

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Bogdanoff offered the following:

2
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5 Section 1. Effective July 1, 2010, subsections (4) and (5)
6 are added to section 125.045, Florida Statutes, to read:

7 125.045 County economic development powers.—

8 (4) A contract between the governing body of a county or
9 other entity engaged in economic development activities on
10 behalf of the county and an economic development agency must
11 require the agency or entity receiving county funds to submit a
12 report to the governing body of the county detailing how county
13 funds were spent and detailing the results of the economic
14 development agency's or entity's efforts on behalf of the
15 county. By January 15, 2011, and annually thereafter, the county
16 must file a copy of the report with the Legislative Committee on
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17 Intergovernmental Relations or its successor entity and post a
18 copy of the report on the county's website.

19 (5) (a) By January 15, 2011, and annually thereafter, each
20 county shall report to the Legislative Committee on
21 Intergovernmental Relations or its successor entity the economic
22 development incentives in excess of \$25,000 given to any
23 business during the county's previous fiscal year. The
24 Legislative Committee on Intergovernmental Relations or its
25 successor entity shall provide the report to the Office of
26 Tourism, Trade, and Economic Development. Economic development
27 incentives include:

28 1. Direct financial incentives of monetary assistance
29 provided to a business from the county or through an
30 organization authorized by the county. Such incentives include,
31 but are not limited to, grants, loans, equity investments, loan
32 insurance and guarantees, and training subsidies.

33 2. Indirect incentives in the form of grants and loans
34 provided to businesses and community organizations that provide
35 support to businesses or promote business investment or
36 development.

37 3. Fee-based or tax-based incentives, including, but not
38 limited to, credits, refunds, exemptions, and property tax
39 abatement or assessment reductions.

40 4. Below-market rate leases or deeds for real property.

41 (b) A county shall report its economic development
42 incentives in the format specified by the Legislative Committee
43 on Intergovernmental Relations or its successor entity.

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44 (c) The Legislative Committee on Intergovernmental
45 Relations or its successor entity shall compile the economic
46 development incentives provided by each county in a manner that
47 shows the total of each class of economic development incentives
48 provided by each county and all counties.

49 Section 2. Effective July 1, 2010, paragraph (d) of
50 subsection (9) of section 166.021, Florida Statutes, is
51 redesignated as paragraph (f) and amended, and new paragraphs
52 (d) and (e) are added to that subsection, to read:

53 166.021 Powers.—

54 (9)

55 (d) A contract between the governing body of a
56 municipality or other entity engaged in economic development
57 activities on behalf of the municipality and an economic
58 development agency must require the agency or entity receiving
59 municipal funds to submit a report to the governing body of the
60 municipality detailing how the municipal funds are spent and
61 detailing the results of the economic development agency's or
62 entity's efforts on behalf of the municipality. By January 15,
63 2011, and annually thereafter, the municipality shall file a
64 copy of the report with the Legislative Committee on
65 Intergovernmental Relations or its successor entity and post a
66 copy of the report on the municipality's website.

67 (e)1. By January 15, 2011, and annually thereafter, each
68 municipality having annual revenues or expenditures greater than
69 \$250,000 shall report to the Legislative Committee on
70 Intergovernmental Relations or its successor entity the economic
71 development incentives in excess of \$25,000 given to any

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72 business during the municipality's previous fiscal year. The
73 Legislative Committee on Intergovernmental Relations or its
74 successor entity shall provide the report to the Office of
75 Tourism, Trade, and Economic Development. Economic development
76 incentives include:

77 a. Direct financial incentives of monetary assistance
78 provided to a business from the municipality or through an
79 organization authorized by the municipality. Such incentives
80 include, but are not limited to, grants, loans, equity
81 investments, loan insurance and guarantees, and training
82 subsidies.

83 b. Indirect incentives in the form of grants and loans
84 provided to businesses and community organizations that provide
85 support to businesses or promote business investment or
86 development.

87 c. Fee-based or tax-based incentives, including, but not
88 limited to, credits, refunds, exemptions, and property tax
89 abatement or assessment reductions.

90 d. Below-market rate leases or deeds for real property.

91 2. A municipality shall report its economic development
92 incentives in the format specified by the Legislative Committee
93 on Intergovernmental Relations or its successor entity.

94 3. The Legislative Committee on Intergovernmental
95 Relations or its successor entity shall compile the economic
96 development incentives provided by each municipality in a manner
97 that shows the total of each class of economic development
98 incentives provided by each municipality and all municipalities.

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99 (f) (d) Nothing contained in This subsection does not limit
100 ~~shall be construed as a limitation on~~ the home rule powers
101 granted by the State Constitution to ~~for~~ municipalities.

102 Section 3. Subsection (7) of section 196.1995, Florida
103 Statutes, is amended to read:

104 196.1995 Economic development ad valorem tax exemption.—

105 (7) The authority to grant exemptions under this section
106 expires will expire 10 years after the date such authority was
107 approved in an election, but such authority may be renewed for
108 subsequent another 10-year periods if each 10-year renewal is
109 approved period in a referendum called and held pursuant to this
110 section.

111 Section 4. Effective July 1, 2010, subsection (34) is
112 added to section 212.02, Florida Statutes, to read:

113 212.02 Definitions.—The following terms and phrases when
114 used in this chapter have the meanings ascribed to them in this
115 section, except where the context clearly indicates a different
116 meaning:

117 (34) "Fractional aircraft ownership program" means a
118 program that meets the requirements of 14 C.F.R. part 91,
119 subpart K, relating to fractional ownership operations, except
120 that the program must include a minimum of 25 aircraft owned or
121 leased by the program manager and used in the program.

122 Section 5. Effective July 1, 2010, paragraph (a) of
123 subsection (1) of section 212.031, Florida Statutes, is amended
124 to read:

125 212.031 Tax on rental or license fee for use of real
126 property.—

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127 (1) (a) It is declared to be the legislative intent that
128 every person is exercising a taxable privilege who engages in
129 the business of renting, leasing, letting, or granting a license
130 for the use of any real property unless such property is:

131 1. Assessed as agricultural property under s. 193.461.

132 2. Used exclusively as dwelling units.

133 3. Property subject to tax on parking, docking, or storage
134 spaces under s. 212.03(6).

135 4. Recreational property or the common elements of a
136 condominium when subject to a lease between the developer or
137 owner thereof and the condominium association in its own right
138 or as agent for the owners of individual condominium units or
139 the owners of individual condominium units. However, only the
140 lease payments on such property shall be exempt from the tax
141 imposed by this chapter, and any other use made by the owner or
142 the condominium association shall be fully taxable under this
143 chapter.

144 5. A public or private street or right-of-way and poles,
145 conduits, fixtures, and similar improvements located on such
146 streets or rights-of-way, occupied or used by a utility or
147 provider of communications services, as defined by s. 202.11,
148 for utility or communications or television purposes. For
149 purposes of this subparagraph, the term "utility" means any
150 person providing utility services as defined in s. 203.012. This
151 exception also applies to property, wherever located, on which
152 the following are placed: towers, antennas, cables, accessory
153 structures, or equipment, not including switching equipment,
154 used in the provision of mobile communications services as
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155 defined in s. 202.11. For purposes of this chapter, towers used
156 in the provision of mobile communications services, as defined
157 in s. 202.11, are considered to be fixtures.

158 6. A public street or road which is used for
159 transportation purposes.

160 7. Property used at an airport exclusively for the purpose
161 of aircraft landing or aircraft taxiing or property used by an
162 airline for the purpose of loading or unloading passengers or
163 property onto or from aircraft or for fueling aircraft.

164 8.a. Property used at a port authority, as defined in s.
165 315.02(2), exclusively for the purpose of oceangoing vessels or
166 tugs docking, or such vessels mooring on property used by a port
167 authority for the purpose of loading or unloading passengers or
168 cargo onto or from such a vessel, or property used at a port
169 authority for fueling such vessels, or to the extent that the
170 amount paid for the use of any property at the port is based on
171 the charge for the amount of tonnage actually imported or
172 exported through the port by a tenant.

173 b. The amount charged for the use of any property at the
174 port in excess of the amount charged for tonnage actually
175 imported or exported shall remain subject to tax except as
176 provided in sub-subparagraph a.

177 9. Property used as an integral part of the performance of
178 qualified production services. As used in this subparagraph, the
179 term "qualified production services" means any activity or
180 service performed directly in connection with the production of
181 a qualified motion picture, as defined in s. 212.06(1)(b), and
182 includes:

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183 a. Photography, sound and recording, casting, location
184 managng and scouting, shooting, creation of special and optical
185 effects, animation, adaptation (language, media, electronic, or
186 otherwise), technological modifications, computer graphics, set
187 and stage support (such as electricians, lighting designers and
188 operators, greensmen, prop managers and assistants, and grips),
189 wardrobe (design, preparation, and management), hair and makeup
190 (design, production, and application), performing (such as
191 acting, dancing, and playing), designing and executing stunts,
192 coaching, consulting, writing, scoring, composing,
193 choreographing, script supervising, directing, producing,
194 transmitting dailies, dubbing, mixing, editing, cutting,
195 looping, printing, processing, duplicating, storing, and
196 distributing;

197 b. The design, planning, engineering, construction,
198 alteration, repair, and maintenance of real or personal property
199 including stages, sets, props, models, paintings, and facilities
200 principally required for the performance of those services
201 listed in sub-subparagraph a.; and

202 c. Property management services directly related to
203 property used in connection with the services described in sub-
204 subparagraphs a. and b.

205
206 This exemption will inure to the taxpayer upon presentation of
207 the certificate of exemption issued to the taxpayer under the
208 provisions of s. 288.1258.

209 10. Leased, subleased, licensed, or rented to a person
210 providing food and drink concessionaire services within the
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211 premises of a convention hall, exhibition hall, auditorium,
212 stadium, theater, arena, civic center, performing arts center,
213 publicly owned recreational facility, or any business operated
214 under a permit issued pursuant to chapter 550. A person
215 providing retail concessionaire services involving the sale of
216 food and drink or other tangible personal property within the
217 premises of an airport shall be subject to tax on the rental of
218 real property used for that purpose, but shall not be subject to
219 the tax on any license to use the property. For purposes of this
220 subparagraph, the term "sale" shall not include the leasing of
221 tangible personal property.

222 11. Property occupied pursuant to an instrument calling
223 for payments which the department has declared, in a Technical
224 Assistance Advisement issued on or before March 15, 1993, to be
225 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
226 Administrative Code; provided that this subparagraph shall only
227 apply to property occupied by the same person before and after
228 the execution of the subject instrument and only to those
229 payments made pursuant to such instrument, exclusive of renewals
230 and extensions thereof occurring after March 15, 1993.

231 12. Rented, leased, subleased, or licensed to a
232 concessionaire by a convention hall, exhibition hall,
233 auditorium, stadium, theater, arena, civic center, performing
234 arts center, or publicly owned recreational facility, during an
235 event at the facility, to be used by the concessionaire to sell
236 souvenirs, novelties, or other event-related products. This
237 subparagraph applies only to that portion of the rental, lease,
238 or license payment which is based on a percentage of sales and
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239 not based on a fixed price. This subparagraph is repealed July
240 1, 2009.

241 13. Property used or occupied predominantly for space
242 flight business purposes. As used in this subparagraph, "space
243 flight business" means the manufacturing, processing, or
244 assembly of a space facility, space propulsion system, space
245 vehicle, satellite, or station of any kind possessing the
246 capacity for space flight, as defined by s. 212.02(23), or
247 components thereof, and also means the following activities
248 supporting space flight: vehicle launch activities, flight
249 operations, ground control or ground support, and all
250 administrative activities directly related thereto. Property
251 shall be deemed to be used or occupied predominantly for space
252 flight business purposes if more than 50 percent of the
253 property, or improvements thereon, is used for one or more space
254 flight business purposes. Possession by a landlord, lessor, or
255 licensor of a signed written statement from the tenant, lessee,
256 or licensee claiming the exemption shall relieve the landlord,
257 lessor, or licensor from the responsibility of collecting the
258 tax, and the department shall look solely to the tenant, lessee,
259 or licensee for recovery of such tax if it determines that the
260 exemption was not applicable.

261 14. Rented, leased, subleased, or licensed to a person
262 providing telecommunications, data systems management, or
263 Internet services at a publicly or privately owned convention
264 hall, civic center, or meeting space at a public lodging
265 establishment as defined in s. 509.013. This subparagraph
266 applies only to that portion of the rental, lease, or license

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267 payment that is based upon a percentage of sales, revenue
268 sharing, or royalty payments and not based upon a fixed price.
269 This subparagraph is intended to be clarifying and remedial in
270 nature and shall apply retroactively. This subparagraph does not
271 provide a basis for an assessment of any tax not paid, or create
272 a right to a refund of any tax paid, pursuant to this section
273 before July 1, 2010.

274 Section 6. Paragraph (a) of subsection (2) of section
275 212.04, Florida Statutes, is reenacted and amended to read:

276 212.04 Admissions tax; rate, procedure, enforcement.—

277 (2)(a)1. No tax shall be levied on admissions to athletic
278 or other events sponsored by elementary schools, junior high
279 schools, middle schools, high schools, community colleges,
280 public or private colleges and universities, deaf and blind
281 schools, facilities of the youth services programs of the
282 Department of Children and Family Services, and state
283 correctional institutions when only student, faculty, or inmate
284 talent is used. However, this exemption shall not apply to
285 admission to athletic events sponsored by a state university,
286 and the proceeds of the tax collected on such admissions shall
287 be retained and used by each institution to support women's
288 athletics as provided in s. 1006.71(2)(c).

289 2.a. No tax shall be levied on dues, membership fees, and
290 admission charges imposed by not-for-profit sponsoring
291 organizations. To receive this exemption, the sponsoring
292 organization must qualify as a not-for-profit entity under the
293 provisions of s. 501(c)(3) of the Internal Revenue Code of 1954,
294 as amended.

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295 b. No tax shall be levied on admission charges to an event
296 sponsored by a governmental entity, sports authority, or sports
297 commission when held in a convention hall, exhibition hall,
298 auditorium, stadium, theater, arena, civic center, performing
299 arts center, or publicly owned recreational facility and when
300 100 percent of the risk of success or failure lies with the
301 sponsor of the event and 100 percent of the funds at risk for
302 the event belong to the sponsor, and student or faculty talent
303 is not exclusively used. As used in this sub-subparagraph, the
304 terms "sports authority" and "sports commission" mean a
305 nonprofit organization that is exempt from federal income tax
306 under s. 501(c)(3) of the Internal Revenue Code and that
307 contracts with a county or municipal government for the purpose
308 of promoting and attracting sports-tourism events to the
309 community with which it contracts. ~~This sub-subparagraph is
310 repealed July 1, 2009.~~

311 3. No tax shall be levied on an admission paid by a
312 student, or on the student's behalf, to any required place of
313 sport or recreation if the student's participation in the sport
314 or recreational activity is required as a part of a program or
315 activity sponsored by, and under the jurisdiction of, the
316 student's educational institution, provided his or her
317 attendance is as a participant and not as a spectator.

318 4. No tax shall be levied on admissions to the National
319 Football League championship game, on admissions to any
320 semifinal game or championship game of a national collegiate
321 tournament, or on admissions to a Major League Baseball all-star
322 game.

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323 5. A participation fee or sponsorship fee imposed by a
324 governmental entity as described in s. 212.08(6) for an athletic
325 or recreational program is exempt when the governmental entity
326 by itself, or in conjunction with an organization exempt under
327 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
328 sponsors, administers, plans, supervises, directs, and controls
329 the athletic or recreational program.

330 6. Also exempt from the tax imposed by this section to the
331 extent provided in this subparagraph are admissions to live
332 theater, live opera, or live ballet productions in this state
333 which are sponsored by an organization that has received a
334 determination from the Internal Revenue Service that the
335 organization is exempt from federal income tax under s.
336 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
337 the organization actively participates in planning and
338 conducting the event, is responsible for the safety and success
339 of the event, is organized for the purpose of sponsoring live
340 theater, live opera, or live ballet productions in this state,
341 has more than 10,000 subscribing members and has among the
342 stated purposes in its charter the promotion of arts education
343 in the communities which it serves, and will receive at least 20
344 percent of the net profits, if any, of the events which the
345 organization sponsors and will bear the risk of at least 20
346 percent of the losses, if any, from the events which it sponsors
347 if the organization employs other persons as agents to provide
348 services in connection with a sponsored event. Prior to March 1
349 of each year, such organization may apply to the department for
350 a certificate of exemption for admissions to such events

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351 sponsored in this state by the organization during the
352 immediately following state fiscal year. The application shall
353 state the total dollar amount of admissions receipts collected
354 by the organization or its agents from such events in this state
355 sponsored by the organization or its agents in the year
356 immediately preceding the year in which the organization applies
357 for the exemption. Such organization shall receive the exemption
358 only to the extent of \$1.5 million multiplied by the ratio that
359 such receipts bear to the total of such receipts of all
360 organizations applying for the exemption in such year; however,
361 in no event shall such exemption granted to any organization
362 exceed 6 percent of such admissions receipts collected by the
363 organization or its agents in the year immediately preceding the
364 year in which the organization applies for the exemption. Each
365 organization receiving the exemption shall report each month to
366 the department the total admissions receipts collected from such
367 events sponsored by the organization during the preceding month
368 and shall remit to the department an amount equal to 6 percent
369 of such receipts reduced by any amount remaining under the
370 exemption. Tickets for such events sold by such organizations
371 shall not reflect the tax otherwise imposed under this section.

372 7. Also exempt from the tax imposed by this section are
373 entry fees for participation in freshwater fishing tournaments.

374 8. Also exempt from the tax imposed by this section are
375 participation or entry fees charged to participants in a game,
376 race, or other sport or recreational event if spectators are
377 charged a taxable admission to such event.

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378 9. No tax shall be levied on admissions to any postseason
379 collegiate football game sanctioned by the National Collegiate
380 Athletic Association.

381 Section 7. Effective July 1, 2010, paragraph (a) of
382 subsection (1) of section 212.05, Florida Statutes, is amended,
383 and subsection (5) is added to that section, to read:

384 212.05 Sales, storage, use tax.—It is hereby declared to
385 be the legislative intent that every person is exercising a
386 taxable privilege who engages in the business of selling
387 tangible personal property at retail in this state, including
388 the business of making mail order sales, or who rents or
389 furnishes any of the things or services taxable under this
390 chapter, or who stores for use or consumption in this state any
391 item or article of tangible personal property as defined herein
392 and who leases or rents such property within the state.

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

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

401 b. Each occasional or isolated sale of an aircraft, boat,
402 mobile home, or motor vehicle of a class or type which is
403 required to be registered, licensed, titled, or documented in
404 this state or by the United States Government shall be subject
405 to tax at the rate provided in this paragraph. The department
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406 shall by rule adopt any nationally recognized publication for
407 valuation of used motor vehicles as the reference price list for
408 any used motor vehicle which is required to be licensed pursuant
409 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
410 party to an occasional or isolated sale of such a vehicle
411 reports to the tax collector a sales price which is less than 80
412 percent of the average loan price for the specified model and
413 year of such vehicle as listed in the most recent reference
414 price list, the tax levied under this paragraph shall be
415 computed by the department on such average loan price unless the
416 parties to the sale have provided to the tax collector an
417 affidavit signed by each party, or other substantial proof,
418 stating the actual sales price. Any party to such sale who
419 reports a sales price less than the actual sales price is guilty
420 of a misdemeanor of the first degree, punishable as provided in
421 s. 775.082 or s. 775.083. The department shall collect or
422 attempt to collect from such party any delinquent sales taxes.
423 In addition, such party shall pay any tax due and any penalty
424 and interest assessed plus a penalty equal to twice the amount
425 of the additional tax owed. Notwithstanding any other provision
426 of law, the Department of Revenue may waive or compromise any
427 penalty imposed pursuant to this subparagraph.

428 2. This paragraph does not apply to the sale of a boat or
429 aircraft by or through a registered dealer under this chapter to
430 a purchaser who, at the time of taking delivery, is a
431 nonresident of this state, does not make his or her permanent
432 place of abode in this state, and is not engaged in carrying on
433 in this state any employment, trade, business, or profession in
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434 which the boat or aircraft will be used in this state, or is a
435 corporation none of the officers or directors of which is a
436 resident of, or makes his or her permanent place of abode in,
437 this state, or is a noncorporate entity that has no individual
438 vested with authority to participate in the management,
439 direction, or control of the entity's affairs who is a resident
440 of, or makes his or her permanent abode in, this state. For
441 purposes of this exemption, either a registered dealer acting on
442 his or her own behalf as seller, a registered dealer acting as
443 broker on behalf of a seller, or a registered dealer acting as
444 broker on behalf of the purchaser may be deemed to be the
445 selling dealer. This exemption shall not be allowed unless:

446 a. The purchaser removes a qualifying boat, as described
447 in sub-subparagraph f., from the state within 90 days after the
448 date of purchase or extension, or the purchaser removes a
449 nonqualifying boat or an aircraft from this state within 10 days
450 after the date of purchase or, when the boat or aircraft is
451 repaired or altered, within 20 days after completion of the
452 repairs or alterations;

453 b. The purchaser, within 30 days from the date of
454 departure, shall provide the department with written proof that
455 the purchaser licensed, registered, titled, or documented the
456 boat or aircraft outside the state. If such written proof is
457 unavailable, within 30 days the purchaser shall provide proof
458 that the purchaser applied for such license, title,
459 registration, or documentation. The purchaser shall forward to
460 the department proof of title, license, registration, or
461 documentation upon receipt;

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462 c. The purchaser, within 10 days of removing the boat or
463 aircraft from Florida, shall furnish the department with proof
464 of removal in the form of receipts for fuel, dockage, slippage,
465 tie-down, or hangaring from outside of Florida. The information
466 so provided must clearly and specifically identify the boat or
467 aircraft;

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

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

475 f. Unless the nonresident purchaser of a boat of 5 net
476 tons of admeasurement or larger intends to remove the boat from
477 this state within 10 days after the date of purchase or when the
478 boat is repaired or altered, within 20 days after completion of
479 the repairs or alterations, the nonresident purchaser shall
480 apply to the selling dealer for a decal which authorizes 90 days
481 after the date of purchase for removal of the boat. The
482 nonresident purchaser of a qualifying boat may apply to the
483 selling dealer within 60 days after the date of purchase for an
484 extension decal that authorizes the boat to remain in this state
485 for an additional 90 days, but not more than a total of 180
486 days, before the nonresident purchaser is required to pay the
487 tax imposed by this chapter. The department is authorized to
488 issue decals in advance to dealers. The number of decals issued
489 in advance to a dealer shall be consistent with the volume of
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490 the dealer's past sales of boats which qualify under this sub-
491 subparagraph. The selling dealer or his or her agent shall mark
492 and affix the decals to qualifying boats in the manner
493 prescribed by the department, prior to delivery of the boat.

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

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

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

502 (IV) The department is authorized to require dealers who
503 purchase decals to file reports with the department and may
504 prescribe all necessary records by rule. All such records are
505 subject to inspection by the department.

506 (V) Any dealer or his or her agent who issues a decal
507 falsely, fails to affix a decal, mismarks the expiration date of
508 a decal, or fails to properly account for decals will be
509 considered prima facie to have committed a fraudulent act to
510 evade the tax and will be liable for payment of the tax plus a
511 mandatory penalty of 200 percent of the tax, and shall be liable
512 for fine and punishment as provided by law for a conviction of a
513 misdemeanor of the first degree, as provided in s. 775.082 or s.
514 775.083.

515 (VI) Any nonresident purchaser of a boat who removes a
516 decal prior to permanently removing the boat from the state, or
517 defaces, changes, modifies, or alters a decal in a manner

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518 affecting its expiration date prior to its expiration, or who
519 causes or allows the same to be done by another, will be
520 considered prima facie to have committed a fraudulent act to
521 evade the tax and will be liable for payment of the tax plus a
522 mandatory penalty of 200 percent of the tax, and shall be liable
523 for fine and punishment as provided by law for a conviction of a
524 misdemeanor of the first degree, as provided in s. 775.082 or s.
525 775.083.

526 (VII) The department is authorized to adopt rules
527 necessary to administer and enforce this subparagraph and to
528 publish the necessary forms and instructions.

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

532

533 If the purchaser fails to remove the qualifying boat from this
534 state within the maximum 180 days after purchase or a
535 nonqualifying boat or an aircraft from this state within 10 days
536 after purchase or, when the boat or aircraft is repaired or
537 altered, within 20 days after completion of such repairs or
538 alterations, or permits the boat or aircraft to return to this
539 state within 6 months from the date of departure, except as
540 provided in s. 212.08(7)(ggg), or if the purchaser fails to
541 furnish the department with any of the documentation required by
542 this subparagraph within the prescribed time period, the
543 purchaser shall be liable for use tax on the cost price of the
544 boat or aircraft and, in addition thereto, payment of a penalty
545 to the Department of Revenue equal to the tax payable. This

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546 penalty shall be in lieu of the penalty imposed by s. 212.12(2)
547 and is mandatory and shall not be waived by the department. The
548 maximum 180-day period following the sale of a qualifying boat
549 tax-exempt to a nonresident may not be tolled for any reason.
550 ~~Notwithstanding other provisions of this paragraph to the~~
551 ~~contrary, an aircraft purchased in this state under the~~
552 ~~provisions of this paragraph may be returned to this state for~~
553 ~~repairs within 6 months after the date of its departure without~~
554 ~~being in violation of the law and without incurring liability~~
555 ~~for the payment of tax or penalty on the purchase price of the~~
556 ~~aircraft if the aircraft is removed from this state within 20~~
557 ~~days after the completion of the repairs and if such removal can~~
558 ~~be demonstrated by invoices for fuel, tie-down, hangar charges~~
559 ~~issued by out-of-state vendors or suppliers, or similar~~
560 ~~documentation.~~

561 (5) Notwithstanding any other provision of this chapter,
562 the maximum amount of tax imposed under this chapter and
563 collected on each sale or use of a boat in this state may not
564 exceed \$18,000.

