

By the Policy and Steering Committee on Ways and Means; and
Senators Gaetz, Ring, Fasano, Richter, Negron, Bennett,
Haridopolos, Thrasher, Hill, and Sobel

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 125.045, F.S.; requiring an agency or entity that
4 receives county funds for economic development
5 purposes pursuant to a contract to submit a report on
6 the use of the funds; requiring the county to include
7 the report in its annual financial audit; requiring
8 counties to report on the provision of economic
9 development incentives to businesses to the
10 Legislative Committee on Intergovernmental Relations;
11 amending s. 159.803, F.S.; conforming a cross-
12 reference to changes made by the act; amending s.
13 166.021, F.S.; requiring an agency or entity that
14 receives municipal funds for economic development
15 purposes pursuant to a contract to submit a report on
16 the use of the funds; requiring the municipality to
17 include the report in its annual financial audit;
18 requiring municipalities to report on the provision of
19 economic development incentives to businesses to the
20 Legislative Committee on Intergovernmental Affairs;
21 amending s. 212.05, F.S.; limiting the maximum amount
22 of tax that may be imposed and collected on the sale
23 or use of a boat in this state; amending s. 212.08,
24 F.S.; temporarily exempting from sales and use taxes
25 the increase in purchases of certain industrial
26 machinery and equipment over the amount of purchases
27 made in a base year; redefining the terms "real
28 property" and "rehabilitation of real property" for
29 purposes of the sales tax exemption on certain

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30 building materials used in the rehabilitation of real
31 property used in an enterprise zone; specifying
32 procedures to claim a sales tax credit under the
33 entertainment industry financial incentive program;
34 providing an exemption from the use tax for an
35 aircraft that temporarily enters the state or is
36 temporarily in the state for certain purposes;
37 requiring documentation that identifies the aircraft
38 in order to qualify for the exemption; providing that
39 the exemption is in addition to certain other
40 exemptions; amending s. 213.053, F.S.; authorizing the
41 Department of Revenue to provide confidential taxpayer
42 information relating to certain tax credits under the
43 entertainment industry financial incentive program to
44 the Office of Film and Entertainment and to the Office
45 of Tourism, Trade, and Economic Development; amending
46 s. 220.02, F.S.; providing for tax credits pursuant to
47 the entertainment industry financial incentive program
48 and the jobs for the unemployed tax credit program to
49 be taken against the corporate income tax or the
50 franchise tax after other existing credits are taken;
51 creating s. 220.1896, F.S.; creating the jobs for the
52 unemployed tax credit program to provide a tax credit
53 to certain businesses that employ certain individuals
54 who were previously unemployed after a certain date;
55 providing for applications for certification under the
56 program to be reviewed by Enterprise Florida, Inc.,
57 and the Office of Tourism, Trade, and Economic
58 Development; providing criminal penalties for

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59 fraudulent claims of a tax credit; authorizing the
60 Office of Tourism, Trade, and Economic Development and
61 the Department of Revenue to adopt rules; providing
62 for the expiration of the tax credit program; creating
63 s. 220.1899, F.S.; creating the entertainment industry
64 tax credit for a tax credit against the qualified
65 expenditures made by a qualified production company
66 pursuant to the entertainment industry financial
67 incentive program; amending s. 220.191, F.S.;

68 redefining the terms "qualifying business" and
69 "qualifying project" for purposes of the capital
70 investment tax credit; providing for the amount of the
71 credit to diminish over a 10-year period; conforming
72 cross-references to changes made in the act; providing
73 that a business seeking the tax credit has the
74 responsibility of demonstrating qualification for the
75 credit to the Department of Revenue and the Office of
76 Tourism, Trade, and Economic Development; authorizing
77 the payment of a prorated tax credit under certain
78 circumstances; providing that a business that receives
79 a capital investment tax credit is not eligible for a
80 tax refund under the qualified target industry tax
81 refund program; amending s. 288.095, F.S.; increasing
82 the amount of tax refund payments available to pay the
83 state's share of refunds under the qualified defense
84 contractor and space flight business tax refund
85 program and the tax refund program for qualified
86 target industry businesses; amending s. 288.106, F.S.;

87 providing legislative findings and declarations for

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88 the tax refund program for qualified target industry
89 businesses; revising the definitions of terms
90 applicable to the program; revising the criteria for
91 the Office of Tourism, Trade, and Economic Development
92 and Enterprise Florida, Inc., to use in identifying
93 target industry businesses; conforming cross-
94 references to changes made by the act; authorizing
95 additional tax refunds to qualified target industry
96 businesses that meet specified conditions; requiring
97 an application for certification as a qualified target
98 industry business to include an estimate of the
99 proportion of the machinery, equipment, and other
100 resources that will be used in the applicant's
101 proposed operation in Florida and purchased by the
102 applicant outside the state; requiring the Office of
103 Tourism, Trade, and Economic Development to consider
104 the state's return on investment in evaluating
105 applicants for the tax refund program; extending the
106 date by which a qualified target industry business may
107 request an economic-stimulus exemption; redesignating
108 economic-stimulus exemptions as economic recovery
109 extensions; authorizing the Office of Tourism, Trade,
110 and Economic Development to waive the requirement for
111 a business to annually provide proof of taxes paid if
112 the business provides proof that it has paid certain
113 taxes in amounts at least equal to the total amount of
114 refunds for which the business is eligible; requiring
115 the Office of Tourism, Trade, and Economic Development
116 to conduct a review of certain qualified target

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117 industry businesses that have received their final tax
118 refund and provide a report of its findings and
119 recommendations to the Governor, the President of the
120 Senate, and the Speaker of the House of
121 Representatives; extending the date by which
122 businesses may apply to participate in the tax refund
123 program for qualified target industry businesses;
124 amending s. 288.107, F.S.; conforming cross-references
125 to changes made by the act; amending s. 288.125, F.S.;
126 redefining the term "entertainment industry" to
127 include digital media projects; amending s. 288.1251,
128 F.S.; requiring the Office of Film and Entertainment
129 to update its strategic plan every 5 years; deleting
130 requirements for the Office of Film and Entertainment
131 to represent certain decisionmakers within the
132 entertainment industry and to act as a liaison between
133 entertainment industry producers and labor
134 organizations; amending s. 288.1252, F.S.; deleting
135 obsolete provisions; deleting the requirement for the
136 Commissioner of Film and Entertainment and a
137 representative of the Florida Tourism Marketing
138 Council to serve as ex officio members of the Film and
139 Entertainment Advisory Council; amending s. 288.1253,
140 F.S.; eliminating provisions authorizing the payment
141 of travel expenses to persons other than employees of
142 the Office of Film and Entertainment, the Governor and
143 Lieutenant Governor, and security staff; providing for
144 the payment of travel expenses through reimbursements;
145 amending s. 288.1254, F.S.; revising the entertainment

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146 industry financial incentive program to provide
147 corporate income tax and sales and use tax credits to
148 qualified entertainment entities rather than
149 reimbursements from appropriations; revising
150 provisions relating to definitions, creation, and
151 scope, application procedures, approval process,
152 eligibility, required documents, qualified and
153 certified productions, and annual reports; providing
154 duties and responsibilities of the Office of Film and
155 Entertainment, the Office of Tourism, Trade, and
156 Economic Development, and the Department of Revenue
157 relating to the tax credits; providing criteria and
158 limitations for awards of tax credits; providing for
159 uses, allocations, election, distributions, and
160 carryforward of the tax credits; providing for
161 withdrawal of tax credit eligibility; providing for
162 use of consolidated returns; providing for partnership
163 and noncorporate distributions of tax credits;
164 providing for succession of tax credits; providing
165 requirements for transfer of tax credits; authorizing
166 the Office of Tourism, Trade, and Economic Development
167 to adopt rules, policies, and procedures; authorizing
168 the Department of Revenue to adopt rules and conduct
169 audits; providing for revocation and forfeiture of tax
170 credits; providing liability for reimbursement of
171 certain costs and fees associated with a fraudulent
172 claim; requiring an annual report to the Governor and
173 the Legislature; providing for future repeal;
174 amending s. 288.1258, F.S.; requiring the Office of

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175 Film and Entertainment to include in its records
176 certain ratios of tax exemptions and incentives to the
177 estimated funds expended by a certified production;
178 creating s. 288.9552, F.S.; creating the Research
179 Commercialization Matching Grant Program to provide
180 grants to certain small companies; designating the
181 Florida Institute for the Commercialization of Public
182 Research to serve as the administrator of the program;
183 specifying criteria to determine eligibility for a
184 grant; limiting the maximum amount of an award;
185 requiring the institute to issue an annual report
186 relating to the grant program to the Governor, the
187 President of the Senate, and the Speaker of the House
188 of Representatives; amending s. 290.00677, F.S.;

189 conforming cross-references to changes made by the
190 act; amending s. 373.4141, F.S.; providing legislative
191 intent to expedite the processing of permits; deleting
192 provisions relating to a requirement that the
193 Department of Environmental Protection and a water
194 management district request additional information
195 needed from an applicant within 30 days after receipt
196 of the application; requiring an application for
197 certain permits, including certain permits from a
198 local government, to be approved or denied within 30
199 days; amending s. 373.441, F.S.; requiring the
200 Department of Environmental Protection to adopt rules
201 that authorize a local government to petition the
202 Governor and Cabinet for certain delegation requests;
203 requiring the Department of Environmental Protection

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204 detail the statutes or rules that were not satisfied
205 by a local government that made a request for
206 delegation and to detail actions that could be taken
207 to allow for delegation; authorizing a local
208 government to petition the Governor and Cabinet to
209 review the denial of a delegation request; requiring
210 certain counties and municipalities to apply for
211 delegation by a certain date to require permits
212 similar to an environmental resource permit; amending
213 s. 403.061, F.S.; directing the Department of
214 Environmental Protection to expand the use of online
215 self-certification for certain exemptions and permits;
216 limiting the authority of a local government the
217 method or form for documenting that a project
218 qualifies for an exemption or meets the requirements
219 for a permit; amending s. 403.814, F.S.; granting a
220 general permit for the construction and maintenance of
221 certain surface water management systems that satisfy
222 specified conditions; requiring the Office of Program
223 Policy Analysis and Government Accountability to
224 review the Enterprise Zone Program and submit a report
225 of its findings and recommendations to the Governor,
226 the President of the Senate, and the Speaker of the
227 House of Representatives; authorizing the funds in
228 specific appropriation 2649 of chapter 2008-152, Laws
229 of Florida, to be used for additional space-related
230 economic-development purposes; providing an
231 appropriation to the Office of Tourism, Trade, and
232 Economic Development to fund the operations of Space

