

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

29 submit a report containing certain information within a
30 specified period after the conclusion of such agreement to
31 the Governor, the President of the Senate, and the Speaker
32 of the House of Representatives; requiring that each
33 recipient of an award comply with certain business ethics
34 standards developed by Enterprise Florida, Inc.; deleting
35 provisions authorizing Enterprise Florida, Inc., to
36 collaborate with the State University System in reviewing
37 and evaluating business ethics standards; requiring that
38 the office submit to the Governor, the President of the
39 Senate, and the Speaker of the House of Representatives a
40 report containing certain information; specifying a date
41 on which the office shall begin submitting such reports;
42 requiring that the Office of Program Policy Analysis and
43 Government Accountability and the Office of the Auditor
44 General submit a report; requiring that such reports be
45 submitted at specified intervals; requiring that such
46 reports include certain information; authorizing the
47 office to seek the assistance of certain government
48 entities for certain purposes; amending s. 166.231, F.S.;
49 revising industry code designations; providing a
50 definition; amending s. 212.05, F.S.; extending the time
51 nonresident purchasers have to remove a boat from the
52 state after purchase; providing for an extension decal to
53 be issued by a dealer; imposing a decal cost; revising
54 industry code designations; amending s. 212.097, F.S.;
55 specifying a review and certification requirement for the
56 urban high crime area job tax credit applications;

57 | amending s. 212.098, F.S.; revising the definition for
58 | "qualified area"; amending s. 213.053, F.S.; granting the
59 | Office of Tourism, Trade, and Economic Development access
60 | to certain confidential and exempt records held by the
61 | Department of Revenue and related to certain tax incentive
62 | and tax refund programs; amending s. 220.15, F.S.;
63 | revising industry code designations; providing a
64 | definition; amending s. 220.191, F.S.; specifying a review
65 | and certification requirement for capital investment tax
66 | credit applications; creating s. 288.061, F.S.; providing
67 | requirements and procedures for an economic development
68 | incentive application process; providing time periods and
69 | requirements for certification for economic development
70 | incentive applications; providing duties and
71 | responsibilities of Enterprise Florida, Inc., and the
72 | Office of Tourism, Trade, and Economic Development;
73 | amending s. 288.063, F.S.; revising required criteria for
74 | review and certification of transportation projects by the
75 | Office of Tourism, Trade, and Economic Development;
76 | amending s. 288.065, F.S.; revising county population
77 | criteria for loans from the Rural Community Development
78 | Revolving Loan Fund; amending s. 288.0655, F.S.;
79 | authorizing the Office of Tourism, Trade, and Economic
80 | Development to award grants for a certain percentage of
81 | total infrastructure project costs for certain catalyst
82 | site funding applications; expanding eligible facilities
83 | for authorized infrastructure projects; providing for
84 | waiver of the local matching requirement; specifying a

85 review and certification requirement for the office for
86 certain Rural Infrastructure Fund grant applications;
87 amending s. 288.0656, F.S.; providing legislative intent;
88 revising and providing definitions; providing additional
89 review and action requirements for the Rural Economic
90 Development Initiative relating to rural communities;
91 revising representation on the initiative; deleting a
92 limitation on characterization as a rural area of critical
93 economic concern; authorizing rural areas of critical
94 economic concern to designate certain catalyst projects
95 for certain purposes; providing project requirements;
96 revising certain reporting requirements for the
97 initiative; amending s. 288.06561, F.S., conforming cross-
98 references; amending s. 288.0657, F.S.; revising the
99 definition of the term "rural community"; amending s.
100 288.1045, F.S.; revising provisions relating to the
101 application and refund process for the qualified defense
102 contractor tax refund program; specifying a review and
103 certification requirement for program refunds; revising
104 the cap on refunds per applicant; deleting a report
105 requirement; amending s. 288.106, F.S.; revising certain
106 definitions; revising industry code designation
107 requirements for certain activities under the tax refund
108 program for qualified target industry businesses; revising
109 program application and approval process provisions;
110 specifying a review and certification requirement for
111 program applications; revising tax refund agreement
112 requirements; revising an economic-stimulus exemption

113 request provision; extending a final date for exemption
114 requests; extending a certification expiration provision;
115 amending s. 288.107, F.S.; revising a definition; revising
116 criteria for participation in brownfield redevelopment
117 bonus refunds; specifying a review and certification
118 requirement for brownfield redevelopment bonus refund
119 applications; amending s. 288.108, F.S.; specifying a
120 review and certification requirement for applications for
121 high-impact business performance grants; deleting certain
122 final order and report requirements; amending s. 288.1088,
123 F.S.; specifying a review requirement for Quick Action
124 Closing Fund project applications; providing a time period
125 for the director to recommend approval or disapproval of a
126 project for receipt of funds from the Quick Action Closing
127 Fund; amending ss. 257.193, 288.019, and 627.6699, F.S.;
128 conforming cross-references; amending s. 288.9015, F.S.;
129 specifying that Enterprise Florida, Inc., is responsible
130 for responding to inquiries related to the state's
131 business incentives and opportunities; amending s.
132 288.9622, F.S.; expanding the types of investments that
133 may be made by the Florida Opportunity Fund; amending s.
134 288.9624, F.S.; providing a limitation on how the
135 originally appropriated funds may be invested; allowing
136 the Florida Opportunity Fund to form or create other
137 entities for investment purposes; revising a reporting
138 requirement; amending s. 443.1715, F.S.; allowing
139 disclosure of certain confidential unemployment
140 compensation data to the Office of Tourism, Trade, and

141 Economic Development; providing an effective date.

142

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

144

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

149 288.1089 Innovation Incentive Program.--

150 (1) The Innovation Incentive Program is created within the
 151 Office of Tourism, Trade, and Economic Development to ensure
 152 that sufficient resources are available to allow the state to
 153 respond expeditiously to extraordinary economic opportunities
 154 and to compete effectively for high-value research and
 155 development, ~~and~~ innovation business, and alternative and
 156 renewal energy projects.

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

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

164 (b) "Average private sector wage" means the statewide
 165 average wage in the private sector or the average of all private
 166 sector wages in the county or in the standard metropolitan area
 167 in which the project is located as determined by the Agency for
 168 Workforce Innovation.

169 (c) "Brownfield area" means an area designated as a

170 brownfield area pursuant to s. 376.80.

171 (d) "Commission" means the Florida Energy and Climate
 172 Commission.

173 (e)~~(d)~~ "Cumulative investment" means cumulative capital
 174 investment and all eligible capital costs, as defined in s.
 175 220.191.

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

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

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

181 (i) "Industry wage" means the average annual wage paid to
 182 employees in a particular industry, as designated by the North
 183 American Industry Classification System (NAICS), and compiled by
 184 the Bureau of Labor Statistics of the United States Department
 185 of Labor.

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

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

197 (l) "Naming opportunities" means charitable donations from
 198 any person or entity in consideration for the right to have all
 199 or a portion of the facility named for or in the memory of any

200 person, living or dead, or for any entity.

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

204 (n)~~(j)~~ "Match" means funding from local sources, public or
205 private, which will be paid to the applicant and which is equal
206 to 100 percent of an award. Eligible match funding may include
207 any tax abatement granted to the applicant under s. 196.1995 or
208 the appraised market value of land, buildings, infrastructure,
209 or equipment conveyed or provided at a discount to the
210 applicant. Complete documentation of a match payment or other
211 conveyance must be presented to and verified by the office prior
212 to transfer of state funds to an applicant. An applicant may not
213 provide, directly or indirectly, more than 5 percent of match
214 funding in any fiscal year. The sources of such funding may not
215 include, directly or indirectly, state funds appropriated from
216 the General Revenue Fund or any state trust fund, excluding tax
217 revenues shared with local governments pursuant to law.

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

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

224 (q)~~(m)~~ "Research and development" means basic and applied
225 research in the sciences or engineering, as well as the design,
226 development, and testing of prototypes or processes of new or
227 improved products. Research and development does not include
228 market research, routine consumer product testing, sales
229 research, research in the social sciences or psychology,

230 nontechnological activities, or technical services.

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

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

237 (3) To be eligible for consideration for an innovation
238 incentive award, an innovation business, a ~~or~~ research and
239 development entity, or an alternative and renewable energy
240 company project must submit a written application to Enterprise
241 Florida, Inc., before making a decision to locate new operations
242 in this state or expand an existing operation in this state. The
243 application must include, but not be limited to:

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

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

252 (c) A description of the type of business activity,
253 product, or research and development undertaken by the
254 applicant, including six-digit North American Industry
255 Classification System codes for all activities included in the
256 project.

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

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

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

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

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

268 (i) A detailed explanation of why the innovation incentive
 269 is needed to induce the applicant to expand or locate in the
 270 state and whether an award would cause the applicant to locate
 271 or expand in this state.

272 (j) If applicable, an estimate of the proportion of the
 273 revenues resulting from the project that will be generated
 274 outside this state.

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

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

280 1. Demonstrate a plan for significant collaboration with
 281 an institution of higher education;

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

284 3. Include matching funds provided by the applicant or
 285 other available sources. The match requirement may be reduced or
 286 waived in rural areas of critical economic concern or reduced in
 287 rural areas, brownfield areas, and enterprise zones ~~This~~
 288 ~~requirement may be waived if the office and the department~~
 289 ~~determine that the merits of the individual project or the~~

290 ~~specific circumstances warrant such action;~~
291 4. Be located in this state; and
292 5. Provide at least 35 direct, new jobs that pay an
293 estimated annual average wage that equals at least 130 percent
294 of the average private sector wage. ~~The average wage requirement~~
295 ~~may be waived if the office and the commission determine that~~
296 ~~the merits of the individual project or the specific~~
297 ~~circumstances warrant such action; and~~
298 6. ~~Meet one of the following criteria:~~
299 a. ~~Result in the creation of at least 35 direct, new jobs~~
300 ~~at the business.~~
301 b. ~~Have an activity or product that uses feedstock or~~
302 ~~other raw materials grown or produced in this state.~~
303 c. ~~Have a cumulative investment of at least \$50 million~~
304 ~~within a 5-year period.~~
305 d. ~~Address the technical feasibility of the technology,~~
306 ~~and the extent to which the proposed project has been~~
307 ~~demonstrated to be technically feasible based on pilot project~~
308 ~~demonstrations, laboratory testing, scientific modeling, or~~
309 ~~engineering or chemical theory that supports the proposal.~~
310 e. ~~Include innovative technology and the degree to which~~
311 ~~the project or business incorporates an innovative new~~
312 ~~technology or an innovative application of an existing~~
313 ~~technology.~~
314 f. ~~Include production potential and the degree to which a~~
315 ~~project or business generates thermal, mechanical, or electrical~~
316 ~~energy by means of a renewable energy resource that has~~
317 ~~substantial long-term production potential. The project must, to~~
318 ~~the extent possible, quantify annual production potential in~~
319 ~~megawatts or kilowatts.~~

320 ~~g. Include and address energy efficiency and the degree to~~
321 ~~which a project demonstrates efficient use of energy, water, and~~
322 ~~material resources.~~

323 ~~h. Include project management and the ability of~~
324 ~~management to administer and complete the business project.~~

325 (5) Enterprise Florida, Inc., shall evaluate proposals for
326 all three categories of innovation incentive awards and transmit
327 recommendations for awards to the office. Before making its
328 recommendations on alternative and renewable energy projects,
329 Enterprise Florida, Inc., shall solicit comments and
330 recommendations from the Florida Energy and Climate Commission
331 ~~for alternative and renewable energy project proposals.~~ For each
332 project, the ~~Such~~ evaluation and recommendation to the office
333 must include, but need not be limited to:

334 (a) A description of the project, its required facilities,
335 and the associated product, service, or research and development
336 associated with the project.

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

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

342 (d) The cumulative investment to be dedicated to the
343 project within 5 years and the total investment expected in the
344 project if more than 5 years.

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

347 (f) A statement of any special impacts the project is
348 expected to stimulate in a particular business sector in the
349 state or regional economy or in the state's universities and

350 community colleges.

351 (g) A statement of any anticipated or proposed
352 relationships with state universities.

353 (h) A statement of the role the incentive is expected to
354 play in the decision of the applicant to locate or expand in
355 this state.

356 (i) A recommendation and explanation of the amount of the
357 award needed to cause the applicant to expand or locate in this
358 state.