565 Section 8. Effective July 1, 2010, section 212.0597,
566 Florida Statutes, is created to read:

567 212.0597 Maximum tax on fractional aircraft ownership
568 interests.—The maximum tax imposed under this chapter, including
569 any discretionary sales surtax under s. 212.055, is limited to
570 \$300 on the sale or use in this state of a fractional ownership
571 interest in aircraft pursuant to a fractional aircraft ownership
572 program. The tax applies to the total consideration paid for the
573 fractional ownership interest, including any amounts paid by the

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574 fractional owner as monthly management or maintenance fees. The
575 tax applies only if the fractional ownership interest is sold by
576 or to the program manager of the fractional aircraft ownership
577 program, or if the fractional ownership interest is transferred
578 upon the approval of the program manager of the fractional
579 aircraft ownership program.

580 Section 9. Effective July 1, 2010, paragraphs (b) and (g)
581 of subsection (5) of section 212.08, Florida Statutes, are
582 amended, paragraph (q) is added to that subsection, and
583 paragraphs (ggg) and (hhh) are added to subsection (7) of that
584 section, to read:

585 212.08 Sales, rental, use, consumption, distribution, and
586 storage tax; specified exemptions.—The sale at retail, the
587 rental, the use, the consumption, the distribution, and the
588 storage to be used or consumed in this state of the following
589 are hereby specifically exempt from the tax imposed by this
590 chapter.

591 (5) EXEMPTIONS; ACCOUNT OF USE.—

592 (b) *Machinery and equipment used to increase productive*
593 *output.—*

594 1. Industrial machinery and equipment purchased for
595 exclusive use by a new business in spaceport activities as
596 defined by s. 212.02 or for use in new businesses that ~~which~~
597 manufacture, process, compound, or produce for sale items of
598 tangible personal property at fixed locations are exempt from
599 the tax imposed by this chapter upon an affirmative showing by
600 the taxpayer to the satisfaction of the department that such
601 items are used in a new business in this state. Such purchases
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602 must be made prior to the date the business first begins its
603 productive operations, and delivery of the purchased item must
604 be made within 12 months after ~~of~~ that date.

605 2. Industrial machinery and equipment purchased for
606 exclusive use by an expanding facility which is engaged in
607 spaceport activities as defined by s. 212.02 or for use in
608 expanding manufacturing facilities or plant units which
609 manufacture, process, compound, or produce for sale items of
610 tangible personal property at fixed locations in this state are
611 exempt from any amount of tax imposed by this chapter upon an
612 affirmative showing by the taxpayer to the satisfaction of the
613 department that such items are used to increase the productive
614 output of such expanded facility or business by not less than 10
615 percent.

616 3.a. To receive an exemption provided by subparagraph 1.
617 or subparagraph 2., a qualifying business entity shall apply to
618 the department for a temporary tax exemption permit. The
619 application shall state that a new business exemption or
620 expanded business exemption is being sought. Upon a tentative
621 affirmative determination by the department pursuant to
622 subparagraph 1. or subparagraph 2., the department shall issue
623 such permit.

624 b. The applicant shall ~~be required to~~ maintain all
625 necessary books and records to support the exemption. Upon
626 completion of purchases of qualified machinery and equipment
627 pursuant to subparagraph 1. or subparagraph 2., the temporary
628 tax permit shall be delivered to the department or returned to
629 the department by certified or registered mail.

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630 c. If, in a subsequent audit conducted by the department,
631 it is determined that the machinery and equipment purchased as
632 exempt under subparagraph 1. or subparagraph 2. did not meet the
633 criteria mandated by this paragraph or if commencement of
634 production did not occur, the amount of taxes exempted at the
635 time of purchase shall immediately be due and payable to the
636 department by the business entity, together with the appropriate
637 interest and penalty, computed from the date of purchase, in the
638 manner prescribed by this chapter.

639 d. ~~If in the event~~ a qualifying business entity fails to
640 apply for a temporary exemption permit or if the tentative
641 determination by the department required to obtain a temporary
642 exemption permit is negative, a qualifying business entity shall
643 receive the exemption provided in subparagraph 1. or
644 subparagraph 2. through a refund of previously paid taxes. No
645 refund may be made for such taxes unless the criteria mandated
646 by subparagraph 1. or subparagraph 2. have been met and
647 commencement of production has occurred.

648 4. The department shall adopt rules governing applications
649 for, issuance of, and the form of temporary tax exemption
650 permits; provisions for recapture of taxes; and the manner and
651 form of refund applications, and may establish guidelines as to
652 the requisites for an affirmative showing of increased
653 productive output, commencement of production, and qualification
654 for exemption.

655 5. The exemptions provided in subparagraphs 1. and 2. do
656 not apply to machinery or equipment purchased or used by
657 electric utility companies, communications companies, oil or gas
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658 exploration or production operations, publishing firms that do
659 not export at least 50 percent of their finished product out of
660 the state, any firm subject to regulation by the Division of
661 Hotels and Restaurants of the Department of Business and
662 Professional Regulation, or any firm that ~~which~~ does not
663 manufacture, process, compound, or produce for sale items of
664 tangible personal property or that ~~which~~ does not use such
665 machinery and equipment in spaceport activities as required by
666 this paragraph. The exemptions provided in subparagraphs 1. and
667 2. shall apply to machinery and equipment purchased for use in
668 phosphate or other solid minerals severance, mining, or
669 processing operations.

670 6. For the purposes of the exemptions provided in
671 subparagraphs 1. and 2., these terms have the following meanings:

672 a. "Industrial machinery and equipment" means tangible
673 personal property or other property that has a depreciable life
674 of 3 years or more and that is used as an integral part in the
675 manufacturing, processing, compounding, or production of
676 tangible personal property for sale or is exclusively used in
677 spaceport activities. A building and its structural components
678 are not industrial machinery and equipment unless the building
679 or structural component is so closely related to the industrial
680 machinery and equipment that it houses or supports that the
681 building or structural component can be expected to be replaced
682 when the machinery and equipment are replaced. Heating and air-
683 conditioning systems are not industrial machinery and equipment
684 unless the sole justification for their installation is to meet
685 the requirements of the production process, even though the

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686 system may provide incidental comfort to employees or serve, to
687 an insubstantial degree, nonproduction activities. The term
688 includes parts and accessories only to the extent that the
689 exemption thereof is consistent with the provisions of this
690 paragraph.

691 b. "Productive output" means the number of units actually
692 produced by a single plant, ~~or~~ operation, or product line in a
693 single continuous 12-month period, irrespective of sales.
694 Increases in productive output shall be measured by the output
695 for 12 continuous months selected by the expanding business
696 ~~immediately~~ following the completion of installation of such
697 machinery or equipment over the output for the 12 continuous
698 months immediately preceding such installation. However, ~~if a~~
699 ~~different 12-month continuous period of time would more~~
700 ~~accurately reflect the increase in productive output of~~
701 ~~machinery and equipment purchased to facilitate an expansion,~~
702 ~~the increase in productive output may be measured during that~~
703 ~~12-month continuous period of time if such time period is~~
704 ~~mutually agreed upon by the Department of Revenue and the~~
705 ~~expanding business prior to the commencement of production;~~
706 ~~provided, however,~~ in no case may such time period begin later
707 than 2 years following the completion of installation of the new
708 machinery and equipment. The units used to measure productive
709 output shall be physically comparable between the two periods,
710 irrespective of sales.

711 (g) *Building materials used in the rehabilitation of real*
712 *property located in an enterprise zone.-*

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713 1. Building materials used in the rehabilitation of real
714 property located in an enterprise zone are ~~shall be~~ exempt from
715 the tax imposed by this chapter upon an affirmative showing to
716 the satisfaction of the department that the items have been used
717 for the rehabilitation of real property located in an enterprise
718 zone. Except as provided in subparagraph 2., this exemption
719 inures to the owner, lessee, or lessor of the rehabilitated real
720 property located in an enterprise zone only through a refund of
721 previously paid taxes. To receive a refund pursuant to this
722 paragraph, the owner, lessee, or lessor of the rehabilitated
723 real property located in an enterprise zone must file an
724 application under oath with the governing body or enterprise
725 zone development agency having jurisdiction over the enterprise
726 zone where the business is located, as applicable, which
727 includes:

728 a. The name and address of the person claiming the refund.

729 b. An address and assessment roll parcel number of the
730 rehabilitated real property in an enterprise zone for which a
731 refund of previously paid taxes is being sought.

732 c. A description of the improvements made to accomplish
733 the rehabilitation of the real property.

734 d. A copy of the building permit issued for the
735 rehabilitation of the real property.

736 e. A sworn statement, under the penalty of perjury, from
737 the general contractor licensed in this state with whom the
738 applicant contracted to make the improvements necessary to
739 accomplish the rehabilitation of the real property, which
740 statement lists the building materials used in the

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741 rehabilitation of the real property, the actual cost of the
742 building materials, and the amount of sales tax paid in this
743 state on the building materials. ~~If In the event that~~ a general
744 contractor has not been used, the applicant shall provide this
745 information in a sworn statement, under the penalty of perjury.
746 Copies of the invoices that ~~which~~ evidence the purchase of the
747 building materials used in such rehabilitation and the payment
748 of sales tax on the building materials shall be attached to the
749 sworn statement provided by the general contractor or by the
750 applicant. Unless the actual cost of building materials used in
751 the rehabilitation of real property and the payment of sales
752 taxes due thereon is documented by a general contractor or by
753 the applicant in this manner, the cost of such building
754 materials shall be an amount equal to 40 percent of the increase
755 in assessed value for ad valorem tax purposes.

756 f. The identifying number assigned pursuant to s. 290.0065
757 to the enterprise zone in which the rehabilitated real property
758 is located.

759 g. A certification by the local building code inspector
760 that the improvements necessary to accomplish the rehabilitation
761 of the real property are substantially completed.

762 h. Whether the business is a small business as defined by
763 s. 288.703(1).

764 i. If applicable, the name and address of each permanent
765 employee of the business, including, for each employee who is a
766 resident of an enterprise zone, the identifying number assigned
767 pursuant to s. 290.0065 to the enterprise zone in which the
768 employee resides.

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769 2. This exemption inures to a municipality ~~city~~, county,
770 other governmental agency, or nonprofit community-based
771 organization through a refund of previously paid taxes if the
772 building materials used in the rehabilitation of real property
773 located in an enterprise zone are paid for from the funds of a
774 community development block grant, State Housing Initiatives
775 Partnership Program, or similar grant or loan program. To
776 receive a refund pursuant to this paragraph, a municipality
777 ~~city~~, county, other governmental agency, or nonprofit community-
778 based organization must file an application that ~~which~~ includes
779 the same information required to be provided in subparagraph 1.
780 by an owner, lessee, or lessor of rehabilitated real property.
781 In addition, the application must include a sworn statement
782 signed by the chief executive officer of the municipality ~~city~~,
783 county, other governmental agency, or nonprofit community-based
784 organization seeking a refund which states that the building
785 materials for which a refund is sought were paid for from the
786 funds of a community development block grant, State Housing
787 Initiatives Partnership Program, or similar grant or loan
788 program.

789 3. Within 10 working days after receipt of an application,
790 the governing body or enterprise zone development agency shall
791 review the application to determine if it contains all the
792 information required pursuant to subparagraph 1. or subparagraph
793 2. and meets the criteria set out in this paragraph. The
794 governing body or agency shall certify all applications that
795 contain the information required pursuant to subparagraph 1. or
796 subparagraph 2. and that meet the criteria set out in this

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797 paragraph as eligible to receive a refund. If applicable, the
798 governing body or agency shall also certify if 20 percent of the
799 employees of the business are residents of an enterprise zone,
800 excluding temporary and part-time employees. The certification
801 shall be in writing, and a copy of the certification shall be
802 transmitted to the executive director of the department ~~of~~
803 ~~Revenue~~. The applicant is ~~shall be~~ responsible for forwarding a
804 certified application to the department within the time
805 specified in subparagraph 4.

806 4. An application for a refund pursuant to this paragraph
807 must be submitted to the department within 6 months after the
808 rehabilitation of the property is deemed to be substantially
809 completed by the local building code inspector or by September 1
810 after the rehabilitated property is first subject to assessment.

811 5. Not more than one exemption through a refund of
812 previously paid taxes for the rehabilitation of real property
813 shall be permitted for any single parcel of property unless
814 there is a change in ownership, a new lessor, or a new lessee of
815 the real property. No refund shall be granted pursuant to this
816 paragraph unless the amount to be refunded exceeds \$500. No
817 refund granted pursuant to this paragraph shall exceed the
818 lesser of 97 percent of the Florida sales or use tax paid on the
819 cost of the building materials used in the rehabilitation of the
820 real property as determined pursuant to sub-subparagraph 1.e. or
821 \$5,000, or, if no less than 20 percent of the employees of the
822 business are residents of an enterprise zone, excluding
823 temporary and part-time employees, the amount of refund granted
824 pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97
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825 percent of the sales tax paid on the cost of such building
826 materials or \$10,000. A refund approved pursuant to this
827 paragraph shall be made within 30 days after ~~of~~ formal approval
828 by the department of the application for the refund. This
829 subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

830 6. The department shall adopt rules governing the manner
831 and form of refund applications and may establish guidelines as
832 to the requisites for an affirmative showing of qualification
833 for exemption under this paragraph.

834 7. The department shall deduct an amount equal to 10
835 percent of each refund granted under ~~the provisions of~~ this
836 paragraph from the amount transferred into the Local Government
837 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
838 for the county area in which the rehabilitated real property is
839 located and shall transfer that amount to the General Revenue
840 Fund.

841 8. For the purposes of the exemption provided in this
842 paragraph, the term:

843 a. "Building materials" means tangible personal property
844 that ~~which~~ becomes a component part of improvements to real
845 property.

846 b. "Real property" has the same meaning as provided in s.
847 192.001(12), except that the term does not include a condominium
848 parcel or condominium property as defined in s. 718.103.

849 c. "Rehabilitation of real property" means the
850 reconstruction, renovation, restoration, rehabilitation,
851 construction, or expansion of improvements to real property.

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852 d. "Substantially completed" has the same meaning as
853 provided in s. 192.042(1).

854 9. This paragraph expires on the date specified in s.
855 290.016 for the expiration of the Florida Enterprise Zone Act.

856 (q) Entertainment industry tax credit; authorization;
857 eligibility for credits.—The credits against the state sales tax
858 authorized pursuant to s. 288.1254 shall be deducted from any
859 sales and use tax remitted by the dealer to the department by
860 electronic funds transfer and may only be deducted on a sales
861 and use tax return initiated through electronic data
862 interchange. The dealer shall separately state the credit on the
863 electronic return. The net amount of tax due and payable must be
864 remitted by electronic funds transfer. If the credit for the
865 qualified expenditures is larger than the amount owed on the
866 sales and use tax return that is eligible for the credit, the
867 unused amount of the credit may be carried forward to a
868 succeeding reporting period as provided in s. 288.1254(4)(e). A
869 dealer may only obtain a credit using the method described in
870 this subparagraph. A dealer is not authorized to obtain a credit
871 by applying for a refund.

872 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
873 entity by this chapter do not inure to any transaction that is
874 otherwise taxable under this chapter when payment is made by a
875 representative or employee of the entity by any means,
876 including, but not limited to, cash, check, or credit card, even
877 when that representative or employee is subsequently reimbursed
878 by the entity. In addition, exemptions provided to any entity by
879 this subsection do not inure to any transaction that is

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880 otherwise taxable under this chapter unless the entity has
881 obtained a sales tax exemption certificate from the department
882 or the entity obtains or provides other documentation as
883 required by the department. Eligible purchases or leases made
884 with such a certificate must be in strict compliance with this
885 subsection and departmental rules, and any person who makes an
886 exempt purchase with a certificate that is not in strict
887 compliance with this subsection and the rules is liable for and
888 shall pay the tax. The department may adopt rules to administer
889 this subsection.

890 (ggg) Aircraft temporarily in the state.-

891 1. An aircraft owned by a nonresident is exempt from the
892 use tax imposed by this chapter if the aircraft enters and
893 remains in this state for less than a total of 21 days during
894 the 6-month period after the date of purchase. The temporary use
895 of the aircraft and subsequent removal from this state may be
896 proven by invoices for fuel, tie-down, or hangar charges issued
897 by out-of-state vendors or suppliers or similar documentation
898 that clearly and specifically identifies the aircraft. The
899 exemption created by this subparagraph is in addition to the
900 exemptions provided in subparagraph 2. and s. 212.05(1)(a).

901 2. An aircraft owned by a nonresident is exempt from the
902 use tax imposed by this chapter if the aircraft enters or
903 remains in this state exclusively for the purpose of flight
904 training, repairs, alterations, refitting, or modification. Such
905 purposes must be supported by written documentation issued by
906 in-state vendors or suppliers which clearly and specifically
907 identifies the aircraft. The exemption created by this

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908 subparagraph is in addition to the exemptions provided in
909 subparagraph 1. and s. 212.05(1)(a).

910 (hhh) Fractional aircraft ownership programs.—The sale or
911 use of aircraft primarily used in a fractional aircraft
912 ownership program or of any parts or labor used in the
913 completion, maintenance, repair, or overhaul of such aircraft is
914 exempt from the tax imposed by this chapter. The exemption is
915 not allowed unless the program manager of the fractional
916 aircraft ownership program furnishes the dealer with a
917 certificate stating that the lease, purchase, repair, or
918 maintenance is for aircraft primarily used in a fractional
919 aircraft ownership program and that the program manager
920 qualifies for the exemption. If a program manager makes tax-
921 exempt purchases on a continual basis, the program manager may
922 allow the dealer to keep the certificate on file. The program
923 manager must inform a dealer that keeps the certificate on file
924 if the program manager no longer qualifies for the exemption.
925 The department may adopt rules to administer this paragraph,
926 including rules determining the format of the certificate.

927 Section 10. Effective July 1, 2010, paragraph (z) is added
928 to subsection (8) of section 213.053, Florida Statutes, to read:

929 213.053 Confidentiality and information sharing.—

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

932 (z) Information relative to tax credits taken under s.
933 288.1254 to the Office of Film and Entertainment and the Office
934 of Tourism, Trade, and Economic Development.

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936 Disclosure of information under this subsection shall be
937 pursuant to a written agreement between the executive director
938 and the agency. Such agencies, governmental or nongovernmental,
939 shall be bound by the same requirements of confidentiality as
940 the Department of Revenue. Breach of confidentiality is a
941 misdemeanor of the first degree, punishable as provided by s.
942 775.082 or s. 775.083.

943 Section 11. Effective July 1, 2010, subsection (8) of
944 section 220.02, Florida Statutes, is amended to read:

945 220.02 Legislative intent.—

946 (8) It is the intent of the Legislature that credits
947 against either the corporate income tax or the franchise tax be
948 applied in the following order: those enumerated in s. 631.828,
949 those enumerated in s. 220.191, those enumerated in s. 220.181,
950 those enumerated in s. 220.183, those enumerated in s. 220.182,
951 those enumerated in s. 220.1895, those enumerated in s. 221.02,
952 those enumerated in s. 220.184, those enumerated in s. 220.186,
953 those enumerated in s. 220.1845, those enumerated in s. 220.19,
954 those enumerated in s. 220.185, those enumerated in s. 220.187,
955 those enumerated in s. 220.192, those enumerated in s. 220.193,
956 ~~and~~ those enumerated in s. 288.9916, those enumerated in s.
957 220.1899, and those enumerated in s. 220.1896.

958 Section 12. Paragraph (a) of subsection (1) of section
959 220.13, Florida Statutes, is amended to read:

960 220.13 "Adjusted federal income" defined.—

961 (1) The term "adjusted federal income" means an amount
962 equal to the taxpayer's taxable income as defined in subsection
963 (2), or such taxable income of more than one taxpayer as
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964 provided in s. 220.131, for the taxable year, adjusted as
965 follows:

966 (a) Additions.—There shall be added to such taxable
967 income:

968 1. The amount of any tax upon or measured by income,
969 excluding taxes based on gross receipts or revenues, paid or
970 accrued as a liability to the District of Columbia or any state
971 of the United States which is deductible from gross income in
972 the computation of taxable income for the taxable year.

973 2. The amount of interest which is excluded from taxable
974 income under s. 103(a) of the Internal Revenue Code or any other
975 federal law, less the associated expenses disallowed in the
976 computation of taxable income under s. 265 of the Internal
977 Revenue Code or any other law, excluding 60 percent of any
978 amounts included in alternative minimum taxable income, as
979 defined in s. 55(b)(2) of the Internal Revenue Code, if the
980 taxpayer pays tax under s. 220.11(3).

981 3. In the case of a regulated investment company or real
982 estate investment trust, an amount equal to the excess of the
983 net long-term capital gain for the taxable year over the amount
984 of the capital gain dividends attributable to the taxable year.

985 4. That portion of the wages or salaries paid or incurred
986 for the taxable year which is equal to the amount of the credit
987 allowable for the taxable year under s. 220.181. This
988 subparagraph shall expire on the date specified in s. 290.016
989 for the expiration of the Florida Enterprise Zone Act.

990 5. That portion of the ad valorem school taxes paid or
991 incurred for the taxable year which is equal to the amount of
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992 the credit allowable for the taxable year under s. 220.182. This
993 subparagraph shall expire on the date specified in s. 290.016
994 for the expiration of the Florida Enterprise Zone Act.

995 6. The amount of emergency excise tax paid or accrued as a
996 liability to this state under chapter 221 which tax is
997 deductible from gross income in the computation of taxable
998 income for the taxable year.

999 7. That portion of assessments to fund a guaranty
1000 association incurred for the taxable year which is equal to the
1001 amount of the credit allowable for the taxable year.

1002 8. In the case of a nonprofit corporation which holds a
1003 pari-mutuel permit and which is exempt from federal income tax
1004 as a farmers' cooperative, an amount equal to the excess of the
1005 gross income attributable to the pari-mutuel operations over the
1006 attributable expenses for the taxable year.

1007 9. The amount taken as a credit for the taxable year under
1008 s. 220.1895.

1009 10. Up to nine percent of the eligible basis of any
1010 designated project which is equal to the credit allowable for
1011 the taxable year under s. 220.185.

1012 11. The amount taken as a credit for the taxable year
1013 under s. 220.187.

1014 12. The amount taken as a credit for the taxable year
1015 under s. 220.192.

1016 13. The amount taken as a credit for the taxable year
1017 under s. 220.193.

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1018 14. Any portion of a qualified investment, as defined in
1019 s. 288.9913, which is claimed as a deduction by the taxpayer and
1020 taken as a credit against income tax pursuant to s. 288.9916.

1021 15. The costs to acquire a tax credit pursuant to s.
1022 288.1254(5) that are deducted from or otherwise reduce federal
1023 taxable income for the taxable year.

1024 Section 13. Effective July 1, 2010, section 220.1896,
1025 Florida Statutes, is created to read:

1026 220.1896 Jobs for the Unemployed Tax Credit Program.-

1027 (1) As used in this section, the term:

1028 (a) "Eligible business" means any target industry business
1029 as defined in s. 288.106(2) which is subject to the tax imposed
1030 by this chapter. The eligible business does not have to be
1031 certified to receive the Qualified Target Industry Tax Refund
1032 Incentive under s. 288.106 in order to receive the tax credit
1033 available under this section.

1034 (b) "Office" means the Office of Tourism, Trade, and
1035 Economic Development.

1036 (c) "Qualified employee" means a person:

1037 1. Who was unemployed at least 30 days immediately prior
1038 to being hired by an eligible business.

1039 2. Who was hired by an eligible business on or after July
1040 1, 2010, and had not previously been employed by the eligible
1041 business or its parent or an affiliated corporation.

1042 3. Who performed duties connected to the operations of the
1043 eligible business on a regular, full-time basis for an average
1044 of at least 36 hours per week and for at least 12 months before
1045 an eligible business is awarded a tax credit.

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1046 4. Whose employment by the eligible business has not
1047 formed the basis for any other claim to a credit pursuant to
1048 this section.

1049 (2) A certified business shall receive a \$1,000 tax credit
1050 for each qualified employee, pursuant to limitation in
1051 subsection (5).

1052 (3) (a) In order to become a certified business, an
1053 eligible business must file under oath with the office an
1054 application that includes:

1055 1. The name, address and NAICS identifying code of the
1056 eligible business.

1057 2. Relevant employment information.

1058 3. A sworn affidavit, signed by each employee, attesting
1059 to his or her previous unemployment for whom the eligible
1060 business is seeking credits under this section.

1061 4. Verification that the wages paid by the eligible
1062 business to each of its qualified employees exceeds the wage
1063 eligibility levels for Medicaid and other public assistance
1064 programs.

1065 5. Any other information necessary to process the
1066 application.

1067 (b) The office shall process applications to certify a
1068 business in the order in which the applications are received,
1069 without regard as to whether the applicant is a new or an
1070 existing business. The office shall review and approve or deny
1071 an application within 10 days after receiving a completed
1072 application. The office shall notify the applicant in writing as
1073 to the office's decision.

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1074 (c)1. The office shall submit a copy of the letter of
1075 certification to the department within 10 days after the office
1076 issues the letter of certification to the applicant.

1077 2. If the application of an eligible business is not
1078 sufficient to certify the applicant business, the office must
1079 deny the application and issue a notice of denial to the
1080 applicant.

1081 3. If the application of an eligible business does not
1082 contain sufficient documentation of the number of qualified
1083 employees, the office shall approve the application with respect
1084 to the employees for whom the office determines are qualified
1085 employees. The office must deny the application with respect to
1086 persons for whom the office determines are not qualified
1087 employees or for whom insufficient documentation has been
1088 provided. A business may not submit a revised application for
1089 certification or for the determination of a person as a
1090 qualified employee more than 3 months after the issuance of a
1091 notice of denial with respect to the business or a particular
1092 person as a qualified employee.

1093 (4) The applicant for a tax credit under this section has
1094 the responsibility to affirmatively demonstrate to the
1095 satisfaction of the office and the department that the applicant
1096 and the persons claimed as qualified employees meet the
1097 requirements of this section.

1098 (5) The total amount of tax credits under this section
1099 which may be approved by the office for all applicants is \$10
1100 million, with \$5 million available to be awarded in the 2011-

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1101 2012 fiscal year and \$5 million available to be awarded in the
1102 2012-2013 fiscal year.