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233 Florida; providing an appropriation to the Space
234 Business Investment and Financial Services Trust Fund
235 to carry out the purposes of the trust fund; providing
236 an appropriation to the Office of Tourism, Trade, and
237 Economic Development to enable Space Florida to
238 provide targeted business-development support services
239 and business recruitment; providing an appropriation
240 to the Office of Tourism, Trade, and Economic
241 Development for Space Florida to retrain workers in
242 the space industry; requiring all state agencies
243 owning or operating state-owned real property to
244 submit inventory data to the Department of
245 Environmental Protection by a specified date;
246 requiring the Department of Environmental Protection
247 to submit to the Governor, the President of the
248 Senate, and the Speaker of the House of
249 Representatives a report that lists state-owned real
250 property recommended for disposition; providing that
251 the proceeds of the sale of surplus real property be
252 deposited in the General Revenue Fund to be used for
253 certain specified purposes; requiring the Office of
254 Program Policy Analysis and Government Accountability
255 to review and evaluate the Research Commercialization
256 Matching Grant Program and submit a report of its
257 findings to the Governor, the President of the Senate,
258 and the Speaker of the House of Representatives;
259 limiting the effect of a ruling by a court which
260 invalidates any portion of chapter 2009-96, Laws of
261 Florida; validating certain development exemptions and

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262 extensions, amendments to a local comprehensive plan,
263 and land development regulations made or granted under
264 chapter 2009-96, Laws of Florida; extending the
265 expiration dates of certain permits issued by the
266 Department of Environmental Protection or a water
267 management district; extending certain previously
268 granted build-out dates; amending s. 47 of chapter
269 2009-82, Laws of Florida; delaying the expiration of
270 the Florida Homebuyer Opportunity Program; requiring
271 that construction contracts funded by state funds
272 contain a provision requiring the contractor to give
273 preference to the employment of Florida residents if
274 they have substantially equal qualifications as
275 nonresidents; defining the term "substantially equal
276 qualifications"; requiring that a contractor post
277 employment needs in the state's job bank system;
278 providing an appropriation to the Florida Institute
279 for the Commercialization of Public Research to fund
280 grants under the Research Commercialization Matching
281 Grant Program; conditionally specifying the use of an
282 appropriation to the Board of Governors of the State
283 University System to fund proposals under the State
284 University Research Commercialization Assistance Grant
285 Program; providing an appropriation for the Florida
286 Export Finance Corporation to capitalize an expansion
287 of its existing loan program for exporters; providing
288 a finding that the act fulfills an important state
289 interest; providing for severability; providing
290 effective dates.

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

293

294 Section 1. Effective July 1, 2010, section 125.045, Florida
295 Statutes, is amended to read:

296 125.045 County economic development powers.—

297 (1) The Legislature finds and declares that this state
298 faces increasing competition from other states and other
299 countries for the location and retention of private enterprises
300 within its borders. Furthermore, the Legislature finds that
301 there is a need to enhance and expand economic activity in the
302 counties of this state by attracting and retaining manufacturing
303 development, business enterprise management, and other
304 activities conducive to economic promotion, in order to provide
305 a stronger, more balanced, and stable economy in the state; to
306 enhance and preserve purchasing power and employment
307 opportunities for the residents of this state; and to improve
308 the welfare and competitive position of the state. The
309 Legislature declares that it is necessary and in the public
310 interest to facilitate the growth and creation of business
311 enterprises in the counties of the state.

312 (2) The governing body of a county may expend public funds
313 to attract and retain business enterprises, and the use of
314 public funds toward the achievement of such economic development
315 goals constitutes a public purpose. The provisions of this
316 chapter which confer powers and duties on the governing body of
317 a county, including any powers not specifically prohibited by
318 law which can be exercised by the governing body of a county,
319 must be liberally construed in order to effectively carry out

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320 the purposes of this section.

321 (3) For the purposes of this section, it constitutes a
322 public purpose to expend public funds for economic development
323 activities, including, but not limited to, developing or
324 improving local infrastructure, issuing bonds to finance or
325 refinance the cost of capital projects for industrial or
326 manufacturing plants, leasing or conveying real property, and
327 making grants to private enterprises for the expansion of
328 businesses existing in the community or the attraction of new
329 businesses to the community.

330 (4) A contract between the governing body of a county or
331 other entity engaged in economic development activities on
332 behalf of the county and an economic development agency must
333 require the agency or entity receiving county funds to submit a
334 report to the governing body of the county detailing how county
335 funds were spent and detailing the results of the economic
336 development agency's or entity's efforts on behalf of the
337 county. The county shall include the report as an addendum to
338 the county's annual financial audit.

339 (5) (a) By December 1, 2010, and annually thereafter, each
340 county shall report to the Legislative Committee on
341 Intergovernmental Relations the economic development incentives
342 given to any business during the county's previous fiscal year.
343 Economic development incentives include:

344 1. Direct financial incentives of monetary assistance
345 provided to a business from the county or through an
346 organization authorized by the county. Such incentives include
347 grants, loans, equity investments, loan insurance and
348 guarantees, and training subsidies.

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349 2. Indirect incentives in the form of grants and loans
350 provided to businesses and community organizations that provide
351 support to businesses or promote business investment or
352 development.

353 3. Fee-based or tax-based incentives, including credits,
354 refunds, exemptions, and property tax abatement or assessment
355 reductions.

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

357 5. Any other inducement provided to a business in order for
358 the business to create or retain jobs, relocate to or remain in
359 the county, or expand its current operations in the county.

360 (b) A county shall report its economic development
361 incentives in the format specified by the Legislative Committee
362 on Intergovernmental Relations.

363 (c) The Legislative Committee on Intergovernmental
364 Relations shall compile the economic development incentives
365 provided by each county in a manner that shows the total of each
366 class of economic development incentives provided by each county
367 and all counties.

368 (d) If a county did not provide any economic development
369 incentives during its previous fiscal year, the governing body
370 of the county must report to the Legislative Committee on
371 Intergovernmental Relations that the county did not provide any
372 incentives.

373 Section 2. Effective July 1, 2010, subsection (11) of
374 section 159.803, Florida Statutes, is amended to read:

375 159.803 Definitions.—As used in this part, the term:

376 (11) "Florida First Business project" means any project
377 which is certified by the Office of Tourism, Trade, and Economic

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378 Development as eligible to receive an allocation from the
379 Florida First Business allocation pool established pursuant to
380 s. 159.8083. The Office of Tourism, Trade, and Economic
381 Development may certify those projects meeting the criteria set
382 forth in s. 288.106(4)(b) ~~s. 288.106(3)(b)~~ or any project
383 providing a substantial economic benefit to this state.

384 Section 3. Effective July 1, 2010, subsection (9) of
385 section 166.021, Florida Statutes, is amended to read:

386 166.021 Powers.—

387 (9) (a) The Legislature finds and declares that this state
388 faces increasing competition from other states and other
389 countries for the location and retention of private enterprises
390 within its borders. Furthermore, the Legislature finds that
391 there is a need to enhance and expand economic activity in the
392 municipalities of this state by attracting and retaining
393 manufacturing development, business enterprise management, and
394 other activities conducive to economic promotion, in order to
395 provide a stronger, more balanced, and stable economy in the
396 state, to enhance and preserve purchasing power and employment
397 opportunities for the residents of this state, and to improve
398 the welfare and competitive position of the state. The
399 Legislature declares that it is necessary and in the public
400 interest to facilitate the growth and creation of business
401 enterprises in the municipalities of the state.

402 (b) The governing body of a municipality may expend public
403 funds to attract and retain business enterprises, and the use of
404 public funds toward the achievement of such economic development
405 goals constitutes a public purpose. The provisions of this
406 chapter which confer powers and duties on the governing body of

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407 a municipality, including any powers not specifically prohibited
408 by law which can be exercised by the governing body of a
409 municipality, shall be liberally construed in order to
410 effectively carry out the purposes of this subsection.

411 (c) For the purposes of this subsection, it constitutes a
412 public purpose to expend public funds for economic development
413 activities, including, but not limited to, developing or
414 improving local infrastructure, issuing bonds to finance or
415 refinance the cost of capital projects for industrial or
416 manufacturing plants, leasing or conveying real property, and
417 making grants to private enterprises for the expansion of
418 businesses existing in the community or the attraction of new
419 businesses to the community.

420 (d) A contract between the governing body of a municipality
421 or other entity engaged in economic development activities on
422 behalf of the municipality and an economic development agency
423 must require the agency or entity receiving county funds to
424 submit a report to the governing body of the county detailing
425 how county funds were spent and detailing the results of the
426 economic development agency's or entity's efforts on behalf of
427 the county. The municipality shall include the report as an
428 addendum to the municipality's annual financial audit.

429 (e)1. By December 1, 2010, and annually thereafter, each
430 municipality having an annual revenues or expenditures greater
431 than \$250,000 shall report to the Legislative Committee on
432 Intergovernmental Relations the economic development incentives
433 given to any business during the municipality's previous fiscal
434 year. Economic development incentives include:

435 a. Direct financial incentives of monetary assistance

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436 provided to a business from the municipality or through an
437 organization authorized by the municipality. Such incentives
438 include grants, loans, equity investments, loan insurance and
439 guarantees, and training subsidies.

440 b. Indirect incentives in the form of grants and loans
441 provided to businesses and community organizations that provide
442 support to businesses or promote business investment or
443 development.

444 c. Fee-based or tax-based incentives, including credits,
445 refunds, exemptions, and property tax abatement or assessment
446 reductions.

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

448 e. Any other inducement provided to a business in order for
449 the business to create or retain jobs, relocate to or remain in
450 the county, or expand its current operations in the county.

451 2. A municipality shall report its economic development
452 incentives in the format specified by the Legislative Committee
453 on Intergovernmental Relations.

454 3. The Legislative Committee on Intergovernmental Relations
455 shall compile the economic development incentives provided by
456 each county in a manner that shows the total of each class of
457 economic development incentives provided by each municipality
458 and all municipalities.

459 4. If a municipality did not provide any economic
460 development incentives during its previous fiscal year, the
461 governing body of the municipality must report to the
462 Legislative Committee on Intergovernmental Relations that the
463 municipality did not provide any incentives.

464 (f) ~~(d)~~ Nothing contained in This subsection does not limit

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465 ~~shall be construed as a limitation on~~ the home rule powers
466 granted by the State Constitution to ~~for~~ municipalities.

467 Section 4. Effective July 1, 2010, subsection (5) is added
468 to section 212.05, Florida Statutes, to read:

469 212.05 Sales, storage, use tax.—It is hereby declared to be
470 the legislative intent that every person is exercising a taxable
471 privilege who engages in the business of selling tangible
472 personal property at retail in this state, including the
473 business of making mail order sales, or who rents or furnishes
474 any of the things or services taxable under this chapter, or who
475 stores for use or consumption in this state any item or article
476 of tangible personal property as defined herein and who leases
477 or rents such property within the state.

478 (5) Notwithstanding any other provision of this chapter,
479 the maximum amount of tax imposed under this chapter and
480 collected on the sale or use of a boat or aircraft in this state
481 may not exceed \$18,000.

