plan adopted pursuant to s. 163.3245.

1180 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1181 (b) Upon approval by the director, a qualified target
 1182 industry business shall be allowed tax refund payments equal to
 1183 \$3,000 times the number of jobs specified in the tax refund
 1184 agreement under subparagraph (4)(a)1., or equal to \$6,000 times
 1185 the number of jobs if the project is located in a rural county,
 1186 a targeted industry zone, or an enterprise zone. For a county
 1187 with a population density of no more than 550 persons per square
 1188 mile that is contiguous to either Alabama or Georgia and that
 1189 does not contain the state capital or a county with a sector
 1190 plan adopted pursuant to s. 163.3245 that is within 75 miles of
 1191 the Georgia or Alabama border, a qualified target industry
 1192 business shall be allowed tax refund payments equal to \$4,000
 1193 times the number of jobs. Further, a qualified target industry
 1194 business shall be allowed additional tax refund payments equal
 1195 to \$1,000 times the number of jobs specified in the tax refund
 1196 agreement under subparagraph (4)(a)1., if such jobs pay an
 1197 annual average wage of at least 150 percent of the average
 1198 private sector wage in the area, or equal to \$2,000 times the
 1199 number of jobs if such jobs pay an annual average wage of at

1200 least 200 percent of the average private sector wage in the
1201 area. A qualified target industry business may not receive
1202 refund payments of more than 25 percent of the total tax refunds
1203 specified in the tax refund agreement under subparagraph
1204 (4) (a)1. in any fiscal year. Further, a qualified target
1205 industry business may not receive more than \$1.5 million in
1206 refunds under this section in any single fiscal year, or more
1207 than \$2.5 million in any single fiscal year if the project is
1208 located in an enterprise zone. A qualified target industry may
1209 not receive more than \$5 million in refund payments under this
1210 section in all fiscal years, or more than \$7.5 million if the
1211 project is located in an enterprise zone. Funds made available
1212 pursuant to this section may not be expended in connection with
1213 the relocation of a business from one community to another
1214 community in this state unless the Office of Tourism, Trade, and
1215 Economic Development determines that without such relocation the
1216 business will move outside this state or determines that the
1217 business has a compelling economic rationale for the relocation
1218 and that the relocation will create additional jobs.

1219 (3) APPLICATION AND APPROVAL PROCESS.--

1220 (a) To apply for certification as a qualified target
1221 industry business under this section, the business must file an
1222 application with the office before the business has made the
1223 decision to locate a new business in this state or before the
1224 business had made the decision to expand an existing business in
1225 this state. The application shall include, but is not limited
1226 to, the following information:

- 1227 1. The applicant's federal employer identification number
 1228 and the applicant's state sales tax registration number.
- 1229 2. The permanent location of the applicant's facility in
 1230 this state at which the project is or is to be located.
- 1231 3. A description of the type of business activity or
 1232 product covered by the project, including a minimum of a five-
 1233 digit NAICS code ~~four-digit SIC codes~~ for all activities
 1234 included in the project. As used in this paragraph, "NAICS"
 1235 means those classifications contained in the North American
 1236 Industry Classification System, as published in 2007 by the
 1237 Office of Management and Budget, Executive Office of the
 1238 President.
- 1239 4. The number of net new full-time equivalent Florida jobs
 1240 at the qualified target industry business as of December 31 of
 1241 each year included in the project and the average wage of those
 1242 jobs. If more than one type of business activity or product is
 1243 included in the project, the number of jobs and average wage for
 1244 those jobs must be separately stated for each type of business
 1245 activity or product.
- 1246 5. The total number of full-time equivalent employees
 1247 employed by the applicant in this state.
- 1248 6. The anticipated commencement date of the project.
- 1249 7. A brief statement concerning the role that the tax
 1250 refunds requested will play in the decision of the applicant to
 1251 locate or expand in this state.
- 1252 8. An estimate of the proportion of the sales resulting
 1253 from the project that will be made outside this state.

1254 9. A resolution adopted by the governing board of the
 1255 county or municipality in which the project will be located,
 1256 which resolution recommends that certain types of businesses be
 1257 approved as a qualified target industry business and states that
 1258 the commitments of local financial support necessary for the
 1259 target industry business exist. In advance of the passage of
 1260 such resolution, the office may also accept an official letter
 1261 from an authorized local economic development agency that
 1262 endorses the proposed target industry project and pledges that
 1263 sources of local financial support for such project exist. For
 1264 the purposes of making pledges of local financial support under
 1265 this subsection, the authorized local economic development
 1266 agency shall be officially designated by the passage of a one-
 1267 time resolution by the local governing authority.

1268 10. Any additional information requested by the office.

1269 (b) To qualify for review by the office, the application
 1270 of a target industry business must, at a minimum, establish the
 1271 following to the satisfaction of the office:

1272 1. The jobs proposed to be provided under the application,
 1273 pursuant to subparagraph (a)4., must pay an estimated annual
 1274 average wage equaling at least 115 percent of the average
 1275 private sector wage in the area where the business is to be
 1276 located or the statewide private sector average wage. In
 1277 determining the average annual wage, the office shall only
 1278 include new proposed jobs, and wages for existing jobs shall be
 1279 excluded from this calculation. The office may waive the ~~this~~
 1280 average wage requirement at the request of the local governing
 1281 body recommending the project and Enterprise Florida, Inc. The

1282 wage requirement may only be waived for a project located in a
 1283 brownfield area designated under s. 376.80, ~~or~~ in a rural city
 1284 or county, in a targeted industry zone, or in an enterprise zone
 1285 and only when the merits of the individual project or the
 1286 specific circumstances in the community in relationship to the
 1287 project warrant such action. If the local governing body and
 1288 Enterprise Florida, Inc., make such a recommendation, it must be
 1289 transmitted in writing and the specific justification for the
 1290 waiver recommendation must be explained. If the director elects
 1291 to waive the wage requirement, the waiver must be stated in
 1292 writing and the reasons for granting the waiver must be
 1293 explained.

1294 2. The target industry business's project must result in
 1295 the creation of at least 10 jobs at such project and, if an
 1296 expansion of an existing business, must result in a net increase
 1297 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
 1298 business. Notwithstanding the definition of the term "expansion
 1299 of an existing business" in paragraph (1)(g), at the request of
 1300 the local governing body recommending the project and Enterprise
 1301 Florida, Inc., the office may define an "expansion of an
 1302 existing business" in a rural community or an enterprise zone as
 1303 the expansion of a business resulting in a net increase in
 1304 employment of less than 10 percent at such business if the
 1305 merits of the individual project or the specific circumstances
 1306 in the community in relationship to the project warrant such
 1307 action. If the local governing body and Enterprise Florida,
 1308 Inc., make such a request, the request ~~it~~ must be transmitted in
 1309 writing and the specific justification for the request must be

1310 explained. If the director elects to grant the ~~such~~ request, the
 1311 grant ~~such election~~ must be stated in writing and the reason for
 1312 granting the request must be explained.