1103 (6) A tax credit amount that is granted under this section
1104 which is not fully used in the first year for which it becomes
1105 available, may be carried forward to the subsequent taxable
1106 year. The carryover credit may be used in the subsequent year if
1107 the tax imposed by this chapter for such year exceeds the credit
1108 for such year under this section after applying the other
1109 credits and unused credit carryovers in the order provided in s.
1110 220.02(8).

1111 (7) A person who fraudulently claims a credit under this
1112 section is liable for repayment of the credit plus a mandatory
1113 penalty of 100 percent of the credit. Such person also commits a
1114 misdemeanor of the second degree, punishable as provided in s.
1115 775.082 or s. 775.083.

1116 (8) The office may adopt rules governing the manner and
1117 form of applications for the tax credit. The office may
1118 establish guidelines for making an affirmative showing of
1119 qualification for the tax credit under this section.

1120 (9) The department may adopt rules to administer this
1121 section, including rules relating to the creation of forms to
1122 claim a tax credit and examination and audit procedures required
1123 to administer this section.

1124 (10) This section expires June 30, 2012. However, a
1125 taxpayer that is awarded a tax credit in the second year of the
1126 program may carry forward any unused credit amount to the
1127 subsequent tax reporting period. Rules adopted by the department
1128 to administer this section shall remain valid as long as a
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1129 taxpayer may use a credit against its corporate income tax
1130 liability.

1131 Section 14. Effective July 1, 2010, section 220.1899,
1132 Florida Statutes, is created to read:

1133 220.1899 Entertainment industry tax credit.—

1134 (1) There shall be a credit allowed against the tax
1135 imposed by this chapter in the amounts awarded by the Office of
1136 Tourism, Trade, and Economic Development under the entertainment
1137 industry financial incentive program in s. 288.1254.

1138 (2) A qualified production company as defined in s.
1139 288.1254 that is awarded a tax credit under s. 288.1254 may not
1140 claim the credit before July 1, 2011, regardless of when the
1141 credit is awarded.

1142 (3) To the extent that the amount of a tax credit exceeds
1143 the amount due on a return, the balance of the credit may be
1144 carried forward to a succeeding taxable year pursuant to s.
1145 288.1254(4)(e).

1146 Section 15. Subsection (1) of section 288.018, Florida
1147 Statutes, is amended to read:

1148 288.018 Regional Rural Development Grants Program.—

1149 (1) The Office of Tourism, Trade, and Economic Development
1150 shall establish a matching grant program to provide funding to
1151 regionally based economic development organizations representing
1152 rural counties and communities for the purpose of building the
1153 professional capacity of their organizations. Such matching
1154 grants may also be used by an economic development organization
1155 to provide technical assistance to businesses within the rural
1156 counties and communities that it serves. The Office of Tourism,
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1157 Trade, and Economic Development is authorized to approve, on an
1158 annual basis, grants to such regionally based economic
1159 development organizations. The maximum amount an organization
1160 may receive in any year will be \$35,000, or \$100,000 in a rural
1161 area of critical economic concern recommended by the Rural
1162 Economic Development Initiative and designated by the Governor,
1163 and must be matched each year by an equivalent amount of
1164 nonstate resources.

1165 Section 16. Effective July 1, 2010, section 288.0659,
1166 Florida Statutes, is created to read:

1167 288.0659 Local Government Distressed Area Matching Grant
1168 Program.—

1169 (1) The Local Government Distressed Area Matching Grant
1170 Program is created within the Office of Tourism, Trade, and
1171 Economic Development. The purpose of the program is to stimulate
1172 investment in the state's economy by providing grants to match
1173 demonstrated business assistance by local governments to attract
1174 and retain businesses in this state.

1175 (2) As used in this section, the term:

1176 (a) "Local government" means a county or municipality.

1177 (b) "Office" means the Office of Tourism, Trade, and
1178 Economic Development.

1179 (c) "Qualified business assistance" means economic
1180 incentives provided by a local government for the purpose of
1181 attracting or retaining a specific business, including, but not
1182 limited to, suspensions, waivers, or reductions of impact fees
1183 or permit fees; direct incentive payments; expenditures for
1184 onsite or offsite improvements directly benefiting a specific

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1185 business; or construction or renovation of buildings for a
1186 specific business.

1187 (3) The office may accept and administer moneys
1188 appropriated to the office for providing grants to match
1189 expenditures by local governments to attract or retain
1190 businesses in this state.

1191 (4) A local government may apply for grants to match
1192 qualified business assistance made by the local government for
1193 the purpose of attracting or retaining a specific business. A
1194 local government may apply for no more than one grant per
1195 targeted business. A local government may only have one
1196 application pending with the office. Additional applications may
1197 be filed after a previous application has been approved or
1198 denied.

1199 (5) To qualify for a grant, the business being targeted by
1200 a local government must create at least 15 full-time jobs, must
1201 be new to this state, must be expanding its operations in this
1202 state, or would otherwise leave the state absent state and local
1203 assistance, and the local government applying for the grant must
1204 expedite its permitting processes for the target business by
1205 accelerating the normal review and approval timelines. In
1206 addition to these requirements, the office shall review the
1207 grant requests using the following evaluation criteria, with
1208 priority given in descending order:

1209 (a) The presence and degree of pervasive poverty,
1210 unemployment, and general distress as determined pursuant to s.
1211 290.0058 in the area where the business will locate, with

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1212 priority given to locations with greater degrees of poverty,
1213 unemployment, and general distress.

1214 (b) The extent of reliance on the local government
1215 expenditure as an inducement for the business's location
1216 decision, with priority given to higher levels of local
1217 government expenditure.

1218 (c) The number of new full-time jobs created, with
1219 priority given to higher numbers of jobs created.

1220 (d) The average hourly wage for jobs created, with
1221 priority given to higher average wages.

1222 (e) The amount of capital investment to be made by the
1223 business, with priority given to higher amounts of capital
1224 investment.

1225 (6) In evaluating grant requests, the office shall take
1226 into consideration the need for grant assistance as it relates
1227 to the local government's general fund balance as well as local
1228 incentive programs that are already in existence.

1229 (7) Funds made available pursuant to this section may not
1230 be expended in connection with the relocation of a business from
1231 one community to another community in this state unless the
1232 office determines that without such relocation the business will
1233 move outside this state or determines that the business has a
1234 compelling economic rationale for the relocation which creates
1235 additional jobs. Funds made available pursuant to this section
1236 may not be used by the receiving local government to supplant
1237 matching commitments required of the local government pursuant
1238 to other state or federal incentive programs.

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1239 (8) Within 30 days after the office receives an
1240 application for a grant, the office shall approve a preliminary
1241 grant allocation or disapprove the application. The preliminary
1242 grant allocation shall be based on estimates of qualified
1243 business assistance submitted by the local government and shall
1244 equal 50 percent of the amount of the estimated qualified
1245 business assistance or \$50,000, whichever is less. The
1246 preliminary grant allocation shall be executed by contract with
1247 the local government. The contract shall set forth the terms and
1248 conditions, including the timeframes within which the final
1249 grant award will be disbursed. The final grant award may not
1250 exceed the preliminary grant allocation. The office may approve
1251 preliminary grant allocations only to the extent that funds are
1252 appropriated for such grants by the Legislature.

1253 (a) Preliminary grant allocations that are revoked or
1254 voluntarily surrendered shall be immediately available for
1255 reallocation.

1256 (b) Recipients of preliminary grant allocations shall
1257 promptly report to the office the date on which the local
1258 government's permitting and approval process is completed and
1259 the date on which all qualified business assistance are
1260 completed.

1261 (9) The office shall make a final grant award to a local
1262 government within 30 days after receiving information from the
1263 local government sufficient to demonstrate actual qualified
1264 business assistance. An awarded grant amount shall equal 50
1265 percent of the amount of the qualified business assistance or
1266 \$50,000, whichever is less, and may not exceed the preliminary

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1267 grant allocation. The amount by which a preliminary grant
1268 allocation exceeds a final grant award shall be immediately
1269 available for reallocation.

1270 (10) Up to 2 percent of the funds appropriated annually be
1271 the Legislature for the program may be used by the office for
1272 direct administrative costs associated with implementing this
1273 section.

1274 Section 17. Paragraph (j) of subsection (1) of section
1275 288.1045, Florida Statutes, is amended to read:

1276 288.1045 Qualified defense contractor and space flight
1277 business tax refund program.—

1278 (1) DEFINITIONS.—As used in this section:

1279 (j) "Jobs" means full-time equivalent positions,
1280 including, but not limited to, positions obtained from a
1281 temporary employment agency or employee leasing company or
1282 through a union agreement or coemployment under a professional
1283 employer organization agreement, that ~~consistent with the use of~~
1284 ~~such terms by the Agency for Workforce Innovation for the~~
1285 ~~purpose of unemployment compensation tax, created or retained as~~
1286 ~~a direct result directly from~~ of a project in this state. This
1287 number does not include temporary construction jobs involved
1288 with the construction of facilities for the project.

1289 Section 18. Paragraphs (c), (d), and (e) of subsection (2)
1290 of section 288.106, Florida Statutes, are redesignated as
1291 paragraphs (d), (e), and (f), respectively, and paragraph (o) of
1292 subsection (1), paragraph (b) of subsection (2), paragraphs (a)
1293 and (b) of subsection (3), and subsection (8) of that section
1294 are amended to read:

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1295 288.106 Tax refund program for qualified target industry
1296 businesses.-

1297 (1) DEFINITIONS.-As used in this section:

1298 (o) "Target industry business" means a corporate
1299 headquarters business or any business that is engaged in one of
1300 the target industries identified pursuant to the following
1301 criteria developed by the office in consultation with Enterprise
1302 Florida, Inc.:

1303 1. Future growth.-Industry forecasts should indicate
1304 strong expectation for future growth in both employment and
1305 output, according to the most recent available data. Special
1306 consideration should be given to businesses that export goods or
1307 services ~~Florida's growing access~~ to international markets or to
1308 businesses that replace domestic and international ~~replacing~~
1309 imports of goods or services.

1310 2. Stability.-The industry should not be subject to
1311 periodic layoffs, whether due to seasonality or sensitivity to
1312 volatile economic variables such as weather. The industry should
1313 also be relatively resistant to recession, so that the demand
1314 for products of this industry is not typically ~~necessarily~~
1315 subject to decline during an economic downturn.

1316 3. High wage.-The industry should pay relatively high
1317 wages compared to statewide or area averages.

1318 4. Market and resource independent.-The location of
1319 industry businesses should not be dependent on Florida markets
1320 or resources as indicated by industry analysis, except for
1321 businesses in the renewable energy industry. ~~Special~~

1322 ~~consideration should be given to the development of strong~~
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1323 ~~industrial clusters which include defense and homeland security~~
1324 ~~businesses.~~

1325 5. Industrial base diversification and strengthening.—The
1326 industry should contribute toward expanding or diversifying the
1327 state's or area's economic base, as indicated by analysis of
1328 employment and output shares compared to national and regional
1329 trends. Special consideration should be given to industries that
1330 strengthen regional economies by adding value to basic products
1331 or building regional industrial clusters as indicated by
1332 industry analysis. Special consideration should also be given to
1333 the development of strong industrial clusters which include
1334 defense and homeland security businesses.

1335 6. Economic benefits.—The industry is expected to ~~should~~
1336 have strong positive impacts on or benefits to the state or ~~and~~
1337 regional economies.

1338
1339 ~~The office, in consultation with Enterprise Florida, Inc., shall~~
1340 ~~develop a list of such target industries annually and submit~~
1341 ~~such list as part of the final agency legislative budget request~~
1342 ~~submitted pursuant to s. 216.023(1).~~ A target industry business
1343 may not include any business industry engaged in retail industry
1344 activities; any electrical utility company; any phosphate or
1345 other solid minerals severance, mining, or processing operation;
1346 any oil or gas exploration or production operation; or any
1347 business firm subject to regulation by the Division of Hotels
1348 and Restaurants of the Department of Business and Professional
1349 Regulation. Any business within NAICS code 5611 or 5614, office
1350 administrative services and business support services,

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1351 respectively, may be considered a target industry business only
1352 after the local governing body and Enterprise Florida, Inc.,
1353 make a determination that the community where the business may
1354 locate has conditions affecting the fiscal and economic
1355 viability of the local community or area, including but not
1356 limited to, factors such as low per capita income, high
1357 unemployment, high underemployment, and a lack of year-round
1358 stable employment opportunities, and such conditions may be
1359 improved by the location of such a business to the community. By
1360 January 1 of every 3rd year, beginning January 1, 2011, the
1361 office, in consultation with Enterprise Florida, Inc., economic
1362 development organizations, the State University System, local
1363 governments, employee and employer organizations, market
1364 analysts, and economists, shall review and, as appropriate,
1365 revise the list of such target industries and submit the list to
1366 the Governor, the President of the Senate, and the Speaker of
1367 the House of Representatives.

1368 (2) TAX REFUND; ELIGIBLE AMOUNTS.—

1369 (b)1. Upon approval by the office director, a qualified
1370 target industry business shall be allowed tax refund payments
1371 equal to \$3,000 multiplied by times the number of jobs specified
1372 in the tax refund agreement under subparagraph (4)(a)1., or
1373 equal to \$6,000 multiplied by times the number of jobs if the
1374 project is located in a rural community county or an enterprise
1375 zone.

1376 2. Further, A qualified target industry business shall be
1377 allowed additional tax refund payments equal to \$1,000
1378 multiplied by times the number of jobs specified in the tax

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1379 refund agreement under subparagraph (4) (a)1., if such jobs pay
1380 an annual average wage of at least 150 percent of the average
1381 private sector wage in the area, or equal to \$2,000 multiplied
1382 by times the number of jobs if such jobs pay an annual average
1383 wage of at least 200 percent of the average private sector wage
1384 in the area.

1385 3. A qualified target industry business shall be allowed
1386 tax refund payments in addition to the other payments authorized
1387 in this paragraph equal to \$1,000 multiplied by the number of
1388 jobs specified in the tax refund agreement under subparagraph
1389 (4) (a)1. if the local financial support is equal to that of the
1390 state's incentive award under subparagraph 1.

1391 4. In addition to the other tax refund payments authorized
1392 in this paragraph, a qualified target industry business shall be
1393 allowed a tax refund payment equal to \$2,000 multiplied by the
1394 number of jobs specified in the tax refund agreement under
1395 subparagraph (4) (a)1. if the business:

1396 a. Falls within one of the high-impact sectors designated
1397 under s. 288.108; or

1398 b. Increases exports of its goods through a seaport or
1399 airport in the state by at least 10 percent in value or tonnage
1400 in each of the years that the business receives a tax refund
1401 under this section. For purposes of this sub-subparagraph,
1402 seaports in the state are limited to the ports of Jacksonville,
1403 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
1404 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
1405 Pensacola, Fernandina, and Key West.

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1406 (c) A qualified target industry business may not receive
1407 refund payments of more than 25 percent of the total tax refunds
1408 specified in the tax refund agreement under subparagraph
1409 (4) (a)1. in any fiscal year. Further, a qualified target
1410 industry business may not receive more than \$1.5 million in
1411 refunds under this section in any single fiscal year, or more
1412 than \$2.5 million in any single fiscal year if the project is
1413 located in an enterprise zone. A qualified target industry may
1414 not receive more than \$5 million in refund payments under this
1415 section in all fiscal years, or more than \$7.5 million if the
1416 project is located in an enterprise zone. Funds made available
1417 pursuant to this section may not be expended in connection with
1418 the relocation of a business from one community to another
1419 community in this state unless the Office of Tourism, Trade, and
1420 Economic Development determines that without such relocation the
1421 business will move outside this state or determines that the
1422 business has a compelling economic rationale for the relocation
1423 and that the relocation will create additional jobs.

1424 (3) APPLICATION AND APPROVAL PROCESS.-

1425 (a) To apply for certification as a qualified target
1426 industry business under this section, the business must file an
1427 application with the office before the business decides ~~has made~~
1428 ~~the decision~~ to locate a ~~new business~~ in this state or before
1429 the business decides ~~had made the decision~~ to expand its ~~an~~
1430 existing operations ~~business~~ in this state. The application
1431 shall include, but need is not be limited to, the following
1432 information:

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1433 1. The applicant's federal employer identification number
1434 and, if applicable, ~~the applicant's~~ state sales tax registration
1435 number.

1436 2. The proposed permanent location of the applicant's
1437 facility in this state at which the project ~~is or~~ is to be
1438 located.

1439 3. A description of the type of business activity or
1440 product covered by the project, including a minimum of a five-
1441 digit NAICS code for all activities included in the project. As
1442 used in this paragraph, "NAICS" means those classifications
1443 contained in the North American Industry Classification System,
1444 as published in 2007 by the Office of Management and Budget,
1445 Executive Office of the President and updated periodically.

1446 4. The proposed number of net new full-time equivalent
1447 Florida jobs at the qualified target industry business as of
1448 December 31 of each year included in the project and the average
1449 wage of those jobs. If more than one type of business activity
1450 or product is included in the project, the number of jobs and
1451 average wage for those jobs must be separately stated for each
1452 type of business activity or product.

1453 5. The total number of full-time equivalent employees
1454 employed by the applicant in this state, if applicable.

1455 6. The anticipated commencement date of the project.

1456 7. A brief statement explaining ~~concerning~~ the role that
1457 the estimated tax refunds to be requested will play in the
1458 decision of the applicant to locate or expand in this state.

1459 8. An estimate of the proportion of the sales resulting
1460 from the project that will be made outside this state.

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1461 9. An estimate of the proportion of the cost of the
1462 machinery and equipment, and any other resources necessary in
1463 the development of its product or service, to be used by the
1464 business in its Florida operations which will be purchased
1465 outside this state.

1466 ~~10.9.~~ A resolution adopted by the governing board of the
1467 county or municipality in which the project will be located,
1468 which resolution recommends that the project ~~certain types of~~
1469 ~~businesses~~ be approved as a qualified target industry business
1470 and specifies ~~states~~ that the commitments of local financial
1471 support necessary for the target industry business exist. Before
1472 ~~In advance of~~ the passage of such resolution, the office may
1473 also accept an official letter from an authorized local economic
1474 development agency that endorses the proposed target industry
1475 project and pledges that sources of local financial support for
1476 such project exist. For the purposes of making pledges of local
1477 financial support under this subparagraph ~~subsection~~, the
1478 authorized local economic development agency shall be officially
1479 designated by the passage of a one-time resolution by the local
1480 governing board ~~authority~~.

1481 ~~11.10.~~ Any additional information requested by the office.

1482 (b) To qualify for review by the office, the application
1483 of a target industry business must, at a minimum, establish the
1484 following to the satisfaction of the office:

1485 1.a. The jobs proposed to be created ~~provided~~ under the
1486 application, pursuant to subparagraph (a)4., must pay an
1487 estimated annual average wage equaling at least 115 percent of
1488 the average private sector wage in the area where the business

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1489 is to be located or the statewide private sector average wage.
1490 The governing board of the county where the qualified target
1491 industry business is to be located shall notify the office and
1492 Enterprise Florida, Inc., which calculation of the average
1493 private sector wage in the area must be used as the basis for
1494 the business' wage commitment. In determining the average annual
1495 wage, the office shall include only new proposed jobs, and wages
1496 for existing jobs shall be excluded from this calculation.

1497 b. The office may waive the average wage requirement at
1498 the request of the local governing body recommending the project
1499 and Enterprise Florida, Inc. The office may waive the wage
1500 requirement ~~may only be waived~~ for a project located in a
1501 brownfield area designated under s. 376.80, ~~or~~ in a rural city,
1502 in a rural community, or county or in an enterprise zone, or for
1503 a manufacturing project at any location in the state if the jobs
1504 proposed to be created pay an estimated annual average wage
1505 equaling at least 100 percent of the average private sector wage
1506 in the area where the business is to be located, and only if
1507 ~~when~~ the merits of the individual project or the specific
1508 circumstances in the community in relationship to the project
1509 warrant such action. If the local governing body and Enterprise
1510 Florida, Inc., make such a recommendation, it must be
1511 transmitted in writing, and the specific justification for the
1512 waiver recommendation must be explained. If the office ~~director~~
1513 elects to waive the wage requirement, the waiver must be stated
1514 in writing, and the reasons for granting the waiver must be
1515 explained.

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1516 2. The target industry business's project must result in
1517 the creation of at least 10 jobs at the such project and, in the
1518 case of if an expansion of an existing business, must result in
1519 a net increase in employment of at least 10 percent at the
1520 business. ~~Notwithstanding the definition of the term "expansion~~
1521 ~~of an existing business" in paragraph (1)(g),~~ At the request of
1522 the local governing body recommending the project and Enterprise
1523 Florida, Inc., the office may waive this requirement for a
1524 business ~~define an "expansion of an existing business"~~ in a
1525 rural community or ~~an~~ enterprise zone ~~as the expansion of a~~
1526 ~~business resulting in a net increase in employment of less than~~
1527 ~~10 percent at such business~~ if the merits of the individual
1528 project or the specific circumstances in the community in
1529 relationship to the project warrant such action. If the local
1530 governing body and Enterprise Florida, Inc., make such a
1531 request, the request must be transmitted in writing, and the
1532 specific justification for the request must be explained. If the
1533 office ~~director~~ elects to grant the request, the grant must be
1534 stated in writing and the reason for granting the request must
1535 be explained.

1536 3. The business activity or product for the applicant's
1537 project must be is within an industry ~~or industries that have~~
1538 ~~been~~ identified by the office as a target industry business ~~to~~
1539 ~~be high-value-added industries that~~ contributes ~~contribute to~~
1540 ~~the area and~~ to the economic growth of the state and the area in
1541 which the business is located, that produces ~~produce~~ a higher
1542 standard of living for residents of this state in the new global
1543 economy, or that can be shown to make an equivalent contribution

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1544 to the area's ~~area~~ and state's economic progress. ~~The director~~
1545 ~~must approve requests to waive the wage requirement for~~
1546 ~~brownfield areas designated under s. 376.80 unless it is~~
1547 ~~demonstrated that such action is not in the public interest.~~

1548 (8) EXPIRATION.—An applicant may not be certified as
1549 qualified under this section after June 30, 2020 ~~2010~~. A tax
1550 refund agreement existing on that date shall continue in effect
1551 in accordance with its terms.

1552 Section 19. Paragraph (f) of subsection (1) and paragraph
1553 (d) of subsection (4) of section 288.107, Florida Statutes, are
1554 amended to read:

1555 288.107 Brownfield redevelopment bonus refunds.—

1556 (1) DEFINITIONS.—As used in this section:

1557 (f) "Jobs" means full-time equivalent positions,
1558 including, but not limited to, positions obtained from a
1559 temporary employment agency or employee leasing company or
1560 through a union agreement or coemployment under a professional
1561 employer organization agreement, that result as that term is
1562 ~~consistent with terms used by the Agency for Workforce~~
1563 ~~Innovation for the purpose of unemployment compensation tax,~~
1564 ~~resulting~~ directly from a project in this state. The term does
1565 not include temporary construction jobs involved with the
1566 construction of facilities for the project and which are not
1567 associated with the implementation of the site rehabilitation as
1568 provided in s. 376.80.

1569 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1570 (d) After entering into a tax refund agreement as provided
1571 in s. 288.106 or other similar agreement for other eligible
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1572 businesses as defined in paragraph (1)(e), an eligible business
1573 may receive brownfield redevelopment bonus refunds from the
1574 account pursuant to s. 288.106(2) (d) ~~(e)~~.

1575 Section 20. Paragraphs (a) and (g) of subsection (2),
1576 paragraph (b) of subsection (3), and paragraph (a) of subsection
1577 (6) of section 288.108, Florida Statutes, are amended to read:

1578 288.108 High-impact business.—

1579 (2) DEFINITIONS.—As used in this section, the term:

1580 (a) "Eligible high-impact business" means a business in
1581 one of the high-impact sectors identified by Enterprise Florida,
1582 Inc., and certified by the Office of Tourism, Trade, and
1583 Economic Development as provided in subsection (5), which is
1584 making a cumulative investment in the state of at least \$50 ~~\$100~~
1585 million and creating at least 50 ~~100~~ new full-time equivalent
1586 jobs in the state or a research and development facility making
1587 a cumulative investment of at least \$25 ~~\$75~~ million and creating
1588 at least 25 ~~75~~ new full-time equivalent jobs. Such investment
1589 and employment must be achieved in a period not to exceed 3
1590 years after the date the business is certified as a qualified
1591 high-impact business.

1592 (g) "Jobs" means full-time equivalent positions,
1593 including, but not limited to, positions obtained from a
1594 temporary employment agency or employee leasing company or
1595 through a union agreement or coemployment under a professional
1596 employer organization agreement, that result as that term is
1597 ~~consistent with terms used by the Agency for Workforce~~
1598 ~~Innovation and the United States Department of Labor for~~
1599 ~~purposes of unemployment compensation tax administration and~~
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1600 ~~employment estimation, resulting~~ directly from a project in this
1601 state. The term does not include temporary construction jobs
1602 involved in the construction of the project facility.

1603 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
1604 AMOUNTS.—

1605 (b) The office may, in consultation with Enterprise
1606 Florida, Inc., negotiate qualified high-impact business
1607 performance grant awards for any single qualified high-impact
1608 business. In negotiating such awards, the office shall consider
1609 the following guidelines in conjunction with other relevant
1610 applicant impact and cost information and analysis as required
1611 in subsection (5). A qualified high-impact business making a
1612 cumulative investment of \$50 million and creating 50 jobs may be
1613 eligible for a total qualified high-impact business performance
1614 grant of \$500,000 to \$1 million. A qualified high-impact
1615 business making a cumulative investment of \$100 million and
1616 creating 100 jobs may be eligible for a total qualified high-
1617 impact business performance grant of \$1 million to \$2 million. A
1618 qualified high-impact business making a cumulative investment of
1619 \$800 million and creating 800 jobs may be eligible for a
1620 qualified high-impact business performance grant of \$10 million
1621 to \$12 million. A qualified high-impact business engaged in
1622 research and development making a cumulative investment of \$25
1623 million and creating 25 jobs may be eligible for a total
1624 qualified high-impact business performance grant of \$700,000 to
1625 \$1 million. A qualified high-impact business, engaged in
1626 research and development, making a cumulative investment of \$75
1627 million, and creating 75 jobs may be eligible for a total
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1628 qualified high-impact business performance grant of \$2 million
1629 to \$3 million. A qualified high-impact business, engaged in
1630 research and development, making a cumulative investment of \$150
1631 million, and creating 150 jobs may be eligible for a qualified
1632 high-impact business performance grant of \$3.5 million to \$4.5
1633 million.