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

363 (k) A recommendation for specific performance criteria the
364 applicant would be expected to achieve in order to receive
365 payments from the fund and penalties or sanctions for failure to
366 meet or maintain performance conditions.

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

369 1. A description of the extent to which the project has
370 the potential to serve as catalyst for an emerging or evolving
371 cluster.

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

376 3. A description of the existing or projected impact of
377 the project on established clusters or targeted industry
378 sectors.

379 4. A description of the project's contribution to the

380 diversity and resiliency of the innovation economy of this
381 state.

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

385 (m) Additional evaluative criteria for alternative and
386 renewable energy proposals, including:

387 1. The availability of matching funds or other in-kind
388 contributions applied to the total project from an applicant.
389 The commission shall give greater preference to projects that
390 provide such matching funds or other in-kind contributions.

391 2. The degree to which the project stimulates in-state
392 capital investment and economic development in metropolitan and
393 rural areas, including the creation of jobs and the future
394 development of a commercial market for renewable energy
395 technologies.

396 3. The extent to which the proposed project has been
397 demonstrated to be technically feasible based on pilot project
398 demonstrations, laboratory testing, scientific modeling, or
399 engineering or chemical theory that supports the proposal.

400 4. The degree to which the project incorporates an
401 innovative new technology or an innovative application of an
402 existing technology.

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

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

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

410 8. The ability to administer a complete project.

411 9. Project duration and timeline for expenditures.

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

414 11. The degree of public visibility and interaction.

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

430 (8) (a) After the conditions ~~Upon approval by the Governor~~
431 ~~and release of the funds as set forth in subsection (7) have~~
432 been met, the director shall issue a letter certifying the
433 applicant as qualified for an award. The office and the award
434 recipient applicant shall enter into an agreement that sets
435 forth the conditions for payment of the incentive funds
436 incentives. The agreement must include, at a minimum:

437 1. The total amount of funds awarded.

438 2. The performance conditions that must be met in order to
439 obtain the award or portions of the award, including, but not

440 limited to, net new employment in the state, average wage, and
441 total cumulative investment.~~†~~

442 3. Demonstration of a baseline of current service and a
443 measure of enhanced capability.~~†~~

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

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

446 6. Sanctions for failure to meet performance conditions,
447 including any clawback provisions.

448 (b) Additionally, agreements signed on or after July 1,
449 2009, must include the following provisions:

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

455 2. A reinvestment requirement. Each recipient of an award
456 shall reinvest up to 15 percent of net royalty revenues,
457 including revenues from spin-off companies and the revenues from
458 the sale of stock it receives from the licensing or transfer of
459 inventions, methods, processes, and other patentable discoveries
460 conceived or reduced to practice using its facilities in Florida
461 or its Florida-based employees, in whole or in part, and to
462 which the recipient of the grant becomes entitled during the 20
463 years following the effective date of its agreement with the
464 office. Each recipient of an award also shall reinvest up to 15
465 percent of the gross revenues it receives from naming
466 opportunities associated with any facility it builds in this
467 state. Reinvestment payments shall commence no later than 6
468 months after the recipient of the grant has received the final
469 disbursement under the contract and shall continue until the

470 maximum reinvestment, as specified in the contract, has been
471 paid. Reinvestment payments shall be remitted to the office for
472 deposit in the Biomedical Research Trust Fund for companies
473 specializing in biomedicine or life sciences, or in the Economic
474 Development Trust Fund for companies specializing in fields
475 other than biomedicine or the life sciences. If these trust
476 funds no longer exist at the time of the reinvestment, the
477 state's share of reinvestment shall be deposited in their
478 successor trust funds as determined by law. Each recipient of an
479 award shall annually submit a schedule of the shares of stock
480 held by it as payment of the royalty required by this paragraph
481 and report on any trades or activity concerning such stock. Each
482 recipient's reinvestment obligations survive the expiration or
483 termination of its agreement with the state.

484 3. Requirements for the establishment of internship
485 programs or other learning opportunities for educators and
486 secondary, postsecondary, graduate, and doctoral students.

487 4. A requirement that the recipient submit quarterly
488 reports and annual reports related to activities and performance
489 to the office, according to standardized reporting periods.

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

492 6. A process for amending the agreement.

493 (9) Enterprise Florida, Inc., shall assist the office in
494 validating the performance of an innovation business, ~~a or~~
495 research and development facility, or an alternative and
496 renewable energy business that has received an award. At the
497 conclusion of the innovation incentive award agreement, or its
498 earlier termination, Enterprise Florida, Inc., shall, within 90
499 days, submit a report ~~the results of the innovation incentive~~

500 ~~award~~ to the Governor, the President of the Senate, and the
501 Speaker of the House of Representatives detailing whether the
502 recipient of the innovation incentive grant achieved its
503 specified outcomes.

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

519 (11) (a) Beginning January 5, 2010, and every year
520 thereafter, the office shall submit to the Governor, the
521 President of the Senate, and the Speaker of the House of
522 Representatives a report summarizing the activities and
523 accomplishments of the recipients of grants from the Innovation
524 Incentive Program during the previous 12 months and an
525 evaluation by the office of whether the recipients are catalysts
526 for additional direct and indirect economic development in
527 Florida.

528 (b) Beginning March 1, 2010, and every third year
529 thereafter, the Office of Program Policy Analysis and Government

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

547 (12) The office may seek the assistance of the Office of
548 Program Policy Analysis and Government Accountability, the
549 Legislature's Office of Economic and Demographic Research, and
550 other entities for the purpose of developing performance
551 measures or techniques to quantify the synergistic economic
552 development impacts that awardees of grants are having within
553 their communities.

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

556 166.231 Municipalities; public service tax.--

557 (6) A municipality may exempt from the tax imposed by this
558 section any amount up to, and including, the total amount of
559 electricity, metered natural gas, liquefied petroleum gas either

560 metered or bottled, or manufactured gas either metered or
 561 bottled purchased per month, or reduce the rate of taxation on
 562 the purchase of such electricity or gas when purchased by an
 563 industrial consumer which uses the electricity or gas directly
 564 in industrial manufacturing, processing, compounding, or a
 565 production process, at a fixed location in the municipality, of
 566 items of tangible personal property for sale. The municipality
 567 shall establish the requirements for qualification for this
 568 exemption in the manner prescribed by ordinance. Possession by a
 569 seller of a written certification by the purchaser, certifying
 570 the purchaser's entitlement to an exemption permitted by this
 571 subsection, relieves the seller from the responsibility of
 572 collecting the tax on the nontaxable amounts, and the
 573 municipality shall look solely to the purchaser for recovery of
 574 such tax if it determines that the purchaser was not entitled to
 575 the exemption. Any municipality granting an exemption pursuant
 576 to this subsection shall grant the exemption to all companies
 577 classified in the same five-digit NAICS ~~SIC~~ Industry ~~Major Group~~
 578 Number. As used in this subsection, "NAICS" means those
 579 classifications contained in the North American Industry
 580 Classification System, as published in 2007 by the Office of
 581 Management and Budget, Executive Office of the President.

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

584 212.05 Sales, storage, use tax. --It is hereby declared to
 585 be the legislative intent that every person is exercising a
 586 taxable privilege who engages in the business of selling
 587 tangible personal property at retail in this state, including
 588 the business of making mail order sales, or who rents or
 589 furnishes any of the things or services taxable under this

590 chapter, or who stores for use or consumption in this state any
591 item or article of tangible personal property as defined herein
592 and who leases or rents such property within the state.

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

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

601 b. Each occasional or isolated sale of an aircraft, boat,
602 mobile home, or motor vehicle of a class or type which is
603 required to be registered, licensed, titled, or documented in
604 this state or by the United States Government shall be subject
605 to tax at the rate provided in this paragraph. The department
606 shall by rule adopt any nationally recognized publication for
607 valuation of used motor vehicles as the reference price list for
608 any used motor vehicle which is required to be licensed pursuant
609 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
610 party to an occasional or isolated sale of such a vehicle
611 reports to the tax collector a sales price which is less than 80
612 percent of the average loan price for the specified model and
613 year of such vehicle as listed in the most recent reference
614 price list, the tax levied under this paragraph shall be
615 computed by the department on such average loan price unless the
616 parties to the sale have provided to the tax collector an
617 affidavit signed by each party, or other substantial proof,
618 stating the actual sales price. Any party to such sale who
619 reports a sales price less than the actual sales price is guilty

620 of a misdemeanor of the first degree, punishable as provided in
621 s. 775.082 or s. 775.083. The department shall collect or
622 attempt to collect from such party any delinquent sales taxes.
623 In addition, such party shall pay any tax due and any penalty
624 and interest assessed plus a penalty equal to twice the amount
625 of the additional tax owed. Notwithstanding any other provision
626 of law, the Department of Revenue may waive or compromise any
627 penalty imposed pursuant to this subparagraph.

628 2. This paragraph does not apply to the sale of a boat or
629 aircraft by or through a registered dealer under this chapter to
630 a purchaser who, at the time of taking delivery, is a
631 nonresident of this state, does not make his or her permanent
632 place of abode in this state, and is not engaged in carrying on
633 in this state any employment, trade, business, or profession in
634 which the boat or aircraft will be used in this state, or is a
635 corporation none of the officers or directors of which is a
636 resident of, or makes his or her permanent place of abode in,
637 this state, or is a noncorporate entity that has no individual
638 vested with authority to participate in the management,
639 direction, or control of the entity's affairs who is a resident
640 of, or makes his or her permanent abode in, this state. For
641 purposes of this exemption, either a registered dealer acting on
642 his or her own behalf as seller, a registered dealer acting as
643 broker on behalf of a seller, or a registered dealer acting as
644 broker on behalf of the purchaser may be deemed to be the
645 selling dealer. This exemption shall not be allowed unless:

646 a. The purchaser removes a qualifying boat, as described
647 in sub-subparagraph f., from the state within 90 days after the
648 date of purchase or extension, or the purchaser removes a
649 nonqualifying boat or an aircraft from this state within 10 days

650 after the date of purchase or, when the boat or aircraft is
651 repaired or altered, within 20 days after completion of the
652 repairs or alterations;

653 b. The purchaser, within 30 days from the date of
654 departure, shall provide the department with written proof that
655 the purchaser licensed, registered, titled, or documented the
656 boat or aircraft outside the state. If such written proof is
657 unavailable, within 30 days the purchaser shall provide proof
658 that the purchaser applied for such license, title,
659 registration, or documentation. The purchaser shall forward to
660 the department proof of title, license, registration, or
661 documentation upon receipt.

662 c. The purchaser, within 10 days of removing the boat or
663 aircraft from Florida, shall furnish the department with proof
664 of removal in the form of receipts for fuel, dockage, slippage,
665 tie-down, or hangaring from outside of Florida. The information
666 so provided must clearly and specifically identify the boat or
667 aircraft;

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

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

675 f. Unless the nonresident purchaser of a boat of 5 net
676 tons of admeasurement or larger intends to remove the boat from
677 this state within 10 days after the date of purchase or when the
678 boat is repaired or altered, within 20 days after completion of
679 the repairs or alterations, the nonresident purchaser shall

680 apply to the selling dealer for a decal which authorizes 90 days
681 after the date of purchase for removal of the boat. The
682 nonresident purchaser of a qualifying boat may apply to the
683 selling dealer within 60 days after the date of purchase for an
684 extension decal that authorizes the boat to remain in this state
685 for an additional 90 days, but not more than a total of 180
686 days, before the nonresident purchaser is required to pay the
687 tax imposed by this chapter. The department is authorized to
688 issue decals in advance to dealers. The number of decals issued
689 in advance to a dealer shall be consistent with the volume of
690 the dealer's past sales of boats which qualify under this sub-
691 subparagraph. The selling dealer or his or her agent shall mark
692 and affix the decals to qualifying boats in the manner
693 prescribed by the department, prior to delivery of the boat.

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

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

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

702 (IV) The department is authorized to require dealers who
703 purchase decals to file reports with the department and may
704 prescribe all necessary records by rule. All such records are
705 subject to inspection by the department.

706 (V) Any dealer or his or her agent who issues a decal
707 falsely, fails to affix a decal, mismarks the expiration date of
708 a decal, or fails to properly account for decals will be
709 considered prima facie to have committed a fraudulent act to

710 evade the tax and will be liable for payment of the tax plus a
711 mandatory penalty of 200 percent of the tax, and shall be liable
712 for fine and punishment as provided by law for a conviction of a
713 misdemeanor of the first degree, as provided in s. 775.082 or s.
714 775.083.