482 Section 5. Effective July 1, 2010, paragraphs (b) and (g)
483 of subsection (5) of section 212.08, Florida Statutes, are
484 amended, paragraph (q) is added to that subsection, and
485 paragraph (ggg) is added to subsection (7) of that section, to
486 read:

487 212.08 Sales, rental, use, consumption, distribution, and
488 storage tax; specified exemptions.—The sale at retail, the
489 rental, the use, the consumption, the distribution, and the
490 storage to be used or consumed in this state of the following
491 are hereby specifically exempt from the tax imposed by this
492 chapter.

493 (5) EXEMPTIONS; ACCOUNT OF USE.—

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494 (b) *Machinery and equipment used to increase productive*
495 *output.*—

496 1. Industrial machinery and equipment purchased for
497 exclusive use by a new business in spaceport activities as
498 defined by s. 212.02 or for use in new businesses that ~~which~~
499 manufacture, process, compound, or produce for sale items of
500 tangible personal property at fixed locations are exempt from
501 the tax imposed by this chapter upon an affirmative showing by
502 the taxpayer to the satisfaction of the department that such
503 items are used in a new business in this state. Such purchases
504 must be made prior to the date the business first begins its
505 productive operations, and delivery of the purchased item must
506 be made within 12 months after ~~of~~ that date.

507 2. Industrial machinery and equipment purchased for
508 exclusive use by an expanding facility which is engaged in
509 spaceport activities as defined by s. 212.02 or for use in
510 expanding manufacturing facilities or plant units which
511 manufacture, process, compound, or produce for sale items of
512 tangible personal property at fixed locations in this state are
513 exempt from any amount of tax imposed by this chapter upon an
514 affirmative showing by the taxpayer to the satisfaction of the
515 department that such items are used to increase the productive
516 output of such expanded facility or business by not less than 10
517 percent.

518 3. Beginning July 1, 2010, and ending June 30, 2011, and
519 beginning July 1, 2011, and ending June 30, 2012, that portion
520 of the total amount of a taxpayer's purchases of industrial
521 machinery and equipment for the exclusive use by a facility that
522 is engaged in spaceport activities, or for use in manufacturing

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523 facilities or plant units that manufacture, process, compound,
524 or produce for sale items of tangible personal property at fixed
525 locations in this state, which exceeds the total amount incurred
526 for all industrial machinery and equipment purchased and placed
527 into service by the taxpayer in its tax year that began in 2008
528 is exempt from the tax imposed by this chapter to the extent
529 that the taxpayer demonstrates to the satisfaction of the
530 department the actual costs incurred to purchase the items and
531 that the items have been located and placed into service in this
532 state. The taxpayer's 2008 tax year shall be the baseline year
533 for future computations of the tax exemption as long as the
534 exemption exists.

535 4.3-a. To receive an exemption provided by this paragraph
536 ~~subparagraph 1. or subparagraph 2.~~, a qualifying business entity
537 shall apply to the department for a temporary tax exemption
538 permit. The application shall state that a ~~new~~ business
539 exemption ~~or expanded business exemption~~ is being sought. Upon a
540 tentative affirmative determination by the department pursuant
541 to subparagraph 1., ~~or~~ subparagraph 2., or subparagraph 3., the
542 department shall issue such permit.

543 b. The applicant shall ~~be required to~~ maintain all
544 necessary books and records to support the exemption. Upon
545 completion of purchases of qualified machinery and equipment
546 pursuant to subparagraph 1., ~~or~~ subparagraph 2., or subparagraph
547 3., the temporary tax permit shall be delivered to the
548 department or returned to the department by certified or
549 registered mail.

550 c. If, in a subsequent audit conducted by the department,
551 it is determined that the machinery and equipment purchased as

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552 exempt under subparagraph 1., ~~or~~ subparagraph 2., or
553 subparagraph 3. did not meet the criteria mandated by this
554 paragraph or if commencement of production did not occur, the
555 amount of taxes exempted at the time of purchase shall
556 immediately be due and payable to the department by the business
557 entity, together with the appropriate interest and penalty,
558 computed from the date of purchase, in the manner prescribed by
559 this chapter.

560 d. ~~If In the event~~ a qualifying business entity fails to
561 apply for a temporary exemption permit or if the tentative
562 determination by the department required to obtain a temporary
563 exemption permit is negative, a qualifying business entity shall
564 receive an the exemption provided in this paragraph ~~subparagraph~~
565 ~~1. or subparagraph 2.~~ through a refund of previously paid taxes.
566 No refund may be made for such taxes unless the criteria
567 mandated by subparagraph 1., ~~or~~ subparagraph 2., or subparagraph
568 3. have been met and commencement of production has occurred.

569 e. The exemption provided by subparagraph 3. applies to the
570 taxpayer only through a refund of previously paid taxes. The
571 taxpayer must submit a refund application to the Department of
572 Revenue within 12 months after the last day of the 12-month
573 period during which the machinery and equipment qualifies for
574 the exemption under this subparagraph. The refund shall be paid
575 to the taxpayer from the General Revenue Fund.

576 ~~5.4.~~ The department shall adopt rules governing
577 applications for, issuance of, and the form of temporary tax
578 exemption permits; provisions for recapture of taxes; and the
579 manner and form of refund applications, and may establish
580 guidelines as to the requisites for an affirmative showing of

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581 increased productive output, commencement of production, and
582 qualification for exemption.

583 6.5. The exemptions provided in this paragraph
584 ~~subparagraphs 1. and 2.~~ do not apply to machinery or equipment
585 purchased or used by electric utility companies, communications
586 companies, oil or gas exploration or production operations,
587 publishing firms that do not export at least 50 percent of their
588 finished product out of the state, any firm subject to
589 regulation by the Division of Hotels and Restaurants of the
590 Department of Business and Professional Regulation, or any firm
591 that ~~which~~ does not manufacture, process, compound, or produce
592 for sale items of tangible personal property or that ~~which~~ does
593 not use such machinery and equipment in spaceport activities as
594 required by this paragraph. The exemptions provided in this
595 paragraph ~~subparagraphs 1. and 2.~~ shall apply to machinery and
596 equipment purchased for use in phosphate or other solid minerals
597 severance, mining, or processing operations.

598 7.6. For the purposes of the exemptions provided in this
599 paragraph, the term ~~subparagraphs 1. and 2., these terms have the~~
600 ~~following meanings:~~

601 a. "Industrial machinery and equipment" means tangible
602 personal property or other property that has a depreciable life
603 of 3 years or more and that is used as an integral part in the
604 manufacturing, processing, compounding, or production of
605 tangible personal property for sale or is exclusively used in
606 spaceport activities. A building and its structural components
607 are not industrial machinery and equipment unless the building
608 or structural component is so closely related to the industrial
609 machinery and equipment that it houses or supports that the

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610 building or structural component can be expected to be replaced
611 when the machinery and equipment are replaced. Heating and air-
612 conditioning systems are not industrial machinery and equipment
613 unless the sole justification for their installation is to meet
614 the requirements of the production process, even though the
615 system may provide incidental comfort to employees or serve, to
616 an insubstantial degree, nonproduction activities. The term
617 includes parts and accessories only to the extent that the
618 exemption thereof is consistent with the provisions of this
619 paragraph.

620 b. "Productive output" means the number of units actually
621 produced by a single plant or operation in a single continuous
622 12-month period, irrespective of sales. Increases in productive
623 output shall be measured by the output for 12 continuous months
624 immediately following the completion of installation of such
625 machinery or equipment over the output for the 12 continuous
626 months immediately preceding such installation. However, if a
627 different 12-month continuous period of time would more
628 accurately reflect the increase in productive output of
629 machinery and equipment purchased to facilitate an expansion,
630 the increase in productive output may be measured during that
631 12-month continuous period of time if such time period is
632 mutually agreed upon by the Department of Revenue and the
633 expanding business prior to the commencement of production;
634 provided, however, in no case may such time period begin later
635 than 2 years following the completion of installation of the new
636 machinery and equipment. The units used to measure productive
637 output shall be physically comparable between the two periods,
638 irrespective of sales.

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639 (g) *Building materials used in the rehabilitation of real*
640 *property located in an enterprise zone.*—

641 1. Building materials used in the rehabilitation of real
642 property located in an enterprise zone are ~~shall be~~ exempt from
643 the tax imposed by this chapter upon an affirmative showing to
644 the satisfaction of the department that the items have been used
645 for the rehabilitation of real property located in an enterprise
646 zone. Except as provided in subparagraph 2., this exemption
647 inures to the owner, lessee, or lessor of the rehabilitated real
648 property located in an enterprise zone only through a refund of
649 previously paid taxes. To receive a refund pursuant to this
650 paragraph, the owner, lessee, or lessor of the rehabilitated
651 real property located in an enterprise zone must file an
652 application under oath with the governing body or enterprise
653 zone development agency having jurisdiction over the enterprise
654 zone where the business is located, as applicable, which
655 includes:

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

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

660 c. A description of the improvements made to accomplish the
661 rehabilitation of the real property.

662 d. A copy of the building permit issued for the
663 rehabilitation of the real property.

664 e. A sworn statement, under the penalty of perjury, from
665 the general contractor licensed in this state with whom the
666 applicant contracted to make the improvements necessary to
667 accomplish the rehabilitation of the real property, which

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668 statement lists the building materials used in the
669 rehabilitation of the real property, the actual cost of the
670 building materials, and the amount of sales tax paid in this
671 state on the building materials. If ~~In the event that~~ a general
672 contractor has not been used, the applicant shall provide this
673 information in a sworn statement, under the penalty of perjury.
674 Copies of the invoices that ~~which~~ evidence the purchase of the
675 building materials used in such rehabilitation and the payment
676 of sales tax on the building materials shall be attached to the
677 sworn statement provided by the general contractor or by the
678 applicant. Unless the actual cost of building materials used in
679 the rehabilitation of real property and the payment of sales
680 taxes due thereon is documented by a general contractor or by
681 the applicant in this manner, the cost of such building
682 materials shall be an amount equal to 40 percent of the increase
683 in assessed value for ad valorem tax purposes.

684 f. The identifying number assigned pursuant to s. 290.0065
685 to the enterprise zone in which the rehabilitated real property
686 is located.

687 g. A certification by the local building code inspector
688 that the improvements necessary to accomplish the rehabilitation
689 of the real property are substantially completed.

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

692 i. If applicable, the name and address of each permanent
693 employee of the business, including, for each employee who is a
694 resident of an enterprise zone, the identifying number assigned
695 pursuant to s. 290.0065 to the enterprise zone in which the
696 employee resides.