1634 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

1635 (a) Enterprise Florida, Inc., shall, by January 1, of
1636 every third year, beginning January 1, 2011, at its discretion,
1637 initiate the process of reviewing and, if appropriate, selecting
1638 a new high-impact sector for designation or recommending the
1639 deactivation of a designated high-impact sector. The process of
1640 reviewing designated high-impact sectors or recommending the
1641 deactivation of a designated high-impact sector shall be in
1642 consultation with the office, economic development
1643 organizations, the State University System, local governments,
1644 employee and employer organizations, market analysts, and
1645 economists.

1646 Section 21. Section 288.1083, Florida Statutes, is created
1647 to read:

1648 288.1083 Manufacturing and Spaceport Investment Incentive
1649 Program.—

1650 (1) The Manufacturing and Spaceport Investment Incentive
1651 Program is created within the Office of Tourism, Trade, and
1652 Economic Development. The purpose of the program is to encourage
1653 capital investment and job creation in manufacturing and
1654 spaceport activities in this state.

1655 (2) As used in this section, the term:

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1656 (a) "Base year purchases" means the total cost of eligible
1657 equipment purchased and placed into service in this state by an
1658 eligible entity in its tax year that began in 2008.

1659 (b) "Department" means the Department of Revenue.

1660 (c) "Eligible entity" means an entity that manufactures,
1661 processes, compounds, or produces items for sale of tangible
1662 personal property or engages in spaceport activities. The term
1663 also includes an entity that engages in phosphate or other solid
1664 minerals severance, mining, or processing operations. The term
1665 does not include electric utility companies, communications
1666 companies, oil or gas exploration or production operations,
1667 publishing firms that do not export at least 50 percent of their
1668 finished product out of the state, any firm subject to
1669 regulation by the Division of Hotels and Restaurants of the
1670 Department of Business and Professional Regulation, or any firm
1671 that does not manufacture, process, compound, or produce for
1672 sale items of tangible personal property or that does not use
1673 such machinery and equipment in spaceport activities.

1674 (d) "Eligible equipment" means tangible personal property
1675 or other property that has a depreciable life of 3 years or more
1676 and that is used as an integral part in the manufacturing,
1677 processing, compounding, or production of tangible personal
1678 property for sale or is exclusively used in spaceport
1679 activities, and that is located and placed into service in this
1680 state. A building and its structural components are not eligible
1681 equipment unless the building or structural component is so
1682 closely related to the industrial machinery and equipment that
1683 it houses or supports that the building or structural component

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1684 can be expected to be replaced when the machinery and equipment
1685 are replaced. Heating and air-conditioning systems are not
1686 eligible equipment unless the sole justification for their
1687 installation is to meet the requirements of the production
1688 process, even though the system may provide incidental comfort
1689 to employees or serve, to an insubstantial degree, nonproduction
1690 activities. The term includes parts and accessories only to the
1691 extent that the exemption of such parts and accessories is
1692 consistent with the provisions of this paragraph.

1693 (e) "Eligible equipment purchases" means the cost of
1694 eligible equipment purchased and placed into service in this
1695 state in a given state fiscal year by an eligible entity in
1696 excess of the entity's base year purchases.

1697 (f) "Office" means the Office of Tourism, Trade, and
1698 Economic Development.

1699 (g) "Refund" means a payment to an eligible entity for
1700 the amount of state sales and use tax actually paid on eligible
1701 equipment purchases.

1702 (3) Beginning July 1, 2010, and ending June 30, 2011, and
1703 beginning July 1, 2011, and ending June 30, 2012, sales and use
1704 tax paid in this state on eligible equipment purchases may
1705 qualify for a refund as provided in this section. The total
1706 amount of refunds that may be allocated by the office to all
1707 applicants during the period beginning July 1, 2010, and ending
1708 June 30, 2011, is \$19 million. The total amount of tax refunds
1709 that may be allocated to all applicants during the period
1710 beginning July 1, 2011, and ending June 30, 2012, is \$24
1711 million. An applicant may not be allocated more than \$50,000 in
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1712 refunds under this section for a single year. Preliminary refund
1713 allocations that are revoked or voluntarily surrendered shall be
1714 immediately available for reallocation.

1715 (4) To receive a refund, a business entity must first
1716 apply to the office for a tax refund allocation. The entity
1717 shall provide such information in the application as reasonably
1718 required by the office. Further, the business entity shall
1719 provide such information as is required by the office to
1720 establish the cost incurred and actual sales and use tax paid to
1721 purchase eligible equipment located and placed into service in
1722 this state during its taxable year that began in 2008.

1723 (a) Within 30 days after the office receives an
1724 application for a refund, the office shall approve or disapprove
1725 the application.

1726 (b) Refund allocations made during the 2010-2011 fiscal
1727 year shall be awarded in the same order in which applications
1728 are received. Eligible entities may apply to the office
1729 beginning July 1, 2010 for refunds attributable to eligible
1730 equipment purchases made during the 2010-2011 fiscal year. For
1731 the 2010-2011 fiscal year, the office shall allocate the maximum
1732 amount of \$50,000 per entity until the entire \$19 million
1733 available for refund in state fiscal year 2010-2011 has been
1734 allocated. If the total amount available for allocation during
1735 the 2010-2011 fiscal year is allocated, the office shall
1736 continue taking applications. Each applicant shall be informed
1737 of its place in the queue and whether the applicant received an
1738 allocation of the eligible funds.

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1739 (c) Refund allocations made during the 2011-2012 fiscal
1740 year shall first be given to any applicants remaining in the
1741 queue from the prior fiscal year. The office shall allocate the
1742 maximum amount of \$50,000 per entity, first to those applicants
1743 that remained in the queue from 2010-2011 for eligible purchases
1744 in 2010-2011, then to applicants for 2011-2012 in the order
1745 applications are received for eligible purchases in 2011-2012.
1746 The office shall allocate the maximum amount of \$50,000 per
1747 entity until the entire \$24 million available to be allocated
1748 for refund in the 2011-2012 fiscal year is allocated. If the
1749 total amount available for refund in 2011-2012 has been
1750 allocated, the office shall continue to accept applications from
1751 eligible entities in the 2011-2012 fiscal year for refunds
1752 attributable to eligible equipment purchases made during the
1753 2011-2012 fiscal year. Refund allocations made during the 2011-
1754 2012 fiscal year shall be awarded in the same order in which
1755 applications are received. Upon submitting an application, each
1756 applicant shall be informed of its place in the queue and
1757 whether the applicant has received an allocation of the eligible
1758 funds.

1759 (5) Upon completion of eligible equipment purchases, a
1760 business entity that received a refund allocation from the
1761 office must apply to the office for certification of a refund.
1762 For eligible equipment purchases made during the 2010-2011
1763 fiscal year, the application for certification must be made no
1764 later than September 1, 2011. For eligible equipment purchases
1765 made during the 2011-2012 fiscal year, the application for
1766 certification must be made no later than September 1, 2012. The

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1767 application shall provide such documentation as is reasonably
1768 required by the office to calculate the refund amount including
1769 documentation necessary to confirm the cost of eligible
1770 equipment purchases supporting the claim of the sales and use
1771 tax paid thereon. Further, the business entity shall provide
1772 such documentation as required by the office to establish the
1773 entity's base year purchases. If, upon reviewing the
1774 application, the office determines that eligible equipment
1775 purchases did not occur, that the amount of tax claimed to have
1776 been paid or remitted on the eligible equipment purchases is not
1777 supported by the documentation provided, or that the information
1778 provided to the office was otherwise inaccurate, the amount of
1779 the refund allocation not substantiated shall not be certified.
1780 Otherwise, the office shall determine and certify the amount of
1781 the refund to the eligible entity and to the department within
1782 30 days after the office receives the application for
1783 certification.

1784 (6) Upon certification of a refund for an eligible entity,
1785 the entity shall apply to the department within 30 days for
1786 payment of the certified amount as a refund on a form prescribed
1787 by the department. The department may request documentation in
1788 support of the application and adopt emergency rules to
1789 administer the refund application process.

1790 (7) For each of the 2010-2011 and 2011-2012 fiscal years,
1791 if the amount certified is less than the amount allocated,
1792 additional applicants shall be eligible to receive refund
1793 allocations in the order that applications are received for that
1794 year.

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1795 (8) An entity may receive refunds in each of the two years
1796 but only to the extent that the entity has eligible equipment
1797 purchases in each year. In no event may refunds for eligible
1798 equipment purchases made during 2010-11 result in more than
1799 \$50,000 of refunds per entity.

1800 (9) The office shall adopt emergency rules governing
1801 applications for, issuance of, and procedures for allocation and
1802 certification and may establish guidelines as to the requisites
1803 for an demonstrating base year purchases and eligible equipment
1804 purchases.

1805 (10) This section is repealed July 1, 2013.

1806 Section 22. Subsection (3) of section 288.1088, Florida
1807 Statutes, is amended, and subsections (4) and (5) are added to
1808 that section, to read:

1809 288.1088 Quick Action Closing Fund.—

1810 (3) (a) Enterprise Florida, Inc., shall review applications
1811 pursuant to s. 288.061 and determine the eligibility of each
1812 project consistent with the criteria in subsection (2).
1813 Enterprise Florida, Inc., in consultation with the Office of
1814 Tourism, Trade, and Economic Development, may waive these
1815 criteria based on extraordinary circumstances or in rural areas
1816 of critical economic concern if the project would significantly
1817 benefit the local or regional economy.

1818 (b) Enterprise Florida, Inc., shall evaluate individual
1819 proposals for high-impact business facilities and forward
1820 recommendations regarding the use of moneys in the fund for such
1821 facilities to the director of the Office of Tourism, Trade, and

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1822 Economic Development. Such evaluation and recommendation must
1823 include, but need not be limited to:

1824 1. A description of the type of facility or
1825 infrastructure, its operations, and the associated product or
1826 service associated with the facility.

1827 2. The number of full-time-equivalent jobs that will be
1828 created by the facility and the total estimated average annual
1829 wages of those jobs or, in the case of privately developed rural
1830 infrastructure, the types of business activities and jobs
1831 stimulated by the investment.

1832 3. The cumulative amount of investment to be dedicated to
1833 the facility within a specified period.

1834 4. A statement of any special impacts the facility is
1835 expected to stimulate in a particular business sector in the
1836 state or regional economy or in the state's universities and
1837 community colleges.

1838 5. A statement of the role the incentive is expected to
1839 play in the decision of the applicant business to locate or
1840 expand in this state or for the private investor to provide
1841 critical rural infrastructure.

1842 6. A report evaluating the quality and value of the
1843 company submitting a proposal. The report must include:

1844 a. A financial analysis of the company, including an
1845 evaluation of the company's short-term liquidity ratio as
1846 measured by its assets to liability, the company's profitability
1847 ratio, and the company's long-term solvency as measured by its
1848 debt-to-equity ratio;

1849 b. The historical market performance of the company;

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1850 c. A review of any independent evaluations of the company;

1851 d. A review of the latest audit of the company's financial
1852 statement and the related auditor's management letter; and

1853 e. A review of any other types of audits that are related
1854 to the internal and management controls of the company.

1855 (c) ~~(b)~~ Within 22 calendar days after receiving the
1856 evaluation and recommendation from Enterprise Florida, Inc., the
1857 director of the Office of Tourism, Trade, and Economic
1858 Development shall recommend to the Governor approval or
1859 disapproval of a project for receipt of funds from the Quick
1860 Action Closing Fund. In recommending a project, the director
1861 shall include proposed performance conditions that the project
1862 must meet to obtain incentive funds. The Governor shall provide
1863 the evaluation of projects recommended for approval to the
1864 President of the Senate and the Speaker of the House of
1865 Representatives and consult with the President of the Senate and
1866 the Speaker of the House of Representatives before giving final
1867 approval for a project. At least 14 days before releasing funds
1868 for a project, the Executive Office of the Governor shall
1869 recommend approval of the a project and the release of funds by
1870 delivering notice of such action pursuant to the legislative
1871 consultation and review requirements set forth in s. 216.177.
1872 The recommendation must include proposed performance conditions
1873 that the project must meet in order to obtain funds. If the
1874 chair or vice-chair of the Legislative Budget Commission or the
1875 President of the Senate or the Speaker of the House of
1876 Representatives timely advises the Executive Office of the
1877 Governor, in writing, that such action or proposed action

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1878 exceeds the delegated authority of the Executive Office of the
1879 Governor or is contrary to legislative policy or intent, the
1880 Executive Office of the Governor shall void the release of funds
1881 and instruct the Office of Tourism, Trade, and Economic
1882 Development to immediately change such action or proposed action
1883 until the Legislative Budget Commission or the Legislature
1884 addresses the issue. Notwithstanding such requirement, any
1885 project exceeding \$2,000,000 must be approved by the Legislative
1886 Budget Commission prior to the funds being released.

1887 (d)-(e) Upon the approval of the Governor, the director of
1888 the Office of Tourism, Trade, and Economic Development and the
1889 business shall enter into a contract that sets forth the
1890 conditions for payment of moneys from the fund. The contract
1891 must include the total amount of funds awarded; the performance
1892 conditions that must be met to obtain the award, including, but
1893 not limited to, net new employment in the state, average salary,
1894 and total capital investment; demonstrate a baseline of current
1895 service and a measure of enhanced capability; the methodology
1896 for validating performance; the schedule of payments from the
1897 fund; and sanctions for failure to meet performance conditions.
1898 The contract must provide that payment of moneys from the fund
1899 is contingent upon sufficient appropriation of funds by the
1900 Legislature ~~and upon sufficient release of appropriated funds by~~
1901 ~~the Legislative Budget Commission.~~

1902 (e)-(d) Enterprise Florida, Inc., shall validate contractor
1903 performance. Such validation shall be reported within 6 months
1904 after completion of the contract to the Governor, President of
1905 the Senate, and the Speaker of the House of Representatives.

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1906 (4) (a) A Quick Action Closing Fund business that, pursuant
1907 to its contract, submits reports to the Office of Tourism,
1908 Trade, and Economic Development on or after January 1, 2010, but
1909 no later than June 30, 2011, on the status of the business's
1910 compliance with the performance conditions of its contract may
1911 submit a written request to the Office of Tourism, Trade, and
1912 Economic Development for renegotiation of the contract. The
1913 request must provide quantitative evidence demonstrating how the
1914 business has materially complied with the terms of the contract
1915 or how negative economic conditions in the business's industry
1916 have prevented the business from complying with the terms and
1917 conditions of the contract. The request must also include
1918 proposed adjusted performance conditions.

1919 (b) Within 45 days after receiving a Quick Action Closing
1920 Fund business's request to renegotiate its contract, the
1921 director of the Office of Tourism, Trade, and Economic
1922 Development must provide written notice to the business of
1923 whether the request for renegotiation is granted or denied. In
1924 making such a determination, the director shall consider the
1925 extent to which the business materially complied with the terms
1926 of the contract, the extent to which negative economic
1927 conditions in the business's industry occurred in the state, the
1928 proposed adjusted performance conditions, and the business's
1929 efforts to comply with the contract.

1930 (c) Under no circumstances is the director of the Office
1931 of Tourism, Trade, and Economic Development required or
1932 obligated to grant a business' request to renegotiate its
1933 agreement.

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1934 (d) Upon granting a business's request to renegotiate, the
1935 Office of Tourism, Trade, and Economic Development, together
1936 with Enterprise Florida, Inc., shall determine the economic
1937 impact of the adjusted performance conditions and notify the
1938 business of any waiver of specified performance conditions and
1939 any adjusted award amount associated with the proposed adjusted
1940 performance conditions. The Quick Action Closing Fund business
1941 must renegotiate its contract with the Office of Tourism, Trade,
1942 and Economic Development in accordance with any waiver granted
1943 or for the adjusted amount and agree to return the difference
1944 between the original Quick Action Closing Fund award and the
1945 adjusted award without interest or penalties. When renegotiating
1946 a contract with a Quick Action Closing Fund business, the Office
1947 of Tourism, Trade, and Economic Development may extend the
1948 duration of the contract for a period not to exceed 2 years. The
1949 Office of Tourism, Trade, and Economic Development shall notify
1950 the President of the Senate and the Speaker of the House of
1951 Representatives upon completion of any contract renegotiation.
1952 Any funds returned pursuant to this paragraph shall be
1953 reappropriated to the Office of Tourism, Trade, and Economic
1954 Development for the Quick Action Closing Fund.

1955 (e) This subsection expires June 30, 2011.

1956 (5) Funds appropriated by the Legislature for purposes of
1957 implementing this section shall be placed in reserve and may
1958 only be released pursuant to the legislative consultation and
1959 review requirements set forth in this section.

1960 Section 23. Paragraph (k) of subsection (2) of section
1961 288.1089, Florida Statutes, is amended to read:

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288.1089 Innovation Incentive Program.—

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

(k) "Jobs" means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result as that term is ~~consistent with terms used by the Agency for Workforce Innovation and the United States Department of Labor for purposes of unemployment compensation tax administration and employment estimation, resulting~~ directly from a project in this state. The term does not include temporary construction jobs.

Section 24. Effective July 1, 2010, section 288.125, Florida Statutes, is amended to read:

288.125 Definition of "entertainment industry".—For the purposes of ss. 288.1251-288.1258, the term "entertainment industry" means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

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1990 Section 25. Effective July 1, 2010, paragraph (b) of
1991 subsection (1) and paragraph (a) of subsection (2) of section
1992 288.1251, Florida Statutes, are amended to read:

1993 288.1251 Promotion and development of entertainment
1994 industry; Office of Film and Entertainment; creation; purpose;
1995 powers and duties.—

1996 (1) CREATION.—

1997 (b) The Office of Tourism, Trade, and Economic Development
1998 shall conduct a national search for a qualified person to fill
1999 the position of Commissioner of Film and Entertainment, when the
2000 position is vacant. ~~and The Executive Director of the Office of~~
2001 ~~Tourism, Trade, and Economic Development~~ has the responsibility
2002 to shall hire the commissioner of Film and Entertainment.

2003 Qualifications for the commissioner ~~Guidelines for selection of~~
2004 ~~the Commissioner of Film and Entertainment shall~~ include, but
2005 are not be limited to, ~~the Commissioner of Film and~~
2006 ~~Entertainment having~~ the following:

2007 1. A working knowledge of the equipment, personnel,
2008 financial, and day-to-day production operations of the
2009 industries to be served by the Office of Film and Entertainment;

2010 2. Marketing and promotion experience related to the film
2011 and entertainment industries to be served ~~by the office;~~

2012 3. Experience working with a variety of individuals
2013 representing large and small entertainment-related businesses,
2014 industry associations, local community entertainment industry
2015 liaisons, and labor organizations; and

2016 4. Experience working with a variety of state and local
2017 governmental agencies.

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2018 (2) POWERS AND DUTIES.—

2019 (a) The Office of Film and Entertainment, in performance
2020 of its duties, shall:

2021 1. In consultation with the Florida Film and Entertainment
2022 Advisory Council, update the ~~develop and implement a 5-year~~
2023 strategic plan every 5 years to guide the activities of the
2024 Office of Film and Entertainment in the areas of entertainment
2025 industry development, marketing, promotion, liaison services,
2026 field office administration, and information. The plan, ~~to be~~
2027 ~~developed by no later than June 30, 2000,~~ shall:

2028 a. Be annual in construction and ongoing in nature.

2029 b. Include recommendations relating to the organizational
2030 structure of the office.

2031 c. Include an annual budget projection for the office for
2032 each year of the plan.

2033 d. Include an operational model for the office to use in
2034 implementing programs for rural and urban areas designed to:

2035 (I) Develop and promote the state's entertainment
2036 industry.

2037 (II) Have the office serve as a liaison between the
2038 entertainment industry and other state and local governmental
2039 agencies, local film commissions, and labor organizations.

2040 (III) Gather statistical information related to the
2041 state's entertainment industry.

2042 (IV) Provide information and service to businesses,
2043 communities, organizations, and individuals engaged in
2044 entertainment industry activities.

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2045 (V) Administer field offices outside the state and
2046 coordinate with regional offices maintained by counties and
2047 regions of the state, as described in sub-sub-subparagraph (II),
2048 as necessary.

2049 e. Include performance standards and measurable outcomes
2050 for the programs to be implemented by the office.

2051 f. Include an assessment of, and make recommendations on,
2052 the feasibility of creating an alternative public-private
2053 partnership for the purpose of contracting with such a
2054 partnership for the administration of the state's entertainment
2055 industry promotion, development, marketing, and service
2056 programs.

2057 2. Develop, market, and facilitate a ~~smooth~~ working
2058 relationship between state agencies and local governments in
2059 cooperation with local film commission offices for out-of-state
2060 and indigenous entertainment industry production entities.

2061 3. Implement a structured methodology prescribed for
2062 coordinating activities of local offices with each other and the
2063 commissioner's office.

2064 4. Represent the state's indigenous entertainment industry
2065 to key decisionmakers within the national and international
2066 entertainment industry, and to state and local officials.

2067 5. Prepare an inventory and analysis of the state's
2068 entertainment industry, including, but not limited to,
2069 information on crew, related businesses, support services, job
2070 creation, talent, and economic impact and coordinate with local
2071 offices to develop an information tool for common use.

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2072 ~~6. Represent key decisionmakers within the national and~~
2073 ~~international entertainment industry to the indigenous~~
2074 ~~entertainment industry and to state and local officials.~~

2075 ~~7. Serve as liaison between entertainment industry~~
2076 ~~producers and labor organizations.~~

2077 6.8. Identify, solicit, and recruit entertainment
2078 production opportunities for the state.

2079 7.9. Assist rural communities and other small communities
2080 in the state in developing the expertise and capacity necessary
2081 for such communities to develop, market, promote, and provide
2082 services to the state's entertainment industry.

2083 Section 26. Effective July 1, 2010, subsection (3) of
2084 section 288.1252, Florida Statutes, is amended to read:

2085 288.1252 Florida Film and Entertainment Advisory Council;
2086 creation; purpose; membership; powers and duties.—

2087 (3) MEMBERSHIP.—

2088 (a) The council shall consist of 17 members, seven to be
2089 appointed by the Governor, five to be appointed by the President
2090 of the Senate, and five to be appointed by the Speaker of the
2091 House of Representatives, ~~with the initial appointments being~~
2092 ~~made no later than August 1, 1999.~~

2093 (b) When making appointments to the council, the Governor,
2094 the President of the Senate, and the Speaker of the House of
2095 Representatives shall appoint persons who are residents of the
2096 state and who are highly knowledgeable of, active in, and
2097 recognized leaders in Florida's motion picture, television,
2098 video, sound recording, or other entertainment industries. These
2099 persons shall include, but not be limited to, representatives of
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2100 local film commissions, representatives of entertainment
2101 associations, a representative of the broadcast industry,
2102 representatives of labor organizations in the entertainment
2103 industry, and board chairs, presidents, chief executive
2104 officers, chief operating officers, or persons of comparable
2105 executive position or stature of leading or otherwise important
2106 entertainment industry businesses and offices. Council members
2107 shall be appointed in such a manner as to equitably represent
2108 the broadest spectrum of the entertainment industry and
2109 geographic areas of the state.

2110 (c) Council members shall serve for 4-year terms, ~~except~~
2111 ~~that the initial terms shall be staggered:~~

2112 ~~1. The Governor shall appoint one member for a 1-year~~
2113 ~~term, two members for 2-year terms, two members for 3-year~~
2114 ~~terms, and two members for 4-year terms.~~

2115 ~~2. The President of the Senate shall appoint one member~~
2116 ~~for a 1-year term, one member for a 2-year term, two members for~~
2117 ~~3-year terms, and one member for a 4-year term.~~

2118 ~~3. The Speaker of the House of Representatives shall~~
2119 ~~appoint one member for a 1-year term, one member for a 2-year~~
2120 ~~term, two members for 3-year terms, and one member for a 4-year~~
2121 ~~term.~~

2122 (d) Subsequent appointments shall be made by the official
2123 who appointed the council member whose expired term is to be
2124 filled.

2125 (e) ~~The Commissioner of Film and Entertainment, A~~
2126 representative of Enterprise Florida, Inc., a representative of
2127 Workforce Florida, Inc., and a representative of Visit Florida
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2128 ~~the Florida Tourism Industry Marketing Corporation~~ shall serve
2129 as ex officio, nonvoting members of the council, and shall be in
2130 addition to the 17 appointed members of the council.

2131 (f) Absence from three consecutive meetings shall result
2132 in automatic removal from the council.

2133 (g) A vacancy on the council shall be filled for the
2134 remainder of the unexpired term by the official who appointed
2135 the vacating member.

2136 (h) No more than one member of the council may be an
2137 employee of any one company, organization, or association.

2138 (i) Any member shall be eligible for reappointment but may
2139 not serve more than two consecutive terms.