715 (VI) Any nonresident purchaser of a boat who removes a
716 decal prior to permanently removing the boat from the state, or
717 defaces, changes, modifies, or alters a decal in a manner
718 affecting its expiration date prior to its expiration, or who
719 causes or allows the same to be done by another, will be
720 considered prima facie to have committed a fraudulent act to
721 evade the tax and will be liable for payment of the tax plus a
722 mandatory penalty of 200 percent of the tax, and shall be liable
723 for fine and punishment as provided by law for a conviction of a
724 misdemeanor of the first degree, as provided in s. 775.082 or s.
725 775.083.

726 (VII) The department is authorized to adopt rules
727 necessary to administer and enforce this subparagraph and to
728 publish the necessary forms and instructions.

729 (VIII) The department is hereby authorized to adopt
730 emergency rules pursuant to s. 120.54(4) to administer and
731 enforce the provisions of this subparagraph.
732

733 If the purchaser fails to remove the qualifying boat from
734 this state within the maximum 180 ~~90~~ days after purchase or a
735 nonqualifying boat or an aircraft from this state within 10 days
736 after purchase or, when the boat or aircraft is repaired or
737 altered, within 20 days after completion of such repairs or
738 alterations, or permits the boat or aircraft to return to this
739 state within 6 months from the date of departure, or if the

740 purchaser fails to furnish the department with any of the
741 documentation required by this subparagraph within the
742 prescribed time period, the purchaser shall be liable for use
743 tax on the cost price of the boat or aircraft and, in addition
744 thereto, payment of a penalty to the Department of Revenue equal
745 to the tax payable. This penalty shall be in lieu of the penalty
746 imposed by s. 212.12(2) and is mandatory and shall not be waived
747 by the department. The maximum 180-day ~~90-day~~ period following
748 the sale of a qualifying boat tax-exempt to a nonresident may
749 not be tolled for any reason. Notwithstanding other provisions
750 of this paragraph to the contrary, an aircraft purchased in this
751 state under the provisions of this paragraph may be returned to
752 this state for repairs within 6 months after the date of its
753 departure without being in violation of the law and without
754 incurring liability for the payment of tax or penalty on the
755 purchase price of the aircraft if the aircraft is removed from
756 this state within 20 days after the completion of the repairs
757 and if such removal can be demonstrated by invoices for fuel,
758 tie-down, hangar charges issued by out-of-state vendors or
759 suppliers, or similar documentation.

760 (i)1. At the rate of 6 percent on charges for all:

761 a. Detective, burglar protection, and other protection
762 services (NAICS National SIC Industry Numbers 561611, 561612,
763 561613, 7381 and 561621 7382). Any law enforcement officer, as
764 defined in s. 943.10, who is performing approved duties as
765 determined by his or her local law enforcement agency in his or
766 her capacity as a law enforcement officer, and who is subject to
767 the direct and immediate command of his or her law enforcement
768 agency, and in the law enforcement officer's uniform as
769 authorized by his or her law enforcement agency, is performing

770 law enforcement and public safety services and is not performing
771 detective, burglar protection, or other protective services, if
772 the law enforcement officer is performing his or her approved
773 duties in a geographical area in which the law enforcement
774 officer has arrest jurisdiction. Such law enforcement and public
775 safety services are not subject to tax irrespective of whether
776 the duty is characterized as "extra duty," "off-duty," or
777 "secondary employment," and irrespective of whether the officer
778 is paid directly or through the officer's agency by an outside
779 source. The term "law enforcement officer" includes full-time or
780 part-time law enforcement officers, and any auxiliary law
781 enforcement officer, when such auxiliary law enforcement officer
782 is working under the direct supervision of a full-time or part-
783 time law enforcement officer.

784 b. Nonresidential cleaning and nonresidential pest control
785 services (NAICS National Numbers 561710 and 561720 ~~SIC Industry~~
786 ~~Group Number 734~~).

787 2. As used in this paragraph, "NAICS ~~SIC~~" means those
788 classifications contained in the North American Industry
789 ~~Standard Industrial Classification System Manual, 1987~~, as
790 published in 2007 by the Office of Management and Budget,
791 Executive Office of the President.

792 3. Charges for detective, burglar protection, and other
793 protection security services performed in this state but used
794 outside this state are exempt from taxation. Charges for
795 detective, burglar protection, and other protection security
796 services performed outside this state and used in this state are
797 subject to tax.

798 4. If a transaction involves both the sale or use of a
799 service taxable under this paragraph and the sale or use of a

800 service or any other item not taxable under this chapter, the
801 consideration paid must be separately identified and stated with
802 respect to the taxable and exempt portions of the transaction or
803 the entire transaction shall be presumed taxable. The burden
804 shall be on the seller of the service or the purchaser of the
805 service, whichever applicable, to overcome this presumption by
806 providing documentary evidence as to which portion of the
807 transaction is exempt from tax. The department is authorized to
808 adjust the amount of consideration identified as the taxable and
809 exempt portions of the transaction; however, a determination
810 that the taxable and exempt portions are inaccurately stated and
811 that the adjustment is applicable must be supported by
812 substantial competent evidence.

813 5. Each seller of services subject to sales tax pursuant
814 to this paragraph shall maintain a monthly log showing each
815 transaction for which sales tax was not collected because the
816 services meet the requirements of subparagraph 3. for out-of-
817 state use. The log must identify the purchaser's name, location
818 and mailing address, and federal employer identification number,
819 if a business, or the social security number, if an individual,
820 the service sold, the price of the service, the date of sale,
821 the reason for the exemption, and the sales invoice number. The
822 monthly log shall be maintained pursuant to the same
823 requirements and subject to the same penalties imposed for the
824 keeping of similar records pursuant to this chapter.

825 Section 4. Paragraph (b) of subsection (10) of section
826 212.097, Florida Statutes, are amended to read:

827 212.097 Urban High-Crime Area Job Tax Credit Program.--

828 (10)

829 (b) Applications shall be reviewed and certified pursuant

830 ~~to s. 288.061. Within 30 working days after receipt of an~~
831 ~~application for credit, the Office of Tourism, Trade, and~~
832 ~~Economic Development shall review the application to determine~~
833 ~~whether it contains all the information required by this~~
834 ~~subsection and meets the criteria set out in this section.~~
835 ~~Subject to the provisions of paragraph (c), the Office of~~
836 ~~Tourism, Trade, and Economic Development shall approve all~~
837 ~~applications that contain the information required by this~~
838 ~~subsection and meet the criteria set out in this section as~~
839 ~~eligible to receive a credit.~~

840 Section 5. Paragraph (c) of subsection (1) of section
841 212.098, Florida Statutes, is amended to read:

842 212.098 Rural Job Tax Credit Program.--

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

844 (c) "Qualified area" means any area that is contained
845 within a rural area of critical economic concern designated
846 under s. 288.0656, a county that has a population of fewer than
847 75,000 persons, a ~~or any~~ county that has a population of 125,000
848 ~~100,000~~ or less and is contiguous to a county that has a
849 population of less than 75,000, selected in the following
850 manner: every third year, the Office of Tourism, Trade, and
851 Economic Development shall rank and tier the state's counties
852 according to the following four factors:

853 1. Highest unemployment rate for the most recent 36-month
854 period.

855 2. Lowest per capita income for the most recent 36-month
856 period.

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

859 4. Average weekly manufacturing wage, based upon the most

860 recent data available.

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

863 213.053 Confidentiality and information sharing.--

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

866 (k)1. Payment information relative to chapters 199, 201,
867 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and
868 Economic Development, or its employees or agents that are
869 identified in writing by the office to the department, in the
870 administration of the tax refund program for qualified defense
871 contractors and space flight business contractors authorized by
872 s. 288.1045 and the tax refund program for qualified target
873 industry businesses authorized by s. 288.106.

874 2. Information relative to tax credits taken by a business
875 under s. 220.191 and exemptions or tax refunds received by a
876 business under s. 212.08(5)(j) to the Office of Tourism, Trade,
877 and Economic Development, or its employees or agents that are
878 identified in writing by the office to the department, in the
879 administration and evaluation of the capital investment tax
880 credit program authorized in s. 220.191 and the semiconductor,
881 defense, and space tax exemption program authorized in s.
882 212.08(5)(j).

883 3. Information relative to tax credits taken by a taxpayer
884 pursuant to the tax credit programs created in ss. 193.017;
885 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
886 212.098; 220.181; 220.182; 220,183; 220.184; 220.1845; 220.185;
887 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
888 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
889 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to

890 the Office of Tourism, Trade, and Economic Development, or its
891 employees or agents that are identified in writing by the office
892 to the department, for use in the administration or evaluation
893 of such programs.

894
895 Disclosure of information under this subsection shall be
896 pursuant to a written agreement between the executive director
897 and the agency. Such agencies, governmental or nongovernmental,
898 shall be bound by the same requirements of confidentiality as
899 the Department of Revenue. Breach of confidentiality is a
900 misdemeanor of the first degree, punishable as provided by s.
901 775.082 or s. 775.083.

902 Section 7. Paragraph (b) of subsection (5) of section
903 220.15, Florida Statutes, is amended to read:

904 220.15 Apportionment of adjusted federal income.--

905 (5) The sales factor is a fraction the numerator of which
906 is the total sales of the taxpayer in this state during the
907 taxable year or period and the denominator of which is the total
908 sales of the taxpayer everywhere during the taxable year or
909 period.

910 (b)1. Sales of tangible personal property occur in this
911 state if the property is delivered or shipped to a purchaser
912 within this state, regardless of the f.o.b. point, other
913 conditions of the sale, or ultimate destination of the property,
914 unless shipment is made via a common or contract carrier.
915 However, for industries in NAICS National ~~SIC Industry~~ Number
916 311411 2037, if the ultimate destination of the product is to a
917 location outside this state, regardless of the method of
918 shipment or f.o.b. point, the sale shall not be deemed to occur
919 in this state. As used in this paragraph, "NAICS" means those

920 classifications contained in the North American Industry
921 Classification System, as published in 2007 by the Office of
922 Management and Budget, Executive Office of the President.

923 2. When citrus fruit is delivered by a cooperative for a
924 grower-member, by a grower-member to a cooperative, or by a
925 grower-participant to a Florida processor, the sales factor for
926 the growers for such citrus fruit delivered to such processor
927 shall be the same as the sales factor for the most recent
928 taxable year of that processor. That sales factor, expressed
929 only as a percentage and not in terms of the dollar volume of
930 sales, so as to protect the confidentiality of the sales of the
931 processor, shall be furnished on the request of such a grower
932 promptly after it has been determined for that taxable year.

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

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

938 220.191 Capital investment tax credit.--

939 (5) Applications shall be reviewed and certified pursuant
940 to s. 288.061. The office, upon a recommendation by Enterprise
941 Florida, Inc., shall first certify a business as eligible to
942 receive tax credits pursuant to this section prior to the
943 commencement of operations of a qualifying project, and such
944 certification shall be transmitted to the Department of Revenue.
945 Upon receipt of the certification, the Department of Revenue
946 shall enter into a written agreement with the qualifying
947 business specifying, at a minimum, the method by which income
948 generated by or arising out of the qualifying project will be
949 determined.

950 Section 9. Section 288.061, Florida Statutes, is created
951 to read:

952 288.061 Economic development incentive application
953 process.--

954 (1) Within 10 business days after receiving a submitted
955 economic development incentive application, Enterprise Florida,
956 Inc., shall review the application and inform the applicant
957 business whether or not its application is complete. Within 10
958 business days after the application is deemed complete,
959 Enterprise Florida, Inc., shall evaluate the application and
960 recommend approval or disapproval of the application to the
961 director of the Office of Tourism, Trade, and Economic
962 Development. In recommending an applicant business for approval,
963 Enterprise Florida, Inc., shall include in its evaluation a
964 recommended grant award amount and a review of the applicant's
965 ability to meet specific program criteria.

966 (2) Within 10 calendar days after the Office of Tourism,
967 Trade, and Economic Development receives the evaluation and
968 recommendation from Enterprise Florida, Inc., the office shall
969 notify Enterprise Florida, Inc., whether or not the application
970 is reviewable. Within 22 calendar days after the office receives
971 the recommendation from Enterprise Florida, Inc., the director
972 of the office shall review the application and issue a letter of
973 certification to the applicant that approves or disapproves an
974 applicant business and includes a justification of that
975 decision, unless the business requests an extension of that
976 time. The final order shall specify the total amount of the
977 award, the performance conditions that must be met to obtain the
978 award, and the schedule for payment.