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697 2. This exemption inures to a municipality ~~city~~, county,
698 other governmental agency, or nonprofit community-based
699 organization through a refund of previously paid taxes if the
700 building materials used in the rehabilitation of real property
701 located in an enterprise zone are paid for from the funds of a
702 community development block grant, State Housing Initiatives
703 Partnership Program, or similar grant or loan program. To
704 receive a refund pursuant to this paragraph, a municipality
705 ~~city~~, county, other governmental agency, or nonprofit community-
706 based organization must file an application that ~~which~~ includes
707 the same information required to be provided in subparagraph 1.
708 by an owner, lessee, or lessor of rehabilitated real property.
709 In addition, the application must include a sworn statement
710 signed by the chief executive officer of the municipality ~~city~~,
711 county, other governmental agency, or nonprofit community-based
712 organization seeking a refund which states that the building
713 materials for which a refund is sought were paid for from the
714 funds of a community development block grant, State Housing
715 Initiatives Partnership Program, or similar grant or loan
716 program.

717 3. Within 10 working days after receipt of an application,
718 the governing body or enterprise zone development agency shall
719 review the application to determine if it contains all the
720 information required pursuant to subparagraph 1. or subparagraph
721 2. and meets the criteria set out in this paragraph. The
722 governing body or agency shall certify all applications that
723 contain the information required pursuant to subparagraph 1. or
724 subparagraph 2. and that meet the criteria set out in this
725 paragraph as eligible to receive a refund. If applicable, the

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726 governing body or agency shall also certify if 20 percent of the
727 employees of the business are residents of an enterprise zone,
728 excluding temporary and part-time employees. The certification
729 shall be in writing, and a copy of the certification shall be
730 transmitted to the executive director of the department ~~of~~
731 Revenue. The applicant is ~~shall be~~ responsible for forwarding a
732 certified application to the department within the time
733 specified in subparagraph 4.

734 4. An application for a refund pursuant to this paragraph
735 must be submitted to the department within 6 months after the
736 rehabilitation of the property is deemed to be substantially
737 completed by the local building code inspector or by September 1
738 after the rehabilitated property is first subject to assessment.

739 5. Not more than one exemption through a refund of
740 previously paid taxes for the rehabilitation of real property
741 shall be permitted for any single parcel of property unless
742 there is a change in ownership, a new lessor, or a new lessee of
743 the real property. No refund shall be granted pursuant to this
744 paragraph unless the amount to be refunded exceeds \$500. No
745 refund granted pursuant to this paragraph shall exceed the
746 lesser of 97 percent of the Florida sales or use tax paid on the
747 cost of the building materials used in the rehabilitation of the
748 real property as determined pursuant to sub-subparagraph 1.e. or
749 \$5,000, or, if no less than 20 percent of the employees of the
750 business are residents of an enterprise zone, excluding
751 temporary and part-time employees, the amount of refund granted
752 pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97
753 percent of the sales tax paid on the cost of such building
754 materials or \$10,000. A refund approved pursuant to this

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755 paragraph shall be made within 30 days after ~~of~~ formal approval
756 by the department of the application for the refund. This
757 subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

758 6. The department shall adopt rules governing the manner
759 and form of refund applications and may establish guidelines as
760 to the requisites for an affirmative showing of qualification
761 for exemption under this paragraph.

762 7. The department shall deduct an amount equal to 10
763 percent of each refund granted under ~~the provisions of~~ this
764 paragraph from the amount transferred into the Local Government
765 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
766 for the county area in which the rehabilitated real property is
767 located and shall transfer that amount to the General Revenue
768 Fund.

769 8. For the purposes of the exemption provided in this
770 paragraph, the term:

771 a. "Building materials" means tangible personal property
772 that ~~which~~ becomes a component part of improvements to real
773 property.

774 b. "Real property" has the same meaning as provided in s.
775 192.001(12), except that the term does not include a condominium
776 parcel or condominium property as defined in s. 718.103.

777 c. "Rehabilitation of real property" means the
778 reconstruction, renovation, restoration, rehabilitation,
779 construction, or expansion of improvements to real property.

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

782 9. This paragraph expires on the date specified in s.
783 290.016 for the expiration of the Florida Enterprise Zone Act.

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784 (q) Entertainment industry tax credit; authorization;
785 eligibility for credits.—The credit against sales tax authorized
786 pursuant to s. 288.1254 is available to the holder of a
787 certificate only through a refund of previously paid taxes. To
788 receive a refund, a transferee must submit an application for
789 refund to the Department of Revenue within 12 months after
790 receipt of the transferred credit. Refunds shall be paid from
791 the General Revenue Fund. If the credit for the qualified
792 expenditures is larger than the amount owed on the sales and use
793 tax return on which the credit may be claimed, the unused amount
794 of the credit may be carried forward to a succeeding reporting
795 period as provided in s. 288.1254(4)(e).

796 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
797 entity by this chapter do not inure to any transaction that is
798 otherwise taxable under this chapter when payment is made by a
799 representative or employee of the entity by any means,
800 including, but not limited to, cash, check, or credit card, even
801 when that representative or employee is subsequently reimbursed
802 by the entity. In addition, exemptions provided to any entity by
803 this subsection do not inure to any transaction that is
804 otherwise taxable under this chapter unless the entity has
805 obtained a sales tax exemption certificate from the department
806 or the entity obtains or provides other documentation as
807 required by the department. Eligible purchases or leases made
808 with such a certificate must be in strict compliance with this
809 subsection and departmental rules, and any person who makes an
810 exempt purchase with a certificate that is not in strict
811 compliance with this subsection and the rules is liable for and
812 shall pay the tax. The department may adopt rules to administer

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813 this subsection.

814 (ggg) Aircraft temporarily in the state.-

815 1. An aircraft owned by a nonresident is exempt from the
816 use tax imposed by this chapter if the aircraft enters and
817 remains in this state for less than a total of 21 days during
818 the 6-month period after the date of purchase. The temporary use
819 of the aircraft and subsequent removal from this state may be
820 proven by invoices for fuel, tie-down, or hangar charges issued
821 by out-of-state vendors or suppliers or similar documentation
822 that clearly and specifically identifies the aircraft. The
823 exemption created by this subparagraph is in addition to the
824 exemptions provided in subparagraph 2. and s. 212.05(1)(a).

825 2. An aircraft owned by a nonresident is exempt from the
826 use tax imposed by this chapter if the aircraft enters or
827 remains in this state exclusively for the purpose of flight
828 training, repairs, alterations, refitting, or modification. Such
829 purposes must be supported by written documentation issued by
830 in-state vendors or suppliers which clearly and specifically
831 identifies the aircraft. The exemption created by this
832 subparagraph is in addition to the exemptions provided in
833 subparagraph 1. and s. 212.05(1)(a).

834 Section 6. Effective July 1, 2012, paragraph (b) of
835 subsection (5) of section 212.08, Florida Statutes, as amended
836 by this act, is amended to read:

837 212.08 Sales, rental, use, consumption, distribution, and
838 storage tax; specified exemptions.—The sale at retail, the
839 rental, the use, the consumption, the distribution, and the
840 storage to be used or consumed in this state of the following
841 are hereby specifically exempt from the tax imposed by this

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842 chapter.

843 (5) EXEMPTIONS; ACCOUNT OF USE.—

844 (b) *Machinery and equipment used to increase productive*
845 *output.*—

846 1. Industrial machinery and equipment purchased for
847 exclusive use by a new business in spaceport activities as
848 defined by s. 212.02 or for use in new businesses that
849 manufacture, process, compound, or produce for sale items of
850 tangible personal property at fixed locations are exempt from
851 the tax imposed by this chapter upon an affirmative showing by
852 the taxpayer to the satisfaction of the department that such
853 items are used in a new business in this state. Such purchases
854 must be made prior to the date the business first begins its
855 productive operations, and delivery of the purchased item must
856 be made within 12 months after that date.

857 2. Industrial machinery and equipment purchased for
858 exclusive use by an expanding facility that is engaged in
859 spaceport activities as defined by s. 212.02 or for use in
860 expanding manufacturing facilities or plant units that
861 manufacture, process, compound, or produce for sale items of
862 tangible personal property at fixed locations in this state are
863 exempt from any amount of tax imposed by this chapter upon an
864 affirmative showing by the taxpayer to the satisfaction of the
865 department that such items are used to increase the productive
866 output of such expanded facility or business by at least 10
867 percent.

868 ~~3. Beginning July 1, 2010, and ending June 30, 2011, and~~
869 ~~beginning July 1, 2011, and ending June 30, 2012, that portion~~
870 ~~of the total amount of a taxpayer's purchases of industrial~~

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871 ~~machinery and equipment for the exclusive use by a facility that~~
872 ~~is engaged in spaceport activities, or for use in manufacturing~~
873 ~~facilities or plant units that manufacture, process, compound,~~
874 ~~or produce for sale items of tangible personal property at fixed~~
875 ~~locations in this state, which exceeds the total amount incurred~~
876 ~~for all industrial machinery and equipment purchased and placed~~
877 ~~into service by the taxpayer in its tax year that began in 2008~~
878 ~~is exempt from the tax imposed by this chapter to the extent~~
879 ~~that the taxpayer demonstrates to the satisfaction of the~~
880 ~~department the actual costs incurred to purchase the items and~~
881 ~~that the items have been located and placed into service in this~~
882 ~~state. The taxpayer's 2008 tax year shall be the baseline year~~
883 ~~for future computations of the tax exemption as long as the~~
884 ~~exemption exists.~~

885 3.4.a. To receive an exemption provided by this paragraph,
886 a qualifying business entity shall apply to the department for a
887 temporary tax exemption permit. The application shall state that
888 a business exemption is being sought. Upon a tentative
889 affirmative determination by the department pursuant to
890 subparagraph 1. or, ~~subparagraph 2., or subparagraph 3.,~~ the
891 department shall issue such permit.

892 b. The applicant shall maintain all necessary books and
893 records to support the exemption. Upon completion of purchases
894 of qualified machinery and equipment pursuant to subparagraph 1.
895 or, ~~subparagraph 2., or subparagraph 3.,~~ the temporary tax
896 permit shall be delivered to the department or returned to the
897 department by certified or registered mail.

898 c. If, in a subsequent audit conducted by the department,
899 it is determined that the machinery and equipment purchased as

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900 exempt under subparagraph 1. or~~7~~ subparagraph 2.~~7~~~~or~~
901 ~~subparagraph 3.~~ did not meet the criteria mandated by this
902 paragraph or if commencement of production did not occur, the
903 amount of taxes exempted at the time of purchase shall
904 immediately be due and payable to the department by the business
905 entity, together with the appropriate interest and penalty,
906 computed from the date of purchase, in the manner prescribed by
907 this chapter.

908 d. If a qualifying business entity fails to apply for a
909 temporary exemption permit or if the tentative determination by
910 the department required to obtain a temporary exemption permit
911 is negative, a qualifying business entity shall receive the ~~an~~
912 exemption provided in this paragraph through a refund of
913 previously paid taxes. No refund may be made for such taxes
914 unless the criteria mandated by subparagraph 1. or~~7~~ subparagraph
915 2.~~7~~~~or~~ ~~subparagraph 3.~~ have been met and commencement of
916 production has occurred.