1313 3. The business activity or product for the applicant's
 1314 project is within an industry or industries that have been
 1315 identified by the office to be high-value-added industries that
 1316 contribute to the area and to the economic growth of the state
 1317 and that produce a higher standard of living for residents
 1318 ~~citizens~~ of this state in the new global economy or that can be
 1319 shown to make an equivalent contribution to the area and state's
 1320 economic progress. The director must approve requests to waive
 1321 the wage requirement for brownfield areas designated under s.
 1322 376.80 unless it is demonstrated that such action is not in the
 1323 public interest.

1324 (c) Each application meeting the requirements of paragraph
 1325 (b) must be submitted to the office for determination of
 1326 eligibility. The office shall review and evaluate each
 1327 application based on, but not limited to, the following
 1328 criteria:

1329 1. Expected contributions to the state strategic economic
 1330 development plan adopted by Enterprise Florida, Inc., taking
 1331 into account the long-term effects of the project and of the
 1332 applicant on the state economy.

1333 2. The economic benefit of the jobs created by the project
 1334 in this state, taking into account the cost and average wage of
 1335 each job created.

1336 3. The amount of capital investment to be made by the
 1337 applicant in this state.

1338 4. The local commitment and support for the project.

1339 5. The effect of the project on the local community,
 1340 taking into account the unemployment rate for the county where
 1341 the project will be located.

1342 6. The effect of any tax refunds granted pursuant to this
 1343 section on the viability of the project and the probability that
 1344 the project will be undertaken in this state if such tax refunds
 1345 are granted to the applicant, taking into account the expected
 1346 long-term commitment of the applicant to economic growth and
 1347 employment in this state.

1348 7. The expected long-term commitment to this state
 1349 resulting from the project.

1350 8. A review of the business's past activities in this
 1351 state or other states, including whether such business has been
 1352 subjected to criminal or civil fines and penalties. ~~Nothing in~~
 1353 This subparagraph does not ~~shall~~ require the disclosure of
 1354 confidential information.

1355 (d) Applications shall be reviewed and certified pursuant
 1356 to s. 288.061. ~~The office shall forward its written findings and~~
 1357 ~~evaluation concerning each application meeting the requirements~~
 1358 ~~of paragraph (b) to the director within 45 calendar days after~~
 1359 ~~receipt of a complete application. The office shall notify each~~
 1360 ~~target industry business when its application is complete, and~~
 1361 ~~of the time when the 45-day period begins. In its written report~~
 1362 ~~to the director, the office shall specifically address each of~~
 1363 ~~the factors specified in paragraph (c) and shall make a specific~~
 1364 ~~assessment with respect to the minimum requirements established~~
 1365 ~~in paragraph (b).~~ The office shall include in its review report

1366 projections of the tax refunds the business would be eligible to
1367 receive in each fiscal year based on the creation and
1368 maintenance of the net new Florida jobs specified in
1369 subparagraph (a)4. as of December 31 of the preceding state
1370 fiscal year.

1371 ~~(e)1. Within 30 days after receipt of the office's~~
1372 ~~findings and evaluation, the director shall issue a letter of~~
1373 ~~certification that either approves or disapproves the~~
1374 ~~application of the target industry business. The decision must~~
1375 ~~be in writing and must provide the justifications for approval~~
1376 ~~or disapproval.~~

1377 ~~2.~~ If appropriate, the director shall enter into a written
1378 agreement with the qualified target industry business pursuant
1379 to subsection (4).

1380 (e)~~(f)~~ The director may not certify any target industry
1381 business as a qualified target industry business if the value of
1382 tax refunds to be included in that letter of certification
1383 exceeds the available amount of authority to certify new
1384 businesses as determined in s. 288.095(3). However, if the
1385 commitments of local financial support represent less than 20
1386 percent of the eligible tax refund payments, or to otherwise
1387 preserve the viability and fiscal integrity of the program, the
1388 director may certify a qualified target industry business to
1389 receive tax refund payments of less than the allowable amounts
1390 specified in paragraph (2)(b). A letter of certification that
1391 approves an application must specify the maximum amount of tax
1392 refund that will be available to the qualified industry business

1393 | in each fiscal year and the total amount of tax refunds that
 1394 | will be available to the business for all fiscal years.

1395 | (f)~~(g)~~ ~~Nothing in~~ This section does not shall create a
 1396 | presumption that an applicant shall ~~will~~ receive any tax refunds
 1397 | under this section. However, the office may issue nonbinding
 1398 | opinion letters, upon the request of prospective applicants, as
 1399 | to the applicants' eligibility and the potential amount of
 1400 | refunds.

1401 | (4) TAX REFUND AGREEMENT.--

1402 | (b) Compliance with the terms and conditions of the
 1403 | agreement is a condition precedent for the receipt of a tax
 1404 | refund each year. The failure to comply with the terms and
 1405 | conditions of the tax refund agreement results in the loss of
 1406 | eligibility for receipt of all tax refunds previously authorized
 1407 | under this section and the revocation by the director of the
 1408 | certification of the business entity as a qualified target
 1409 | industry business, unless the business is eligible to receive
 1410 | and elects to accept a prorated refund under paragraph (5) (d) or
 1411 | the office grants the business an economic-stimulus exemption.

1412 | 1. A qualified target industry business may submit, in
 1413 | writing, a request to the office for an economic-stimulus
 1414 | exemption. The request must provide quantitative evidence
 1415 | demonstrating how negative economic conditions in the business's
 1416 | industry, the effects of the impact of a named hurricane or
 1417 | tropical storm, or specific acts of terrorism affecting the
 1418 | qualified target industry business have prevented the business
 1419 | from complying with the terms and conditions of its tax refund
 1420 | agreement.

1421 2. Upon receipt of a request under subparagraph 1., the
1422 director shall have 45 days to notify the requesting business,
1423 in writing, if its exemption has been granted or denied. In
1424 determining if an exemption should be granted, the director
1425 shall consider the extent to which negative economic conditions
1426 in the requesting business's industry have occurred in the state
1427 ~~or~~ the effects of the impact of a named hurricane or tropical
1428 storm~~,~~ or specific acts of terrorism affecting the qualified
1429 target industry business have prevented the business from
1430 complying with the terms and conditions of its tax refund
1431 agreement. The office shall consider current employment
1432 statistics for this state by industry, including whether the
1433 business's industry had substantial job loss during the prior
1434 year, when determining whether an exemption shall be granted.

1435 3. As a condition for receiving a prorated refund under
1436 paragraph (5) (d) or an economic-stimulus exemption under this
1437 paragraph, a qualified target industry business must agree to
1438 renegotiate its tax refund agreement with the office to, at a
1439 minimum, ensure that the terms of the agreement comply with
1440 current law and office procedures governing application for and
1441 award of tax refunds. Upon approving the award of a prorated
1442 refund or granting an economic-stimulus exemption, the office
1443 shall renegotiate the tax refund agreement with the business as
1444 required by this subparagraph. When amending the agreement of a
1445 business receiving an economic-stimulus exemption, the office
1446 may extend the duration of the agreement for a period not to
1447 exceed 2 years.