979 Section 10. Subsection (4) of section 288.063, Florida

980 Statutes, is amended to read:

981 288.063 Contracts for transportation projects.--

982 (4) The Office of Tourism, Trade, and Economic Development
 983 may adopt criteria by which transportation projects are to be
 984 reviewed and certified in accordance with s. 288.061 ~~specified~~
 985 ~~and identified~~. In approving transportation projects for
 986 funding, the Office of Tourism, Trade, and Economic Development
 987 shall consider factors including, but not limited to, the cost
 988 per job created or retained considering the amount of
 989 transportation funds requested; the average hourly rate of wages
 990 for jobs created; the reliance on the program as an inducement
 991 for the project's location decision; the amount of capital
 992 investment to be made by the business; the demonstrated local
 993 commitment; the location of the project in an enterprise zone
 994 designated pursuant to s. 290.0055; the location of the project
 995 in a spaceport territory as defined in s. 331.304; the
 996 unemployment rate of the surrounding area; the poverty rate of
 997 the community; and the adoption of an economic element as part
 998 of its local comprehensive plan in accordance with s.
 999 163.3177(7)(j). The Office of Tourism, Trade, and Economic
 1000 Development may contact any agency it deems appropriate for
 1001 additional input regarding the approval of projects.

1002 Section 11. Subsection (2) of section 288.065, Florida
 1003 Statutes, is amended to read:

1004 288.065 Rural Community Development Revolving Loan Fund.--

1005 (2) The program shall provide for long-term loans, loan
 1006 guarantees, and loan loss reserves to units of local
 1007 governments, or economic development organizations substantially
 1008 underwritten by a unit of local government, within counties with
 1009 populations of 75,000 or fewer less, or within any county with

1010 ~~that has~~ a population of 125,000 ~~100,000~~ or fewer which ~~less and~~
 1011 is contiguous to a county with a population of 75,000 or fewer
 1012 ~~less, based on as determined by~~ the most recent official
 1013 population estimate as determined under ~~pursuant to~~ s. 186.901,
 1014 including those residing in incorporated areas and those
 1015 residing in unincorporated areas of the county, or to units of
 1016 local government, or economic development organizations
 1017 substantially underwritten by a unit of local government, within
 1018 a rural area of critical economic concern. Requests for loans
 1019 shall be made by application to the Office of Tourism, Trade,
 1020 and Economic Development. Loans shall be made pursuant to
 1021 agreements specifying the terms and conditions agreed to between
 1022 the applicant and the Office of Tourism, Trade, and Economic
 1023 Development. The loans shall be the legal obligations of the
 1024 applicant. All repayments of principal and interest shall be
 1025 returned to the loan fund and made available for loans to other
 1026 applicants. However, in a rural area of critical economic
 1027 concern designated by the Governor, and upon approval by the
 1028 Office of Tourism, Trade, and Economic Development, repayments
 1029 of principal and interest may be retained by the applicant if
 1030 such repayments are dedicated and matched to fund regionally
 1031 based economic development organizations representing the rural
 1032 area of critical economic concern.

1033 Section 12. Paragraphs (b) and (e) of subsection (2) and
 1034 subsection (3) of section 288.0655, Florida Statutes, are
 1035 amended to read:

1036 288.0655 Rural Infrastructure Fund.--

1037 (2)

1038 (b) To facilitate access of rural communities and rural
 1039 areas of critical economic concern as defined by the Rural

1040 Economic Development Initiative to infrastructure funding
1041 programs of the Federal Government, such as those offered by the
1042 United States Department of Agriculture and the United States
1043 Department of Commerce, and state programs, including those
1044 offered by Rural Economic Development Initiative agencies, and
1045 to facilitate local government or private infrastructure funding
1046 efforts, the office may award grants for up to 30 percent of the
1047 total infrastructure project cost. If an application for funding
1048 is for a catalyst site, as defined in s. 288.0656, the office
1049 may award grants for up to 40 percent of the total
1050 infrastructure project cost. Eligible projects must be related
1051 to specific job-creation or job-retention opportunities.
1052 Eligible projects may also include improving any inadequate
1053 infrastructure that has resulted in regulatory action that
1054 prohibits economic or community growth or reducing the costs to
1055 community users of proposed infrastructure improvements that
1056 exceed such costs in comparable communities. Eligible uses of
1057 funds shall include improvements to public infrastructure for
1058 industrial or commercial sites and upgrades to or development of
1059 public tourism infrastructure. Authorized infrastructure may
1060 include the following public or public-private partnership
1061 facilities: storm water systems; telecommunications facilities;
1062 broadband facilities; roads or other remedies to transportation
1063 impediments; nature-based tourism facilities; or other physical
1064 requirements necessary to facilitate tourism, trade, and
1065 economic development activities in the community. Authorized
1066 infrastructure may also include publicly or privately owned
1067 self-powered nature-based tourism facilities, publicly owned
1068 telecommunications facilities, and broadband facilities, and
1069 additions to the distribution facilities of the existing natural

1070 gas utility as defined in s. 366.04(3)(c), the existing electric
1071 utility as defined in s. 366.02, or the existing water or
1072 wastewater utility as defined in s. 367.021(12), or any other
1073 existing water or wastewater facility, which owns a gas or
1074 electric distribution system or a water or wastewater system in
1075 this state where:

1076 1. A contribution-in-aid of construction is required to
1077 serve public or public-private partnership facilities under the
1078 tariffs of any natural gas, electric, water, or wastewater
1079 utility as defined herein; and

1080 2. Such utilities as defined herein are willing and able
1081 to provide such service.

1082 (e) To enable local governments to access the resources
1083 available pursuant to s. 403.973(18), the office may award
1084 grants for surveys, feasibility studies, and other activities
1085 related to the identification and preclearance review of land
1086 which is suitable for preclearance review. Authorized grants
1087 under this paragraph shall not exceed \$75,000 each, except in
1088 the case of a project in a rural area of critical economic
1089 concern, in which case the grant shall not exceed \$300,000. Any
1090 funds awarded under this paragraph must be matched at a level of
1091 50 percent with local funds, except that any funds awarded for a
1092 project in a rural area of critical economic concern must be
1093 matched at a level of 33 percent with local funds. If an
1094 application for funding is for a catalyst site, as defined in s.
1095 288.0656, the requirement for local match may be waived pursuant
1096 to the process in s. 288.06561. In evaluating applications under
1097 this paragraph, the office shall consider the extent to which
1098 the application seeks to minimize administrative and consultant
1099 expenses.

1100 (3) The office, in consultation with Enterprise Florida,
1101 Inc., VISIT Florida, the Department of Environmental Protection,
1102 and the Florida Fish and Wildlife Conservation Commission, as
1103 appropriate, shall review and certify applications pursuant to
1104 s. 288.061. The review shall include an evaluation of ~~and~~
1105 ~~evaluate~~ the economic benefit of the projects and their long-
1106 term viability. The office shall have final approval for any
1107 grant under this section ~~and must make a grant decision within~~
1108 ~~30 days of receiving a completed application~~.

1109 Section 13. Section 288.0656, Florida Statutes, is amended
1110 to read:

1111 288.0656 Rural Economic Development Initiative.--

1112 (1) (a) Recognizing that rural communities and regions
1113 continue to face extraordinary challenges in their efforts to
1114 significantly improve their economies, specifically in terms of
1115 personal income, job creation, average wages, and strong tax
1116 bases, it is the intent of the Legislature to encourage and
1117 facilitate the location and expansion of major economic
1118 development projects of significant scale in such rural
1119 communities.

1120 (b) The Rural Economic Development Initiative, known as
1121 "REDI," is created within the Office of Tourism, Trade, and
1122 Economic Development, and the participation of state and
1123 regional agencies in this initiative is authorized.

1124 (2) As used in this section, the term:

1125 (a) "Catalyst project" means a business locating or
1126 expanding in a rural area of critical economic concern to serve
1127 as an economic generator of regional significance for the growth
1128 of a regional target industry cluster. The project must provide
1129 capital investment on a scale significant enough to affect the

1130 entire region and result in the development of high-wage and
 1131 high-skill jobs.

1132 (b) "Catalyst site" means a parcel or parcels of land
 1133 within a rural area of critical economic concern that has been
 1134 prioritized as a geographic site for economic development
 1135 through partnerships with state, regional, and local
 1136 organizations. The site must be reviewed by REDI and approved by
 1137 the Office of Tourism, Trade, and Economic Development for the
 1138 purposes of locating a catalyst project.

1139 (c)-(a) "Economic distress" means conditions affecting the
 1140 fiscal and economic viability of a rural community, including
 1141 such factors as low per capita income, low per capita taxable
 1142 values, high unemployment, high underemployment, low weekly
 1143 earned wages compared to the state average, low housing values
 1144 compared to the state average, high percentages of the
 1145 population receiving public assistance, high poverty levels
 1146 compared to the state average, and a lack of year-round stable
 1147 employment opportunities.

1148 (d) "Rural area of critical economic concern" means a
 1149 rural community, or a region composed of rural communities,
 1150 designated by the Governor, that has been adversely affected by
 1151 an extraordinary economic event, severe or chronic distress, or
 1152 a natural disaster or that presents a unique economic
 1153 development opportunity of regional impact.

1154 (e)-(b) "Rural community" means:

- 1155 1. A county with a population of 75,000 or less.
- 1156 2. A county with a population of 125,000 ~~100,000~~ or fewer
 1157 which less than is contiguous to a county with a population of
 1158 75,000 or fewer ~~less~~.
- 1159 3. A municipality within a county described in subparagraph

1160 1. or subparagraph 2.

1161 4. An unincorporated federal enterprise community or an
 1162 incorporated rural city with a population of 25,000 or less and
 1163 an employment base focused on traditional agricultural or
 1164 resource-based industries, located in a county not defined as
 1165 rural, which has at least three or more of the economic distress
 1166 factors identified in paragraph (c) ~~(a)~~ and verified by the
 1167 Office of Tourism, Trade, and Economic Development.

1168
 1169 For purposes of this paragraph, population shall be determined
 1170 in accordance with the most recent official estimate pursuant to
 1171 s. 186.901.

1172 (3) REDI shall be responsible for coordinating and
 1173 focusing the efforts and resources of state and regional
 1174 agencies on the problems which affect the fiscal, economic, and
 1175 community viability of Florida's economically distressed rural
 1176 communities, working with local governments, community-based
 1177 organizations, and private organizations that have an interest
 1178 in the growth and development of these communities to find ways
 1179 to balance environmental and growth management issues with local
 1180 needs.

1181 (4) REDI shall review and evaluate the impact of statutes
 1182 and rules on rural communities and shall work to minimize any
 1183 adverse impact and undertake outreach and capacity building
 1184 efforts.

1185 (5) REDI shall facilitate better access to state resources
 1186 by promoting direct access and referrals to appropriate state
 1187 and regional agencies and statewide organizations. REDI may
 1188 undertake outreach, capacity-building, and other advocacy
 1189 efforts to improve conditions in rural communities. These

1190 activities may include sponsorship of conferences and
 1191 achievement awards.

1192 (6) (a) By August 1 of each year, the head of each of the
 1193 following agencies and organizations shall designate a deputy
 1194 secretary or higher-level ~~high-level~~ staff person from within
 1195 the agency or organization to serve as the REDI representative
 1196 for the agency or organization:

- 1197 1. The Department of Community Affairs.
- 1198 2. The Department of Transportation.
- 1199 3. The Department of Environmental Protection.
- 1200 4. The Department of Agriculture and Consumer Services.
- 1201 5. The Department of State.
- 1202 6. The Department of Health.
- 1203 7. The Department of Children and Family Services.
- 1204 8. The Department of Corrections.
- 1205 9. The Agency for Workforce Innovation.
- 1206 10. The Department of Education.
- 1207 11. The Department of Juvenile Justice.
- 1208 12. The Fish and Wildlife Conservation Commission.
- 1209 13. Each water management district.
- 1210 14. Enterprise Florida, Inc.
- 1211 15. Workforce Florida, Inc.
- 1212 16. The Florida Commission on Tourism or VISIT Florida.
- 1213 17. The Florida Regional Planning Council Association.
- 1214 18. The Agency for Health Care Administration ~~Florida~~
 1215 ~~State Rural Development Council~~.
- 1216 19. The Institute of Food and Agricultural Sciences
 1217 (IFAS).