917 ~~e. The exemption provided by subparagraph 3. applies to the~~
918 ~~taxpayer only through a refund of previously paid taxes. The~~
919 ~~taxpayer must submit a refund application to the Department of~~
920 ~~Revenue within 12 months after the last day of the 12-month~~
921 ~~period during which the machinery and equipment qualifies for~~
922 ~~the exemption under this subparagraph. The refund shall be paid~~
923 ~~to the taxpayer from the General Revenue Fund.~~

924 4.5. The department shall adopt rules governing
925 applications for, issuance of, and the form of temporary tax
926 exemption permits; provisions for recapture of taxes; and the
927 manner and form of refund applications, and may establish
928 guidelines as to the requisites for an affirmative showing of

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929 increased productive output, commencement of production, and
930 qualification for exemption.

931 ~~5.6.~~ The exemptions provided in this paragraph do not apply
932 to machinery or equipment purchased or used by electric utility
933 companies, communications companies, oil or gas exploration or
934 production operations, publishing firms that do not export at
935 least 50 percent of their finished product out of the state, any
936 firm subject to regulation by the Division of Hotels and
937 Restaurants of the Department of Business and Professional
938 Regulation, or any firm that does not manufacture, process,
939 compound, or produce for sale items of tangible personal
940 property or that does not use such machinery and equipment in
941 spaceport activities as required by this paragraph. The
942 exemptions provided in this paragraph apply to machinery and
943 equipment purchased for use in phosphate or other solid minerals
944 severance, mining, or processing operations.

945 ~~6.7.~~ For the purposes of the exemptions provided in this
946 paragraph, the term:

947 a. "Industrial machinery and equipment" means tangible
948 personal property or other property that has a depreciable life
949 of 3 years or more and that is used as an integral part in the
950 manufacturing, processing, compounding, or production of
951 tangible personal property for sale or is exclusively used in
952 spaceport activities. A building and its structural components
953 are not industrial machinery and equipment unless the building
954 or structural component is so closely related to the industrial
955 machinery and equipment that it houses or supports that the
956 building or structural component can be expected to be replaced
957 when the machinery and equipment are replaced. Heating and air-

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958 conditioning systems are not industrial machinery and equipment
959 unless the sole justification for their installation is to meet
960 the requirements of the production process, even though the
961 system may provide incidental comfort to employees or serve, to
962 an insubstantial degree, nonproduction activities. The term
963 includes parts and accessories only to the extent that the
964 exemption thereof is consistent with the provisions of this
965 paragraph.

966 b. "Productive output" means the number of units actually
967 produced by a single plant or operation in a single continuous
968 12-month period, irrespective of sales. Increases in productive
969 output shall be measured by the output for 12 continuous months
970 immediately following the completion of installation of such
971 machinery or equipment over the output for the 12 continuous
972 months immediately preceding such installation. However, if a
973 different 12-month continuous period of time would more
974 accurately reflect the increase in productive output of
975 machinery and equipment purchased to facilitate an expansion,
976 the increase in productive output may be measured during that
977 12-month continuous period of time if such time period is
978 mutually agreed upon by the Department of Revenue and the
979 expanding business prior to the commencement of production;
980 however, in no case may such time period begin later than 2
981 years following the completion of installation of the new
982 machinery and equipment. The units used to measure productive
983 output shall be physically comparable between the two periods,
984 irrespective of sales.

985 Section 7. Effective July 1, 2010, paragraph (z) is added
986 to subsection (8) of section 213.053, Florida Statutes, to read:

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987 213.053 Confidentiality and information sharing.-

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

990 (z) Information relative to tax credits taken under s.
991 288.1254 to the Office of Film and Entertainment and to the
992 Office of Tourism, Trade, and Economic Development.

993
994 Disclosure of information under this subsection shall be
995 pursuant to a written agreement between the executive director
996 and the agency. Such agencies, governmental or nongovernmental,
997 shall be bound by the same requirements of confidentiality as
998 the Department of Revenue. Breach of confidentiality is a
999 misdemeanor of the first degree, punishable as provided by s.
1000 775.082 or s. 775.083.

1001 Section 8. Effective July 1, 2010, subsection (8) of
1002 section 220.02, Florida Statutes, is amended to read:

1003 220.02 Legislative intent.-

1004 (8) It is the intent of the Legislature that credits
1005 against either the corporate income tax or the franchise tax be
1006 applied in the following order: those enumerated in s. 631.828,
1007 those enumerated in s. 220.191, those enumerated in s. 220.181,
1008 those enumerated in s. 220.183, those enumerated in s. 220.182,
1009 those enumerated in s. 220.1895, those enumerated in s. 221.02,
1010 those enumerated in s. 220.184, those enumerated in s. 220.186,
1011 those enumerated in s. 220.1845, those enumerated in s. 220.19,
1012 those enumerated in s. 220.185, those enumerated in s. 220.187,
1013 those enumerated in s. 220.192, those enumerated in s. 220.193,
1014 ~~and~~ those enumerated in s. 288.9916, and those enumerated in s.
1015 288.1254, and those enumerated in s. 220.1896.

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1016 Section 9. Effective July 1, 2010, section 220.1896,
1017 Florida Statutes, is created to read:

1018 220.1896 Jobs for the Unemployed Tax Credit Program.-

1019 (1) As used in this section, the term:

1020 (a) "Certified project" means a project proposed by an
1021 eligible business that has been certified by the Office of
1022 Tourism, Trade, and Economic Development to receive and use tax
1023 credits awarded under this incentive.

1024 (b) "Eligible business" means any target industry business
1025 as defined in s. 288.106(2) which is subject to the tax imposed
1026 by this chapter. The eligible business does not have to be
1027 certified to receive the Qualified Target Industry Tax Refund
1028 Incentive under s. 288.106 in order to receive the tax credit
1029 available under this section.

1030 (c) "Office" means the Office of Tourism, Trade, and
1031 Economic Development.

1032 (d) "Qualified employee" means a person:

1033 1. Who was unemployed and determined to be monetarily
1034 eligible for unemployment compensation benefits by the Agency
1035 for Workforce Innovation for a benefit year beginning on or
1036 after January 1, 2009.

1037 2. Who was hired by an eligible business on or after July
1038 1, 2010, and had not previously been employed by the eligible
1039 business or its parent or an affiliated corporation.

1040 3. Who performed duties connected to the operations of the
1041 eligible business on a regular, full-time basis for an average
1042 of at least 36 hours per week and for at least 12 months before
1043 an eligible business is awarded a tax credit.

1044 4. Whose employment by the eligible business has not formed

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1045 the basis for any other claim to a credit pursuant to this
1046 section.

1047 (2) A certified business shall receive a \$1,000 tax credit
1048 for each qualified employee, pursuant to limitation in
1049 subsection (5).

1050 (3) (a) In order to become a certified business, an eligible
1051 business must file under oath with the office an application
1052 that includes:

1053 1. The name, address and NAICS identifying code of the
1054 eligible business.

1055 2. Relevant employment information.

1056 3. Verification of previous unemployment of each employee
1057 for whom the eligible business is seeking credits under this
1058 section.

1059 4. Verification that the wages paid by the eligible
1060 business to each of its qualified employees exceeds the wage
1061 eligibility levels for Medicaid and other public assistance
1062 programs.

1063 5. Any other information necessary to process the
1064 application.

1065 (b) The notice of monetary determination issued by the
1066 Agency for Workforce Innovation may be used as evidence of
1067 previous unemployment under subparagraph (3) (a)3. However,
1068 before an employee provides the notice of monetary determination
1069 to the employer, the employee may redact information that the
1070 employee considers confidential if the information is not
1071 required by the office to approve the application to certify a
1072 project.

1073 (c) The office and Enterprise Florida, Inc., shall process

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1074 applications to certify a business in the order in which the
1075 applications are received, without regard as to whether the
1076 applicant is a new or an existing business. The office and
1077 Enterprise Florida, Inc., shall review and approve or deny an
1078 application pursuant to s. 288.061.

1079 (d)1. The office shall submit a copy of the letter of
1080 certification to the department within 10 days after the office
1081 issues the letter of certification to the applicant.

1082 2. If the application of an eligible business is not
1083 sufficient to certify the applicant business, the office must
1084 deny the application and issue a notice of denial to the
1085 applicant.

1086 3. If the application of an eligible business does not
1087 contain sufficient documentation of the number of qualified
1088 employees, the office shall approve the application with respect
1089 to the employees for whom the office determines are qualified
1090 employees. The office must deny the application with respect to
1091 persons for whom the office determines are not qualified
1092 employees or for whom insufficient documentation has been
1093 provided. A business may not submit a revised application for
1094 certification or for the determination of a person as qualified
1095 employee more than 3 months after the issuance of a notice of
1096 denial with respect to the business or a particular person as a
1097 qualified employee.

1098 (4) The applicant for a tax credit under this section has
1099 the responsibility to affirmatively demonstrate to the
1100 satisfaction of the office and the department that the applicant
1101 and the persons claimed as qualified employees meet the
1102 requirements of this section.

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1103 (5) The total amount of tax credits under this section
1104 which may be approved by the office for all applicants is \$10
1105 million, with \$5 million available to be awarded in the 2011-
1106 2012 fiscal year and \$5 million available to be awarded in the
1107 2012-2013 fiscal year. The credit may be applied to corporate
1108 income tax liability due on returns for fiscal years beginning
1109 July 1, 2011, and July 1, 2012.

1110 (6) An unused tax credit amount that is granted under this
1111 section which is not fully used in the first year for which it
1112 becomes available, may be carried forward to the subsequent tax
1113 year. The carryover credit may be used in the subsequent year if
1114 the tax imposed by this chapter for such year exceeds the credit
1115 for such year under this section after applying the other
1116 credits and unused credit carryovers in the order provided in s.
1117 220.02(8).

1118 (7) A person who fraudulently claims a credit under this
1119 section is liable for repayment of the credit plus a mandatory
1120 penalty of 100 percent of the credit. Such person also commits a
1121 misdemeanor of the second degree, punishable as provided in s.
1122 775.082 or s. 775.083.

1123 (8) The office may adopt rules governing the manner and
1124 form of applications for the tax credit. The office may
1125 establish guidelines for making an affirmative showing of
1126 qualification for the tax credit under this section.

1127 (9) The department may adopt rules to administer this
1128 section, including rules relating to the creation of forms to
1129 claim a tax credit and examination and audit procedures required
1130 to administer this section.

1131 (10) This section expires June 30, 2012. However, a

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1132 taxpayer that is awarded a tax credit in the second year of the
1133 program may carry forward any unused credit amount to the
1134 subsequent tax reporting period. Rules adopted by the department
1135 to administer this section shall remain valid as long as a
1136 taxpayer may use a credit against its corporate income tax
1137 liability.