1448 4. A qualified target industry business may submit a
 1449 request for an economic-stimulus exemption to the office in lieu
 1450 of any tax refund claim scheduled to be submitted after January
 1451 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1452 5. A qualified target industry business that receives an
 1453 economic-stimulus exemption may not receive a tax refund for the
 1454 period covered by the exemption.

1455 (5) ANNUAL CLAIM FOR REFUND.--

1456 (c) A tax refund may not be approved for a qualified
 1457 target industry business unless the required local financial
 1458 support has been paid into the account for that refund. If the
 1459 local financial support provided is less than 20 percent of the
 1460 approved tax refund, the tax refund must be reduced. In no event
 1461 may the tax refund exceed an amount that is equal to 5 times the
 1462 amount of the local financial support received. Further, funding
 1463 from local sources includes any tax abatement granted to that
 1464 business under s. 196.1995 or the appraised market value of
 1465 municipal or county land conveyed or provided at a discount to
 1466 that business. The amount of any tax refund for such business
 1467 approved under this section must be reduced by the amount of any
 1468 such tax abatement granted or the value of the land granted; and
 1469 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
 1470 be reduced by the amount of any such tax abatement or the value
 1471 of the land granted. A report listing all sources of the local
 1472 financial support shall be provided to the office when such
 1473 support is paid to the account.

1474 (8) EXPIRATION.--An applicant may not be certified as
 1475 qualified under this section after June 30, 2014 ~~2010~~. A tax

1476 refund agreement existing on that date shall continue in effect
 1477 in accordance with its terms.

1478 Section 17. Paragraph (e) of subsection (1), paragraph (b)
 1479 of subsection (3), and paragraph (f) of subsection (4) of
 1480 section 288.107, Florida Statutes, are amended, and paragraph
 1481 (e) is added to subsection (3) of that section, to read:

1482 288.107 Brownfield redevelopment bonus refunds.--

1483 (1) Definitions.--As used in this section:

1484 (e) "Eligible business" means:

1485 1. A qualified target industry business as defined in s.
 1486 288.106(1)(o); or

1487 2. A business that can demonstrate a fixed capital
 1488 investment of at least \$2 million in mixed-use business
 1489 activities, including multiunit housing, commercial, retail, and
 1490 industrial in brownfield areas, or at least \$500,000 in
 1491 brownfield areas that do not require site cleanup, and which
 1492 provides benefits to its employees.

1493 (3) CRITERIA.--The minimum criteria for participation in
 1494 the brownfield redevelopment bonus refund are:

1495 (b) The completion of a fixed capital investment of at
 1496 least \$2 million in mixed-use business activities, including
 1497 multiunit housing, commercial, retail, and industrial in
 1498 brownfield areas, or at least \$500,000 in brownfield areas that
 1499 do not require site cleanup, by an eligible business applying
 1500 for a refund under paragraph (2)(b) which provides benefits to
 1501 its employees.

1502 (e) A resolution adopted by the governing board of the
 1503 county or municipality in which the project will be located that
 1504 recommends that certain types of businesses be approved.

1505 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1506 (f) Applications shall be reviewed and certified pursuant
 1507 to s. 288.061. The office shall review all applications
 1508 submitted under s. 288.106 or other similar application forms
 1509 for other eligible businesses as defined in paragraph (1)(e)
 1510 which indicate that the proposed project will be located in a
 1511 brownfield and determine, with the assistance of the Department
 1512 of Environmental Protection, that the project location is within
 1513 a brownfield as provided in this act.

1514 Section 18. Paragraphs (b), (c), and (d) of subsection (5)
 1515 and subsections (7) and (8) of section 288.108, Florida
 1516 Statutes, are amended to read:

1517 288.108 High-impact business.--

1518 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT
 1519 AGREEMENT.--

1520 (b) Applications shall be reviewed and certified pursuant
 1521 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~
 1522 ~~submitted application and inform the applicant business whether~~
 1523 ~~or not its application is complete within 10 working days. Once~~
 1524 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
 1525 ~~has 10 working days within which to evaluate the application and~~
 1526 ~~recommend approval or disapproval of the application to the~~
 1527 ~~director. In recommending an applicant business for approval,~~
 1528 ~~Enterprise Florida, Inc., shall include a recommended grant~~
 1529 ~~award amount in its evaluation forwarded to the office.~~

1530 ~~(c) Upon receipt of the evaluation and recommendation of~~
1531 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1532 ~~enter a final order that either approves or disapproves an~~
1533 ~~applicant business as a qualified high-impact business facility,~~
1534 ~~unless the business requests an extension of the time. The final~~
1535 ~~order shall specify the total amount of the qualified high-~~
1536 ~~impact business facility performance grant award, the~~
1537 ~~performance conditions that must be met to obtain the award, and~~
1538 ~~the schedule for payment of the performance grant.~~

1539 (c)~~(d)~~ The director and the qualified high-impact business
1540 shall enter into a performance grant agreement setting forth the
1541 conditions for payment of the qualified high-impact business
1542 performance grant. The agreement shall include the total amount
1543 of the qualified high-impact business facility performance grant
1544 award, the performance conditions that must be met to obtain the
1545 award, including the employment, average salary, investment, the
1546 methodology for determining if the conditions have been met, and
1547 the schedule of performance grant payments.

1548 ~~(7) REPORTING.--The office shall by December 1 of each~~
1549 ~~year issue a complete and detailed report of all designated~~
1550 ~~high-impact sectors, all applications received and their~~
1551 ~~disposition, all final orders issued, and all payments made,~~
1552 ~~including analyses of benefits and costs, types of projects~~
1553 ~~supported, and employment and investments created. The report~~
1554 ~~shall be submitted to the Governor, the President of the Senate,~~
1555 ~~and the Speaker of the House of Representatives.~~

1556 (7)~~(8)~~ RULEMAKING.--The office may adopt rules necessary
1557 to carry out the provisions of this section.

1558 Section 19. Paragraphs (a) and (b) of subsection (3) of
 1559 section 288.1088, Florida Statutes, are amended to read:

1560 288.1088 Quick Action Closing Fund.--

1561 (3) (a) Enterprise Florida, Inc., shall review applications
 1562 pursuant to s. 288.061 and determine eligibility of each project
 1563 consistent with the criteria in subsection (2). Enterprise
 1564 Florida, Inc., in consultation with the Office of Tourism,
 1565 Trade, and Economic Development, may waive these criteria based
 1566 on extraordinary circumstances or in rural areas of critical
 1567 economic concern if the project would significantly benefit the
 1568 local or regional economy. Enterprise Florida, Inc., shall
 1569 evaluate individual proposals for high-impact business
 1570 facilities and forward recommendations regarding the use of
 1571 moneys in the fund for such facilities to the director of the
 1572 Office of Tourism, Trade, and Economic Development. Such
 1573 evaluation and recommendation must include, but need not be
 1574 limited to:

1575 1. A description of the type of facility or
 1576 infrastructure, its operations, and the associated product or
 1577 service associated with the facility.