1218
 1219 An alternate for each designee shall also be chosen, and the

1220 names of the designees and alternates shall be sent to the
1221 director of the Office of Tourism, Trade, and Economic
1222 Development.

1223 (b) Each REDI representative must have comprehensive
1224 knowledge of his or her agency's functions, both regulatory and
1225 service in nature, and of the state's economic goals, policies,
1226 and programs. This person shall be the primary point of contact
1227 for his or her agency with REDI on issues and projects relating
1228 to economically distressed rural communities and with regard to
1229 expediting project review, shall ensure a prompt effective
1230 response to problems arising with regard to rural issues, and
1231 shall work closely with the other REDI representatives in the
1232 identification of opportunities for preferential awards of
1233 program funds and allowances and waiver of program requirements
1234 when necessary to encourage and facilitate long-term private
1235 capital investment and job creation.

1236 (c) The REDI representatives shall work with REDI in the
1237 review and evaluation of statutes and rules for adverse impact
1238 on rural communities and the development of alternative
1239 proposals to mitigate that impact.

1240 (d) Each REDI representative shall be responsible for
1241 ensuring that each district office or facility of his or her
1242 agency is informed about the Rural Economic Development
1243 Initiative and for providing assistance throughout the agency in
1244 the implementation of REDI activities.

1245 (7) (a) REDI may recommend to the Governor up to three
1246 rural areas of critical economic concern. ~~A rural area of~~
1247 ~~critical economic concern must be a rural community, or a region~~
1248 ~~composed of such, that has been adversely affected by an~~
1249 ~~extraordinary economic event or a natural disaster or that~~

1250 ~~presents a unique economic development opportunity of regional~~
1251 ~~impact that will create more than 1,000 jobs over a 5-year~~
1252 ~~period.~~ The Governor may by executive order designate up to
1253 three rural areas of critical economic concern which will
1254 establish these areas as priority assignments for REDI as well
1255 as to allow the Governor, acting through REDI, to waive
1256 criteria, requirements, or similar provisions of any economic
1257 development incentive. Such incentives shall include, but not be
1258 limited to: the Qualified Target Industry Tax Refund Program
1259 under s. 288.106, the Quick Response Training Program under s.
1260 288.047, the Quick Response Training Program for participants in
1261 the welfare transition program under s. 288.047(8),
1262 transportation projects under s. 288.063, the brownfield
1263 redevelopment bonus refund under s. 288.107, and the rural job
1264 tax credit program under ss. 212.098 and 220.1895.

1265 (b) Designation as a rural area of critical economic
1266 concern under this subsection shall be contingent upon the
1267 execution of a memorandum of agreement among the Office of
1268 Tourism, Trade, and Economic Development; the governing body of
1269 the county; and the governing bodies of any municipalities to be
1270 included within a rural area of critical economic concern. Such
1271 agreement shall specify the terms and conditions of the
1272 designation, including, but not limited to, the duties and
1273 responsibilities of the county and any participating
1274 municipalities to take actions designed to facilitate the
1275 retention and expansion of existing businesses in the area, as
1276 well as the recruitment of new businesses to the area.

1277 (c) Each rural area of critical economic concern may
1278 designate catalyst projects, provided that each catalyst project
1279 is specifically recommended by REDI, identified as a catalyst

1280 project by Enterprise Florida, Inc., and confirmed as a catalyst
 1281 project by the Office of Tourism, Trade, and Economic
 1282 Development. All state agencies and departments shall use all
 1283 available tools and resources to the extent permissible by law
 1284 to promote the creation and development of each catalyst project
 1285 and the development of catalyst sites.

1286 (8) REDI shall submit a report to the Governor, the
 1287 President of the Senate, and the Speaker of the House of
 1288 Representatives each year on or before September ~~February~~ 1 on
 1289 all REDI activities for the prior fiscal year. This report shall
 1290 include a status report on all projects currently being
 1291 coordinated through REDI, the number of preferential awards and
 1292 allowances made pursuant to this section, the dollar amount of
 1293 such awards, and the names of the recipients. The report shall
 1294 also include a description of all waivers of program
 1295 requirements granted. The report shall also include information
 1296 as to the economic impact of the projects coordinated by REDI,
 1297 and recommendations based on the review and evaluation of
 1298 statutes and rules having an adverse impact on rural
 1299 communities, and proposals to mitigate such adverse impacts.

1300 Section 14. Section 288.06561, Florida Statutes, is
 1301 amended to read:

1302 288.06561 Reduction or waiver of financial match
 1303 requirements.--Notwithstanding any other law, the member
 1304 agencies and organizations of the Rural Economic Development
 1305 Initiative (REDI), as defined in s. 288.0656(6)(a), shall review
 1306 the financial match requirements for projects in rural areas as
 1307 defined in s. 288.0656(2) ~~(b)~~.

1308 (1) Each agency and organization shall develop a proposal
 1309 to waive or reduce the match requirement for rural areas.

1310 (2) Agencies and organizations shall ensure that all
1311 proposals are submitted to the Office of Tourism, Trade, and
1312 Economic Development for review by the REDI agencies.

1313 (3) These proposals shall be delivered to the Office of
1314 Tourism, Trade, and Economic Development for distribution to the
1315 REDI agencies and organizations. A meeting of REDI agencies and
1316 organizations must be called within 30 days after receipt of
1317 such proposals for REDI comment and recommendations on each
1318 proposal.

1319 (4) Waivers and reductions must be requested by the county
1320 or community, and such county or community must have three or
1321 more of the factors identified in s. 288.0656(2) (c) ~~(a)~~.

1322 (5) Any other funds available to the project may be used
1323 for financial match of federal programs when there is fiscal
1324 hardship, and the match requirements may not be waived or
1325 reduced.

1326 (6) When match requirements are not reduced or eliminated,
1327 donations of land, though usually not recognized as an in-kind
1328 match, may be permitted.

1329 (7) To the fullest extent possible, agencies and
1330 organizations shall expedite the rule adoption and amendment
1331 process if necessary to incorporate the reduction in match by
1332 rural areas in fiscal distress.

1333 (8) REDI shall include in its annual report an evaluation
1334 on the status of changes to rules, number of awards made with
1335 waivers, and recommendations for future changes.

1336 Section 15. Subsection (1) of section 288.0657, Florida
1337 Statutes, is amended to read:

1338 288.0657 Florida rural economic development strategy
1339 grants.--

1340 (1) As used in this section, the term "rural community"
 1341 means:

1342 (a) A county with a population of 75,000 or fewer ~~less~~.

1343 (b) A county with a population of 125,000 ~~100,000~~ or fewer
 1344 which ~~less~~ ~~that~~ is contiguous to a county with a population of
 1345 75,000 or fewer ~~less~~.

1346 (c) A municipality within a county described in paragraph
 1347 (a) or paragraph (b).

1348
 1349 For purposes of this subsection, population shall be determined
 1350 in accordance with the most recent official estimate pursuant to
 1351 s. 186.901.

1352 Section 16. Paragraph (c) of subsection (2), paragraphs
 1353 (a), (e), (f), (g), (h), (i), (j), and (k) of subsection (3),
 1354 and paragraph (c) of subsection (5) of section 288.1045, Florida
 1355 Statutes, are amended to read:

1356 288.1045 Qualified defense contractor and space flight
 1357 business tax refund program.--

1358 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

1359 (c) A qualified applicant may not receive more than \$5
 1360 ~~\$7.5~~ million in tax refunds pursuant to this section in all
 1361 fiscal years.

1362 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 1363 DETERMINATION.--

1364 (a) To apply for certification as a qualified applicant
 1365 pursuant to this section, an applicant must file an application
 1366 with the office which satisfies the requirements of paragraphs
 1367 (b) and (e), paragraphs (c) and (e), paragraphs (d) and (e), or
 1368 paragraphs (e) and (j) ~~(k)~~. An applicant may not apply for
 1369 certification pursuant to this section after a proposal has been

1370 submitted for a new Department of Defense contract, after the
1371 applicant has made the decision to consolidate an existing
1372 Department of Defense contract in this state for which such
1373 applicant is seeking certification, after a proposal has been
1374 submitted for a new space flight business contract in this
1375 state, after the applicant has made the decision to consolidate
1376 an existing space flight business contract in this state for
1377 which such applicant is seeking certification, or after the
1378 applicant has made the decision to convert defense production
1379 jobs to nondefense production jobs for which such applicant is
1380 seeking certification.

1381 (e) To qualify for review by the office, the application
1382 of an applicant must, at a minimum, establish the following to
1383 the satisfaction of the office:

1384 1. The jobs proposed to be provided under the application,
1385 pursuant to subparagraph (b)6., subparagraph (c)6., or
1386 subparagraph (j)~~(k)~~6., must pay an estimated annual average wage
1387 equaling at least 115 percent of the average wage in the area
1388 where the project is to be located.

1389 2. The consolidation of a Department of Defense contract
1390 must result in a net increase of at least 25 percent in the
1391 number of jobs at the applicant's facilities in this state or
1392 the addition of at least 80 jobs at the applicant's facilities
1393 in this state.

1394 3. The conversion of defense production jobs to nondefense
1395 production jobs must result in net increases in nondefense
1396 employment at the applicant's facilities in this state.

1397 4. The Department of Defense contract or the space flight
1398 business contract cannot allow the business to include the costs
1399 of relocation or retooling in its base as allowable costs under

1400 a cost-plus, or similar, contract.

1401 5. A business unit of the applicant must have derived not
1402 less than 60 percent of its gross receipts in this state from
1403 Department of Defense contracts or space flight business
1404 contracts over the applicant's last fiscal year, and must have
1405 derived not less than an average of 60 percent of its gross
1406 receipts in this state from Department of Defense contracts or
1407 space flight business contracts over the 5 years preceding the
1408 date an application is submitted pursuant to this section. This
1409 subparagraph does not apply to any application for certification
1410 based on a contract for reuse of a defense-related facility.

1411 6. The reuse of a defense-related facility must result in
1412 the creation of at least 100 jobs at such facility.

1413 7. A new space flight business contract or the
1414 consolidation of a space flight business contract must result in
1415 net increases in space flight business employment at the
1416 applicant's facilities in this state.

1417 (f) Each application meeting the requirements of
1418 paragraphs (b) and (e), paragraphs (c) and (e), paragraphs (d)
1419 and (e), or paragraphs (e) and (j) ~~(k)~~ must be submitted to the
1420 office for a determination of eligibility. The office shall
1421 review and evaluate each application based on, but not limited
1422 to, the following criteria:

1423 1. Expected contributions to the state strategic economic
1424 development plan adopted by Enterprise Florida, Inc., taking
1425 into account the extent to which the project contributes to the
1426 state's high-technology base, and the long-term impact of the
1427 project and the applicant on the state's economy.

1428 2. The economic benefit of the jobs created or retained by
1429 the project in this state, taking into account the cost and

1430 average wage of each job created or retained, and the potential
1431 risk to existing jobs.

1432 3. The amount of capital investment to be made by the
1433 applicant in this state.

1434 4. The local commitment and support for the project and
1435 applicant.

1436 5. The impact of the project on the local community,
1437 taking into account the unemployment rate for the county where
1438 the project will be located.

1439 6. The dependence of the local community on the defense
1440 industry or space flight business.

1441 7. The impact of any tax refunds granted pursuant to this
1442 section on the viability of the project and the probability that
1443 the project will occur in this state if such tax refunds are
1444 granted to the applicant, taking into account the expected long-
1445 term commitment of the applicant to economic growth and
1446 employment in this state.

1447 8. The length of the project, or the expected long-term
1448 commitment to this state resulting from the project.