1138 Section 10. Effective July 1, 2010, section 220.1899,
1139 Florida Statutes, is created to read:

1140 220.1899 Entertainment Industry Tax Credit.—

1141 (1) There shall be a credit allowed against the tax imposed
1142 by this chapter in the amounts approved by the Office of
1143 Tourism, Trade, and Economic Development pursuant to the
1144 entertainment industry financial incentives program in s.
1145 288.1254.

1146 (2) A qualified production company, as defined in s.
1147 288.1254(1)(j), which is awarded a tax credit against its
1148 qualified expenditures pursuant to s. 288.1254, for expenditures
1149 made between July 1, 2010, and June 30, 2015, may not claim a
1150 credit before July 1, 2011, regardless of when such credit is
1151 awarded.

1152 (3) To the extent that a credit amount exceeds the amount
1153 due on a return, the balance of the credit may be carried
1154 forward to a succeeding reporting period pursuant to s.
1155 288.1254(4)(e).

1156 Section 11. Effective July 1, 2010, section 220.191,
1157 Florida Statutes, is amended to read:

1158 220.191 Capital investment tax credit.—

1159 (1) DEFINITIONS.—For purposes of this section:

1160 (a) "Commencement of operations" means the beginning of

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1161 active operations by a qualifying business of the principal
1162 function for which a qualifying project was constructed.

1163 (b) "Cumulative capital investment" means the total capital
1164 investment in land, buildings, and equipment made in connection
1165 with a qualifying project during the period from the beginning
1166 of construction of the project to the commencement of
1167 operations.

1168 (c) "Eligible capital costs" means all expenses incurred by
1169 a qualifying business in connection with the acquisition,
1170 construction, installation, and equipping of a qualifying
1171 project during the period from the beginning of construction of
1172 the project to the commencement of operations, including, but
1173 not limited to:

1174 1. The costs of acquiring, constructing, installing,
1175 equipping, and financing a qualifying project, including all
1176 obligations incurred for labor and obligations to contractors,
1177 subcontractors, builders, and materialmen.

1178 2. The costs of acquiring land or rights to land and any
1179 cost incidental thereto, including recording fees.

1180 3. The costs of architectural and engineering services,
1181 including test borings, surveys, estimates, plans and
1182 specifications, preliminary investigations, environmental
1183 mitigation, and supervision of construction, as well as the
1184 performance of all duties required by or consequent to the
1185 acquisition, construction, installation, and equipping of a
1186 qualifying project.

1187 4. The costs associated with the installation of fixtures
1188 and equipment; surveys, including archaeological and
1189 environmental surveys; site tests and inspections; subsurface

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1190 site work and excavation; removal of structures, roadways, and
1191 other surface obstructions; filling, grading, paving, and
1192 provisions for drainage, storm water retention, and installation
1193 of utilities, including water, sewer, sewage treatment, gas,
1194 electricity, communications, and similar facilities; and offsite
1195 construction of utility extensions to the boundaries of the
1196 property.

1197
1198 Eligible capital costs shall not include the cost of any
1199 property previously owned or leased by the qualifying business.

1200 (d) "Income generated by or arising out of the qualifying
1201 project" means the qualifying project's annual taxable income as
1202 determined by generally accepted accounting principles and under
1203 s. 220.13.

1204 (e) "Jobs" means full-time equivalent positions, as that
1205 term is consistent with terms used by the Agency for Workforce
1206 Innovation and the United States Department of Labor for
1207 purposes of unemployment tax administration and employment
1208 estimation, resulting directly from a project in this state. The
1209 term does not include temporary construction jobs involved in
1210 the construction of the project facility.

1211 (f) "Office" means the Office of Tourism, Trade, and
1212 Economic Development.

1213 (g) "Qualifying business" means a business that is
1214 designated as a qualified target industry business pursuant to
1215 s. 288.106(2) (t), ~~which~~ establishes a qualifying project in this
1216 state, and ~~which~~ is certified by the office to receive tax
1217 credits pursuant to this section.

1218 (h) "Qualifying project" means:

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1219 1. A new or expanding facility in this state which creates
1220 at least 50 ~~100~~ new jobs in this state, pays an annual average
1221 wage of at least 130 percent of the average private sector wage
1222 as defined in s. 288.106(2), makes a cumulative capital
1223 investment of at least \$25 million in this state, and is a
1224 qualified target industry business pursuant to s. 288.106(2)(t)
1225 ~~in one of the high-impact sectors identified by Enterprise~~
1226 ~~Florida, Inc., and certified by the office pursuant to s.~~
1227 ~~288.108(6), including, but not limited to, aviation, aerospace,~~
1228 ~~automotive, and silicon technology industries; or~~

1229 2. A new or expanded facility in this state which is
1230 engaged in a target industry designated pursuant to the
1231 procedure specified in s. 288.106(1)(o) and which is induced by
1232 this credit to create or retain at least 1,000 jobs in this
1233 state, provided that at least 100 of those jobs are new, pay an
1234 annual average wage of at least 130 percent of the average
1235 private sector wage in the area as defined in s. 288.106(1), and
1236 make a cumulative capital investment of at least \$100 million
1237 after July 1, 2005. Jobs may be considered retained only if
1238 there is significant evidence that the loss of jobs is imminent.
1239 Notwithstanding subsection (2), annual credits against the tax
1240 imposed by this chapter shall not exceed 50 percent of the
1241 increased annual corporate income tax liability or the premium
1242 tax liability generated by or arising out of a project
1243 qualifying under this subparagraph. A facility that qualifies
1244 under this subparagraph for an annual credit against the tax
1245 imposed by this chapter may take the tax credit for a period not
1246 to exceed 5 years; or

1247 2.3. A new or expanded headquarters facility in this state

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1248 which locates in an enterprise zone and brownfield area and is
1249 induced by this credit to create at least 1,500 jobs ~~that which~~
1250 on average pay at least 200 percent of the statewide average
1251 annual private sector wage, as published by the Agency for
1252 Workforce Innovation or its successor, and which new or expanded
1253 headquarters facility makes a cumulative capital investment in
1254 this state of at least \$250 million.

1255 (2) (a) On or after July 1, 2010, a qualifying business that
1256 enters into an agreement with the office for a qualifying
1257 project shall receive an annual credit against the tax imposed
1258 by this chapter ~~shall be granted to any qualifying business in~~
1259 an amount equal to a diminishing percentage ~~5 percent~~ of the
1260 eligible capital costs generated by a qualifying project during
1261 a 10-year, ~~for a period not to exceed 20 years~~ beginning with
1262 the commencement of operations of the project. The credit shall
1263 be awarded as follows: 15 percent of the eligible capital costs
1264 in each of the years 1 through 3; 10 percent in each of the
1265 years 4 through 7; and 5 percent each year in years 8 through
1266 10. An agreement for a qualifying project between a qualifying
1267 business and the office which was entered into before July 1,
1268 2010, is subject to the law in effect when the agreement was
1269 executed. Unless assigned as described in this subsection, the
1270 tax credit shall be granted against only the corporate income
1271 tax liability or the premium tax liability generated by or
1272 arising out of the qualifying project, and the sum of all tax
1273 credits provided pursuant to this section may ~~shall~~ not exceed
1274 100 percent of the eligible capital costs of the project. In no
1275 event may any credit granted under this section be carried
1276 forward or backward by any qualifying business with respect to a

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1277 subsequent or prior year. The annual tax credit granted under
1278 this section may ~~shall~~ not exceed the following percentages of
1279 the annual corporate income tax liability or the premium tax
1280 liability generated by or arising out of a qualifying project:

1281 1. One hundred percent for a qualifying project which
1282 results in a cumulative capital investment of at least \$100
1283 million.

1284 2. Seventy-five percent for a qualifying project which
1285 results in a cumulative capital investment of at least \$50
1286 million but less than \$100 million.

1287 3. Fifty percent for a qualifying project which results in
1288 a cumulative capital investment of at least \$25 million but less
1289 than \$50 million.

1290 (b) A qualifying project that ~~which~~ results in a cumulative
1291 capital investment of less than \$25 million is not eligible for
1292 the capital investment tax credit. However, an insurance company
1293 claiming a credit against premium tax liability under this
1294 program is ~~shall~~ not ~~be~~ required to pay any additional
1295 retaliatory tax levied pursuant to s. 624.5091 as a result of
1296 claiming such credit. Because credits under this section are
1297 available to an insurance company, s. 624.5091 does not limit
1298 such credit in any manner.

1299 (c) A qualifying business that establishes a qualifying
1300 project that includes locating a new solar panel manufacturing
1301 facility in this state which ~~that~~ generates a minimum of 400
1302 jobs within 6 months after commencement of operations with an
1303 average salary of at least \$50,000 may assign or transfer the
1304 annual credit, or any portion thereof, granted under this
1305 section to any other business. However, the amount of the tax

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1306 credit that may be transferred in any year shall be the lesser
1307 of the qualifying business's state corporate income tax
1308 liability for that year, as limited by the percentages
1309 applicable under paragraph (a) and as calculated prior to taking
1310 any credit pursuant to this section, or the credit amount
1311 granted for that year. A business receiving the transferred or
1312 assigned credits may use the credits only in the year received,
1313 and the credits may not be carried forward or backward. To
1314 perfect the transfer, the transferor shall provide the
1315 department with a written transfer statement notifying the
1316 department of the transferor's intent to transfer the tax
1317 credits to the transferee; the date the transfer is effective;
1318 the transferee's name, address, and federal taxpayer
1319 identification number; the tax period; and the amount of tax
1320 credits to be transferred. The department shall, upon receipt of
1321 a transfer statement conforming to the requirements of this
1322 paragraph, provide the transferee with a certificate reflecting
1323 the tax credit amounts transferred. A copy of the certificate
1324 must be attached to each tax return for which the transferee
1325 seeks to apply such tax credits.

1326 (3) (a) Notwithstanding subsection (2), an annual credit
1327 against the tax imposed by this chapter shall be granted to a
1328 qualifying business that ~~which~~ establishes a qualifying project
1329 pursuant to subparagraph (1) (h) 2. ~~(1) (h) 3.~~, in an amount equal
1330 to the lesser of \$15 million or 5 percent of the eligible
1331 capital costs made in connection with a qualifying project, for
1332 a period not to exceed 20 years beginning with the commencement
1333 of operations of the project. The tax credit shall be granted
1334 against the corporate income tax liability of the qualifying

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1335 business and as further provided in paragraph (c). The total tax
1336 credit provided pursuant to this subsection shall be equal to no
1337 more than 100 percent of the eligible capital costs of the
1338 qualifying project.

1339 (b) If the credit granted under this subsection is not
1340 fully used in any one year because of insufficient tax liability
1341 on the part of the qualifying business, the unused amount may be
1342 carried forward for a period not to exceed 20 years after the
1343 commencement of operations of the project. The carryover credit
1344 may be used in a subsequent year when the tax imposed by this
1345 chapter for that year exceeds the credit for which the
1346 qualifying business is eligible in that year under this
1347 subsection after applying the other credits and unused
1348 carryovers in the order provided by s. 220.02(8).

