

## ENROLLED

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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.,

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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;

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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

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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

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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

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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

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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

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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,



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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.

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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~~

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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.~~

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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

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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

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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.

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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

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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



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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~~

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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

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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.



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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

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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

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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

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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

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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.

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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

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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 that 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

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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



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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

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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~~

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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

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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.

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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.--

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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

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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

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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



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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~~

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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,

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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

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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

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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.--

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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

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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~~

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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



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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

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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.

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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.

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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

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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

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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

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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

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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~~



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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

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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,

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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.--

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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

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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.

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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.

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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

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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 The Opportunity Fund may not use its original legislative  
 2130 appropriation of \$29.5 million for direct investments, including  
 2131 loans, in businesses or infrastructure projects, or for any  
 2132 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



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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

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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