1449 (g) Applications shall be reviewed and certified pursuant
1450 to s. 288.061. ~~The office shall forward its written findings and~~
1451 ~~evaluation on each application meeting the requirements of~~
1452 ~~paragraphs (b) and (c), paragraphs (c) and (e), paragraphs (d)~~
1453 ~~and (e), or paragraphs (e) and (k) to the director within 60~~
1454 ~~calendar days after receipt of a complete application. The~~
1455 ~~office shall notify each applicant when its application is~~
1456 ~~complete, and when the 60-day period begins. In its written~~
1457 ~~report to the director, the office shall specifically address~~
1458 ~~each of the factors specified in paragraph (f), and shall make a~~
1459 ~~specific assessment with respect to the minimum requirements~~

1460 ~~established in paragraph (c). The office shall include in its~~
1461 ~~report projections of the tax refunds the applicant would be~~
1462 ~~eligible to receive in each fiscal year based on the creation~~
1463 ~~and maintenance of the net new Florida jobs specified in~~
1464 ~~subparagraph (b)6., subparagraph (c)6., subparagraph (d)7., or~~
1465 ~~subparagraph (k)6. as of December 31 of the preceding state~~
1466 ~~fiscal year.~~

1467 ~~(h) Within 30 days after receipt of the office's findings~~
1468 ~~and evaluation, the director shall issue a letter of~~
1469 ~~certification which either approves or disapproves an~~
1470 ~~application. The decision must be in writing and provide the~~
1471 ~~justifications for either approval or disapproval. If~~
1472 ~~appropriate, the director shall enter into a written agreement~~
1473 ~~with the qualified applicant pursuant to subsection (4).~~

1474 ~~(h)(i)~~ (h) The director may not certify any applicant as a
1475 qualified applicant when the value of tax refunds to be included
1476 in that letter of certification exceeds the available amount of
1477 authority to certify new businesses as determined in s.
1478 288.095(3). A letter of certification that approves an
1479 application must specify the maximum amount of a tax refund that
1480 is to be available to the contractor for each fiscal year and
1481 the total amount of tax refunds for all fiscal years.

1482 ~~(i)(j)~~ (i) This section does not create a presumption that an
1483 applicant should receive any tax refunds under this section.

1484 ~~(j)(k)~~ (j) Applications for certification based upon a new
1485 space flight business contract or the consolidation of a space
1486 flight business contract must be submitted to the office as
1487 prescribed by the office and must include, but are not limited
1488 to, the following information:

1489 1. The applicant's federal employer identification number,

1490 the applicant's Florida sales tax registration number, and a
1491 signature of an officer of the applicant.

1492 2. The permanent location of the space flight business
1493 facility in this state where the project is or will be located.

1494 3. The new space flight business contract number, the
1495 space flight business contract numbers of the contract to be
1496 consolidated, or the request-for-proposal number of a proposed
1497 space flight business contract.

1498 4. The date the contract was executed and the date the
1499 contract is due to expire, is expected to expire, or was
1500 canceled.

1501 5. The commencement date for project operations under the
1502 contract in this state.

1503 6. The number of net new full-time equivalent Florida jobs
1504 included in the project as of December 31 of each year and the
1505 average wage of such jobs.

1506 7. The total number of full-time equivalent employees
1507 employed by the applicant in this state.

1508 8. The percentage of the applicant's gross receipts
1509 derived from space flight business contracts during the 5
1510 taxable years immediately preceding the date the application is
1511 submitted.

1512 9. The number of full-time equivalent jobs in this state
1513 to be retained by the project.

1514 10. A brief statement concerning the applicant's need for
1515 tax refunds and the proposed uses of such refunds by the
1516 applicant.

1517 11. A resolution adopted by the governing board of the
1518 county or municipality in which the project will be located
1519 which recommends the applicant be approved as a qualified

1520 applicant and indicates that the necessary commitments of local
1521 financial support for the applicant exist. Prior to the adoption
1522 of the resolution, the county commission may review the proposed
1523 public or private sources of such support and determine whether
1524 the proposed sources of local financial support can be provided
1525 or, for any applicant whose project is located in a county
1526 designated by the Rural Economic Development Initiative, a
1527 resolution adopted by the county commissioners of such county
1528 requesting that the applicant's project be exempt from the local
1529 financial support requirement.

1530 12. Any additional information requested by the office.

1531 (5) ANNUAL CLAIM FOR REFUND.--

1532 (c) A tax refund may not be approved for any qualified
1533 applicant unless local financial support has been paid to the
1534 Economic Development Trust Fund for that refund. If the local
1535 financial support is less than 20 percent of the approved tax
1536 refund, the tax refund shall be reduced. The tax refund paid may
1537 not exceed 5 times the local financial support received. Funding
1538 from local sources includes tax abatement under s. 196.1995 or
1539 the appraised market value of municipal or county land,
1540 including any improvements or structures, conveyed or provided
1541 at a discount through a sale or lease to that applicant. The
1542 amount of any tax refund for an applicant approved under this
1543 section shall be reduced by the amount of any such tax abatement
1544 granted or the value of the land granted, including the value of
1545 any improvements or structures; and the limitations in
1546 subsection (2) ~~and paragraph (3) (h)~~ shall be reduced by the
1547 amount of any such tax abatement or the value of the land
1548 granted, including any improvements or structures. A report
1549 listing all sources of the local financial support shall be

1550 provided to the office when such support is paid to the Economic
 1551 Development Trust Fund.

1552 Section 17. Paragraphs (k) and (t) of subsection (1),
 1553 subsection (3), paragraph (b) of subsection (4), paragraph (c)
 1554 of subsection (5), and subsection (8) of section 288.106,
 1555 Florida Statutes, are amended to read:

1556 288.106 Tax refund program for qualified target industry
 1557 businesses.--

1558 (1) DEFINITIONS.--As used in this section:

1559 (k) "Local financial support exemption option" means the
 1560 option to exercise an exemption from the local financial support
 1561 requirement available to any applicant whose project is located
 1562 in a brownfield area or a county with a population of 75,000 or
 1563 fewer or a county with a population of 125,000 ~~100,000~~ or fewer
 1564 which is contiguous to a county with a population of 75,000 or
 1565 fewer. Any applicant that exercises this option shall not be
 1566 eligible for more than 80 percent of the total tax refunds
 1567 allowed such applicant under this section.

1568 (t) "Rural community" means:

1569 1. A county with a population of 75,000 or fewer ~~less~~.

1570 2. A county with a population of 125,000 ~~100,000~~ or fewer
 1571 which less than is contiguous to a county with a population of
 1572 75,000 or fewer ~~less~~.

1573 3. A municipality within a county described in
 1574 subparagraph 1. or subparagraph 2.

1575
 1576 For purposes of this paragraph, population shall be determined
 1577 in accordance with the most recent official estimate pursuant to
 1578 s. 186.901.

1579 (3) APPLICATION AND APPROVAL PROCESS.--

1580 (a) To apply for certification as a qualified target
 1581 industry business under this section, the business must file an
 1582 application with the office before the business has made the
 1583 decision to locate a new business in this state or before the
 1584 business had made the decision to expand an existing business in
 1585 this state. The application shall include, but is not limited
 1586 to, the following information:

1587 1. The applicant's federal employer identification number
 1588 and the applicant's state sales tax registration number.

1589 2. The permanent location of the applicant's facility in
 1590 this state at which the project is or is to be located.

1591 3. A description of the type of business activity or
 1592 product covered by the project, including a minimum of a five-
 1593 digit NAICS code ~~four-digit SIC codes~~ for all activities
 1594 included in the project. As used in this paragraph, "NAICS"
 1595 means those classifications contained in the North American
 1596 Industry Classification System, as published in 2007 by the
 1597 Office of Management and Budget, Executive Office of the
 1598 President.

1599 4. The number of net new full-time equivalent Florida jobs
 1600 at the qualified target industry business as of December 31 of
 1601 each year included in the project and the average wage of those
 1602 jobs. If more than one type of business activity or product is
 1603 included in the project, the number of jobs and average wage for
 1604 those jobs must be separately stated for each type of business
 1605 activity or product.

1606 5. The total number of full-time equivalent employees
 1607 employed by the applicant in this state.

1608 6. The anticipated commencement date of the project.

1609 7. A brief statement concerning the role that the tax

1610 refunds requested will play in the decision of the applicant to
1611 locate or expand in this state.

1612 8. An estimate of the proportion of the sales resulting
1613 from the project that will be made outside this state.

1614 9. A resolution adopted by the governing board of the
1615 county or municipality in which the project will be located,
1616 which resolution recommends that certain types of businesses be
1617 approved as a qualified target industry business and states that
1618 the commitments of local financial support necessary for the
1619 target industry business exist. In advance of the passage of
1620 such resolution, the office may also accept an official letter
1621 from an authorized local economic development agency that
1622 endorses the proposed target industry project and pledges that
1623 sources of local financial support for such project exist. For
1624 the purposes of making pledges of local financial support under
1625 this subsection, the authorized local economic development
1626 agency shall be officially designated by the passage of a one-
1627 time resolution by the local governing authority.

1628 10. Any additional information requested by the office.

1629 (b) To qualify for review by the office, the application
1630 of a target industry business must, at a minimum, establish the
1631 following to the satisfaction of the office:

1632 1. The jobs proposed to be provided under the application,
1633 pursuant to subparagraph (a)4., must pay an estimated annual
1634 average wage equaling at least 115 percent of the average
1635 private sector wage in the area where the business is to be
1636 located or the statewide private sector average wage. In
1637 determining the average annual wage, the office shall include
1638 only new proposed jobs, and wages for existing jobs shall be
1639 excluded from this calculation. The office may waive the ~~this~~

1640 average wage requirement at the request of the local governing
1641 body recommending the project and Enterprise Florida, Inc. The
1642 wage requirement may only be waived for a project located in a
1643 brownfield area designated under s. 376.80 or in a rural city or
1644 county or in an enterprise zone and only when the merits of the
1645 individual project or the specific circumstances in the
1646 community in relationship to the project warrant such action. If
1647 the local governing body and Enterprise Florida, Inc., make such
1648 a recommendation, it must be transmitted in writing and the
1649 specific justification for the waiver recommendation must be
1650 explained. If the director elects to waive the wage requirement,
1651 the waiver must be stated in writing and the reasons for
1652 granting the waiver must be explained.

1653 2. The target industry business's project must result in
1654 the creation of at least 10 jobs at such project and, if an
1655 expansion of an existing business, must result in a net increase
1656 in employment of at least ~~not less than~~ 10 percent at the ~~such~~
1657 business. Notwithstanding the definition of the term "expansion
1658 of an existing business" in paragraph (1)(g), at the request of
1659 the local governing body recommending the project and Enterprise
1660 Florida, Inc., the office may define an "expansion of an
1661 existing business" in a rural community or an enterprise zone as
1662 the expansion of a business resulting in a net increase in
1663 employment of less than 10 percent at such business if the
1664 merits of the individual project or the specific circumstances
1665 in the community in relationship to the project warrant such
1666 action. If the local governing body and Enterprise Florida,
1667 Inc., make such a request, the request ~~it~~ must be transmitted in
1668 writing and the specific justification for the request must be
1669 explained. If the director elects to grant the ~~such~~ request, the

1670 grant ~~such election~~ must be stated in writing and the reason for
1671 granting the request must be explained.

1672 3. The business activity or product for the applicant's
1673 project is within an industry or industries that have been
1674 identified by the office to be high-value-added industries that
1675 contribute to the area and to the economic growth of the state
1676 and that produce a higher standard of living for residents
1677 ~~citizens~~ of this state in the new global economy or that can be
1678 shown to make an equivalent contribution to the area and state's
1679 economic progress. The director must approve requests to waive
1680 the wage requirement for brownfield areas designated under s.
1681 376.80 unless it is demonstrated that such action is not in the
1682 public interest.

1683 (c) Each application meeting the requirements of paragraph
1684 (b) must be submitted to the office for determination of
1685 eligibility. The office shall review and evaluate each
1686 application based on, but not limited to, the following
1687 criteria:

1688 1. Expected contributions to the state strategic economic
1689 development plan adopted by Enterprise Florida, Inc., taking
1690 into account the long-term effects of the project and of the
1691 applicant on the state economy.

1692 2. The economic benefit of the jobs created by the project
1693 in this state, taking into account the cost and average wage of
1694 each job created.

1695 3. The amount of capital investment to be made by the
1696 applicant in this state.

1697 4. The local commitment and support for the project.

1698 5. The effect of the project on the local community,
1699 taking into account the unemployment rate for the county where

1700 the project will be located.

1701 6. The effect of any tax refunds granted pursuant to this
1702 section on the viability of the project and the probability that
1703 the project will be undertaken in this state if such tax refunds
1704 are granted to the applicant, taking into account the expected
1705 long-term commitment of the applicant to economic growth and
1706 employment in this state.

1707 7. The expected long-term commitment to this state
1708 resulting from the project.

1709 8. A review of the business's past activities in this
1710 state or other states, including whether such business has been
1711 subjected to criminal or civil fines and penalties. ~~Nothing in~~
1712 This subparagraph does not ~~shall~~ require the disclosure of
1713 confidential information.