1349 (c) The credit granted under this subsection may be used in
1350 whole or in part by the qualifying business or any corporation
1351 that is ~~either~~ a member of that qualifying business's affiliated
1352 group of corporations, is a related entity taxable as a
1353 cooperative under subchapter T of the Internal Revenue Code, or,
1354 if the qualifying business is an entity taxable as a cooperative
1355 under subchapter T of the Internal Revenue Code, is related to
1356 the qualifying business. Any entity related to the qualifying
1357 business may continue to file as a member of a Florida-nexus
1358 consolidated group pursuant to a prior election made under s.
1359 220.131(1), Florida Statutes (1985), even if the parent of the
1360 group changes due to a direct or indirect acquisition of the
1361 former common parent of the group. Any credit may ~~can~~ be used by
1362 any of the affiliated companies or related entities referenced
1363 in this paragraph to the same extent as it could have been used

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1364 by the qualifying business. However, any such use does ~~shall~~ not
1365 operate to increase the amount of the credit or extend the
1366 period within which the credit must be used.

1367 (4) Prior to receiving tax credits pursuant to this
1368 section, a qualifying business must achieve and maintain the
1369 minimum employment goals beginning with the commencement of
1370 operations at a qualifying project and continuing each year
1371 thereafter during which tax credits are available pursuant to
1372 this section. However, the office may approve a prorated tax
1373 credit amount for a qualifying business that enters into an
1374 agreement with the office on or after July 1, 2010, has
1375 satisfied the capital investment and average wage requirements
1376 but that has not met the employment requirements because of
1377 market conditions. The prorated tax refund shall be calculated
1378 by multiplying the tax refund amount for which the qualifying
1379 business would have been eligible if all applicable requirements
1380 had been satisfied by the percentage of the average employment
1381 specified in the tax refund agreement which was actually
1382 achieved.

1383 (5) Applications shall be reviewed and certified pursuant
1384 to s. 288.061. The office, upon a recommendation by Enterprise
1385 Florida, Inc., shall first certify a business as eligible to
1386 receive tax credits pursuant to this section prior to the
1387 commencement of operations of a qualifying project, and such
1388 certification shall be transmitted to the Department of Revenue.
1389 Upon receipt of the certification, the Department of Revenue
1390 shall enter into a written agreement with the qualifying
1391 business specifying, at a minimum, the method by which income
1392 generated by or arising out of the qualifying project will be

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1393 determined.

1394 (6) The office, in consultation with Enterprise Florida,
1395 Inc., ~~may is authorized to~~ develop the necessary guidelines and
1396 application materials for the certification process described in
1397 subsection(5).

1398 (7) ~~It shall be the responsibility of~~ The qualifying
1399 business has the responsibility to affirmatively demonstrate to
1400 the satisfaction of the department and the office of Revenue
1401 that such business meets the job creation and capital investment
1402 requirements of this section.

1403 (8) The department ~~of Revenue~~ may specify by rule the
1404 methods by which a qualifying project's pro forma annual taxable
1405 income is determined.

1406 (9) A business that receives a tax credit pursuant to this
1407 section is not eligible for a tax refund under the tax refund
1408 program for qualified target industry businesses, s. 288.106.

1409 Section 12. Effective July 1, 2010, paragraph (a) of
1410 subsection (3) of section 288.095, Florida Statutes, is amended
1411 to read:

1412 288.095 Economic Development Trust Fund.—

1413 (3) (a) The Office of Tourism, Trade, and Economic
1414 Development may approve applications for certification pursuant
1415 to ss. 288.1045(3) and 288.106. ~~However, the total state share~~
1416 ~~of tax refund payments scheduled in all active certifications~~
1417 ~~for fiscal year 2001-2002 may not exceed \$30 million.~~ The total
1418 state share of tax refund payments for active certifications for
1419 each subsequent fiscal year may not exceed \$100 ~~\$35~~ million.

1420 Section 13. Effective July 1, 2010, section 288.106,
1421 Florida Statutes, is reordered and amended to read:

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1422 288.106 Tax refund program for qualified target industry
1423 businesses.-

1424 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.-The Legislature
1425 finds that retaining and expanding existing businesses in
1426 Florida, encouraging the creation of new businesses in Florida,
1427 attracting new businesses from out of state, and generally
1428 providing conditions favorable for the growth of target
1429 industries creates high-quality, high-wage employment
1430 opportunities for the citizens of this state and strengthens
1431 Florida's economic foundation. The Legislature also finds that
1432 incentives that are narrowly focused in application and scope
1433 tend to be more effective at achieving the state's economic-
1434 development goals. Further, the Legislature finds that higher-
1435 wage jobs reduce the state's share of hidden costs such as
1436 public assistance and subsidized health care associated with
1437 low-wage jobs. Therefore, the Legislature declares that it is
1438 the policy of this state to encourage the growth of higher-wage
1439 jobs and a diverse economic base by providing state tax refunds
1440 to qualified target industry businesses that originate or expand
1441 in this state or that relocate to this state.

1442 (2)~~(1)~~ DEFINITIONS.-As used in this section:

1443 (a) "Account" means the Economic Development Incentives
1444 Account within the Economic Development Trust Fund established
1445 under s. 288.095.

1446 (c)~~(b)~~ "Average area private sector wage ~~in the area~~" means
1447 the statewide private sector average wage, or the average of all
1448 private sector wages and salaries in the county, or the average
1449 of all private sector wages and salaries in the standard
1450 metropolitan area, as determined by the governing body of the

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1451 county or municipality in which the business will be ~~is~~ located.

1452 (d)~~(e)~~ "Business" means an employing unit, as defined in s.
1453 443.036, which is registered for unemployment compensation
1454 purposes with the state agency providing unemployment tax
1455 collection services under contract with the Agency for Workforce
1456 Innovation through an interagency agreement pursuant to s.
1457 443.1316, or a subcategory or division of an employing unit
1458 which is accepted by the state agency providing unemployment tax
1459 collection services as a reporting unit.

1460 (e)~~(d)~~ "Corporate headquarters business" means an
1461 international, national, or regional headquarters office of a
1462 multinational or multistate business enterprise or national
1463 trade association, whether separate from or connected with other
1464 facilities used by such business.

1465 (n)~~(e)~~ "Office" means the Office of Tourism, Trade, and
1466 Economic Development.

1467 (g)~~(f)~~ "Enterprise zone" means an area designated as an
1468 enterprise zone pursuant to s. 290.0065.

1469 (h)~~(g)~~ "Expansion of an existing business" means the
1470 expansion of an existing Florida business by or through
1471 additions to real and personal property, resulting in a net
1472 increase in employment of not less than 10 percent at such
1473 business.

1474 (i)~~(h)~~ "Fiscal year" means the fiscal year of the state.

1475 (j)~~(i)~~ "Jobs" means full-time equivalent positions, as that
1476 term is consistent with terms used by the Agency for Workforce
1477 Innovation and the United States Department of Labor for
1478 purposes of unemployment compensation tax administration and
1479 employment estimation, resulting directly from a project in this

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1480 state. The term does not include temporary construction jobs
1481 involved with the construction of facilities for the project or
1482 any jobs previously included in any application for tax refunds
1483 under s. 288.1045 or this section.

1484 (k)~~(j)~~ "Local financial support" means funding from local
1485 sources, public or private, which is paid to the Economic
1486 Development Trust Fund and which is equal to 20 percent of the
1487 annual tax refund for a qualified target industry business. A
1488 qualified target industry business may not provide, directly or
1489 indirectly, more than 5 percent of such funding in any fiscal
1490 year. The sources of such funding may not include, directly or
1491 indirectly, state funds appropriated from the General Revenue
1492 Fund or any state trust fund, excluding tax revenues shared with
1493 local governments pursuant to law.

1494 (l)~~(k)~~ "Local financial support exemption option" means the
1495 option to exercise an exemption from the local financial support
1496 requirement available to any applicant whose project is located
1497 in a brownfield area or a rural community county ~~with a~~
1498 ~~population of 75,000 or fewer or a county with a population of~~
1499 ~~125,000 or fewer which is contiguous to a county with a~~
1500 ~~population of 75,000 or fewer.~~ Any applicant that exercises this
1501 option ~~is shall~~ not ~~be~~ eligible for more than 80 percent of the
1502 total tax refunds allowed such applicant under this section.

1503 (m)~~(l)~~ "New business" means a business that applies for the
1504 qualified target industry refund program before beginning
1505 operations ~~which heretofore did not exist~~ in this state and will
1506 begin, first beginning operations on a site that was not used
1507 for the operations of a related entity within the 48 months
1508 before the submission of the application located in this state

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1509 ~~and clearly separate from any other commercial or industrial~~
1510 ~~operations owned by the same business.~~

1511 ~~(o)~~ ~~(m)~~ "Project" means the creation of a new business or
1512 expansion of an existing business.

1513 ~~(f)~~ ~~(n)~~ "Director" means the Director of the Office of
1514 Tourism, Trade, and Economic Development.

1515 ~~(t)~~ ~~(e)~~ "Target industry business" means a corporate
1516 headquarters business or any business that is engaged in one of
1517 the target industries identified pursuant to the following
1518 criteria developed by the office in consultation with Enterprise
1519 Florida, Inc.:

1520 1. Future growth.—Industry forecasts should indicate strong
1521 expectation for future growth in both employment and output,
1522 according to the most recent available data. Preference ~~Special~~
1523 ~~consideration~~ should be given to businesses that export goods or
1524 services ~~Florida's growing access~~ to international markets or to
1525 businesses that replace domestic and international ~~replacing~~
1526 imports of goods or services.

1527 2. Stability.—The industry should not be subject to
1528 periodic layoffs, whether due to seasonality or sensitivity to
1529 volatile economic variables such as weather. The industry should
1530 also be relatively resistant to recession, so that the demand
1531 for products of this industry is not typically ~~necessarily~~
1532 subject to decline during an economic downturn.

1533 3. High wage.—The industry should pay higher ~~relatively~~
1534 ~~high~~ wages compared to statewide or area averages.

1535 4. Market and resource independent.—The location of
1536 industry businesses should not be dependent on Florida markets
1537 or resources as indicated by industry analysis, with the

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1538 exception of businesses in the renewable-energy industry.
1539 ~~Special consideration should be given to the development of~~
1540 ~~strong industrial clusters which include defense and homeland~~
1541 ~~security businesses.~~

1542 5. Industrial base diversification and strengthening.—The
1543 industry should contribute toward expanding or diversifying the
1544 state's or area's economic base, as indicated by analysis of
1545 employment and output shares compared to national and regional
1546 trends. Preference ~~Special consideration~~ should be given to
1547 industries that strengthen regional economies by adding value to
1548 basic products or building regional industrial clusters as
1549 indicated by industry analysis. Additionally, preference should
1550 be given to the development of strong industrial clusters that
1551 include defense and homeland security businesses.