2140 Section 27. Effective July 1, 2010, subsections (1), (2),
2141 and (5) of section 288.1253, Florida Statutes, are amended to
2142 read:

2143 288.1253 Travel and entertainment expenses.—

2144 (1) As used in this section, the term:

2145 ~~(a) "Business client" means any person, other than a state~~
2146 ~~official or state employee, who receives the services of~~
2147 ~~representatives of the Office of Film and Entertainment in~~
2148 ~~connection with the performance of its statutory duties,~~
2149 ~~including persons or representatives of entertainment industry~~
2150 ~~companies considering location, relocation, or expansion of an~~
2151 ~~entertainment industry business within the state.~~

2152 ~~(b) "Entertainment expenses" means the actual, necessary,~~
2153 ~~and reasonable costs of providing hospitality for business~~
2154 ~~clients or guests, which costs are defined and prescribed by~~

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2155 ~~rules adopted by the Office of Tourism, Trade, and Economic~~
2156 ~~Development, subject to approval by the Chief Financial Officer.~~

2157 ~~(c) "Guest" means a person, other than a state official or~~
2158 ~~state employee, authorized by the Office of Tourism, Trade, and~~
2159 ~~Economic Development to receive the hospitality of the Office of~~
2160 ~~Film and Entertainment in connection with the performance of its~~
2161 ~~statutory duties.~~

2162 ~~(d) "travel expenses" means the actual, necessary, and~~
2163 ~~reasonable costs of transportation, meals, lodging, and~~
2164 ~~incidental expenses normally incurred by an employee of the~~
2165 ~~Office of Film and Entertainment a traveler, which costs are~~
2166 ~~defined and prescribed by rules adopted by the Office of~~
2167 ~~Tourism, Trade, and Economic Development, subject to approval by~~
2168 ~~the Chief Financial Officer.~~

2169 (2) Notwithstanding the provisions of s. 112.061, the
2170 Office of Tourism, Trade, and Economic Development shall adopt
2171 rules by which it may make expenditures by ~~advancement or~~
2172 ~~reimbursement, or a combination thereof, to:~~

2173 ~~(a) the Governor, the Lieutenant Governor, security staff~~
2174 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2175 ~~and Entertainment, or staff of the Office of Film and~~
2176 ~~Entertainment for travel expenses or entertainment expenses~~
2177 ~~incurred by such individuals solely and exclusively in~~
2178 ~~connection with the performance of the statutory duties of the~~
2179 ~~Office of Film and Entertainment.~~

2180 ~~(b) The Governor, the Lieutenant Governor, security staff~~
2181 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2182 ~~and Entertainment, or staff of the Office of Film and~~

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2183 ~~Entertainment for travel expenses or entertainment expenses~~
2184 ~~incurred by such individuals on behalf of guests, business~~
2185 ~~clients, or authorized persons as defined in s. 112.061(2)(e)~~
2186 ~~solely and exclusively in connection with the performance of the~~
2187 ~~statutory duties of the Office of Film and Entertainment.~~

2188 ~~(c) Third-party vendors for the travel or entertainment~~
2189 ~~expenses of guests, business clients, or authorized persons as~~
2190 ~~defined in s. 112.061(2)(e) incurred solely and exclusively~~
2191 ~~while such persons are participating in activities or events~~
2192 ~~carried out by the Office of Film and Entertainment in~~
2193 ~~connection with that office's statutory duties.~~

2194
2195 The rules are ~~shall be~~ subject to approval by the Chief
2196 Financial Officer before adoption ~~prior to promulgation~~. The
2197 rules shall require the submission of paid receipts, or other
2198 proof of expenditure prescribed by the Chief Financial Officer,
2199 with any claim for reimbursement and ~~shall require, as a~~
2200 ~~condition for any advancement of funds, an agreement to submit~~
2201 ~~paid receipts or other proof of expenditure and to refund any~~
2202 ~~unused portion of the advancement within 15 days after the~~
2203 ~~expense is incurred or, if the advancement is made in connection~~
2204 ~~with travel, within 10 working days after the traveler's return~~
2205 ~~to headquarters. However, with respect to an advancement of~~
2206 ~~funds made solely for travel expenses, the rules may allow paid~~
2207 ~~receipts or other proof of expenditure to be submitted, and any~~
2208 ~~unused portion of the advancement to be refunded, within 10~~
2209 ~~working days after the traveler's return to headquarters.~~
2210 ~~Operational or promotional advancements, as defined in s.~~

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2211 ~~288.35(4), obtained pursuant to this section shall not be~~
2212 ~~commingled with any other state funds.~~

2213 (5) Any claim submitted under this section is ~~shall~~ not be
2214 required to be sworn to before a notary public or other officer
2215 authorized to administer oaths, but any claim authorized or
2216 required to be made under any provision of this section shall
2217 contain a statement that the expenses were actually incurred as
2218 necessary travel or entertainment expenses in the performance of
2219 official duties of the Office of Film and Entertainment and
2220 shall be verified by written declaration that it is true and
2221 correct as to every material matter. Any person who willfully
2222 makes and subscribes to any claim which he or she does not
2223 believe to be true and correct as to every material matter or
2224 who willfully aids or assists in, procures, or counsels or
2225 advises with respect to, the preparation or presentation of a
2226 claim pursuant to this section that is fraudulent or false as to
2227 any material matter, whether ~~or not~~ such falsity or fraud is
2228 with the knowledge or consent of the person authorized or
2229 required to present the claim, commits a misdemeanor of the
2230 second degree, punishable as provided in s. 775.082 or s.
2231 775.083. Whoever receives a ~~an advancement or~~ reimbursement by
2232 means of a false claim is civilly liable, in the amount of the
2233 overpayment, for the reimbursement of the public fund from which
2234 the claim was paid.

2235 Section 28. Effective July 1, 2010, section 288.1254,
2236 Florida Statutes, is amended to read:

2237 (Substantial rewording of section. See
2238 s. 288.1254, F.S., for present text.)

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2239 288.1254 Entertainment industry financial incentive
2240 program.-

2241 (1) DEFINITIONS.-As used in this section, the term:

2242 (a) "Certified production" means a qualified production
2243 that has tax credits allocated to it by the Office of Tourism,
2244 Trade, and Economic Development based on the production's
2245 estimated qualified expenditures, up to the production's maximum
2246 certified amount of tax credits, by the Office of Tourism,
2247 Trade, and Economic Development. The term does not include a
2248 production if its first day of principal photography or project
2249 start date in this state occurs before the production is
2250 certified by the Office of Tourism, Trade, and Economic
2251 Development, unless the production spans more than one fiscal
2252 year, was a certified production on its first day of principal
2253 photography or project start date in this state, and submits an
2254 application for continuing the same production for the
2255 subsequent fiscal year.

2256 (b) "Digital media project" means a production of
2257 interactive entertainment that is produced for distribution in
2258 commercial or educational markets. The term includes a video
2259 game or production intended for Internet or wireless
2260 distribution. The term does not include a production deemed by
2261 the Office of Film and Entertainment to contain obscene content
2262 as defined in s. 847.001(10).

2263 (c) "High-impact television series" means a production
2264 created to run multiple production seasons and having an
2265 estimated order of at least seven episodes per season and
2266 qualified expenditures of at least \$625,000 per episode.

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2267 (d) "Off-season certified production" means a feature
2268 film, independent film, or television series or pilot which
2269 films 75 percent or more of its principal photography days from
2270 June 1 through November 30.

2271 (e) "Principal photography" means the filming of major or
2272 significant components of the qualified production which involve
2273 lead actors.

2274 (f) "Production" means a theatrical or direct-to-video
2275 motion picture; a made-for-television motion picture; visual
2276 effects or digital animation sequences produced in conjunction
2277 with a motion picture; a commercial; a music video; an
2278 industrial or educational film; an infomercial; a documentary
2279 film; a television pilot program; a presentation for a
2280 television pilot program; a television series, including, but
2281 not limited to, a drama, a reality show, a comedy, a soap opera,
2282 a telenovela, a game show, an awards show, or a miniseries
2283 production; or a digital media project by the entertainment
2284 industry. One season of a television series is considered one
2285 production. The term does not include a weather or market
2286 program; a sporting event; a sports show; a gala; a production
2287 that solicits funds; a home shopping program; a political
2288 program; a political documentary; political advertising; a
2289 gambling-related project or production; a concert production; or
2290 a local, regional, or Internet-distributed-only news show,
2291 current-events show, pornographic production, or current-affairs
2292 show. A production may be produced on or by film, tape, or
2293 otherwise by means of a motion picture camera; electronic camera

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2294 or device; tape device; computer; any combination of the
2295 foregoing; or any other means, method, or device.

2296 (g) "Production expenditures" means the costs of tangible
2297 and intangible property used for, and services performed
2298 primarily and customarily in, production, including
2299 preproduction and postproduction, but excluding costs for
2300 development, marketing, and distribution. The term includes, but
2301 is not limited to:

2302 1. Wages, salaries, or other compensation paid to legal
2303 residents of this state, including amounts paid through payroll
2304 service companies, for technical and production crews,
2305 directors, producers, and performers.

2306 2. Net expenditures for sound stages, backlots, production
2307 editing, digital effects, sound recordings, sets, and set
2308 construction.

2309 3. Net expenditures for rental equipment, including, but
2310 not limited to, cameras and grip or electrical equipment.

2311 4. Up to \$300,000 of the costs of newly purchased computer
2312 software and hardware unique to the project, including servers,
2313 data processing, and visualization technologies, which are
2314 located in and used exclusively in the state for the production
2315 of digital media.

2316 5. Expenditures for meals, travel, and accommodations. For
2317 purposes of this paragraph, the term "net expenditures" means
2318 the actual amount of money a qualified production spent for
2319 equipment or other tangible personal property, after subtracting
2320 any consideration received for reselling or transferring the
2321 item after the qualified production ends, if applicable.

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2322 (h) "Qualified expenditures" means production expenditures
2323 incurred in this state by a qualified production for:

2324 1. Goods purchased or leased from, or services, including,
2325 but not limited to, insurance costs and bonding, payroll
2326 services, and legal fees, which are provided by, a vendor or
2327 supplier in this state that is registered with the Department of
2328 State or the Department of Revenue, has a physical location in
2329 this state, and employs one or more legal residents of this
2330 state. When services are provided by the vendor or supplier
2331 include personal services or labor, only personal services or
2332 labor provided by residents of this state, evidenced by the
2333 required documentation of residency in this state, qualify.

2334 2. Payments to legal residents of this state in the form
2335 of salary, wages, or other compensation up to a maximum of
2336 \$400,000 per resident unless otherwise specified in subsection
2337 (4). A completed declaration of residency in this state must
2338 accompany the documentation submitted to the office for
2339 reimbursement.

2340
2341 For a qualified production involving an event, such as an awards
2342 show, the term does not include expenditures solely associated
2343 with the event itself and not directly required by the
2344 production. The term does not include expenditures incurred
2345 before certification, with the exception of those incurred for a
2346 commercial, a music video, or the pickup of additional episodes
2347 of a high-impact television series within a single season. Under
2348 no circumstances may the qualified production include in the
2349 calculation for qualified expenditures the original purchase

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2350 price for equipment or other tangible property that is later
2351 sold or transferred by the qualified production for
2352 consideration. In such cases, the qualified expenditure is the
2353 net of the original purchase price minus the consideration
2354 received upon sale or transfer.

2355 (i) "Qualified production" means a production in this
2356 state meeting the requirements of this section. The term does
2357 not include a production:

2358 1. In which, for the first 2 years of the incentive
2359 program, less than 50 percent, and thereafter, less than 60
2360 percent, of the positions that make up its production cast and
2361 below-the-line production crew, or, in the case of digital media
2362 projects, less than 75 percent of such positions, are filled by
2363 legal residents of this state, whose residency is demonstrated
2364 by a valid Florida driver's license or other state-issued
2365 identification confirming residency, or students enrolled full-
2366 time in a film-and-entertainment-related course of study at an
2367 institution of higher education in this state; or

2368 2. That is deemed by the Office of Film and Entertainment
2369 to contain obscene content as defined in s. 847.001(10).

2370 (j) "Qualified production company" means a corporation,
2371 limited liability company, partnership, or other legal entity
2372 engaged in one or more productions in this state.

2373 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2374 industry financial incentive program is created within the
2375 Office of Film and Entertainment. The purpose of this program is
2376 to encourage the use of this state as a site for filming, for
2377 the digital production of films, and to develop and sustain the
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2378 workforce and infrastructure for film, digital media, and
2379 entertainment production.

2380 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2381 (a) Program application.—A qualified production company
2382 producing a qualified production in this state may submit a
2383 program application to the Office of Film and Entertainment for
2384 the purpose of determining qualification for an award of tax
2385 credits authorized by this section no earlier than 180 days
2386 before the first day of principal photography or project start
2387 date in this state. The applicant shall provide the Office of
2388 Film and Entertainment with information required to determine
2389 whether the production is a qualified production and to
2390 determine the qualified expenditures and other information
2391 necessary for the office to determine eligibility for the tax
2392 credit.

2393 (b) Required documentation.—The Office of Film and
2394 Entertainment shall develop an application form for qualifying
2395 an applicant as a qualified production. The form must include,
2396 but need not be limited to, production-related information
2397 concerning employment of residents in this state, a detailed
2398 budget of planned qualified expenditures, and the applicant's
2399 signed affirmation that the information on the form has been
2400 verified and is correct. The Office of Film and Entertainment
2401 and local film commissions shall distribute the form.

2402 (c) Application process.—The Office of Film and
2403 Entertainment shall establish a process by which an application
2404 is accepted and reviewed and by which tax credit eligibility and
2405 award amount are determined. The Office of Film and

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2406 Entertainment may request assistance from a duly appointed local
2407 film commission in determining compliance with this section.

2408 (d) Certification.—The Office of Film and Entertainment
2409 shall review the application within 15 business days after
2410 receipt. Upon its determination that the application contains
2411 all the information required by this subsection and meets the
2412 criteria set out in this section, the Office of Film and
2413 Entertainment shall qualify the applicant and recommend to the
2414 Office of Tourism, Trade, and Economic Development that the
2415 applicant be certified for the maximum tax credit award amount.
2416 Within 5 business days after receipt of the recommendation, the
2417 Office of Tourism, Trade, and Economic Development shall reject
2418 the recommendation or certify the maximum recommended tax credit
2419 award, if any, to the applicant and to the executive director of
2420 the Department of Revenue.

2421 (e) Grounds for denial.—The Office of Film and
2422 Entertainment shall deny an application if it determines that
2423 the application is not complete or the production or application
2424 does not meet the requirements of this section.

2425 (f) Verification of actual qualified expenditures.—

2426 1. The Office of Film and Entertainment shall develop a
2427 process to verify the actual qualified expenditures of a
2428 certified production. The process must require:

2429 a. A certified production to submit, in a timely manner
2430 after production ends in this state and after making all of its
2431 qualified expenditures in this state, data substantiating each
2432 qualified expenditure, including documentation on the net
2433 expenditure on equipment and other tangible personal property by

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2434 the qualified production, to an independent certified public
2435 accountant licensed in this state;

2436 b. Such accountant to conduct a compliance audit, at the
2437 certified production's expense, to substantiate each qualified
2438 expenditure and submit the results as a report, along with the
2439 required substantiating data, to the Office of Film and
2440 Entertainment; and

2441 c. The Office of Film and Entertainment to review the
2442 accountant's submittal and report to the Office of Tourism,
2443 Trade, and Economic Development the final verified amount of
2444 actual qualified expenditures made by the certified production.

2445 2. The Office of Tourism, Trade, and Economic Development
2446 shall determine and approve the final tax credit award amount to
2447 each certified applicant based on the final verified amount of
2448 actual qualified expenditures and shall notify the executive
2449 director of the Department of Revenue in writing that the
2450 certified production has met the requirements of the incentive
2451 program and of the final amount of the tax credit award. The
2452 final tax credit award amount may not exceed the maximum tax
2453 credit award amount certified under paragraph (d).

2454 (g) Promoting Florida.—The Office of Film and
2455 Entertainment shall ensure that, as a condition of receiving a
2456 tax credit under this section, marketing materials promoting
2457 this state as a tourist destination or film and entertainment
2458 production destination are included, when appropriate, at no
2459 cost to the state, which must, at a minimum, include placement
2460 of a "Filmed in Florida" or "Produced in Florida" logo in the
2461 end credits. The placement of a "Filmed in Florida" or "Produced

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2462 in Florida" logo on all packaging material and hard media is
2463 also required, unless such placement is prohibited by licensing
2464 or other contractual obligations. The size and placement of such
2465 logo shall be commensurate to other logos used. If no logos are
2466 used, the statement "Filmed in Florida using Florida's
2467 Entertainment Industry Financial Incentive," or a similar
2468 statement approved by the Office of Film and Entertainment,
2469 shall be used. The Office of Film and Entertainment shall
2470 provide a logo and supply it for the purposes specified in this
2471 paragraph. A 30-second "Visit Florida" promotional video must
2472 also be included on all optical disc formats of a film, unless
2473 such placement is prohibited by licensing or other contractual
2474 obligations. The 30-second promotional video shall be approved
2475 and provided by the Florida Tourism Industry Marketing
2476 Corporation in consultation with the Commissioner of Film and
2477 Entertainment.

2478 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2479 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2480 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2481 ACQUISITIONS.—

2482 (a) Priority for tax credit award.—The priority of a
2483 qualified production for tax credit awards must be determined on
2484 a first-come, first-served basis within its appropriate queue.
2485 Each qualified production must be placed into the appropriate
2486 queue and is subject to the requirements of that queue.

2487 (b) Tax credit eligibility.—

2488 1. General production queue.—Ninety-four percent of tax
2489 credits authorized pursuant to subsection (6) in any state

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2490 fiscal year must be dedicated to the general production queue.
2491 The general production queue consists of all qualified
2492 productions other than those eligible for the commercial and
2493 music video queue or the independent and emerging media
2494 production queue. A qualified production that demonstrates a
2495 minimum of \$625,000 in qualified expenditures is eligible for
2496 tax credits equal to 20 percent of its actual qualified
2497 expenditures, up to a maximum of \$8 million. A qualified
2498 production that incurs qualified expenditures during multiple
2499 state fiscal years may combine those expenditures to satisfy the
2500 \$625,000 minimum threshold.

2501 a. An off-season certified production that is a feature
2502 film, independent film, or television series or pilot is
2503 eligible for an additional 5-percent tax credit on actual
2504 qualified expenditures. An off-season certified production that
2505 does not complete 75 percent of principal photography due to a
2506 disruption caused by a hurricane or tropical storm may not be
2507 disqualified from eligibility for the additional 5-percent
2508 credit as a result of the disruption.

2509 b. A qualified high-impact television series shall be
2510 allowed first position in this queue for tax credit awards not
2511 yet certified.

2512 2. Commercial and music video queue.—Three percent of tax
2513 credits authorized pursuant to subsection (6) in any state
2514 fiscal year must be dedicated to the commercial and music video
2515 queue. A qualified production company that produces national or
2516 regional commercials or music videos may be eligible for a tax
2517 credit award if it demonstrates a minimum of \$100,000 in

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2518 qualified expenditures per national or regional commercial or
2519 music video and exceeds a combined threshold of \$500,000 after
2520 combining actual qualified expenditures from qualified
2521 commercials and music videos during a single state fiscal year.
2522 After a qualified production company that produces commercials,
2523 music videos, or both reaches the threshold of \$500,000, it is
2524 eligible to apply for certification for a tax credit award. The
2525 maximum credit award shall be equal to 20 percent of its actual
2526 qualified expenditures up to a maximum of \$500,000. If there is
2527 a surplus at the end of a fiscal year after the Office of Film
2528 and Entertainment certifies and determines the tax credits for
2529 all qualified commercial and video projects, such surplus tax
2530 credits shall be carried forward to the following fiscal year
2531 and be available to any eligible qualified productions under the
2532 general production queue.

2533 3. Independent and emerging media production queue.—Three
2534 percent of tax credits authorized pursuant to subsection (6) in
2535 any state fiscal year must be dedicated to the independent and
2536 emerging media production queue. This queue is intended to
2537 encourage Florida independent film and emerging media
2538 production. Any qualified production, excluding commercials,
2539 infomercials, or music videos, that demonstrates at least
2540 \$100,000, but not more than \$625,000, in total qualified
2541 expenditures is eligible for tax credits equal to 20 percent of
2542 its actual qualified expenditures. If a surplus exists at the
2543 end of a fiscal year after the Office of Film and Entertainment
2544 certifies and determines the tax credits for all qualified
2545 independent and emerging media production projects, such surplus

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2546 tax credits shall be carried forward to the following fiscal
2547 year and be available to any eligible qualified productions
2548 under the general production queue.

2549 4. Family-friendly productions.—A certified theatrical or
2550 direct-to-video motion picture production or video game
2551 determined by the Commissioner of Film and Entertainment, with
2552 the advice of the Florida Film and Entertainment Advisory
2553 Council, to be family-friendly, based on the review of the
2554 script and the review of the final release version, is eligible
2555 for an additional tax credit equal to 5 percent of its actual
2556 qualified expenditures. Family-friendly productions are those
2557 that have cross-generational appeal; would be considered
2558 suitable for viewing by children age 5 or older; are appropriate
2559 in theme, content, and language for a broad family audience;
2560 embody a responsible resolution of issues; and do not exhibit or
2561 imply any act of smoking, sex, nudity, or vulgar or profane
2562 language.

2563 (c) Withdrawal of tax credit eligibility.—A qualified or
2564 certified production must continue on a reasonable schedule,
2565 which includes beginning principal photography or the production
2566 project in this state no more than 45 calendar days before or
2567 after the principal photography or project start date provided
2568 in the production's program application. The Office of Tourism,
2569 Trade, and Economic Development shall withdraw the eligibility
2570 of a qualified or certified production that does not continue on
2571 a reasonable schedule.

2572 (d) Election and distribution of tax credits.—

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2573 1. A certified production company receiving a tax credit
2574 award under this section shall, at the time the credit is
2575 awarded by the Office of Tourism, Trade, and Economic
2576 Development after production is completed and all requirements
2577 to receive a credit award have been met, make an irrevocable
2578 election to apply the credit against taxes due under chapter
2579 220, against state taxes collected or accrued under chapter 212,
2580 or against a stated combination of the two taxes. The election
2581 is binding upon any distributee, successor, transferee, or
2582 purchaser. The Office of Tourism, Trade, and Economic
2583 Development shall notify the Department of Revenue of any
2584 election made pursuant to this paragraph.

2585 2. A qualified production company is eligible for tax
2586 credits against its sales and use tax liabilities and corporate
2587 income tax liabilities as provided in this section. However, tax
2588 credits awarded under this section may not be claimed against
2589 sales and use tax liabilities or corporate income tax
2590 liabilities for any tax period beginning before July 1, 2011,
2591 regardless of when the credits are applied for or awarded.

2592 (e) Tax credit carryforward.—If the certified production
2593 company cannot use the entire tax credit in the taxable year or
2594 reporting period in which the credit is awarded, any excess
2595 amount may be carried forward to a succeeding taxable year or
2596 reporting period. A tax credit applied against taxes imposed
2597 under chapter 212 may be carried forward for a maximum of 5
2598 years after the date the credit is awarded. A tax credit applied
2599 against taxes imposed under chapter 220 may be carried forward

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2600 for a maximum of 5 years after the date the credit is awarded,
2601 after which the credit expires and may not be used.

2602 (f) Consolidated returns.—A certified production company
2603 that files a Florida consolidated return as a member of an
2604 affiliated group under s. 220.131(1) may be allowed the credit
2605 on a consolidated return basis up to the amount of the tax
2606 imposed upon the consolidated group under chapter 220.

2607 (g) Partnership and noncorporate distributions.—A
2608 qualified production company that is not a corporation as
2609 defined in s. 220.03 may elect to distribute tax credits awarded
2610 under this section to its partners or members in proportion to
2611 their respective distributive income or loss in the taxable year
2612 in which the tax credits were awarded.

2613 (h) Mergers or acquisitions.—Tax credits available under
2614 this section to a certified production company may succeed to a
2615 surviving or acquiring entity subject to the same conditions and
2616 limitations as described in this section; however, they may not
2617 be transferred again by the surviving or acquiring entity.

2618 (5) TRANSFER OF TAX CREDITS.—

2619 (a) Authorization.—Upon application to the Office of Film
2620 and Entertainment and approval by the Office of Tourism, Trade,
2621 and Economic Development, a certified production company, or a
2622 partner or member that has received a distribution under
2623 paragraph (4)(g), may elect to transfer, in whole or in part,
2624 any unused credit amount granted under this section. An election
2625 to transfer any unused tax credit amount under chapter 212 or
2626 chapter 220 must be made no later than 5 years after the date
2627 the credit is awarded, after which period the credit expires and

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2628 may not be used. The Office of Tourism, Trade, and Economic
2629 Development shall notify the Department of Revenue of the
2630 election and transfer.

2631 (b) Number of transfers permitted.—A certified production
2632 company that elects to apply a credit amount against taxes
2633 remitted under chapter 212 is permitted a one-time transfer of
2634 unused credits to one transferee. A certified production company
2635 that elects to apply a credit amount against taxes due under
2636 chapter 220 is permitted a one-time transfer of unused credits
2637 to no more than four transferees, and such transfers must occur
2638 in the same taxable year.

2639 (c) Transferee rights and limitations.—The transferee is
2640 subject to the same rights and limitations as the certified
2641 production company awarded the tax credit, except that the
2642 transferee may not sell or otherwise transfer the tax credit.

2643 (6) RELINQUISHMENT OF TAX CREDITS.—

2644 (a) Beginning July 1, 2011, a certified production
2645 company, or any person who has acquired a tax credit from a
2646 certified production company pursuant to subsections (4) and
2647 (5), may elect to relinquish the tax credit to the Department of
2648 Revenue in exchange for 90 percent of the amount of the
2649 relinquished tax credit.

2650 (b) The Department of Revenue may approve payments to
2651 persons relinquishing tax credits pursuant to this subsection.

2652 (c) Subject to legislative appropriation, the Department
2653 of Revenue shall request the Chief Financial Officer to issue
2654 warrants to persons relinquishing tax credits. Payments under
2655 this subsection shall be made from the funds from which the

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2656 proceeds from the taxes against which the tax credits could have
2657 been applied pursuant to the irrevocable election made by the
2658 certified production company under subsection (4) are deposited.

2659 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

2660 (a) The aggregate amount of the tax credits that may be
2661 certified pursuant to paragraph (3) (d) may not exceed:

2662 1. For fiscal year 2010-2011, \$53.5 million.

2663 2. For fiscal year 2011-2012, \$74.5 million.

2664 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
2665 \$38 million per fiscal year.

2666 (b) Any portion of the maximum amount of tax credits
2667 established per fiscal year in paragraph (a) that is not
2668 certified as of the end of a fiscal year shall be carried
2669 forward and made available for certification during the
2670 following two fiscal years in addition to the amounts available
2671 for certification under paragraph (a) for those fiscal years.