1714 (d) Applications shall be reviewed and certified pursuant
1715 to s. 288.061. ~~The office shall forward its written findings and~~
1716 ~~evaluation concerning each application meeting the requirements~~
1717 ~~of paragraph (b) to the director within 45 calendar days after~~
1718 ~~receipt of a complete application. The office shall notify each~~
1719 ~~target industry business when its application is complete, and~~
1720 ~~of the time when the 45-day period begins. In its written report~~
1721 ~~to the director, the office shall specifically address each of~~
1722 ~~the factors specified in paragraph (c) and shall make a specific~~
1723 ~~assessment with respect to the minimum requirements established~~
1724 ~~in paragraph (b).~~ The office shall include in its review report
1725 projections of the tax refunds the business would be eligible to
1726 receive in each fiscal year based on the creation and
1727 maintenance of the net new Florida jobs specified in
1728 subparagraph (a)4. as of December 31 of the preceding state
1729 fiscal year.

1730 ~~(e)1. Within 30 days after receipt of the office's~~
1731 ~~findings and evaluation, the director shall issue a letter of~~
1732 ~~certification that either approves or disapproves the~~
1733 ~~application of the target industry business. The decision must~~
1734 ~~be in writing and must provide the justifications for approval~~
1735 ~~or disapproval.~~

1736 ~~2.~~ If appropriate, the director shall enter into a written
1737 agreement with the qualified target industry business pursuant
1738 to subsection (4).

1739 ~~(e)(f)~~ The director may not certify any target industry
1740 business as a qualified target industry business if the value of
1741 tax refunds to be included in that letter of certification
1742 exceeds the available amount of authority to certify new
1743 businesses as determined in s. 288.095(3). However, if the
1744 commitments of local financial support represent less than 20
1745 percent of the eligible tax refund payments, or to otherwise
1746 preserve the viability and fiscal integrity of the program, the
1747 director may certify a qualified target industry business to
1748 receive tax refund payments of less than the allowable amounts
1749 specified in paragraph (2) (b). A letter of certification that
1750 approves an application must specify the maximum amount of tax
1751 refund that will be available to the qualified industry business
1752 in each fiscal year and the total amount of tax refunds that
1753 will be available to the business for all fiscal years.

1754 ~~(f)(g)~~ ~~Nothing in~~ This section does not shall create a
1755 presumption that an applicant shall will receive any tax refunds
1756 under this section. However, the office may issue nonbinding
1757 opinion letters, upon the request of prospective applicants, as
1758 to the applicants' eligibility and the potential amount of
1759 refunds.

1760 (4) TAX REFUND AGREEMENT.--

1761 (b) Compliance with the terms and conditions of the

1762 agreement is a condition precedent for the receipt of a tax

1763 refund each year. The failure to comply with the terms and

1764 conditions of the tax refund agreement results in the loss of

1765 eligibility for receipt of all tax refunds previously authorized

1766 under this section and the revocation by the director of the

1767 certification of the business entity as a qualified target

1768 industry business, unless the business is eligible to receive

1769 and elects to accept a prorated refund under paragraph (5)(d) or

1770 the office grants the business an economic-stimulus exemption.

1771 1. A qualified target industry business may submit, in

1772 writing, a request to the office for an economic-stimulus

1773 exemption. The request must provide quantitative evidence

1774 demonstrating how negative economic conditions in the business's

1775 industry, the effects of the impact of a named hurricane or

1776 tropical storm, or specific acts of terrorism affecting the

1777 qualified target industry business have prevented the business

1778 from complying with the terms and conditions of its tax refund

1779 agreement.

1780 2. Upon receipt of a request under subparagraph 1., the

1781 director shall have 45 days to notify the requesting business,

1782 in writing, if its exemption has been granted or denied. In

1783 determining if an exemption should be granted, the director

1784 shall consider the extent to which negative economic conditions

1785 in the requesting business's industry have occurred in the state

1786 or the effects of the impact of a named hurricane or tropical

1787 storm or specific acts of terrorism affecting the qualified

1788 target industry business have prevented the business from

1789 complying with the terms and conditions of its tax refund

1790 agreement. The office shall consider current employment
1791 statistics for this state by industry, including whether the
1792 business's industry had substantial job loss during the prior
1793 year, when determining whether an exemption shall be granted.

1794 3. As a condition for receiving a prorated refund under
1795 paragraph (5) (d) or an economic-stimulus exemption under this
1796 paragraph, a qualified target industry business must agree to
1797 renegotiate its tax refund agreement with the office to, at a
1798 minimum, ensure that the terms of the agreement comply with
1799 current law and office procedures governing application for and
1800 award of tax refunds. Upon approving the award of a prorated
1801 refund or granting an economic-stimulus exemption, the office
1802 shall renegotiate the tax refund agreement with the business as
1803 required by this subparagraph. When amending the agreement of a
1804 business receiving an economic-stimulus exemption, the office
1805 may extend the duration of the agreement for a period not to
1806 exceed 2 years.

1807 4. A qualified target industry business may submit a
1808 request for an economic-stimulus exemption to the office in lieu
1809 of any tax refund claim scheduled to be submitted after January
1810 1, 2009 ~~2005~~, but before July 1, 2011 ~~2006~~.

1811 5. A qualified target industry business that receives an
1812 economic-stimulus exemption may not receive a tax refund for the
1813 period covered by the exemption.

1814 (5) ANNUAL CLAIM FOR REFUND.--

1815 (c) A tax refund may not be approved for a qualified
1816 target industry business unless the required local financial
1817 support has been paid into the account for that refund. If the
1818 local financial support provided is less than 20 percent of the
1819 approved tax refund, the tax refund must be reduced. In no event

1820 may the tax refund exceed an amount that is equal to 5 times the
 1821 amount of the local financial support received. Further, funding
 1822 from local sources includes any tax abatement granted to that
 1823 business under s. 196.1995 or the appraised market value of
 1824 municipal or county land conveyed or provided at a discount to
 1825 that business. The amount of any tax refund for such business
 1826 approved under this section must be reduced by the amount of any
 1827 such tax abatement granted or the value of the land granted; and
 1828 the limitations in subsection (2) and paragraph (3) (e) ~~(f)~~ must
 1829 be reduced by the amount of any such tax abatement or the value
 1830 of the land granted. A report listing all sources of the local
 1831 financial support shall be provided to the office when such
 1832 support is paid to the account.

1833 (8) EXPIRATION.--An applicant may not be certified as
 1834 qualified under this section after June 30, 2010. A tax refund
 1835 agreement existing on that date shall continue in effect in
 1836 accordance with its terms.

1837 Section 18. Paragraph (e) of subsection (1), paragraph (b)
 1838 of subsection (3), and paragraph (f) of subsection (4) of
 1839 section 288.107, Florida Statutes, are amended, and paragraph
 1840 (e) is added to subsection (3) of that section, to read:

1841 288.107 Brownfield redevelopment bonus refunds.--

1842 (1) Definitions.-- As used in this section:

1843 (e) "Eligible business" means:

1844 1. A qualified target industry business as defined in s.
 1845 288.106(1) (o); or

1846 2. A business that can demonstrate a fixed capital
 1847 investment of at least \$2 million in mixed-use business
 1848 activities, including multiunit housing, commercial, retail, and
 1849 industrial in brownfield areas, or at least \$500,000 in

1850 brownfield areas that do not require site cleanup, and which
 1851 provides benefits to its employees.

1852 (3) CRITERIA.--The minimum criteria for participation in
 1853 the brownfield redevelopment bonus refund are:

1854 (b) The completion of a fixed capital investment of at
 1855 least \$2 million in mixed-use business activities, including
 1856 multiunit housing, commercial, retail, and industrial in
 1857 brownfield areas, or at least \$500,000 in brownfield areas that
 1858 do not require site cleanup, by an eligible business applying
 1859 for a refund under paragraph (2) (b) which provides benefits to
 1860 its employees.

1861 (e) A resolution adopted by the governing board of the
 1862 county or municipality in which the project will be located that
 1863 recommends that certain types of businesses be approved.

1864 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.--

1865 (f) Applications shall be reviewed and certified pursuant
 1866 to s. 288.061. The office shall review all applications
 1867 submitted under s. 288.106 or other similar application forms
 1868 for other eligible businesses as defined in paragraph (1) (e)
 1869 which indicate that the proposed project will be located in a
 1870 brownfield and determine, with the assistance of the Department
 1871 of Environmental Protection, that the project location is within
 1872 a brownfield as provided in this act.

1873 Section 19. Paragraphs (b), (c), and (d) of subsection (5)
 1874 and subsections (7) and (8) of section 288.108, Florida
 1875 Statutes, are amended to read:

1876 288.108 High-impact business.--

1877 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.-

1878 -

1879 (b) Applications shall be reviewed and certified pursuant

1880 to s. 288.061. ~~Enterprise Florida, Inc., shall review each~~
1881 ~~submitted application and inform the applicant business whether~~
1882 ~~or not its application is complete within 10 working days. Once~~
1883 ~~the application is deemed complete, Enterprise Florida, Inc.,~~
1884 ~~has 10 working days within which to evaluate the application and~~
1885 ~~recommend approval or disapproval of the application to the~~
1886 ~~director. In recommending an applicant business for approval,~~
1887 ~~Enterprise Florida, Inc., shall include a recommended grant~~
1888 ~~award amount in its evaluation forwarded to the office.~~

1889 ~~(c) Upon receipt of the evaluation and recommendation of~~
1890 ~~Enterprise Florida, Inc., the director has 5 working days to~~
1891 ~~enter a final order that either approves or disapproves an~~
1892 ~~applicant business as a qualified high-impact business facility,~~
1893 ~~unless the business requests an extension of the time. The final~~
1894 ~~order shall specify the total amount of the qualified high-~~
1895 ~~impact business facility performance grant award, the~~
1896 ~~performance conditions that must be met to obtain the award, and~~
1897 ~~the schedule for payment of the performance grant.~~

1898 ~~(c)-(d)~~ The director and the qualified high-impact business
1899 shall enter into a performance grant agreement setting forth the
1900 conditions for payment of the qualified high-impact business
1901 performance grant. The agreement shall include the total amount
1902 of the qualified high-impact business facility performance grant
1903 award, the performance conditions that must be met to obtain the
1904 award, including the employment, average salary, investment, the
1905 methodology for determining if the conditions have been met, and
1906 the schedule of performance grant payments.

1907 ~~(7) REPORTING. The office shall by December 1 of each~~
1908 ~~year issue a complete and detailed report of all designated~~
1909 ~~high-impact sectors, all applications received and their~~

1910 ~~disposition, all final orders issued, and all payments made,~~
1911 ~~including analyses of benefits and costs, types of projects~~
1912 ~~supported, and employment and investments created. The report~~
1913 ~~shall be submitted to the Governor, the President of the Senate,~~
1914 ~~and the Speaker of the House of Representatives.~~

1915 (7)~~(8)~~ RULEMAKING.--The office may adopt rules necessary
1916 to carry out the provisions of this section.

1917 Section 20. Paragraphs (a), (b), and (c) of subsection (3)
1918 of section 288.1088, Florida Statutes, are amended to read:

1919 288.1088 Quick Action Closing Fund.--

1920 (3) (a) Enterprise Florida, Inc., shall review applications
1921 pursuant to s. 288.061 and determine eligibility of each project
1922 consistent with the criteria in subsection (2). Enterprise
1923 Florida, Inc., in consultation with the Office of Tourism,
1924 Trade, and Economic Development, may waive these criteria based
1925 on extraordinary circumstances or in rural areas of critical
1926 economic concern if the project would significantly benefit the
1927 local or regional economy. Enterprise Florida, Inc., shall
1928 evaluate individual proposals for high-impact business
1929 facilities and forward recommendations regarding the use of
1930 moneys in the fund for such facilities to the director of the
1931 Office of Tourism, Trade, and Economic Development. Such
1932 evaluation and recommendation must include, but need not be
1933 limited to:

1934 1. A description of the type of facility or
1935 infrastructure, its operations, and the associated product or
1936 service associated with the facility.

1937 2. The number of full-time-equivalent jobs that will be
1938 created by the facility and the total estimated average annual
1939 wages of those jobs or, in the case of privately developed rural

1940 infrastructure, the types of business activities and jobs
 1941 stimulated by the investment.