1578 2. The number of full-time-equivalent jobs that will be
 1579 created by the facility and the total estimated average annual
 1580 wages of those jobs or, in the case of privately developed rural
 1581 infrastructure, the types of business activities and jobs
 1582 stimulated by the investment.

1583 3. The cumulative amount of investment to be dedicated to
 1584 the facility within a specified period.

1585 4. A statement of any special impacts the facility is
 1586 expected to stimulate in a particular business sector in the
 1587 state or regional economy or in the state's universities and
 1588 community colleges.

1589 5. A statement of the role the incentive is expected to
 1590 play in the decision of the applicant business to locate or
 1591 expand in this state or for the private investor to provide
 1592 critical rural infrastructure.

1593 6. A report evaluating the quality and value of the
 1594 company submitting a proposal. The report must include:

1595 a. A financial analysis of the company, including an
 1596 evaluation of the company's short-term liquidity ratio as
 1597 measured by its assets to liability, the company's profitability
 1598 ratio, and the company's long-term solvency as measured by its
 1599 debt-to-equity ratio;

1600 b. The historical market performance of the company;

1601 c. A review of any independent evaluations of the company;

1602 d. A review of the latest audit of the company's financial
 1603 statement and the related auditor's management letter; and

1604 e. A review of any other types of audits that are related
 1605 to the internal and management controls of the company.

1606 (b) Within 22 calendar days after receiving ~~Upon receipt~~
 1607 ~~of~~ the evaluation and recommendation from Enterprise Florida,
 1608 Inc., the director shall recommend to the Governor approval or
 1609 disapproval of a project for receipt of funds from the Quick
 1610 Action Closing Fund ~~to the Governor~~. In recommending a project,
 1611 the director shall include proposed performance conditions that
 1612 the project must meet to obtain incentive funds. The Governor

1613 shall provide the evaluation of projects recommended for
 1614 approval to the President of the Senate and the Speaker of the
 1615 House of Representatives and consult with the President of the
 1616 Senate and the Speaker of the House of Representatives before
 1617 giving final approval for a project. The Executive Office of the
 1618 Governor shall recommend approval of a project and the release
 1619 of funds pursuant to the legislative consultation and review
 1620 requirements set forth in s. 216.177. The recommendation must
 1621 include proposed performance conditions that the project must
 1622 meet in order to obtain funds.

1623 Section 20. Section 288.1089, Florida Statutes, is amended
 1624 to read:

1625 288.1089 Innovation Incentive Program.--

1626 (1) The Innovation Incentive Program is created within the
 1627 Office of Tourism, Trade, and Economic Development to ensure
 1628 that sufficient resources are available to allow the state to
 1629 respond expeditiously to extraordinary economic opportunities
 1630 and to compete effectively for high-value research and
 1631 development, alternative and renewable energy, and innovation
 1632 business projects.

1633 (2) As used in this section, the term:

1634 (a) "Alternative and renewable energy" means electrical,
 1635 mechanical, or thermal energy produced from a method that uses
 1636 one or more of the following fuels or energy sources: ethanol,
 1637 cellulosic ethanol, biobutanol, biodiesel, biomass, biogas,
 1638 hydrogen fuel cells, ocean energy, hydrogen, solar, hydro, wind,
 1639 or geothermal.

1640 (b) "Average private sector wage" means the statewide
1641 average wage in the private sector or the average of all private
1642 sector wages in the county or in the standard metropolitan area
1643 in which the project is located as determined by the Agency for
1644 Workforce Innovation.

1645 (c) "Brownfield area" means an area designated as a
1646 brownfield area pursuant to s. 376.80.

1647 (d) "Commission" means the Florida Energy and Climate
1648 Commission.

1649 (e)~~(d)~~ "Cumulative investment" means cumulative capital
1650 investment and all eligible capital costs, as defined in s.
1651 220.191.

1652 (f)~~(e)~~ "Director" means the director of the Office of
1653 Tourism, Trade, and Economic Development.

1654 (g)~~(f)~~ "Enterprise zone" means an area designated as an
1655 enterprise zone pursuant to s. 290.0065.

1656 (h)~~(g)~~ "Fiscal year" means the state fiscal year.

1657 (i) "Industry wage" means the average annual wage paid to
1658 employees in a particular industry, as designated by the North
1659 American Industry Classification System (NAICS) and compiled by
1660 the Bureau of Labor Statistics of the United States Department
1661 of Labor.

1662 (j)~~(h)~~ "Innovation business" means a business expanding or
1663 locating in this state that is likely to serve as a catalyst for
1664 the growth of an existing or emerging technology cluster or will
1665 significantly impact the regional economy in which it is to
1666 expand or locate.

1667 (k) ~~(i)~~ "Jobs" means full-time equivalent positions, as
 1668 that term is consistent with terms used by the Agency for
 1669 Workforce Innovation and the United States Department of Labor
 1670 for purposes of unemployment compensation tax administration and
 1671 employment estimation, resulting directly from a project in this
 1672 state. The term does not include temporary construction jobs.

1673 (l) ~~(j)~~ "Match" means funding from local sources, public or
 1674 private, which will be paid to the applicant and which is equal
 1675 to 100 percent of an award. Eligible match funding may include
 1676 any tax abatement granted to the applicant under s. 196.1995 or
 1677 the appraised market value of land, buildings, infrastructure,
 1678 or equipment conveyed or provided at a discount to the
 1679 applicant. Complete documentation of a match payment or other
 1680 conveyance must be presented to and verified by the office prior
 1681 to transfer of state funds to an applicant. An applicant may not
 1682 provide, directly or indirectly, more than 5 percent of match
 1683 funding in any fiscal year. The sources of such funding may not
 1684 include, directly or indirectly, state funds appropriated from
 1685 the General Revenue Fund or any state trust fund, excluding tax
 1686 revenues shared with local governments pursuant to law.

1687 (m) ~~(k)~~ "Office" means the Office of Tourism, Trade, and
 1688 Economic Development.

1689 (n) ~~(l)~~ "Project" means the location to or expansion in
 1690 this state by an innovation business, alternative and renewable
 1691 energy business, or research and development applicant approved
 1692 for an award pursuant to this section.

1693 (o) ~~(m)~~ "Research and development" means basic and applied
 1694 research in the sciences or engineering, as well as the design,

1695 development, and testing of prototypes or processes of new or
 1696 improved products. Research and development does not include
 1697 market research, routine consumer product testing, sales
 1698 research, research in the social sciences or psychology,
 1699 nontechnological activities, or technical services.

1700 (p)~~(n)~~ "Research and development facility" means a
 1701 facility that is predominately engaged in research and
 1702 development activities. For purposes of this paragraph, the term
 1703 "predominantly" means at least 51 percent of the time.

1704 (q)~~(o)~~ "Rural area" means a rural city, rural community,
 1705 or rural county as defined in s. 288.106.