2672 (c) Upon approval of the final tax credit award amount
2673 pursuant to subparagraph (3) (f)2., an amount equal to the
2674 difference between the maximum tax credit award amount
2675 previously certified under paragraph (3) (d) and the approved
2676 final tax credit award amount shall immediately be available for
2677 recertification during the current and following fiscal years in
2678 addition to the amounts available for certification under
2679 paragraph (a) for those fiscal years.

2680 (d) If, during a fiscal year, the total amount of credits
2681 applied for, pursuant to paragraph (3) (a), exceeds the amount of
2682 credits available for certification in that fiscal year, such
2683 excess shall be treated as having been applied for on the first

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2684 day of the next fiscal year in which credits remain available
2685 for certification.

2686 (8) RULES, POLICIES, AND PROCEDURES.—

2687 (a) The Office of Tourism, Trade, and Economic Development
2688 may adopt rules pursuant to ss. 120.536(1) and 120.54 and
2689 develop policies and procedures to implement and administer this
2690 section, including, but not limited to, rules specifying
2691 requirements for the application and approval process, records
2692 required for substantiation for tax credits, procedures for
2693 making the election in paragraph (4)(d), the manner and form of
2694 documentation required to claim tax credits awarded or
2695 transferred under this section, and marketing requirements for
2696 tax credit recipients.

2697 (b) The Department of Revenue may adopt rules pursuant to
2698 ss. 120.536(1) and 120.54 to administer this section, including
2699 rules governing the examination and audit procedures required to
2700 administer this section and the manner and form of documentation
2701 required to claim tax credits awarded, transferred, or
2702 relinquished under this section.

2703 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2704 CREDITS; FRAUDULENT CLAIMS.—

2705 (a) Audit authority.—The Department of Revenue may conduct
2706 examinations and audits as provided in s. 213.34 to verify that
2707 tax credits under this section are received, transferred, and
2708 applied according to the requirements of this section. If the
2709 Department of Revenue determines that tax credits are not
2710 received, transferred, or applied as required by this section,
2711 it may, in addition to the remedies provided in this subsection,

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2712 pursue recovery of such funds pursuant to the laws and rules
2713 governing the assessment of taxes.

2714 (b) Revocation of tax credits.—The Office of Tourism,
2715 Trade, and Economic Development may revoke or modify any written
2716 decision qualifying, certifying, or otherwise granting
2717 eligibility for tax credits under this section if it is
2718 discovered that the tax credit applicant submitted any false
2719 statement, representation, or certification in any application,
2720 record, report, plan, or other document filed in an attempt to
2721 receive tax credits under this section. The Office of Tourism,
2722 Trade, and Economic Development shall immediately notify the
2723 Department of Revenue of any revoked or modified orders
2724 affecting previously granted tax credits. Additionally, the
2725 applicant must notify the Department of Revenue of any change in
2726 its tax credit claimed.

2727 (c) Forfeiture of tax credits.—A determination by the
2728 Department of Revenue, as a result of an audit pursuant to
2729 paragraph (a) or from information received from the Office of
2730 Film and Entertainment, that an applicant received tax credits
2731 pursuant to this section to which the applicant was not entitled
2732 is grounds for forfeiture of previously claimed and received tax
2733 credits. The applicant is responsible for returning forfeited
2734 tax credits to the Department of Revenue, and such funds shall
2735 be paid into the General Revenue Fund of the state. Tax credits
2736 purchased in good faith are not subject to forfeiture unless the
2737 transferee submitted fraudulent information in the purchase or
2738 failed to meet the requirements in subsection (5).

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2739 (d) Fraudulent claims.—Any applicant that submits
2740 fraudulent information under this section is liable for
2741 reimbursement of the reasonable costs and fees associated with
2742 the review, processing, investigation, and prosecution of the
2743 fraudulent claim. An applicant that obtains a credit payment
2744 under this section through a claim that is fraudulent is liable
2745 for reimbursement of the credit amount plus a penalty in an
2746 amount double the credit amount. The penalty is in addition to
2747 any criminal penalty to which the applicant is liable for the
2748 same acts. The applicant is also liable for costs and fees
2749 incurred by the state in investigating and prosecuting the
2750 fraudulent claim.

2751 (10) ANNUAL REPORT.—Each October 1, the Office of Film and
2752 Entertainment shall provide an annual report for the previous
2753 fiscal year to the Governor, the President of the Senate, and
2754 the Speaker of the House of Representatives which outlines the
2755 return on investment and economic benefits to the state.

2756 (11) REPEAL.—This section is repealed July 1, 2015, except
2757 that:

2758 (a) Tax credits certified under paragraph (3)(d) before
2759 July 1, 2015, may be awarded under paragraph (3)(f) on or after
2760 July 1, 2015, if the other requirements of this section are met.

2761 (b) Tax credits carried forward under paragraph (4)(e)
2762 remain valid for the period specified.

2763 (c) Subsections (5), (8) and (9) shall remain in effect
2764 until July 1, 2020.

2765 Section 29. Effective July 1, 2010, subsection (5) of
2766 section 288.1258, Florida Statutes, is amended to read:

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2767 288.1258 Entertainment industry qualified production
2768 companies; application procedure; categories; duties of the
2769 Department of Revenue; records and reports.—

2770 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
2771 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
2772 and Entertainment shall keep annual records from the information
2773 provided on taxpayer applications for tax exemption certificates
2774 beginning January 1, 2001. These records shall reflect a ratio
2775 percentage comparison of the annual amount of funds exempted
2776 sales and use tax exemptions under this section and incentives
2777 awarded pursuant to s. 288.1254 to the estimated amount of funds
2778 expended by certified productions, including productions that
2779 received incentives pursuant to s. 288.1254 in relation to
2780 entertainment industry products. These records also shall
2781 reflect a separate ratio of the annual amount of sales and use
2782 tax exemptions under this section, plus the incentives awarded
2783 pursuant to s. 288.1254 to the estimated amount of funds
2784 expended by certified productions. In addition, the office shall
2785 maintain data showing annual growth in Florida-based
2786 entertainment industry companies and entertainment industry
2787 employment and wages. The Office of Film and Entertainment shall
2788 report this information to the Legislature ~~by~~ no later than
2789 December 1 of each year.

2790 Section 30. Effective July 1, 2010, section 288.9552,
2791 Florida Statutes, is created to read:

2792 288.9552 Florida Research Commercialization Matching Grant
2793 Program.—

2794 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

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2795 (a) The purpose of the Florida Research Commercialization
2796 Matching Grant Program is to increase the amount of federal
2797 funding to this state which will produce the kind of distinctive
2798 technologies that drive today's knowledge-based economy. By
2799 leveraging federal, state, and private-sector resources, the
2800 Legislature intends that the program accelerate the innovation
2801 process and more efficiently transform research results into
2802 products in the marketplace.

2803 (b) The matching grant program is specifically intended to
2804 be a catalyst for small or startup companies that can take
2805 advantage of federal and state grant funding in order to
2806 accelerate their growth and market penetration by helping them
2807 to overcome the funding gap faced by many small companies that
2808 are based in this state. Specific goals and objectives of the
2809 program include:

2810 1. Increasing the amount of federal research moneys
2811 received by small businesses in this state through Phase I and
2812 Phase II awards from the Small Business Innovation Research
2813 Program and the Small Business Technology Transfer Program of
2814 the Office of Technology of the United States Small Business
2815 Administration.

2816 2. Accelerating the entry of new technology-based products
2817 into the marketplace.

2818 3. Producing additional technology-based jobs for the
2819 state.

2820 4. Providing leveraged resources to increase the
2821 effectiveness and success of applicants' projects.

2822 5. Speeding commercialization of promising technologies.

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2823 6. Encouraging the establishment and growth of high-
2824 quality, advanced technology firms in the state.

2825 7. Accelerating the rate of investment and enhancing the
2826 state's investment infrastructure.

2827 (c) The Florida Research Commercialization Matching Grant
2828 Program is created for the purpose of accomplishing the goals
2829 and objectives specified in this section.

2830 (2) ADMINISTRATION.—The Florida Institute for the
2831 Commercialization of Public Research shall develop programmatic
2832 policy, ensure statewide applicability of the matching grant
2833 program, establish criteria for grant awards, approve grant
2834 awards, and annually report on program progress and results.

2835 (3) GENERAL ELIGIBILITY GUIDELINES.—A qualified applicant
2836 for a Phase I or Phase II grant must:

2837 (a) Be a business entity that is registered with the
2838 Secretary of State to operate in this state. The qualified
2839 applicant must also have its primary office and a majority of
2840 its employees domiciled in this state, and its principal
2841 research activities must be conducted in the state.

2842 (b) Be a small company for which a state matching grant is
2843 necessary for project development and implementation.

2844 (c) Use federal, local, and private resources to the
2845 maximum extent possible. Total project funding shall demonstrate
2846 that:

2847 1. Private-sector investments offset the total cost of the
2848 project.

2849 2. Not more than 25 percent of the project's total funding
2850 is provided by the state grant.

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2851 (d) Conduct the project funded by the matching grant
2852 program in this state.

2853 (4) PHASE-SPECIFIC APPLICATION GUIDELINES.-

2854 (a) A successful applicant for a grant must meet the
2855 requirements of this section and be approved by the institute.
2856 An application for a grant must be made on an application form
2857 prescribed by the institute. An applicant shall provide all
2858 information that the institute finds necessary to make the
2859 determinations required by this section.

2860 (b) All applications for a grant fund must include the
2861 following:

2862 1. A fully elaborated technical research or business plan,
2863 whichever applies, that is appropriate for review by outside
2864 experts as provided in this section.

2865 2. A detailed financial analysis that includes the
2866 commitment of resources by other entities that will be involved
2867 in the project.

2868 3. A statement of the economic development potential of
2869 the project, such as:

2870 a. A statement of the way in which grant support will lead
2871 to significantly increased funding from federal or private
2872 sources and from private sector research partners.

2873 b. A projection of the jobs to be created.

2874 c. The identity, qualifications, and obligations of the
2875 applicant.

2876 d. Any other information that the Institute considers
2877 appropriate.

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2878 (c)1. An application for a grant fund submitted by an
2879 academic researcher must be made through the office of the
2880 president of the researcher's academic institution with the
2881 express endorsement of the institution's president.

2882 2. An application for a grant submitted by a private
2883 researcher must be made through the office of the highest
2884 ranking officer of the researcher's institution with the express
2885 endorsement of the institution.

2886 3. Any other application must be made through the office
2887 of the highest ranking officer of the entity submitting the
2888 application. In the case of an application for a grant that is
2889 submitted jointly by one or more researchers or entities, the
2890 application must be endorsed by each institution or entity.

2891 (d) A Phase I state grant may not be awarded unless the
2892 applicant has received a federal Phase I award. An entity may
2893 receive no more than five Phase I state grants.

2894 (e) A qualified applicant for a Phase II state grant must
2895 have received an invitation to submit an application for a
2896 federal Phase II award or must have received a federal Phase II
2897 award. If a federal Phase II award has already been issued, the
2898 end date of the federal award must be identified and
2899 justification must be provided as to how the state funds will
2900 enhance the existing federal award. A Phase II state grant may
2901 not be awarded unless the applicant has received a federal Phase
2902 II award.

2903 (5) PHASE I PEER REVIEW GUIDELINES.-In making a
2904 determination on a proposal intended to obtain Phase I federal
2905 funding, the institute shall be advised by a peer review panel

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2906 and shall consider the following factors in evaluating the
2907 proposal:

2908 (a) The scientific merit of the proposal.

2909 (b) The predicted future success of federal funding for
2910 the proposal.

2911 (c) The ability of the researcher to attract merit based
2912 scientific funding of research.

2913 (d) The extent to which the proposal evidences
2914 interdisciplinary or inter-institutional collaboration among two
2915 or more postsecondary educational institutions or private sector
2916 partners in this state, as well as cost sharing and partnership
2917 support from the business community.

2918 (e) The peer review panel shall be chosen by and report to
2919 the institute. In determining the composition and duties of a
2920 peer review panel, the institute shall consider the National
2921 Institutes of Health and the National Science Foundation peer
2922 review processes as models. The members of the panel must have
2923 extensive experience in federal research funding. A panel member
2924 may not have a relationship with any private entity or
2925 postsecondary educational institution in the state that would
2926 constitute a conflict of interest for the panel member. The
2927 members of a panel shall serve without compensation and are not
2928 entitled to per diem and travel expenses while in the
2929 performance of their duties.

2930 (f) A grant for a Phase I award may not be approved by the
2931 Institute unless the proposal has received a positive
2932 recommendation from a peer review panel described in this
2933 section.

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2934 (6) PHASE II REVIEW GUIDELINES.-In making a determination
2935 on an application for a Phase II grant, the institute shall
2936 consult with experts as necessary to analyze the likelihood of
2937 success of the proposal and the relative merit of the proposal.

2938 (7) PROGRAM ADMINISTRATOR; RESPONSIBILITIES.-The Florida
2939 Institute for the Commercialization of Public Research shall
2940 serve as program administrator. The institute may contract for
2941 the performance of a technology review and related functions
2942 with a third party. Not more than 5 percent of a legislative
2943 appropriation made for the purposes of implementing this program
2944 may be used for administering this program. The responsibilities
2945 of the Institute as the program administrator include, but are
2946 not limited to:

2947 (a) Coordinating and supporting the grant review,
2948 approval, and contracting activities.

2949 (b) Administering the grant-selection process, including,
2950 but not limited to, issuing open-call requests for grant
2951 applications and receiving, reviewing, and processing grant
2952 applications, and awarding grants to selected qualified
2953 applicants.

2954 (c) Entering into a contract with each grant recipient and
2955 serving as the grant contract manager.

2956 (d) Reporting program progress and results.

2957 (e) Establishing a mechanism by which information
2958 regarding grant projects may be made available to facilitate
2959 additional investment by individual investors, investment for
2960 early start-up costs, or venture capital investment.

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2961 (8) APPLICATION REVIEW.—An application for a matching
2962 grant award must be reviewed and approved or denied within 45
2963 days after receipt.

2964 (9) AWARDS.—The matching grant program may make a one-time
2965 award of up to \$50,000 per project for a Phase I grant to a
2966 qualified applicant and up to \$250,000 per project for a Phase
2967 II grant to a qualified applicant. Grant funds shall be released
2968 upon completion of all contract requirements.

2969 (10) REPORTING.—Beginning December 1, 2011, and annually
2970 thereafter, the institute shall transmit a report relating to
2971 the grants awarded under the program to the Governor, the
2972 President of the Senate, and the Speaker of the House of
2973 Representatives for the previous fiscal year.

2974 (11) EXPIRATION.—This section expires July 1, 2013, unless
2975 reviewed and reenacted by the Legislature prior to that date.

2976 Section 31. Effective July 1, 2010, subsections (7)
2977 through (12) of section 288.9625, Florida Statutes, are amended
2978 to read:

2979 288.9625 Institute for the Commercialization of Public
2980 Research.—There is established the Institute for the
2981 Commercialization of Public Research.

2982 ~~(7) Enterprise Florida, Inc., shall issue a request for~~
2983 ~~proposals to state universities requesting proposals to fulfill~~
2984 ~~the purposes of the institute as described in this section and~~
2985 ~~provide for its physical location in a major metropolitan area~~
2986 ~~in the southern part of the state having extensive commercial~~
2987 ~~air service to facilitate access by venture capital providers.~~
2988 ~~Enterprise Florida, Inc., shall review the proposals in a~~

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2989 ~~committee appointed by its board of directors which shall make a~~
2990 ~~recommendation for final selection. Final approval of the~~
2991 ~~selected proposal must be by the board of directors of~~
2992 ~~Enterprise Florida, Inc., at one of its duly noticed meetings.~~

2993 (7)~~(8)~~ (a) To be eligible for assistance, the company or
2994 organization attempting to commercialize its product must be
2995 accepted by the institute before receiving the institute's
2996 assistance.

2997 (b) The institute shall receive recommendations from any
2998 publicly supported organization that a company that is
2999 commercializing the research, technology, or patents from a
3000 qualifying publicly supported organization should be accepted
3001 into the institute.

3002 (c) The institute shall thereafter review the business
3003 plans and technology information of each such recommended
3004 company. If accepted, the institute shall mentor the company,
3005 develop marketing information on the company, and use its
3006 resources to attract capital investment into the company, as
3007 well as bring other resources to the company which may foster
3008 its effective management, growth, capitalization, technology
3009 protection, or marketing or business success.

3010 (8)~~(9)~~ The institute shall:

3011 (a) Maintain a centralized location to showcase companies
3012 and their technologies and products;

3013 (b) Develop an efficient process to inventory and
3014 publicize companies and products that have been accepted by the
3015 institute for commercialization;

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3016 (c) Routinely communicate with private investors and
3017 venture capital organizations regarding the investment
3018 opportunities in its showcased companies;

3019 (d) Facilitate meetings between prospective investors and
3020 eligible organizations in the institute;

3021 (e) Hire full-time staff who understand relevant
3022 technologies needed to market companies to the angel investors
3023 and venture capital investment community; and

3024 (f) Develop cooperative relationships with publicly
3025 supported organizations all of which work together to provide
3026 resources or special knowledge that is likely to be helpful to
3027 institute companies.

3028 (g) Administer the Florida Research Commercialization
3029 Matching Grant Program created in s. 288.9552.

3030 ~~(9)-(10)~~ The institute shall not develop or accrue any
3031 ownership, royalty, patent, or other such rights over or
3032 interest in companies or products in the institute and shall
3033 maintain the secrecy of proprietary information.

3034 ~~(10)-(11)~~ The institute shall not charge for services
3035 rendered to state universities and affiliated organizations,
3036 community colleges, or state agencies.

3037 ~~(11)-(12)~~ By December 1 of each year, the institute shall
3038 issue an annual report concerning its activities to the
3039 Governor, the President of the Senate, and the Speaker of the
3040 House of Representatives. The report shall include the
3041 following:

3042 (a) Information on any assistance and activities provided
3043 by the institute to assist publicly supported universities,
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3044 colleges, research institutes, and other publicly supported
3045 organizations in the state.

3046 (b) A description of the benefits to this state resulting
3047 from the institute, including the number of businesses created,
3048 associated industries started, the number of jobs created, and
3049 the growth of related projects.

3050 (c) Independently audited financial statements, including
3051 statements that show receipts and expenditures during the
3052 preceding fiscal year for personnel, administration, and
3053 operational costs of the institute.

3054 Section 32. Section 288.9621, Florida Statutes, is amended
3055 to read:

3056 288.9621 Short title.—This part ~~Sections 288.9621-288.9625~~
3057 may be cited as the "Florida Capital Formation Act."

3058 Section 33. Subsections (1) and (2) of section 288.9622,
3059 Florida Statutes, are amended to read:

3060 288.9622 Findings and intent.—

3061 (1) The Legislature finds and declares that there is a
3062 need to increase the availability of seed capital and early
3063 stage venture equity capital for emerging companies in the
3064 state, including, without limitation, enterprises in life
3065 sciences, information technology, advanced manufacturing
3066 processes, aviation and aerospace, and homeland security and
3067 defense, as well as other strategic technologies and
3068 infrastructure funding.

3069 (2) It is the intent of the Legislature that this part ~~ss.~~
3070 ~~288.9621-288.9625~~ serve to mobilize private investment in a
3071 broad variety of venture capital partnerships in diversified
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3072 industries and geographies; retain private sector investment
3073 criteria focused on rate of return; use the services of highly
3074 qualified managers in the venture capital industry regardless of
3075 location; facilitate the organization of the Florida Opportunity
3076 Fund as an investor in seed and early stage businesses,
3077 infrastructure projects, venture capital funds, infrastructure
3078 funds, and angel funds; and precipitate capital investment and
3079 extensions of credit to and in the Florida Opportunity Fund.

3080 Section 34. Section 288.9623, Florida Statutes, is amended
3081 to read:

3082 288.9623 Definitions.— As used in this part, the term ~~ss.~~
3083 ~~288.9621–288.9625~~:

3084 (1) "Board" means the board of directors of the Florida
3085 Opportunity Fund.

3086 (2) "Certificate" means a contract between the trust and
3087 an investment partner under which the partner, under certain
3088 conditions, may redeem such certificate for a tax credit to
3089 guarantee the partner's investment in the partnership.

3090 (3) "Commitment agreement" means a contract between the
3091 partnership and an investment partner under which the partner
3092 commits to providing a specified amount of investment capital in
3093 exchange for an ownership interest in the partnership.

3094 (4)-(2) "Fund" means the Florida Opportunity Fund.

3095 (5) "Infrastructure project" means a capital project in
3096 the state for a facility or other infrastructure need in the
3097 state, a county, or a municipality with respect to any of the
3098 following: water or wastewater system, communication system,
3099 power system, transportation system, renewable energy system,

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3100 ancillary or support system for any of these types of projects,
3101 or other strategic infrastructure of the state, the county, or
3102 the municipality.

3103 (6) "Investment partner" or "partner" means a person,
3104 other than the partnership, the fund, or the trust, who
3105 purchases an ownership interest in the partnership.

3106 (7) "Partnership" means the Florida Infrastructure Fund
3107 Partnership.

3108 (8) "Tax credit" means a credit issued against the taxes
3109 specified in s. 288.9628(7) (c).

3110 (9) "Trust" means the Florida Infrastructure Investment
3111 Trust.

3112 Section 35. Section 288.9627, Florida Statutes, is created
3113 to read:

3114 288.9627 Florida Infrastructure Fund Partnership;
3115 creation; duties.-

3116 (1) The Florida Opportunity Fund shall facilitate the
3117 creation of the Florida Infrastructure Fund Partnership, which
3118 shall be organized and operated under chapter 620 as a private,
3119 for-profit limited partnership or limited liability partnership
3120 with the fund as a general partner. The partnership shall manage
3121 its business affairs and conduct business consistent with its
3122 organizing documents and the purposes described in this section.
3123 However, the partnership is not an instrumentality of the state.

3124 (2) The primary purpose of the partnership is to raise
3125 investment capital and invest the capital in infrastructure
3126 projects in the state that promote the economic development of
3127 the state, a county, or a municipality.

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3128 (3) (a) The fund, as a general partner of the partnership,
3129 shall manage the partnership's business affairs, including, but
3130 not limited to:

3131 1. Hiring one or more investment managers to assist with
3132 management of the partnership.

3133 2. Soliciting and negotiating the terms of, contracting
3134 for, and receiving investment capital with the assistance of the
3135 investment managers or other service providers.

3136 3. Receiving investment returns.

3137 4. Disbursing returns to investment partners.

3138 5. Approving investments in order to provide financial
3139 returns together with strategic returns designed to satisfy the
3140 state's, the county's, or the municipality's infrastructure
3141 needs; result in a significant potential to create or retain
3142 jobs in this state; and further diversify the state's economy.

3143 6. Engaging in other activities necessary to operate the
3144 partnership.

3145 (b) The fund may lend up to \$350,000 to the partnership to
3146 pay the initial expenses of organizing the partnership and
3147 soliciting investment partners.

3148 (4) (a) The partnership shall raise funds from investment
3149 partners for investment in infrastructure projects in the state
3150 by entering into commitment agreements with such partners on
3151 terms approved by the fund's board.

3152 (b) The Florida Infrastructure Investment Trust shall,
3153 pursuant to s. 288.9628, concurrently with the execution of a
3154 commitment agreement with an investment partner, issue a

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3155 certificate redeemable for a contingent tax credit to guarantee
3156 the partner's investment in the partnership.

3157 (c) The partnership shall provide a copy of each
3158 commitment agreement to the trust upon execution of the
3159 agreement by all parties.

3160 (d) The partnership may enter into commitment agreements
3161 with investment partners beginning July 1, 2010. The total
3162 principal investment payable to the partnership under all
3163 commitment agreements, and the corresponding amount of the
3164 certificates issued by the trust under s. 288.9628, may not
3165 exceed the total aggregate amount of \$350 million. However, if
3166 the partnership does not obtain commitment agreements totaling
3167 at least \$75 million by December 1, 2011, the partnership must
3168 cancel any executed agreement and return the investment capital
3169 of each investment partner who executed an agreement.

3170 (5) (a) The partnership may only invest in an
3171 infrastructure project:

3172 1. That fulfills a critical infrastructure need in the
3173 state.

3174 2. That raises enough equity or debt capital from other
3175 sources so that the total amount invested in the project is at
3176 least twice the amount invested by the partnership.

3177 3. For which legal measures exist, appropriate to the
3178 individual project, to ensure that the project is not
3179 fraudulently closed to the detriment of the residents of the
3180 state.

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3181 (b) The partnership may not invest more than 20 percent of
3182 its total available investment capital in any single
3183 infrastructure project.

3184 (6) The partnership may only invest in an infrastructure
3185 project based on an evaluation of the following:

3186 (a) A written business plan for the project, including all
3187 expected revenue sources.

3188 (b) The likelihood of the project's attracting operating
3189 capital from investment partners, grants, or other lenders.

3190 (c) The management team for the proposed project.

3191 (d) The project's potential for job creation in the state.

3192 (e) The financial resources of the entity proposing the
3193 project.

3194 (f) The existence of reasonable safeguards to ensure that
3195 the project provides a continuing benefit for residents of the
3196 state.

3197 (g) Other factors not inconsistent with this section that
3198 are deemed by the partnership as relevant to the likelihood of
3199 the project's success.

3200 (7) By December 1 of each year beginning in 2010, the
3201 partnership shall submit an annual report of its activities to
3202 the Governor, the President of the Senate, and the Speaker of
3203 the House of Representatives. The annual report must include, at
3204 a minimum:

3205 (a) An accounting of the amounts of investment capital
3206 raised and disbursed by the partnership and the progress of the
3207 partnership, including the progress of each infrastructure
3208 project in which the partnership has invested.

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3209 (b) A description of the benefits to the state that result
3210 from the partnership's investments, including a list of
3211 infrastructure projects; the benefits of those projects to the
3212 state, the county, or the municipality; the number of businesses
3213 and associated industries positively affected; the number,
3214 types, and average annual wages of the jobs created or retained;
3215 and the positive impact on the state's economy.

3216 (c) Independently audited financial statements, including
3217 statements that show receipts and expenditures during the
3218 preceding fiscal year for the operational costs of the
3219 partnership.