1942 3. The cumulative amount of investment to be dedicated to
 1943 the facility within a specified period.

1944 4. A statement of any special impacts the facility is
 1945 expected to stimulate in a particular business sector in the
 1946 state or regional economy or in the state's universities and
 1947 community colleges.

1948 5. A statement of the role the incentive is expected to
 1949 play in the decision of the applicant business to locate or
 1950 expand in this state or for the private investor to provide
 1951 critical rural infrastructure.

1952 6. A report evaluating the quality and value of the
 1953 company submitting a proposal. The report must include:

1954 a. A financial analysis of the company, including an
 1955 evaluation of the company's short-term liquidity ratio as
 1956 measured by its assets to liability, the company's profitability
 1957 ratio, and the company's long-term solvency as measured by its
 1958 debt-to-equity ratio;

1959 b. The historical market performance of the company;

1960 c. A review of any independent evaluations of the company;

1961 d. A review of the latest audit of the company's financial
 1962 statement and the related auditor's management letter; and

1963 e. A review of any other types of audits that are related
 1964 to the internal and management controls of the company.

1965 (b) Within 22 calendar days after receiving ~~Upon receipt~~
 1966 ~~of~~ the evaluation and recommendation from Enterprise Florida,
 1967 Inc., the director shall recommend to the Governor approval or
 1968 disapproval of a project for receipt of funds from the Quick
 1969 Action Closing Fund ~~to the Governor~~. In recommending a project,

1970 the director shall include proposed performance conditions that
 1971 the project must meet to obtain incentive funds. The Governor
 1972 shall provide the evaluation of projects recommended for
 1973 approval to the President of the Senate and the Speaker of the
 1974 House of Representatives and consult with the President of the
 1975 Senate and the Speaker of the House of Representatives before
 1976 giving final approval for a project. The Executive Office of the
 1977 Governor shall recommend approval of a project and the release
 1978 of funds pursuant to the legislative consultation and review
 1979 requirements set forth in s. 216.177. The recommendation must
 1980 include proposed performance conditions that the project must
 1981 meet in order to obtain funds.

1982 (c) Upon the approval of the Governor, the director of the
 1983 Office of Tourism, Trade, and Economic Development and the
 1984 business shall enter into a contract that sets forth the
 1985 conditions for payment of moneys from the fund. The contract
 1986 must include the total amount of funds awarded; the performance
 1987 conditions that must be met to obtain the award, including, but
 1988 not limited to, net new employment in the state, average salary,
 1989 and total capital investment; demonstrate a baseline of current
 1990 service and a measure of enhanced capability; the methodology
 1991 for validating performance; the schedule of payments from the
 1992 fund; and sanctions for failure to meet performance conditions.
 1993 The contract must provide that payment of moneys from the fund
 1994 is contingent upon sufficient appropriation of funds by the
 1995 Legislature and upon sufficient release of appropriated funds by
 1996 the Legislative Budget Commission.

1997 Section 21. Subsection (2) of section 257.193, Florida
 1998 Statutes, is amended to read:

1999 257.193 Community Libraries in Caring Program.--

2000 (2) The purpose of the Community Libraries in Caring
 2001 Program is to assist libraries in rural communities, as defined
 2002 in s. 288.0656(2) ~~(b)~~ and subject to the provisions of s.
 2003 288.06561, to strengthen their collections and services, improve
 2004 literacy in their communities, and improve the economic
 2005 viability of their communities.

2006 Section 22. Section 288.019, Florida Statutes, is amended
 2007 to read:

2008 288.019 Rural considerations in grant review and
 2009 evaluation processes.--Notwithstanding any other law, and to the
 2010 fullest extent possible, the member agencies and organizations
 2011 of the Rural Economic Development Initiative (REDI) as defined
 2012 in s. 288.0656(6) (a) shall review all grant and loan application
 2013 evaluation criteria to ensure the fullest access for rural
 2014 counties as defined in s. 288.0656(2) ~~(b)~~ to resources available
 2015 throughout the state.

2016 (1) Each REDI agency and organization shall review all
 2017 evaluation and scoring procedures and develop modifications to
 2018 those procedures which minimize the impact of a project within a
 2019 rural area.

2020 (2) Evaluation criteria and scoring procedures must
 2021 provide for an appropriate ranking based on the proportionate
 2022 impact that projects have on a rural area when compared with
 2023 similar project impacts on an urban area.

2024 (3) Evaluation criteria and scoring procedures must
 2025 recognize the disparity of available fiscal resources for an
 2026 equal level of financial support from an urban county and a
 2027 rural county.

2028 (a) The evaluation criteria should weight contribution in
 2029 proportion to the amount of funding available at the local

2030 level.

2031 (b) In-kind match should be allowed and applied as
 2032 financial match when a county is experiencing financial distress
 2033 through elevated unemployment at a rate in excess of the state's
 2034 average by 5 percentage points or because of the loss of its ad
 2035 valorem base.

2036 (4) For existing programs, the modified evaluation
 2037 criteria and scoring procedure must be delivered to the Office
 2038 of Tourism, Trade, and Economic Development for distribution to
 2039 the REDI agencies and organizations. The REDI agencies and
 2040 organizations shall review and make comments. Future rules,
 2041 programs, evaluation criteria, and scoring processes must be
 2042 brought before a REDI meeting for review, discussion, and
 2043 recommendation to allow rural counties fuller access to the
 2044 state's resources.

2045 Section 23. Paragraph (d) of subsection (15) of section
 2046 627.6699, Florida Statutes, is amended to read:

2047 627.6699 Employee Health Care Access Act.--

2048 (15) SMALL EMPLOYERS ACCESS PROGRAM.--

2049 (d) *Eligibility*.--

2050 1. Any small employer that is actively engaged in
 2051 business, has its principal place of business in this state,
 2052 employs up to 25 eligible employees on business days during the
 2053 preceding calendar year, employs at least 2 employees on the
 2054 first day of the plan year, and has had no prior coverage for
 2055 the last 6 months may participate.

2056 2. Any municipality, county, school district, or hospital
 2057 employer located in a rural community as defined in s.
 2058 288.0656(2) ~~(b)~~ may participate.

2059 3. Nursing home employers may participate.

2060 4. Each dependent of a person eligible for coverage is
 2061 also eligible to participate.

2062
 2063 Any employer participating in the program must do so until the
 2064 end of the term for which the carrier providing the coverage is
 2065 obligated to provide such coverage to the program. Coverage for
 2066 a small employer group that ceases to meet the eligibility
 2067 requirements of this section may be terminated at the end of the
 2068 policy period for which the necessary premiums have been paid.

2069 Section 24. Subsection (8) is added to section 288.9015,
 2070 Florida Statutes, to read:

2071 288.9015 Enterprise Florida, Inc.; purpose; duties.--

2072 (8) Enterprise Florida, Inc., shall be responsible for
 2073 responding to all inquiries related to Florida's business
 2074 requirements, economic incentives, and business development
 2075 opportunities.

2076 Section 25. Subsection (2) of section 288.9622, Florida
 2077 Statutes, is amended to read:

2078 288.9622 Findings and intent.--

2079 (2) It is the intent of the Legislature that ss. 288.9621-
 2080 288.9625 serve to mobilize private investment in a broad variety
 2081 of venture capital partnerships in diversified industries and
 2082 geographies; retain private sector investment criteria focused
 2083 on rate of return; use the services of highly qualified managers
 2084 in the venture capital industry regardless of location;
 2085 facilitate the organization of the Florida Opportunity Fund as
 2086 an a fund-of-funds investor in seed and early stage businesses,
 2087 infrastructure projects, venture capital funds, and angel funds;
 2088 and precipitate capital investment and extensions of credit to
 2089 and in the Florida Opportunity Fund.

2090 Section 26. Subsection (4) and paragraph (a) of subsection
2091 (5) of section 288.9624, Florida Statutes, are amended to read:

2092 288.9624 Florida Opportunity Fund; creation; duties.--

2093 (4) For the purpose of mobilizing investment in a broad
2094 variety of Florida-based, new technology companies and
2095 generating a return sufficient to continue reinvestment, the
2096 fund shall:

2097 (a) Invest ~~directly only~~ in seed and early stage venture
2098 capital funds that have experienced managers or management teams
2099 with demonstrated experience, expertise, and a successful
2100 history in the investment of venture capital funds, focusing on
2101 opportunities in this state. The fund also may ~~not~~ make direct
2102 investments, including loans, in individual businesses and
2103 infrastructure projects. While not precluded from investing in
2104 venture capital funds that have investments outside this state,
2105 the fund must require a venture capital fund to show a record of
2106 successful investment in this state, to be based in this state,
2107 or to have an office in this state staffed with a full-time,
2108 professional venture investment executive in order to be
2109 eligible for investment.

2110 (b) Negotiate for investment capital or loan proceeds from
2111 private, institutional, or banking sources.

2112 (c) Negotiate any and all terms and conditions for its
2113 investments.

2114 (d) Invest only in funds, businesses, and infrastructure
2115 projects that have raised capital from other sources so that the
2116 amount invested in such funds, businesses, or infrastructure
2117 projects ~~an entity in this state~~ is at least twice the amount
2118 invested by the fund. Direct investments must be made in Florida
2119 infrastructure projects or businesses that are Florida-based or

2120 have significant business activities in Florida and operate in
2121 technology sectors that are strategic to Florida companies,
2122 including, but not limited to, enterprises in life sciences,
2123 information technology, advanced manufacturing processes,
2124 aviation and aerospace, and homeland security and defense, as
2125 well as other strategic technologies.

2126 (e) Form or operate other entities and accept additional
2127 funds from other public and private sources to further its
2128 purpose.

2129
2130 The Opportunity Fund may not use its original legislative
2131 appropriation of \$29.5 million for direct investments, including
2132 loans, in businesses or infrastructure projects, or for any
2133 purpose not specified in chapter 2007-189, Laws of Florida.

2134 (5) By December 1 of each year, the board shall issue an
2135 annual report concerning the activities conducted by the fund to
2136 the Governor, the President of the Senate, and the Speaker of
2137 the House of Representatives. The annual report, at a minimum,
2138 must include:

2139 (a) An accounting of the amount of investments disbursed
2140 by the fund and the progress of the fund, including the progress
2141 of business and infrastructure projects that have been provided
2142 direct investment by the fund.

2143 Section 27. Paragraph (a) of subsection (2) of section
2144 443.1715, Florida Statutes, is amended to read:

2145 443.1715 Disclosure of information; confidentiality.--

2146 (2) DISCLOSURE OF INFORMATION.--

2147 (a) Subject to restrictions the Agency for Workforce
2148 Innovation or the state agency providing unemployment tax
2149 collection services adopts by rule, information declared
2150 confidential under this section is available to any agency of

2151 this or any other state, or any federal agency, charged with the
2152 administration of any unemployment compensation law or the
2153 maintenance of the one-stop delivery system, or the Bureau of
2154 Internal Revenue of the United States Department of the
2155 Treasury, the Governor's Office of Tourism, Trade, and Economic
2156 Development, or the Florida Department of Revenue. Information
2157 obtained in connection with the administration of the one-stop
2158 delivery system may be made available to persons or agencies for
2159 purposes appropriate to the operation of a public employment
2160 service or a job-preparatory or career education or training
2161 program. The Agency for Workforce Innovation shall, on a
2162 quarterly basis, furnish the National Directory of New Hires
2163 with information concerning the wages and unemployment benefits
2164 paid to individuals, by the dates, in the format, and containing
2165 the information specified in the regulations of the United
2166 States Secretary of Health and Human Services. Upon request, the
2167 Agency for Workforce Innovation shall furnish any agency of the
2168 United States charged with the administration of public works or
2169 assistance through public employment, and may furnish to any
2170 state agency similarly charged, the name, address, ordinary
2171 occupation, and employment status of each recipient of benefits
2172 and the recipient's rights to further benefits under this
2173 chapter. Except as otherwise provided by law, the receiving
2174 agency must retain the confidentiality of this information as
2175 provided in this section. The tax collection service provider
2176 may request the Comptroller of the Currency of the United States
2177 to examine the correctness of any return or report of any
2178 national banking association rendered under this chapter and may
2179 in connection with that request transmit any report or return
2180 for examination to the Comptroller of the Currency of the United

2181 States as provided in s. 3305(c) of the federal Internal Revenue
2182 Code.

2183 Section 28. This act shall take effect July 1, 2009.
2184