1706 (3) To be eligible for consideration for an innovation
 1707 incentive award, an innovation business, a ~~or~~ research and
 1708 development entity, or an alternative and renewable energy
 1709 company ~~project~~ must submit a written application to Enterprise
 1710 Florida, Inc., before making a decision to locate new operations
 1711 in this state or expand an existing operation in this state. The
 1712 application must include, but not be limited to:

1713 (a) The applicant's federal employer identification
 1714 number, unemployment account number, and state sales tax
 1715 registration number. If such numbers are not available at the
 1716 time of application, they must be submitted to the office in
 1717 writing prior to the disbursement of any payments under this
 1718 section.

1719 (b) The location in this state at which the project is
 1720 located or is to be located.

1721 (c) A description of the type of business activity,
 1722 product, or research and development undertaken by the

1723 applicant, including six-digit North American Industry
 1724 Classification System codes for all activities included in the
 1725 project.

1726 (d) The applicant's projected investment in the project.

1727 (e) The total investment, from all sources, in the
 1728 project.

1729 (f) The number of net new full-time equivalent jobs in
 1730 this state the applicant anticipates having created as of
 1731 December 31 of each year in the project and the average annual
 1732 wage of such jobs.

1733 (g) The total number of full-time equivalent employees
 1734 currently employed by the applicant in this state, if
 1735 applicable.

1736 (h) The anticipated commencement date of the project.

1737 (i) A detailed explanation of why the innovation incentive
 1738 is needed to induce the applicant to expand or locate in the
 1739 state and whether an award would cause the applicant to locate
 1740 or expand in this state.

1741 (j) If applicable, an estimate of the proportion of the
 1742 revenues resulting from the project that will be generated
 1743 outside this state.

1744 (4) To qualify for review by the office, the applicant
 1745 must, at a minimum, establish the following to the satisfaction
 1746 of Enterprise Florida, Inc., and the office:

1747 (a) The jobs created by the project must pay an estimated
 1748 annual average wage equaling at least 130 percent of the average
 1749 private sector wage. The office may waive this average wage
 1750 requirement at the request of Enterprise Florida, Inc., for a

1751 project located in a rural area, a brownfield area, or an
1752 enterprise zone, when the merits of the individual project or
1753 the specific circumstances in the community in relationship to
1754 the project warrant such action. A recommendation for waiver by
1755 Enterprise Florida, Inc., must include a specific justification
1756 for the waiver and be transmitted to the office in writing. If
1757 the director elects to waive the wage requirement, the waiver
1758 must be stated in writing and the reasons for granting the
1759 waiver must be explained.

1760 (b) A research and development project must:

1761 1. Serve as a catalyst for an emerging or evolving
1762 technology cluster.

1763 2. Demonstrate a plan for significant higher education
1764 collaboration.

1765 3. Provide the state, at a minimum, a break-even return on
1766 investment within a 20-year period.

1767 4. Be provided with a one-to-one match from the local
1768 community. The match requirement may be reduced or waived in
1769 rural areas of critical economic concern or reduced in rural
1770 areas, brownfield areas, and enterprise zones.

1771 (c) An innovation business project in this state, other
1772 than a research and development project, must:

1773 1.a. Result in the creation of at least 1,000 direct, new
1774 jobs at the business; or

1775 b. Result in the creation of at least 500 direct, new jobs
1776 if the project is located in a rural area, a brownfield area, or
1777 an enterprise zone.

1778 2. Have an activity or product that is within an industry
 1779 that is designated as a target industry business under s.
 1780 288.106 or a designated sector under s. 288.108.

1781 3.a. Have a cumulative investment of at least \$500 million
 1782 within a 5-year period; or

1783 b. Have a cumulative investment that exceeds \$250 million
 1784 within a 10-year period if the project is located in a rural
 1785 area, brownfield area, or an enterprise zone.

1786 4. Be provided with a one-to-one match from the local
 1787 community. The match requirement may be reduced or waived in
 1788 rural areas of critical economic concern or reduced in rural
 1789 areas, brownfield areas, and enterprise zones.

1790 (d) For an alternative and renewable energy project in
 1791 this state, the project must:

1792 1. Demonstrate a plan for significant collaboration with
 1793 an institution of higher education.†

1794 2. Provide the state, at a minimum, a break-even return on
 1795 investment within a 20-year period.†

1796 3. Include matching funds provided by the applicant or
 1797 other available sources. The match requirement may be reduced or
 1798 waived in rural areas of critical economic concern or reduced in
 1799 rural areas, brownfield areas, and enterprise zones. This
 1800 ~~requirement may be waived if the office and the department~~
 1801 ~~determine that the merits of the individual project or the~~
 1802 ~~specific circumstances warrant such action.†~~

1803 4. Be located in this state.†

1804 5. Provide at least 35 direct, new jobs that pay an
 1805 estimated annual average wage that equals at least 130 percent

1806 of the average private sector wage. ~~The average wage requirement~~
 1807 ~~may be waived if the office and the commission determine that~~
 1808 ~~the merits of the individual project or the specific~~
 1809 ~~circumstances warrant such action; and~~

1810 ~~6. Meet one of the following criteria:~~

1811 ~~a. Result in the creation of at least 35 direct, new jobs~~
 1812 ~~at the business.~~

1813 ~~b. Have an activity or product that uses feedstock or~~
 1814 ~~other raw materials grown or produced in this state.~~

1815 ~~e. Have a cumulative investment of at least \$50 million~~
 1816 ~~within a 5-year period.~~

1817 ~~d. Address the technical feasibility of the technology,~~
 1818 ~~and the extent to which the proposed project has been~~
 1819 ~~demonstrated to be technically feasible based on pilot project~~
 1820 ~~demonstrations, laboratory testing, scientific modeling, or~~
 1821 ~~engineering or chemical theory that supports the proposal.~~

1822 ~~e. Include innovative technology and the degree to which~~
 1823 ~~the project or business incorporates an innovative new~~
 1824 ~~technology or an innovative application of an existing~~
 1825 ~~technology.~~

1826 ~~f. Include production potential and the degree to which a~~
 1827 ~~project or business generates thermal, mechanical, or electrical~~
 1828 ~~energy by means of a renewable energy resource that has~~
 1829 ~~substantial long-term production potential. The project must, to~~
 1830 ~~the extent possible, quantify annual production potential in~~
 1831 ~~megawatts or kilowatts.~~

1832 ~~g. Include and address energy efficiency and the degree to~~
 1833 ~~which a project demonstrates efficient use of energy, water, and~~
 1834 ~~material resources.~~

1835 ~~h. Include project management and the ability of~~
 1836 ~~management to administer and complete the business project.~~

1837 (5) Enterprise Florida, Inc., shall evaluate proposals for
 1838 all three categories of innovation incentive awards and transmit
 1839 recommendations for awards to the office. Before making its
 1840 recommendations on alternative and renewable energy projects,
 1841 Enterprise Florida, Inc., shall solicit comments and
 1842 recommendations from the Florida Energy and Climate Commission
 1843 ~~for alternative and renewable energy project proposals.~~ For each
 1844 project, an ~~Such~~ evaluation and recommendation to the office
 1845 must include, but need not be limited to:

1846 (a) A description of the project, its required facilities,
 1847 and the associated product, service, or research and development
 1848 associated with the project.