3220 (8) The partnership and the fund may not pledge the credit
3221 or taxing power of the state or any political subdivision
3222 thereof and may not make their debts payable from any moneys or
3223 resources except those of the partnership or the fund. An
3224 obligation of the partnership or the fund is not an obligation
3225 of the state or any political subdivision thereof but is an
3226 obligation of the partnership or the fund, payable exclusively
3227 from the partnership's or the fund's resources.

3228 (9) The partnership may not invest in an infrastructure
3229 project with, or accept investment capital from, a company
3230 described in s. 215.472 or a scrutinized company as defined in
3231 s. 215.473. The entity owning an infrastructure project in which
3232 the partnership has invested must provide reasonable assurances
3233 to the partnership that the entity will not provide such company
3234 or scrutinized company with an ownership interest in the
3235 infrastructure project.

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3236 Section 36. Section 288.9628, Florida Statutes, is created
3237 to read:

3238 288.9628 Florida Infrastructure Investment Trust;
3239 creation; duties; issuance of certificates; applications for tax
3240 credits.—

3241 (1) (a) There is created the Florida Infrastructure
3242 Investment Trust, which shall be organized as a state
3243 beneficiary public trust to be administered by a board of
3244 trustees. The powers and duties of the board of trustees under
3245 this section are deemed to be performed for essential public
3246 purposes.

3247 (b) The board of trustees shall consist of the Chief
3248 Financial Officer, the director of the Office of Tourism, Trade,
3249 and Economic Development, and the vice chair of Enterprise
3250 Florida, Inc., or their designees. The board of trustees shall
3251 appoint an administrative officer who may act on behalf of the
3252 trust under the direction of the board of trustees.

3253 (c) Members of the board of trustees and its
3254 administrative officer shall serve without compensation. Neither
3255 a member nor the administrative officer may have a financial
3256 interest in any investment partner.

3257 (2) The trust may hire consultants, retain professional
3258 services, issue certificates, sell certificates in accordance
3259 with paragraph (5) (b), expend funds, invest funds, contract,
3260 bond or insure against loss, or perform any other act necessary
3261 to administer this section.

3262 (3) (a) The trust shall, pursuant to s. 288.9627 and this
3263 section, issue certificates redeemable for contingent tax

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3264 credits to investment partners who make equity investments in
3265 the Florida Infrastructure Fund Partnership.

3266 (b) The trust may seek reimbursement of its reasonable
3267 costs and expenses from the partnership by charging a fee for
3268 the issuance of certificates to investment partners of up to
3269 0.25 percent of the aggregate investment capital committed to
3270 the partnership by the investment partners who are issued
3271 certificates.

3272 (c) All certificates issued by the trust may not exceed
3273 the total aggregate amount specified in s. 288.9627(4) (d).

3274 (d) A certificate may only be issued concurrently with a
3275 commitment agreement between the investment partner and the
3276 partnership. A certificate issued by the trust must include a
3277 specific calendar year maturity date designated by the trust of
3278 at least 12 years after issuance. A contingent tax credit may
3279 not be claimed or redeemed except by an investment partner or
3280 purchaser in accordance with this section and the terms of a
3281 certificate issued by the trust.

3282 (e) Once the total amount of the investment capital
3283 committed by an investment partner in his or her commitment
3284 agreement is provided to the partnership by the partner, the
3285 certificate is binding, and the partnership, the trust, and the
3286 Department of Revenue may not modify, terminate, or rescind the
3287 certificate.

3288 (4) (a) The partnership shall provide written notice to
3289 each investment partner if, on the maturity date of his or her
3290 certificate, the partner's net capital investment is greater
3291 than zero. The notice must include, at a minimum:

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3292 1. A good faith estimate of the fair market value of the
3293 partnership's assets as of the date of the notice.

3294 2. The total capital investment of all investment partners
3295 as of the date of the notice.

3296 3. The total amount of distributions received by the
3297 investment partners.

3298 4. The amount of the tax credit the investment partner is
3299 entitled to be issued by the Department of Revenue.

3300
3301 For purposes of this section, an investment partner's net
3302 capital investment is an amount equal to the difference between
3303 the total investment capital actually advanced by the investment
3304 partner to the partnership and the amount of the aggregate
3305 actual distributions received by the investment partner.

3306 (b) The partnership shall concurrently provide a copy of
3307 each investment partner's notice to the trust.

3308 (c) Upon receipt of the notice from the partnership, each
3309 affected investment partner may make a one-time election to:

3310 1. Have a tax credit issued to the investment partner;

3311 2. Have the trust sell the partner's certificate on his or
3312 her behalf with the proceeds of the sale to be paid to the
3313 partner by the trust; or

3314 3. Maintain the investment partner's investment in the
3315 partnership.

3316 (d) Except as provided in paragraph (6) (d), the election
3317 made by an investment partner under paragraph (c) is final and
3318 may not be revoked or modified.

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3319 (e) An investment partner must provide written notice to
3320 the partnership and the trust of his or her election within 30
3321 days after his or her receipt of the notice from the
3322 partnership. If an investment partner fails to provide notice
3323 within 30 days, the investment partner is deemed to have elected
3324 to maintain his or her investment in the partnership under
3325 subparagraph (c)3.

3326 (5) (a) If an investment partner elects to have a tax
3327 credit issued to him or her, the trust shall apply to the
3328 Department of Revenue on the partner's behalf for issuance of
3329 the tax credit in his or her name. In order to receive the tax
3330 credit, the investment partner must agree in writing to transfer
3331 his or her ownership interest in the partnership to the fund.

3332 (b) If an investment partner elects to have the trust sell
3333 his or her certificate, the trust shall exercise its best
3334 efforts to sell the certificate. In order to receive the
3335 proceeds from the trust's sale of the certificate, the
3336 investment partner must agree in writing to transfer his or her
3337 ownership interest in the partnership to the fund. A purchaser's
3338 payment for the certificate, or any portion thereof, shall be
3339 made to the trust on behalf of the investment partner or, upon
3340 the partner's request, directly to the investment partner. The
3341 trust may sell a certificate in an amount that does not exceed
3342 the lesser of:

3343 1. The amount of the certificate issued to the investment
3344 partner; or

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3345 2. The amount necessary to yield proceeds to the
3346 investment partner equal to his or her net capital investment as
3347 of the date of the partnership's notice.

3348 (6) (a) Within 30 days after receipt of an investment
3349 partner's election to be issued a tax credit under paragraph
3350 (5) (a), or within 30 days after the sale of a partner's
3351 certificate under paragraph (5) (b), the trust shall apply to the
3352 Department of Revenue for issuance of the tax credit on behalf
3353 of the partner or on behalf of the certificate's purchaser, as
3354 applicable. However, the trust's failure to timely submit an
3355 application to the Department of Revenue does not affect the
3356 investment partner's or certificate purchaser's eligibility for
3357 the tax credit.

3358 (b) The trust's application for a tax credit must include
3359 the partnership's certification of the amount of tax credit to
3360 be issued, the identity of the taxpayer to whom the tax credit
3361 is to be issued, and the tax against which the credit shall be
3362 applied. The Department of Revenue shall issue the tax credit
3363 within 30 days after receipt of a timely and complete
3364 application.

3365 (c) If an investment partner's certificate is sold by the
3366 trust under paragraph (5) (b) to more than one purchaser, the
3367 Department of Revenue shall issue tax credits to such purchasers
3368 in such amounts as designated by the trust in the application.

3369 (d) The trust shall provide the investment partner with
3370 written notice if the trust is unable to sell the partner's
3371 certificate within 90 days after the partner's election. Within

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3372 30 days after receipt of such notice, the investment partner
3373 may:

3374 1. Revoke his or her prior election and make a new
3375 election under paragraph (4) (c); or

3376 2. Modify the election and have a tax credit issued to him
3377 or her for the amount of any unsold credit. Within 30 days after
3378 such modified election, the trust shall apply to the Department
3379 of Revenue in accordance with paragraph (a) for issuance of tax
3380 credits on behalf of the investment partner in the amount of any
3381 unsold credit and on behalf of the purchasers in the amount of
3382 their purchased credit.

3383 (7) (a) The Department of Revenue may not issue more than
3384 \$350 million in tax credits. The trust may not approve tax
3385 credits in excess of the total capital invested through
3386 commitment agreements.

3387 (b) The amount of tax credits that may be claimed by the
3388 owner of the credits, or applied against state taxes, in any one
3389 state fiscal year may not exceed an amount equal to \$87.5
3390 million multiplied by a fraction the numerator of which is the
3391 amount of credits that the Department of Revenue issued to such
3392 owner and the denominator of which is the amount of all credits
3393 that the Department of Revenue issued to all tax credit owners.

3394 (c) A tax credit issued by the Department of Revenue under
3395 this section may be used by the owner of the credit as an offset
3396 against any taxes owed to the state under chapter 212, chapter
3397 220, or chapter 624. The offset may be applied by the owner on
3398 any return for an eligible tax due on or after the date that the
3399 credit is issued by the Department of Revenue but within 7 years

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3400 after the credit is issued. The owner of the tax credit may
3401 elect to have the amount authorized in the credit, or any
3402 portion thereof, claimed as a refund of taxes paid rather than
3403 applied as an offset against eligible taxes, if such election is
3404 made within 7 years after the credit is issued.

3405 (d) To the extent that a tax credit issued under this
3406 section is used by its owner either as a credit against taxes
3407 due or to obtain payment from the state, the amount of such
3408 credit becomes an obligation to the state by the partnership,
3409 secured exclusively by the ownership interest transferred to the
3410 fund by the investment partner whose investment generated the
3411 tax credit. In such case, the state's recovery is limited to
3412 such forfeited ownership interest. The Department of Revenue
3413 shall account for tax credits used under this section and make
3414 such information available to the partnership. The fund, as
3415 general partner, is not liable to the state for repayment of the
3416 used tax credits from the fund's separate assets unrelated to
3417 its interest in the partnership.

3418 (8) The Department of Revenue, upon the request of the
3419 trust, shall provide the trust with a written assurance that the
3420 certificates issued by the trust will be honored by the
3421 Department of Revenue as provided in this section.

3422 (9) Chapter 517 does not apply to the certificates and tax
3423 credits transferred or sold under this section.

3424 Section 37. Paragraph (z) is added to subsection (8) of
3425 section 213.053, Florida Statutes, to read:

3426 213.053 Confidentiality and information sharing.—

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3427 (8) Notwithstanding any other provision of this section,
3428 the department may provide:

3429 (z) Information relative to tax credits under ss. 288.9627
3430 and 288.9628 to the Florida Infrastructure Fund Partnership and
3431 the Florida Infrastructure Investment Trust.

3432
3433 Disclosure of information under this subsection shall be
3434 pursuant to a written agreement between the executive director
3435 and the agency. Such agencies, governmental or nongovernmental,
3436 shall be bound by the same requirements of confidentiality as
3437 the Department of Revenue. Breach of confidentiality is a
3438 misdemeanor of the first degree, punishable as provided by s.
3439 775.082 or s. 775.083.

3440 Section 38. Subsection (7) of section 288.9913, Florida
3441 Statutes, is amended to read:

3442 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
3443 term:

3444 (7) "Qualified active low-income community business" means
3445 a corporation, including a nonprofit corporation, or partnership
3446 that complies with each of the following:

3447 (a)1. Derives at least 50 percent of its total gross
3448 income from the active conduct of business within any low-income
3449 community for any taxable year.†

3450 2. Uses at least 40 percent ~~a substantial portion~~ of its
3451 tangible property, whether owned or leased, within any low-
3452 income community for any taxable year, which percentage shall be
3453 the average value of the tangible property owned or leased and
3454 used within a low-income community by the corporation or

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3455 partnership divided by the average value of the total tangible
3456 property owned or leased and used by the corporation or
3457 partnership during the taxable year. The value assigned to
3458 leased property by the corporation or partnership must be
3459 reasonable.†

3460 3. Performs at least 40 percent ~~a substantial portion~~ of
3461 its services through its employees in a low-income community for
3462 any taxable year, which percentage shall be the amount paid by
3463 the corporation or partnership for salaries, wages, and benefits
3464 to employees in a low-income community divided by the total
3465 amount paid by the corporation or partnership for salaries,
3466 wages, and benefits during the taxable year.†

3467 4. Attributes less than 5 percent of the average of the
3468 aggregate unadjusted bases of the property of the entity to
3469 collectibles, as defined in 26 U.S.C. s. 408(m)(2), other than
3470 collectibles that are held primarily for sale to customers in
3471 the ordinary course of the business for any taxable year.†~~and~~

3472 5. Attributes less than 5 percent of the average of the
3473 aggregate unadjusted bases of the property of the entity to
3474 nonqualified financial property, as defined in 26 U.S.C. s.
3475 1397C(e), for any taxable year.

3476
3477 A corporation or partnership complies with subparagraph 1. if,
3478 as calculated in subparagraph 2., it uses at least 50 percent of
3479 its tangible property, whether owned or leased, within any low-
3480 income community for any taxable year or if, as calculated in
3481 subparagraph 3., the corporation or partnership performs at

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3482 least 50 percent of its services through its employees in a low-
3483 income community for any taxable year.

3484 (b) Is reasonably expected by a qualified community
3485 development entity at the time of an investment to continue to
3486 satisfy the requirements of paragraphs (a), (c), and (d) for the
3487 duration of the investment.

3488 (c) Satisfies the requirements of paragraphs (a) and (b),
3489 but does not:

3490 1. Derive or project to derive 15 percent or more of its
3491 annual revenue from the rental or sale of real estate, unless
3492 the corporation or partnership derives such revenue from the
3493 rental of real estate and the primary lessee and user of such
3494 real estate is another qualified active low-income community
3495 business that is owned or controlled by, or that is under common
3496 ownership or control with, such corporation or partnership;

3497 2. Engage predominantly in the development or holding of
3498 intangibles for sale or license;

3499 3. Operate a private or commercial golf course, country
3500 club, massage parlor, hot tub facility, suntan facility,
3501 racetrack, gambling facility, or a store the principal business
3502 of which is the sale of alcoholic beverages for consumption off
3503 premises; or

3504 4. Engage principally in farming and owns or leases assets
3505 the sum of the aggregate unadjusted bases or the fair market
3506 value of which exceeds \$500,000.

3507 (d) Will create or retain jobs that pay an average wage of
3508 at least 115 percent of the federal poverty income guidelines
3509 for a family of four.

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3510 Section 39. Subsection (2) of section 288.9920, Florida
3511 Statutes, is amended to read:

3512 288.9920 Recapture and penalties.—

3513 (2) The office shall provide notice to the qualified
3514 community development entity and the department of a proposed
3515 recapture of a tax credit. The entity shall have 6 months ~~90~~
3516 ~~days~~ following the receipt of the notice to cure a deficiency
3517 identified in the notice and avoid recapture. The office shall
3518 issue a final order of recapture if the entity fails to cure a
3519 deficiency within the 6-month ~~90-day~~ period. The final order of
3520 recapture shall be provided to the entity, the department, and a
3521 taxpayer otherwise authorized to claim the tax credit. Only one
3522 correction is permitted for each qualified equity investment
3523 during the 7-year credit period. Recaptured funds shall be
3524 deposited into the General Revenue Fund.

3525 Section 40. Effective July 1, 2010, section 373.441,
3526 Florida Statutes, is amended to read:

3527 373.441 Role of counties, municipalities, and local
3528 pollution control programs in permit processing; delegation.—

3529 (1) The department ~~in consultation with the water~~
3530 ~~management districts~~ shall, by December 1, 1994, adopt rules to
3531 guide the participation of counties, municipalities, and local
3532 pollution control programs in an efficient, streamlined
3533 permitting system. Such rules must ~~shall~~ seek to increase
3534 governmental efficiency, ~~shall~~ maintain environmental standards,
3535 and ~~shall~~ include consideration of ~~the following~~:

3536 (a) Provisions under which the environmental resource
3537 permit program are ~~shall be~~ delegated, upon approval of the
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3538 department ~~and the appropriate water management districts,~~ only
3539 to a county, municipality, or local pollution control program
3540 that ~~which~~ has the financial, technical, and administrative
3541 capabilities and desire to implement and enforce the program;

3542 (b) Provisions under which a locally delegated permit
3543 program may have stricter environmental standards than state
3544 standards;

3545 (c) Provisions for identifying and reconciling any
3546 duplicative permitting by January 1, 1995;

3547 (d) Provisions for timely and cost-efficient notification
3548 by the reviewing agency of permit applications, and permit
3549 requirements, to counties, municipalities, local pollution
3550 control programs, the department, or water management districts,
3551 as appropriate;

3552 (e) Provisions for ensuring the consistency of permit
3553 applications with local comprehensive plans;

3554 (f) Provisions for the partial delegation of the
3555 environmental resource permit program to counties,
3556 municipalities, or local pollution control programs, and
3557 standards and criteria to be employed in the implementation of
3558 such delegation by counties, municipalities, and local pollution
3559 control programs;

3560 (g) Special provisions under which the environmental
3561 resource permit program may be delegated to counties having ~~with~~
3562 populations of 75,000 or fewer ~~less~~, or municipalities with, or
3563 local pollution control programs serving, populations of 50,000
3564 or fewer ~~less~~; and

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3565 (h) Provisions for the applicability of chapter 120 to
3566 local government programs when the environmental resource permit
3567 program is delegated to counties, municipalities, or local
3568 pollution control programs; and

3569 (i) Provisions for a local government to petition the
3570 Governor and Cabinet for review of a request for a delegation of
3571 authority that is not approved or denied within 1 year after
3572 being initiated.

3573 (2) Any denial by the department of a local government's
3574 request for a delegation of authority must provide specific
3575 detail of those statutory or rule provisions that were not
3576 satisfied. Such detail shall also include specific actions that
3577 can be taken in order to allow for the delegation of authority.
3578 A local government, upon being denied a request for a delegation
3579 of authority, may petition the Governor and Cabinet for a review
3580 of the request. The Governor and Cabinet may reverse the
3581 decision of the department and may provide any necessary
3582 conditions to allow the delegation of authority to occur.

3583 (3) Delegation of authority shall be approved if the local
3584 government meets the requirements set forth in rule 62-344,
3585 Florida Administrative Code. This section does not require a
3586 local government to seek delegation of the environmental
3587 resource permit program.

3588 (4) ~~(2)~~ Nothing in This section does not affect affects or
3589 modify modifies land development regulations adopted by a local
3590 government to implement its comprehensive plan pursuant to
3591 chapter 163.

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3592 (5)~~(3)~~ The department shall review environmental resource
3593 permit applications for electrical distribution and transmission
3594 lines and other facilities related to the production,
3595 transmission, and distribution of electricity which are not
3596 certified under ss. 403.52-403.5365, the Florida Electric
3597 Transmission Line Siting Act, regulated under this part.

3598 Section 41. Effective July 1, 2010, subsection (41) is
3599 added to section 403.061, Florida Statutes, to read:

3600 403.061 Department; powers and duties.—The department
3601 shall have the power and the duty to control and prohibit
3602 pollution of air and water in accordance with the law and rules
3603 adopted and promulgated by it and, for this purpose, to:

3604 (41) Expand the use of online self-certification for
3605 appropriate exemptions and general permits issued by the
3606 department or the water management districts if such expansion
3607 is economically feasible. Notwithstanding any other provision of
3608 law, a local government may not specify the method or form for
3609 documenting that a project qualifies for an exemption or meets
3610 the requirements for a permit under chapter 161, chapter 253,
3611 chapter 373, or this chapter. This limitation of local
3612 government authority extends to Internet-based department
3613 programs that provide for self-certification.

3614
3615 The department shall implement such programs in conjunction with
3616 its other powers and duties and shall place special emphasis on
3617 reducing and eliminating contamination that presents a threat to
3618 humans, animals or plants, or to the environment.

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3619 Section 42. Section 47 of chapter 2009-82, Laws of
3620 Florida, is amended to read:

3621 Section 47. In order to implement Specific Appropriation
3622 1570 of the 2009-2010 General Appropriations Act:

3623 (1) The intent of the Legislature is to ensure that
3624 residents of the state derive the maximum possible economic
3625 benefit from the federal first-time homebuyer tax credit created
3626 through The American Recovery and Reinvestment Act of 2009 by
3627 providing subordinate down payment assistance loans to first-
3628 time homebuyers for owner-occupied primary residences which can
3629 be repaid by the income tax refund the homebuyer is entitled to
3630 under the First Time Homebuyer Credit. The state program shall
3631 be called the "Florida Homebuyer Opportunity Program."

3632 (2) The Florida Housing Finance Corporation shall
3633 administer the Florida Homebuyer Opportunity Program to optimize
3634 eligibility for conventional, VA, USDA, FHA, and other loan
3635 programs through the State Housing Initiatives Partnership
3636 program in accordance with ss. 420.907-420.9079, Florida
3637 Statutes, and the provisions of this section.

3638 (3) Prior to December 1, 2009, or any later date
3639 established by the Internal Revenue Service for such purchases,
3640 counties and eligible municipalities receiving funds shall
3641 expend the funds appropriated under Specific Appropriation 1570A
3642 only to provide subordinate loans to prospective first-time
3643 homebuyers under the Florida Homebuyer Opportunity Program
3644 pursuant to this section, except that up to 10 percent of such
3645 funds may be used to cover administrative expenses of the
3646 counties and eligible municipalities to implement the Florida
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3647 Homebuyer Opportunity Program, and not more than .25 percent may
3648 be used to compensate the Florida Housing Finance Corporation
3649 for the expenses associated with compliance monitoring. The
3650 funds appropriated under Specific Appropriation 1570A may not be
3651 used for any other program currently existing under ss. 420.907-
3652 420.9079, Florida Statutes. Thereafter, the funds shall be
3653 expended in accordance with ss. 420.907-420.9079, Florida
3654 Statutes.

3655 (4) Notwithstanding s. 420.9075, Florida Statutes, for
3656 purposes of the Florida Homebuyer Opportunity Program, the
3657 following exceptions shall apply:

3658 (a) The maximum income limit shall be an adjusted gross
3659 income of \$75,000 for single taxpayer households or \$150,000 for
3660 joint-filing taxpayer households, which is equal to that
3661 permitted by the American Recovery and Reinvestment Act of 2009;

3662 (b) There is no requirement to reserve 30 percent of the
3663 funds for awards to very-low-income persons or 30 percent of the
3664 funds for awards to low-income persons;

3665 (c) There is no requirement to expend 75 percent of funds
3666 for construction, rehabilitation, or emergency repair; and

3667 (d) The principal balance of the loans provided may not
3668 exceed 10 percent of the purchase price or \$8,000, whichever is
3669 less.

3670 (5) Funds shall be expended under a newly created strategy
3671 in the local housing assistance plan to implement the Florida
3672 Homebuyer Opportunity Program.

3673 (6) The homebuyer shall be expected to use their federal
3674 income tax refund to fully repay the loan. If the county or
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3675 eligible municipality receives repayment from the homebuyer
3676 within 18 months after the closing date of the loan, the county
3677 or eligible municipality shall waive all interest charges. A
3678 homebuyer who fails to fully repay the loan within the earlier
3679 of 18 months or 10 days after the receipt of their federal
3680 income tax refund, shall be subject to repayment terms provided
3681 in the local housing assistance plan, including penalties for
3682 not using his or her refund for repayment. Penalties may not
3683 exceed 10 percent of the loan amount and shall be included in
3684 the loan agreement with the homebuyer.

3685 (7) All funds repaid to a county or eligible municipality
3686 shall be considered "program income" as defined in s.
3687 420.9071(24), Florida Statutes.

3688 (8) In order to maximize the effect of the funding, the
3689 counties and eligible municipalities are encouraged to work with
3690 private lenders to provide additional funds to support the
3691 initiative. However, in all instances, the counties and eligible
3692 municipalities shall make and hold the subordinate loan.

3693 (9) This section expires July 1, 2011 ~~2010~~.

3694 Section 43. The Office of Program Policy Analysis and
3695 Government Accountability shall review and evaluate the Florida
3696 Enterprise Zone Program in ss. 290.001-290.014, Florida
3697 Statutes, and submit a report of its findings and
3698 recommendations to the Governor, the President of the Senate,
3699 and the Speaker of the House of Representatives by January 11,
3700 2011. The review shall include, but need not be limited to: how
3701 the program has changed over the years since it was created;
3702 whether the program is effectively and efficiently addressing
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3703 the issues that precipitated its creation; the direct and
3704 indirect costs of the program to the state and local governments
3705 that participate; whether the program's tax incentives are
3706 effectively designed to benefit economically distressed or high-
3707 poverty areas and their residents and business owners; and
3708 whether the application, review, and approval processes are
3709 transparent, effective, and efficient.

3710 Section 44. The Office of Program Policy Analysis and
3711 Government Accountability shall review and evaluate the
3712 effectiveness and viability of the Florida Research
3713 Commercialization Matching Grant Program in s. 288.9552, Florida
3714 Statutes. The office shall specifically evaluate the use of
3715 federal grants and private investment and the creation of new
3716 businesses and jobs. The office shall also recommend outcome
3717 measures for further evaluation of the program. The office shall
3718 submit a report of its findings and recommendations to the
3719 Governor, the President of the Senate, and the Speaker of the
3720 House of Representatives by November 1, 2011.

3721 Section 45. (1) Except as provided in subsection (4), a
3722 development order issued by a local government, a building
3723 permit, and any permit issued by the Department of Environmental
3724 Protection or by a water management district pursuant to part IV
3725 of chapter 373, Florida Statutes, which has an expiration date
3726 from September 1, 2008, through January 1, 2012, is extended and
3727 renewed for a period of 2 years after its previously scheduled
3728 date of expiration. This 2-year extension also applies to
3729 buildout dates, including any extension of a buildout date that
3730 was previously granted under s. 380.06(19)(c), Florida Statutes.

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3731 This section does not prohibit conversion from the construction
3732 phase to the operation phase upon completion of construction.

3733 This extension is in addition to the 2-year permit extension
3734 provided under section 14 of chapter 2009-96, Laws of Florida.

3735 (2) The commencement and completion dates for any required
3736 mitigation associated with a phased construction project are
3737 extended so that mitigation takes place in the same timeframe
3738 relative to the phase as originally permitted.

3739 (3) The holder of a valid permit or other authorization
3740 that is eligible for the 2-year extension must notify the
3741 authorizing agency in writing by December 31, 2010, identifying
3742 the specific authorization for which the holder intends to use
3743 the extension and the anticipated timeframe for acting on the
3744 authorization.

3745 (4) The extension provided for in subsection (1) does not
3746 apply to:

3747 (a) A permit or other authorization under any programmatic
3748 or regional general permit issued by the Army Corps of
3749 Engineers.

3750 (b) A permit or other authorization held by an owner or
3751 operator determined to be in significant noncompliance with the
3752 conditions of the permit or authorization as established through
3753 the issuance of a warning letter or notice of violation, the
3754 initiation of formal enforcement, or other equivalent action by
3755 the authorizing agency.

3756 (c) A permit or other authorization, if granted an
3757 extension that would delay or prevent compliance with a court
3758 order.

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3759 (5) Permits extended under this section shall continue to
3760 be governed by the rules in effect at the time the permit was
3761 issued, except if it is demonstrated that the rules in effect at
3762 the time the permit was issued would create an immediate threat
3763 to public safety or health. This provision applies to any
3764 modification of the plans, terms, and conditions of the permit
3765 which lessens the environmental impact, except that any such
3766 modification does not extend the time limit beyond 2 additional
3767 years.

3768 (6) This section does not impair the authority of a county
3769 or municipality to require the owner of a property that has
3770 notified the county or municipality of the owner's intent to
3771 receive the extension of time granted pursuant to this section
3772 to maintain and secure the property in a safe and sanitary
3773 condition in compliance with applicable laws and ordinances.

3774 Section 46. (1) The Legislature hereby reauthorizes:

3775 (a) Any exemption granted for any project for which an
3776 application for development approval has been approved or filed
3777 pursuant to s. 380.06, Florida Statutes, or for which a complete
3778 development application or rescission request has been approved
3779 or is pending, and the application or rescission process is
3780 continuing in good faith, within a development that is located
3781 within an area that qualified for an exemption under s. 380.06,
3782 Florida Statutes, as amended by chapter 2009-96, Laws of
3783 Florida.

3784 (b) Any 2-year extension authorized and timely applied for
3785 pursuant to section 14 of chapter 2009-96, Laws of Florida.

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3786 (c) Any amendment to a local comprehensive plan adopted
3787 pursuant to s. 163.3184, Florida Statutes, as amended by chapter
3788 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189,
3789 Florida Statutes, which authorizes and implements a
3790 transportation concurrency exception area pursuant to s.
3791 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws
3792 of Florida.

3793 (2) Subsection (1) is intended to be remedial in nature
3794 and to reenact provisions of existing law. This section shall
3795 apply retroactively to all actions specified in subsection (1)
3796 and therefore to any such actions lawfully undertaken in
3797 accordance with chapter 2009-96, Laws of Florida.

3798 Section 47. The unexpended funds appropriated in Specific
3799 Appropriation 2649 of chapter 2008-152, Laws of Florida, for
3800 improvements to Launch Complex 36 on the 45th Space Wing
3801 property shall revert immediately and are reappropriated for
3802 state fiscal year 2010-2011 from the Economic Development
3803 Transportation Trust Fund for improvements to other launch
3804 complexes and space transportation facilities in order to
3805 attract new space vehicle testing and launch business to the
3806 state; to address intermodal requirements and impacts of the
3807 launch ranges, spaceports, and other space transportation
3808 facilities; to advance aerospace technology to meet the current
3809 and future needs of the United States commercial space
3810 transportation industry; and to assist in the development of
3811 joint-use facilities and technology that support aviation and
3812 aerospace operations, including high-altitude and suborbital
3813 flights and range technology development.

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3814 Section 48. The installation of fuel tank upgrades to
3815 secondary containment systems shall be completed by the
3816 deadlines specified in rule 62-761.510, Florida Administrative
3817 Code, Table UST. For fuel service station facilities that have
3818 orders issued by the Department of Environmental Protection
3819 before July 1, 2010, granting an extension to the deadline, the
3820 deadline shall be extended to September 30, 2011. Such
3821 facilities must be in compliance with all other state and
3822 federal regulations pertaining to petroleum storage systems.

3823 Section 49. The Legislature finds that this act fulfills
3824 an important state interest.

3825 Section 50. If any provision of this act or the
3826 application thereof to any person or circumstance is held
3827 invalid, the invalidity shall not affect other provisions or
3828 applications of the act which can be given effect without the
3829 invalid provision or application, and to this end the provisions
3830 of this act are declared severable.

3831 Section 51. Effective July 1, 2010, there is appropriated
3832 for state fiscal year 2010-2011 to the Office of Tourism, Trade,
3833 and Economic Development within the Executive Office of the
3834 Governor:

3835 (1) The sum of \$10 million in nonrecurring funds from the
3836 General Revenue Fund for Space Florida to address financing,
3837 business development, and infrastructure needs to assist in the
3838 continued development of the aerospace industry in this state
3839 and management of state-of-the-art facilities for space
3840 businesses that will create high-technology, high-wage-earning
3841 jobs.

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3842 (2) The sum of \$3.2 million in nonrecurring funds from the
3843 General Revenue Fund exclusively for Space Florida to retrain
3844 workers as the result of the retirement of the Space Shuttle
3845 Program.

3846 (3) The sum of \$3 million in nonrecurring funds from the
3847 General Revenue Fund for the exclusive purpose of providing
3848 targeted-business-development support services and business
3849 recruitment through Space Florida. Activities and services may
3850 include, but are not limited to, securing federal programs and
3851 processes, identifying and securing new contract and grant
3852 opportunities for businesses in this state, assisting businesses
3853 in establishing operations, securing necessary qualifications
3854 and approvals, obtaining capital, and engaging company and
3855 federal officials to site new program elements including
3856 research, design, testing, and manufacturing work packages in
3857 this state. Emphasis will be placed on assisting small- to
3858 medium-sized businesses on a statewide basis. These funds may
3859 not be used for administrative or operational costs of Space
3860 Florida.

3861 (4) The sum of \$3 million in nonrecurring funds from the
3862 General Revenue Fund to provide local government distressed area
3863 matching grants pursuant to s. 288.0659, Florida Statutes.
3864 Notwithstanding s. 216.301, Florida Statutes, and pursuant to s.
3865 216.351, Florida Statutes, any funds remaining from this
3866 appropriation as of June 30, 2011, shall remain available for
3867 carrying out the purpose of s. 288.0659, Florida Statutes.

3868 (5) The sum of \$1 million in nonrecurring funds from the
3869 General Revenue Fund for the purposes of the Economic Gardening
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3870 Technical Assistance Pilot Program pursuant to s. 288.1082,
3871 Florida Statutes, notwithstanding section 4 of chapter 2009-13,
3872 Laws of Florida.

3873 (6) The sum of \$2 million in nonrecurring funds from the
3874 General Revenue Fund for the purposes of the Defense
3875 Infrastructure Grant Program pursuant to s. 288.980(4), Florida
3876 Statutes.

3877 (7) The sums of \$94,250 in recurring funds and \$3,877 in
3878 nonrecurring funds from the General Revenue Fund and one
3879 additional full-time equivalent position and the associated
3880 salary rate of \$67,001 is authorized, for the purpose of
3881 administering the provisions of this act relating to the Office
3882 of Tourism, Trade, and Economic Development.

3883 (8) The sum of \$2.9 million in nonrecurring funds from the
3884 General Revenue Fund for the Florida Export Finance Corporation
3885 for the purpose of capitalizing a self-sustaining cash
3886 collateral fund to be available to lenders participating in the
3887 corporation's existing loan guarantee program. The cash
3888 collateral fund must complement the corporation's existing loan
3889 and loan guarantee programs and otherwise comply with the
3890 requirements of part V of chapter 288, Florida Statutes.

3891 Section 52. (1) Effective July 1, 2010, for the 2010-2011
3892 state fiscal year, the sum of \$2 million in nonrecurring funds
3893 from the General Revenue Fund is appropriated to the Board of
3894 Governors of the State University System solely for the State
3895 University Research Commercialization Assistance Grant Program,
3896 pursuant to s. 1004.226(7), Florida Statutes. The Florida
3897 Technology, Research, and Scholarship Board shall solicit

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3898 proposals in accordance with s. 1004.226(7)(b), Florida
3899 Statutes, no later than August 1, 2010, and shall grant awards
3900 no later than October 30, 2010.

3901 (2)(a) Effective July 1, 2010, there is appropriated for
3902 the 2010-2011 state fiscal year to the Office of Tourism, Trade,
3903 and Economic Development within the Executive Office of the
3904 Governor:

3905 1. The sum of \$1 million in nonrecurring funds from the
3906 General Revenue Fund for the purposes of the Economic Gardening
3907 Technical Assistance Pilot Program pursuant to section 288.1082,
3908 Florida Statutes, notwithstanding section 4 of Chapter 2009-13,
3909 Laws of Florida.

3910 2. The sum of \$2 million in nonrecurring funds from the
3911 General Revenue Fund for the purposes of the Defense
3912 Infrastructure Grant Program pursuant to s. 288.980(4), Florida
3913 Statutes.

3914 3. The sum of \$15 million in nonrecurring funds from the
3915 General Revenue Fund for the purposes of the Quick Action
3916 Closing Fund pursuant to section 288.1088, Florida Statutes.

3917 4. The sum of \$2 million in nonrecurring funds from the
3918 General Revenue Fund for the Florida Export Finance Corporation
3919 for the purpose of capitalizing a self-sustaining cash
3920 collateral fund to be available to lenders participating in the
3921 corporation's existing loan guarantee program. The cash
3922 collateral fund must complement the corporation's existing loan
3923 and loan guarantee programs and otherwise comply with the
3924 requirements of part V of chapter 288, Florida Statutes.

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3925 (b) The funding provided in paragraph (a) is contingent
3926 upon the enactment of federal law which extends the enhanced
3927 Federal Medicaid Assistance Percentage rate, as provided under
3928 the American Reinvestment and Recovery Act (P.L. 111-5), from
3929 December 31, 2010, through June 30, 2011.

3930 Section 53. Effective July 1, 2010, the sum of \$3 million
3931 in nonrecurring funds from the General Revenue Fund is
3932 appropriated to the Institute for the Commercialization of
3933 Public Research solely for purposes of the Florida Research
3934 Commercialization Grant Program, pursuant to s. 288.9552,
3935 Florida Statutes, of which up to \$750,000 may be used for Phase
3936 I grants.

3937 Section 54. Except as otherwise expressly provided in this
3938 act, this act shall take effect upon becoming a law.

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3941

3942

T I T L E A M E N D M E N T

3943

Remove the entire title and insert:

3944

A bill to be entitled

3945

An act relating to economic development; amending s. 125.045,

3946

F.S.; requiring an agency or entity that receives county funds

3947

for economic development purposes pursuant to a contract to

3948

submit a report on the use of the funds; requiring the county to

3949

include the report in its annual financial audit; requiring

3950

counties to report on the provision of economic development

3951

incentives to businesses to the Legislative Committee on

3952

Intergovernmental Relations or successor entity; amending s.

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3953 166.021, F.S.; requiring an agency or entity that receives
3954 municipal funds for economic development purposes pursuant to a
3955 contract to submit a report on the use of the funds; requiring
3956 the municipality to include the report in its annual financial
3957 audit; requiring municipalities to report on the provision of
3958 economic development incentives to businesses to the Legislative
3959 Committee on Intergovernmental Relations or successor entity;
3960 amending s. 196.1995, F.S.; authorizing counties and
3961 municipalities to extend economic development ad valorem tax
3962 exemptions under certain circumstances; amending s. 212.02,
3963 F.S.; defining the term "fractional aircraft ownership program";
3964 amending s. 212.031, F.S.; providing a partial exemption from
3965 the tax on renting, leasing, letting, or granting a license for
3966 the use of real property for property rented, leased, subleased,
3967 or licensed to a person providing certain services at convention
3968 halls, civic centers, or public lodging establishments;
3969 providing for application only to certain portions of payments;
3970 providing for retroactive application; amending s. 212.04, F.S.;
3971 reenacting and amending an exemption of admission charges to
3972 certain events to continue the exemption; amending s. 212.05,
3973 F.S.; deleting a requirement that a certain penalty is mandatory
3974 and not waivable by the Department of Revenue; deleting
3975 authorization to return certain aircraft to the state for
3976 repairs without liability for taxes and penalty under certain
3977 circumstances; imposing a maximum limitation on the amount of
3978 tax collected on sales of boats in this state; creating s.
3979 212.0597, F.S.; providing a maximum tax on the sale or use of
3980 fractional aircraft ownership interests; amending s. 212.08,
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3981 F.S.; redefining the terms "real property" and "rehabilitation
3982 of real property" for purposes of the sales tax exemption on
3983 certain building materials used in the rehabilitation of real
3984 property used in an enterprise zone; specifying procedures to
3985 claim a sales tax credit under the entertainment industry
3986 financial incentive program; providing an exemption from the use
3987 tax for an aircraft that temporarily enters the state or is
3988 temporarily in the state for certain purposes; requiring
3989 documentation that identifies the aircraft in order to qualify
3990 for the exemption; providing that the exemption is in addition
3991 to certain other exemptions; providing tax exemptions on the
3992 sale or use of aircraft primarily used in a fractional aircraft
3993 ownership program and for the parts and labor used in the
3994 maintenance, repair, and overhaul of such aircraft; authorizing
3995 the department to adopt rules; amending s. 213.053, F.S.;
3996 authorizing the Department of Revenue to provide tax credit
3997 information to the Office of Film and Entertainment and the
3998 Office of Tourism, Trade, and Economic Development; amending s.
3999 220.02, F.S.; providing for tax credits pursuant to the
4000 entertainment industry financial incentive program and the jobs
4001 for the unemployed tax credit program to be taken against the
4002 corporate income tax or the franchise tax after other existing
4003 credits are taken; amending s. 220.13, F.S.; revising the
4004 calculation of additions to adjusted federal income; creating s.
4005 220.1896, F.S.; creating the jobs for the unemployed tax credit
4006 program to provide a tax credit to certain businesses that
4007 employ certain individuals who were previously unemployed after
4008 a certain date; providing for applications for certification
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4009 | under the program to be reviewed by Enterprise Florida, Inc.,
4010 | and the Office of Tourism, Trade, and Economic Development;
4011 | providing criminal penalties for fraudulent claims of a tax
4012 | credit; authorizing the Office of Tourism, Trade, and Economic
4013 | Development and the Department of Revenue to adopt rules;
4014 | providing for the expiration of the tax credit program; creating
4015 | s. 220.1899, F.S.; providing for credits against the corporate
4016 | income tax in the amounts awarded under the entertainment
4017 | industry financial incentive program; providing for carryforward
4018 | of the tax credits under certain circumstances; amending s.
4019 | 288.018, F.S.; revising the allowable uses for matching grants
4020 | awarded under the Regional Rural Development Grants Program;
4021 | creating s. 288.0659, F.S.; creating the Local Government
4022 | Distressed Area Matching Grant Program within the Office of
4023 | Tourism, Trade, and Economic Development; providing a program
4024 | purpose; providing definitions; authorizing the office to accept
4025 | and administer appropriated moneys to provide local government
4026 | distressed area matching grants; authorizing local governments
4027 | to apply for grants to match qualified business assistance;
4028 | providing qualifying requirements for targeted businesses;
4029 | specifying evaluation criteria for reviewing grant requests;
4030 | subjecting grant approval to legislative appropriation;
4031 | providing limitations on expending funds; providing procedures
4032 | for approving grant allocations or disapproving application;
4033 | providing a process for making preliminary and final grant
4034 | awards; providing requirements for grant recipients; providing
4035 | for revocation of grants; limiting the grant amount for the
4036 | qualified business assistance; authorizing the office to retain
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4037 certain funds for administrative costs; amending s. 288.1045,
4038 F.S.; revising the definition of the term "jobs" for purposes of
4039 the qualified defense contractor and space flight business tax
4040 refund program; amending s. 288.106, F.S.; revising definitions,
4041 refund amounts, eligibility, requirements, and procedures for
4042 the tax refund program for qualified target industry businesses;
4043 amending s. 288.107, F.S.; revising the definition of the term
4044 "jobs" for purposes of brownfield redevelopment bonus refunds;
4045 correcting a cross-reference; amending s. 288.108, F.S.;
4046 revising the definitions of the terms "eligible high-impact
4047 business" and "jobs" for purposes of high-impact sector
4048 performance grants; revising the guidelines for negotiating the
4049 award of high-impact sector performance grants; creating s.
4050 288.1083, F.S.; creating the Manufacturing and Spaceport
4051 Investment Incentive Program within the Office of Tourism, Trade
4052 and Economic Development; providing a purpose; providing
4053 definitions; providing for refunds of sales and use taxes paid
4054 on certain equipment purchases; providing for allocation of
4055 refunds by the office; limiting the amount of individual
4056 refunds; providing application requirements and procedures;
4057 providing for priority of allocations; providing requirements
4058 and procedures for certification of refunds for eligible
4059 equipment purchases; providing procedures for allocating surplus
4060 amounts; providing refund limitations; requiring the office to
4061 adopt emergency rules; authorizing the office to establish
4062 guideline for demonstrating certain purchases; providing for
4063 future repeal; amending s. 288.1088, F.S.; revising the process
4064 for legislative consultation and review of Quick Action Closing
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4065 Fund projects; authorizing certain Quick Action Closing Fund
4066 businesses to request renegotiation of their contracts;
4067 providing for review and approval of the requests; providing for
4068 the return of funds under certain circumstances; providing for
4069 the reappropriation of returned funds; providing for expiration;
4070 requiring that certain funds be placed in reserve; providing for
4071 the release of funds; providing for the reversion of funds;
4072 amending s. 288.1089, F.S.; revising the definitions of the term
4073 "jobs" for purposes of the Innovation Incentive Program;
4074 amending s. 288.125, F.S.; redefining the term "entertainment
4075 industry" to include digital media projects; amending s.
4076 288.1251, F.S.; requiring the Office of Film and Entertainment
4077 to update its strategic plan every 5 years; deleting
4078 requirements for the Office of Film and Entertainment to
4079 represent certain decisionmakers within the entertainment
4080 industry and to act as a liaison between entertainment industry
4081 producers and labor organizations; amending s. 288.1252, F.S.;
4082 deleting obsolete provisions; deleting the requirement for the
4083 Commissioner of Film and Entertainment and a representative of
4084 the Florida Tourism Marketing Council to serve as ex officio
4085 members of the Film and Entertainment Advisory Council; amending
4086 s. 288.1253, F.S.; eliminating provisions authorizing the
4087 payment of travel expenses to persons other than employees of
4088 the Office of Film and Entertainment, the Governor and
4089 Lieutenant Governor, and security staff; providing for the
4090 payment of travel expenses through reimbursements; amending s.
4091 288.1254, F.S.; revising the entertainment industry financial
4092 incentive program to provide corporate income tax and sales and
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4093 use tax credits to qualified entertainment entities rather than
4094 reimbursements from appropriations; revising provisions relating
4095 to definitions, creation and scope, application procedures,
4096 approval process, eligibility, required documents, qualified and
4097 certified productions, and annual reports; providing duties and
4098 responsibilities of the Office of Film and Entertainment, the
4099 Office of Tourism, Trade, and Economic Development, and the
4100 Department of Revenue relating to the tax credits; providing
4101 criteria and limitations for awards of tax credits; providing
4102 for uses, allocations, election, distributions, and carryforward
4103 of the tax credits; providing for withdrawal of tax credit
4104 eligibility; providing for use of consolidated returns;
4105 providing for partnership and noncorporate distributions of tax
4106 credits; providing for succession of tax credits; providing for
4107 relinquishment of tax credits; providing requirements for
4108 transfer of tax credits; authorizing the Office of Tourism,
4109 Trade, and Economic Development to adopt rules, policies, and
4110 procedures; authorizing the Department of Revenue to adopt rules
4111 and conduct audits; providing for revocation and forfeiture of
4112 tax credits; providing liability for reimbursement of certain
4113 costs and fees associated with a fraudulent claim; requiring an
4114 annual report to the Governor and the Legislature; providing for
4115 future repeal; amending s. 288.1258, F.S.; requiring the Office
4116 of Film and Entertainment to include in its records certain
4117 ratios of tax exemptions and incentives to the estimated funds
4118 expended by a certified production; creating s. 288.9552, F.S.;
4119 creating the Florida Research Commercialization Matching Grant
4120 Program; providing program purposes, goals and objectives;

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4121 providing for administration of the program by the Florida
4122 Institute for the Commercialization of Public Research;
4123 providing eligibility guidelines; providing application
4124 guidelines; providing peer review guidelines; providing
4125 responsibilities of the program administrator; providing
4126 application review requirements and procedures; providing for
4127 grant awards; providing reporting requirements; providing for
4128 expiration unless reviewed and reenacted; amending s. 288.9625,
4129 F.S.; revising the purpose of the Institute for the
4130 Commercialization of Public Research; deleting a requirement
4131 that Enterprise Florida, Inc., contract with a state university
4132 to fulfill the purposes of the institute; revising the
4133 institute's powers and duties; requiring the institute to
4134 administer a matching grant program to provide financial
4135 assistance for certain early stage companies; amending ss.
4136 288.9621, 288.9622, and 288.9623, F.S.; conforming a short
4137 title, revising legislative findings and intent, and providing
4138 definitions for the Florida Capital Formation Act; conforming
4139 cross-references; creating s. 288.9627, F.S.; providing for
4140 creation of the Florida Infrastructure Fund Partnership;
4141 providing the partnership's purpose and duties; providing for
4142 management of the partnership by the Florida Opportunity Fund;
4143 authorizing the fund to lend moneys to the partnership;
4144 requiring the partnership to raise funds from investment
4145 partners; providing for commitment agreements with and issuance
4146 of certificates to investment partners; authorizing the
4147 partnership to invest in certain infrastructure projects;
4148 requiring the partnership to submit an annual report to the
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4149 Governor and Legislature; prohibiting the partnership and the
4150 fund from pledging the credit or taxing power of the state or
4151 its political subdivisions; prohibiting the partnership from
4152 investing in projects with or accepting investments from certain
4153 companies; creating s. 288.9628, F.S.; creating the Florida
4154 Infrastructure Investment Trust; providing for powers and
4155 duties, a board of trustees, and an administrative officer of
4156 the trust; providing for the trust's issuance of certificates to
4157 investment partners who invest in the partnership; specifying
4158 that the certificates are redeemable for tax credits under
4159 certain conditions; authorizing the trust to charge fees;
4160 limiting the amount of tax credits issued and the amount of tax
4161 credits that may be claimed or applied against state taxes in
4162 any year; providing for the redemption or sale of certificates;
4163 providing for the issuance of the tax credits by the Department
4164 of Revenue; specifying the taxes against which the credits may
4165 be applied; limiting the period within which tax credits may be
4166 used; providing for the state's obligation for use of the tax
4167 credits; limiting the liability of the fund; requiring the
4168 department to provide a certain written assurance to the trust
4169 under certain circumstances; specifying that certain provisions
4170 regulating securities transactions do not apply to certificates
4171 and tax credits transferred or sold under the act; amending s.
4172 213.053, F.S.; authorizing the department to provide tax credit
4173 information to the partnership and the trust; amending s.
4174 288.9913, F.S.; revising the definition of the term "qualified
4175 active low-income community business" for purposes of the New
4176 Markets Development Program Act; amending s. 288.9920, F.S.;

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4177 extending the period within which a qualified community
4178 development entity may cure an investment deficiency; limiting
4179 the number of corrections permitted for qualified equity
4180 investments; amending s. 373.441, F.S.; revising provisions
4181 relating to adoption of rules relating to permitting; requiring
4182 the Department of Environmental Protection to adopt rules that
4183 authorize a local government to petition the Governor and
4184 Cabinet for certain delegation requests; requiring the
4185 Department of Environmental Protection to detail the statutes or
4186 rules that were not satisfied by a local government that made a
4187 request for delegation and to detail actions that could be taken
4188 to allow for delegation; authorizing a local government to
4189 petition the Governor and Cabinet to review the denial of a
4190 delegation request; providing for approval of a delegation of
4191 authority that meets the requirements of certain rule
4192 provisions; amending s. 403.061, F.S.; directing the Department
4193 of Environmental Protection to expand the use of online self-
4194 certification for certain exemptions and permits; limiting the
4195 authority of local governments to specify the method or form for
4196 documenting that projects qualify for exemptions or permits;
4197 amending s. 47 of chapter 2009-82, Laws of Florida; delaying the
4198 expiration of the Florida Homebuyer Opportunity Program;
4199 requiring the Office of Program Policy Analysis and Government
4200 Accountability to review the Enterprise Zone Program and submit
4201 a report of its findings and recommendations to the Governor,
4202 the President of the Senate, and the Speaker of the House of
4203 Representatives; requiring the Office of Program Policy Analysis
4204 and Government Accountability to review and evaluate the

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4205 Research Commercialization Matching Grant Program and submit a
4206 report of its findings to the Governor, the President of the
4207 Senate, and the Speaker of the House of Representatives;
4208 extending the expiration dates of certain permits issued by the
4209 Department of Environmental Protection or a water management
4210 district; extending certain previously granted buildout dates;
4211 requiring a permit holder to notify the authorizing agency of its
4212 intended use of the extension; exempting certain permits from
4213 eligibility for an extension; providing for applicability of
4214 rules governing permits; declaring that certain provisions do
4215 not impair the authority of counties and municipalities under
4216 certain circumstances; providing legislative intent;
4217 reauthorizing certain exemptions, 2-year extensions, and local
4218 comprehensive plan amendments granted, authorized, or adopted
4219 under general law and in effect as of a certain date; providing
4220 construction; providing for retroactive application; authorizing
4221 the funds in specific appropriation 2649 of chapter 2008-152,
4222 Laws of Florida, to be used for additional space-related
4223 economic-development purposes; specifying requirements for fuel
4224 tank upgrades; extending certain fuel service facility order
4225 deadlines; specifying compliance requirements; providing a
4226 finding that the act fulfills an important state interest;
4227 providing severability; providing appropriations; providing
4228 effective dates.

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