1849 (b) The percentage of match provided for the project.

1850 (c) The number of full-time equivalent jobs that will be
 1851 created by the project, the total estimated average annual wages
 1852 of such jobs, and the types of business activities and jobs
 1853 likely to be stimulated by the project.

1854 (d) The cumulative investment to be dedicated to the
 1855 project within 5 years and the total investment expected in the
 1856 project if more than 5 years.

1857 (e) The projected economic and fiscal impacts on the local
 1858 and state economies relative to investment.

1859 (f) A statement of any special impacts the project is
 1860 expected to stimulate in a particular business sector in the
 1861 state or regional economy or in the state's universities and
 1862 community colleges.

1863 (g) A statement of any anticipated or proposed
 1864 relationships with state universities.

1865 (h) A statement of the role the incentive is expected to
 1866 play in the decision of the applicant to locate or expand in
 1867 this state.

1868 (i) A recommendation and explanation of the amount of the
 1869 award needed to cause the applicant to expand or locate in this
 1870 state.

1871 (j) A discussion of the efforts and commitments made by
 1872 the local community in which the project is to be located to
 1873 induce the applicant's location or expansion, taking into
 1874 consideration local resources and abilities.

1875 (k) A recommendation for specific performance criteria the
 1876 applicant would be expected to achieve in order to receive
 1877 payments from the fund and penalties or sanctions for failure to
 1878 meet or maintain performance conditions.

1879 (l) Additional evaluation criteria for a research and
 1880 development facility project include:

1881 1. A description of the extent to which the project has
 1882 the potential to serve as catalyst for an emerging or evolving
 1883 cluster.

1884 2. A description of the extent to which the project has or
 1885 could have a long-term collaborative research and development

1886 relationship with one or more universities or community colleges
1887 in this state.

1888 3. A description of the existing or projected impact of
1889 the project on established clusters or targeted industry
1890 sectors.

1891 4. A description of the project's contribution to the
1892 diversity and resiliency of the innovation economy of this
1893 state.

1894 5. A description of the project's impact on special needs
1895 communities, including, but not limited to, rural areas,
1896 distressed urban areas, and enterprise zones.

1897 (m) Additional evaluation criteria for alternative and
1898 renewable energy proposals include:

1899 1. The availability of matching funds or other in-kind
1900 contributions applied to the total project from an applicant.
1901 The commission shall give greater preference to projects that
1902 provide such matching funds or other in-kind contributions.

1903 2. The degree to which the project stimulates in-state
1904 capital investment and economic development in metropolitan and
1905 rural areas, including the creation of jobs and the future
1906 development of a commercial market for renewable energy
1907 technologies.

1908 3. The extent to which the proposed project has been
1909 demonstrated to be technically feasible based on pilot project
1910 demonstrations, laboratory testing, scientific modeling, or
1911 engineering or chemical theory that supports the proposal.

1912 4. The degree to which the project incorporates an
1913 innovative new technology or an innovative application of an

1914 existing technology.

1915 5. The degree to which a project generates thermal,
 1916 mechanical, or electrical energy by means of a renewable energy
 1917 resource that has substantial long-term production potential.

1918 6. The degree to which a project demonstrates efficient
 1919 use of energy and material resources.

1920 7. The degree to which the project fosters overall
 1921 understanding and appreciation of renewable energy technologies.

1922 8. The ability to administer a complete project.

1923 9. Project duration and timeline for expenditures.

1924 10. The geographic area in which the project is to be
 1925 conducted in relation to other projects.

1926 11. The degree of public visibility and interaction.

1927 (6) In consultation with Enterprise Florida, Inc., the
 1928 office may negotiate the proposed amount of an award for any
 1929 applicant meeting the requirements of this section. In
 1930 negotiating such award, the office shall consider the amount of
 1931 the incentive needed to cause the applicant to locate or expand
 1932 in this state in conjunction with other relevant applicant
 1933 impact and cost information and analysis as described in this
 1934 section. Particular emphasis shall be given to the potential for
 1935 the project to stimulate additional private investment and high-
 1936 quality employment opportunities in the area.

1937 (7) Upon receipt of the evaluation and recommendation from
 1938 Enterprise Florida, Inc., ~~and from the Florida Energy and~~
 1939 ~~Climate Commission for alternative and renewable energy project~~
 1940 ~~proposals,~~ the director shall recommend to the Governor the
 1941 approval or disapproval of an award. In recommending approval of

1942 an award, the director shall include proposed performance
 1943 conditions that the applicant must meet in order to obtain
 1944 incentive funds and any other conditions that must be met before
 1945 the receipt of any incentive funds. The Governor shall consult
 1946 with the President of the Senate and the Speaker of the House of
 1947 Representatives before giving approval for an award. Upon review
 1948 and approval of an award by the Legislative Budget Commission,
 1949 the Executive Office of the Governor shall release the funds
 1950 ~~pursuant to the legislative consultation and review requirements~~
 1951 ~~set forth in s. 216.177.~~

1952 (8) (a) After the conditions ~~Upon approval by the Governor~~
 1953 ~~and release of the funds as~~ set forth in subsection (7) have
 1954 been met, the director shall issue a letter certifying the
 1955 applicant as qualified for an award. The office and the award
 1956 recipient ~~applicant~~ shall enter into an agreement that sets
 1957 forth the conditions for payment of the incentive funds
 1958 incentives. The agreement must include, at a minimum:

- 1959 1. The total amount of funds awarded. ~~†~~
- 1960 2. The performance conditions that must be met in order to
 1961 obtain the award or portions of the award, including, but not
 1962 limited to, net new employment in the state, average wage, and
 1963 total cumulative investment. ~~†~~
- 1964 3. Demonstration of a baseline of current service and a
 1965 measure of enhanced capability. ~~†~~
- 1966 4. The methodology for validating performance. ~~†~~
- 1967 5. The schedule of payments. ~~† and~~
- 1968 6. Sanctions for failure to meet performance conditions,
 1969 including any clawback provisions.

1970 (b) Additionally, agreements signed on or after July 1,
 1971 2009, must include the following provisions:

1972 1. Notwithstanding subsection (4), a requirement that the
 1973 jobs created by the recipient of the incentive funds pay an
 1974 annual average wage at least equal to the relevant industry's
 1975 annual average wage or at least 130 percent of the average
 1976 private-sector wage, whichever is greater.

1977 2. Requirements for the establishment of internship
 1978 programs or other learning opportunities for educators and
 1979 secondary, postsecondary, graduate, and doctoral students.

1980 3. A requirement that the recipient submit quarterly
 1981 reports and annual reports related to activities and performance
 1982 to the office, according to standardized reporting periods.

1983 4. A requirement for an annual accounting to the office of
 1984 the expenditure of funds disbursed under this section.

1985 5. A process for amending the agreement.

1986 (9) Enterprise Florida, Inc., shall assist the office in
 1987 validating the performance of an innovation business, an
 1988 alternative and renewable energy business, or a research and
 1989 development facility that has received an award. At the
 1990 conclusion of the innovation incentive award agreement, or its
 1991 earlier termination, Enterprise Florida, Inc., shall, within 90
 1992 days, submit a report ~~the results of the innovation incentive~~
 1993 ~~award~~ to the Governor, the President of the Senate, and the
 1994 Speaker of the House of Representatives detailing whether the
 1995 recipient of the innovation incentive grant achieved its
 1996 specified outcomes.

1997 (10) Each recipient of an award shall comply with
 1998 ~~Enterprise Florida, Inc., shall develop~~ business ethics
 1999 standards developed by Enterprise Florida, Inc., that are based
 2000 on appropriate best industry practices ~~which shall be applicable~~
 2001 ~~to all award recipients.~~ The standards shall address ethical
 2002 duties of business enterprises, fiduciary responsibilities of
 2003 management, and compliance with the laws of this state.
 2004 ~~Enterprise Florida, Inc., may collaborate with the State~~
 2005 ~~University System in reviewing and evaluating appropriate~~
 2006 ~~business ethics standards. Such standards shall be provided to~~
 2007 ~~the Governor, the President of the Senate, and the Speaker of~~
 2008 ~~the House of Representatives by December 31, 2006. An award~~
 2009 ~~agreement entered into on or after December 31, 2006, shall~~
 2010 ~~require a recipient to comply with the business ethics standards~~
 2011 ~~developed pursuant to this section.~~

2012 (11) (a) Beginning January 5, 2010, and every year
 2013 thereafter, the office shall submit to the Governor, the
 2014 President of the Senate, and the Speaker of the House of
 2015 Representatives a report summarizing the activities and
 2016 accomplishments of the recipients of grants from the Innovation
 2017 Incentive Program during the previous 12 months and an
 2018 evaluation by the office of whether the recipients are catalysts
 2019 for additional direct and indirect economic development in this
 2020 state.

2021 (b) Beginning March 1, 2010, and every third year
 2022 thereafter, the Office of Program Policy Analysis and Government
 2023 Accountability, in consultation with the Office of the Auditor
 2024 General, shall release a report evaluating the Innovation

2025 Incentive Program's progress toward creating clusters of high-
 2026 wage, high-skilled, complementary industries that serve as
 2027 catalysts for economic growth specifically in the regions in
 2028 which they are located and generally for the state as a whole.
 2029 Such report must include critical analyses of quarterly and
 2030 annual reports, annual audits, and other documents prepared by
 2031 the Innovation Incentive Program awardees; relevant economic
 2032 development reports prepared by the office, Enterprise Florida,
 2033 Inc., and local or regional economic development organizations;
 2034 interviews with the parties involved; and any other relevant
 2035 data. Such report should also include legislative
 2036 recommendations, if necessary, on how to improve the Innovation
 2037 Incentive Program so that the program reaches its anticipated
 2038 potential as a catalyst for direct and indirect economic
 2039 development in this state.

2040 (12) The office may seek the assistance of the Office of
 2041 Program Policy Analysis and Government Accountability, the
 2042 Legislature's Office of Economic and Demographic Research, and
 2043 other entities for the purpose of developing performance
 2044 measures or techniques to quantify the synergistic economic
 2045 development impacts that awardees of grants are having within
 2046 their communities.

2047 Section 21. Section 288.10895, Florida Statutes, is
 2048 created to read:

2049 288.10895 Transfers of economic development incentives.--

2050 (1) Any person as defined in s. 1.01 that is entitled to
 2051 receive an economic development incentive may transfer such
 2052 incentive as provided in this section. For purposes of this

2053 section, the term "economic development incentive" means the
 2054 incentives specified under ss. 288.1045, 288.106, and 288.107.

2055 (2) An economic development incentive may be transferred
 2056 as follows:

2057 (a) An economic development incentive may be transferred
 2058 after a merger or acquisition to the surviving or acquiring
 2059 entity.

2060 (b) An entity treated as a partnership or a disregarded
 2061 entity may transfer an economic development incentive to its
 2062 partners, members, or parent entity. For purposes of this
 2063 section, the term "disregarded entity" means an entity that is
 2064 disregarded as an entity separate from its owner for federal tax
 2065 purposes.

2066 (c) A corporation may transfer an economic development
 2067 incentive to other members of its affiliated group of
 2068 corporations as defined in s. 220.03(1)(b).

2069 (3) The original recipient of an economic development
 2070 incentive, as described in subsection (2), may transfer any
 2071 unused incentive in whole or in units of not less than 25
 2072 percent of the remaining incentive. The transferee may use such
 2073 incentive in the same manner and with the same limitations as
 2074 provided in this section and in the provisions creating such
 2075 incentive and to the same extent as if they were the original
 2076 recipient, provided that the total amount does not exceed the
 2077 maximum amount of incentive to which the original recipient
 2078 would have been entitled.

2079 (4) Any transferred economic development incentive may not
 2080 be transferred again, except that such transferred incentive may

2081 transfer to a surviving or acquiring entity subject to the same
 2082 conditions and limitations as described in this section and in
 2083 the provisions creating such incentive.

2084 (5) If an economic development incentive is reduced as a
 2085 result of an examination or audit by an applicable agency, such
 2086 deficiency or repayment shall be recovered from the first person
 2087 or the surviving or acquiring entity to have claimed such
 2088 incentive up to the amount of incentive taken. Any subsequent
 2089 deficiency or repayment shall be assessed against any person
 2090 acquiring and claiming such incentive, or in the case of
 2091 multiple succeeding persons, in the order of incentive
 2092 succession.

2093 (6) A person may not transfer an economic development
 2094 incentive if the transferee receiving the incentive is not
 2095 subject to the tax for which the incentive is allowed or is
 2096 unable to otherwise use such incentive.

2097 (7) Each agency may adopt rules related to such agency's
 2098 administration of an economic development incentive necessary to
 2099 implement and administer this section, including rules, forms,
 2100 specific procedures, guidelines for transferring and claiming an
 2101 incentive, and the method by which a transferor or transferee
 2102 shall notify the agency of the transfer of the incentive.

2103 Section 22. Subsection (2) of section 288.9622, Florida
 2104 Statutes, is amended to read:

2105 288.9622 Findings and intent.--

2106 (2) It is the intent of the Legislature that ss. 288.9621-
 2107 288.9625 serve to mobilize private investment in a broad variety
 2108 of venture capital partnerships in diversified industries and

2109 geographies; retain private sector investment criteria focused
 2110 on rate of return; use the services of highly qualified managers
 2111 in the venture capital industry regardless of location;
 2112 facilitate the organization of the Florida Opportunity Fund as
 2113 an a fund-of-funds investor in seed and early stage businesses,
 2114 infrastructure projects, venture capital funds, and angel funds;
 2115 and precipitate capital investment and extensions of credit to
 2116 and in the Florida Opportunity Fund.

2117 Section 23. Paragraphs (a) and (d) of subsection (4) and
 2118 paragraph (a) of subsection (5) of section 288.9624, Florida
 2119 Statutes, are amended, and paragraph (e) is added to subsection
 2120 (4) of that section, to read:

2121 288.9624 Florida Opportunity Fund; creation; duties.--

2122 (4) For the purpose of mobilizing investment in a broad
 2123 variety of Florida-based, new technology companies and
 2124 generating a return sufficient to continue reinvestment, the
 2125 fund shall:

2126 (a) Invest ~~directly only~~ in seed and early stage venture
 2127 capital funds that have experienced managers or management teams
 2128 with demonstrated experience, expertise, and a successful
 2129 history in the investment of venture capital funds, focusing on
 2130 opportunities in this state. The fund may also ~~not~~ make direct
 2131 investments, including loans, in individual businesses and
 2132 infrastructure projects. While not precluded from investing in
 2133 venture capital funds that have investments outside this state,
 2134 the fund must require a venture capital fund to show a record of
 2135 successful investment in this state, to be based in this state,
 2136 or to have an office in this state staffed with a full-time,

2137 professional venture investment executive in order to be
2138 eligible for investment.

2139 (d) Invest only in funds, businesses, and infrastructure
2140 projects that have raised capital from other sources so that the
2141 amount invested in such funds, businesses, or infrastructure
2142 projects ~~an entity in this state~~ is at least twice the amount
2143 invested by the fund. Direct investments must be made in
2144 infrastructure projects in this state or in businesses that are
2145 Florida-based companies or have significant business activities
2146 in this state and operate in technology sectors that are
2147 strategic to this state, including, but not limited to,
2148 enterprises in life sciences, information technology, advanced
2149 manufacturing processes, aviation and aerospace, and homeland
2150 security and defense, as well as other strategic technologies.
2151 The fund may not use its original appropriation of \$29.5 million
2152 for such direct investments in businesses or infrastructure
2153 projects.

2154 (e) Form or operate other entities and accept additional
2155 funds from other public and private sources to further its
2156 purpose.

2157 (5) By December 1 of each year, the board shall issue an
2158 annual report concerning the activities conducted by the fund to
2159 the Governor, the President of the Senate, and the Speaker of
2160 the House of Representatives. The annual report, at a minimum,
2161 must include:

2162 (a) An accounting of the amount of investments disbursed
2163 by the fund and the progress of the fund, including the progress

2164 of businesses and infrastructure projects provided with direct
 2165 investments from the fund.

2166 Section 24. Paragraph (v) is added to subsection (24) of
 2167 section 380.06, Florida Statutes, to read:

2168 380.06 Developments of regional impact.--

2169 (24) STATUTORY EXEMPTIONS.--

2170 (v) Any nonresidential development within a catalyst site
 2171 as defined in s. 288.0656(2) (b) or a catalyst site submitted to
 2172 Enterprise Florida, Inc., if the Office of Tourism, Trade, and
 2173 Economic Development states in writing that the project supports
 2174 a regional target industry that is identified in an economic
 2175 development plan prepared for one of the economic development
 2176 projects identified in s. 288.0656(7), is exempt from the
 2177 provisions of this section.

2178
 2179 If a use is exempt from review as a development of regional
 2180 impact under paragraphs (a)-(t), but will be part of a larger
 2181 project that is subject to review as a development of regional
 2182 impact, the impact of the exempt use must be included in the
 2183 review of the larger project.

2184 Section 25. Subsection (2) of section 257.193, Florida
 2185 Statutes, is amended to read:

2186 257.193 Community Libraries in Caring Program.--

2187 (2) The purpose of the Community Libraries in Caring
 2188 Program is to assist libraries in rural communities, as defined
 2189 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
 2190 288.06561, to strengthen their collections and services, improve

2191 literacy in their communities, and improve the economic
2192 viability of their communities.

2193 Section 26. Section 288.019, Florida Statutes, is amended
2194 to read:

2195 288.019 Rural considerations in grant review and
2196 evaluation processes.--Notwithstanding any other law, and to the
2197 fullest extent possible, the member agencies and organizations
2198 of the Rural Economic Development Initiative (REDI) as defined
2199 in s. 288.0656(6)(a) shall review all grant and loan application
2200 evaluation criteria to ensure the fullest access for rural
2201 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
2202 throughout the state.

2203 (1) Each REDI agency and organization shall review all
2204 evaluation and scoring procedures and develop modifications to
2205 those procedures which minimize the impact of a project within a
2206 rural area.

2207 (2) Evaluation criteria and scoring procedures must
2208 provide for an appropriate ranking based on the proportionate
2209 impact that projects have on a rural area when compared with
2210 similar project impacts on an urban area.

2211 (3) Evaluation criteria and scoring procedures must
2212 recognize the disparity of available fiscal resources for an
2213 equal level of financial support from an urban county and a
2214 rural county.

2215 (a) The evaluation criteria should weight contribution in
2216 proportion to the amount of funding available at the local
2217 level.

2218 (b) In-kind match should be allowed and applied as
 2219 financial match when a county is experiencing financial distress
 2220 through elevated unemployment at a rate in excess of the state's
 2221 average by 5 percentage points or because of the loss of its ad
 2222 valorem base.

2223 (4) For existing programs, the modified evaluation
 2224 criteria and scoring procedure must be delivered to the Office
 2225 of Tourism, Trade, and Economic Development for distribution to
 2226 the REDI agencies and organizations. The REDI agencies and
 2227 organizations shall review and make comments. Future rules,
 2228 programs, evaluation criteria, and scoring processes must be
 2229 brought before a REDI meeting for review, discussion, and
 2230 recommendation to allow rural counties fuller access to the
 2231 state's resources.

2232 Section 27. Paragraph (d) of subsection (15) of section
 2233 627.6699, Florida Statutes, is amended to read:

2234 627.6699 Employee Health Care Access Act.--

2235 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2236 (d) Eligibility.--

2237 1. Any small employer that is actively engaged in
 2238 business, has its principal place of business in this state,
 2239 employs up to 25 eligible employees on business days during the
 2240 preceding calendar year, employs at least 2 employees on the
 2241 first day of the plan year, and has had no prior coverage for
 2242 the last 6 months may participate.

2243 2. Any municipality, county, school district, or hospital
 2244 employer located in a rural community as defined in s.
 2245 288.0656(2) ~~(b)~~ may participate.

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2246 3. Nursing home employers may participate.

2247 4. Each dependent of a person eligible for coverage is
2248 also eligible to participate.

2249

2250 Any employer participating in the program must do so until the
2251 end of the term for which the carrier providing the coverage is
2252 obligated to provide such coverage to the program. Coverage for
2253 a small employer group that ceases to meet the eligibility
2254 requirements of this section may be terminated at the end of the
2255 policy period for which the necessary premiums have been paid.

2256 Section 28. This act shall take effect July 1, 2009.