1552 6. Economic benefits.—The industry is expected to ~~should~~
1553 have strong positive impacts on or benefits to the state or ~~and~~
1554 regional economies.

1555
1556 The office, in consultation with Enterprise Florida, Inc., shall
1557 develop a list of such target industries annually and submit
1558 such list as part of the final agency legislative budget request
1559 submitted pursuant to s. 216.023(1). A target industry business
1560 may not include any industry engaged in retail activities; any
1561 electrical utility company; any phosphate or other solid
1562 minerals severance, mining, or processing operation; any oil or
1563 gas exploration or production operation; ~~or~~ any business firm
1564 subject to regulation by the Division of Hotels and Restaurants
1565 of the Department of Business and Professional Regulation; or
1566 any business within NAICS code 56, administrative support

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1567 services, including call centers and customer account service
1568 centers.

1569 ~~(u)~~~~(p)~~ "Taxable year" means taxable year as defined in s.
1570 220.03(1)(y).

1571 ~~(p)~~~~(q)~~ "Qualified target industry business" means a target
1572 industry business that has been approved by the director to be
1573 eligible for tax refunds pursuant to this section.

1574 (q) "Return on investment" means the gain in state revenues
1575 as a percentage of the state's investment. The state's
1576 investment includes state grants, tax exemptions, tax refunds,
1577 tax credits, and other state incentives. Return on investment is
1578 expressed mathematically as follows:

1579
1580 Return on investment = (gain in state revenues - state's
1581 investment)/state's investment

1582
1583 ~~(r) "Rural county" means a county with a population of~~
1584 ~~75,000 or fewer or a county with a population of 100,000 or~~
1585 ~~fewer which is contiguous to a county with a population of~~
1586 ~~75,000 or fewer.~~

1587 ~~(r)~~~~(s)~~ "Rural city" means a city having ~~with~~ a population
1588 of 10,000 or fewer ~~less~~, or a city having ~~with~~ a population of
1589 greater than 10,000 but fewer ~~less~~ than 20,000 which has been
1590 determined by the office ~~of Tourism, Trade, and Economic~~
1591 ~~Development~~ to have economic characteristics such as, but not
1592 limited to, a significant percentage of residents on public
1593 assistance, a significant percentage of residents with income
1594 below the poverty level, or a significant percentage of the
1595 city's employment base in agriculture-related industries.

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1596 (s)~~(t)~~ "Rural community" means:

1597 1. A county having ~~with~~ a population of 75,000 or fewer.

1598 2. A county having ~~with~~ a population of 125,000 or fewer

1599 which is contiguous to a county having ~~with~~ a population of

1600 75,000 or fewer.

1601 3. A municipality within a county described in subparagraph

1602 1. or subparagraph 2.

1603

1604 For purposes of this paragraph, population shall be determined

1605 in accordance with the most recent official estimate pursuant to

1606 s. 186.901.

1607 (b)~~(a)~~ "Authorized local economic development agency" means

1608 a ~~any~~ public or private entity, including those defined in s.

1609 288.075, authorized by a county or municipality to promote the

1610 general business or industrial interests of that county or

1611 municipality.

1612 (3)~~(2)~~ TAX REFUND; ELIGIBLE AMOUNTS.—

1613 (a) There shall be allowed, from the account, a refund to a

1614 qualified target industry business for the amount of eligible

1615 taxes certified by the director which were paid by the ~~such~~

1616 business. The total amount of refunds for all fiscal years for

1617 each qualified target industry business must be determined

1618 pursuant to subsection (4) ~~(3)~~. The annual amount of a refund to

1619 a qualified target industry business must be determined pursuant

1620 to subsection (6) ~~(5)~~.

1621 (b)1. Upon approval by the director, a qualified target

1622 industry business shall be allowed tax refund payments equal to

1623 \$3,000 times the number of jobs specified in the tax refund

1624 agreement under subparagraph (5)(a)1. ~~(4)(a)1.~~, or equal to

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1625 \$6,000 times the number of jobs if the project is located in a
1626 rural county or an enterprise zone.

1627 2. Further, A qualified target industry business shall be
1628 allowed additional tax refund payments equal to \$1,000 times the
1629 number of jobs specified in the tax refund agreement under
1630 subparagraph (5) (a)1. ~~(4) (a)1.,~~ if such jobs pay an annual
1631 average wage of at least 150 percent of the average area private
1632 sector wage ~~in the area,~~ or equal to \$2,000 times the number of
1633 jobs if such jobs pay an annual average area wage of at least
1634 200 percent of the average area private sector wage ~~in the area.~~

1635 3. A qualified target industry business shall be allowed a
1636 tax refund payment in addition to the payments authorized in
1637 sub-subparagraphs 1. and 2. equal to \$2,000 times the number of
1638 jobs specified in the tax refund agreement under subparagraph
1639 (5) (a)1., for one of the following:

1640 a. Projects classified as a corporate headquarters for
1641 businesses that did not exist in this state before applying for
1642 certification as a qualified target industry business or
1643 corporate headquarters for businesses in the following
1644 industries: renewable energy, as defined in s. 366.91(2)(d);
1645 transportation equipment manufacturing; life sciences; financial
1646 services; or information technology.

1647 b. Businesses that increase exports of their goods through
1648 a Florida seaport or a Florida airport by at least 10 percent in
1649 value or tonnage in each of the years that they receive a tax
1650 credit under this section. For purposes of this sub-
1651 paragraph, Florida seaports are limited to the ports of
1652 Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft.
1653 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.

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1654 Petersburg, Pensacola, Fernandina, and Key West.

1655 4. A qualified target industry business shall be allowed a
1656 tax refund in addition to the payments authorized in sub-
1657 subparagraphs 1., 2., and 3. equal to \$1,000 times the number of
1658 jobs specified in the tax refund agreement under subparagraph
1659 (5) (a)1., if:

1660 a. The local financial support is equal to that of the
1661 state's incentive award under subparagraph (3) (b)1.; or

1662 b. The business is employing, among those jobs specified in
1663 the tax refund agreement under subparagraph (5) (a)1., a Florida
1664 resident who has been unemployed and who was determined to be
1665 monetarily eligible for unemployment compensation benefits by
1666 the Agency for Workforce Innovation for a benefit year beginning
1667 on or after January 1, 2009. These employees must perform duties
1668 connected to the operations of the eligible business on a
1669 regular, full-time basis for an average of at least 36 hours per
1670 week and for at least 12 months before an eligible business
1671 files for the tax credit.

1672 (c) A qualified target industry business may not receive
1673 refund payments of more than 25 percent of the total tax refunds
1674 specified in the tax refund agreement under subparagraph
1675 (5) (a)1. ~~(4) (a)1.~~ in any fiscal year. Further, a qualified
1676 target industry business may not receive more than \$1.5 million
1677 in refunds under this section in any single fiscal year, or more
1678 than \$2.5 million in any single fiscal year if the project is
1679 located in an enterprise zone. A qualified target industry
1680 business may not receive more than \$5 million in refund payments
1681 under this section in all fiscal years, or more than \$7.5
1682 million if the project is located in an enterprise zone. Funds

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1683 ~~made available pursuant to this section may not be expended in~~
1684 ~~connection with the relocation of a business from one community~~
1685 ~~to another community in this state unless the Office of Tourism,~~
1686 ~~Trade, and Economic Development determines that without such~~
1687 ~~relocation the business will move outside this state or~~
1688 ~~determines that the business has a compelling economic rationale~~
1689 ~~for the relocation and that the relocation will create~~
1690 ~~additional jobs.~~

1691 (d) ~~(e)~~ After entering into a tax refund agreement under
1692 subsection (5) ~~(4)~~, a qualified target industry business may:

1693 1. Receive refunds from the account for the following taxes
1694 due and paid by that business beginning with the first taxable
1695 year of the business which begins after entering into the
1696 agreement:

1697 a. Corporate income taxes under chapter 220.

1698 b. Insurance premium tax under s. 624.509.

1699 2. Receive refunds from the account for the following taxes
1700 due and paid by that business after entering into the agreement:

1701 a. Taxes on sales, use, and other transactions under
1702 chapter 212.

1703 b. Intangible personal property taxes under chapter 199.

1704 c. Emergency excise taxes under chapter 221.

1705 d. Excise taxes on documents under chapter 201.

1706 e. Ad valorem taxes paid, as defined in s. 220.03(1).

1707 f. State communications services taxes administered under
1708 chapter 202. This provision does not apply to the gross receipts
1709 tax imposed under chapter 203 and administered under chapter 202
1710 or the local communications services tax authorized under s.
1711 202.19.

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1712
1713 ~~The addition of state communications services taxes administered~~
1714 ~~under chapter 202 is remedial in nature and retroactive to~~
1715 ~~October 1, 2001. The office may make supplemental tax refund~~
1716 ~~payments to allow for tax refunds for communications services~~
1717 ~~taxes paid by an eligible qualified target industry business~~
1718 ~~after October 1, 2001.~~

1719 (e)~~(d)~~ However, a qualified target industry business may
1720 not receive a refund under this section for any amount of
1721 credit, refund, or exemption granted to that business for any of
1722 the such taxes listed in paragraph (d). If a refund for such
1723 taxes is provided by the office, which taxes are subsequently
1724 adjusted by the application of any credit, refund, or exemption
1725 granted to the qualified target industry business other than as
1726 provided in this section, the business shall reimburse the
1727 account for the amount of that credit, refund, or exemption. A
1728 qualified target industry business shall notify and tender
1729 payment to the office within 20 days after receiving any credit,
1730 refund, or exemption other than one provided in this section.

1731 (f) Refunds made available pursuant to this section may not
1732 be expended in connection with the relocation of a business from
1733 one community to another community in this state unless the
1734 office determines that without such relocation the business will
1735 move outside this state, or determines that the business has a
1736 compelling economic rationale for the relocation and that the
1737 relocation will create additional jobs.

1738 (g)~~(e)~~ A qualified target industry business that
1739 fraudulently claims a refund under this section:

1740 1. Is liable for repayment of the amount of the refund to

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1741 the account, plus a mandatory penalty in the amount of 200
1742 percent of the tax refund which shall be deposited into the
1743 General Revenue Fund.

1744 2. Commits ~~is guilty of~~ a felony of the third degree,
1745 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1746 (4) ~~(3)~~ APPLICATION AND APPROVAL PROCESS.—

1747 (a) To apply for certification as a qualified target
1748 industry business under this section, the business must file an
1749 application with the office before the business decides ~~has made~~
1750 ~~the decision~~ to locate a ~~new business~~ in this state or before
1751 the business decides ~~had made the decision~~ to expand its ~~an~~
1752 existing operations ~~business~~ in this state. The application must
1753 ~~shall~~ include, but need ~~is~~ not be limited to, ~~the following~~
1754 ~~information:~~

1755 1. The applicant's federal employer identification number
1756 and, if applicable, ~~the applicant's~~ state sales tax registration
1757 number.

1758 2. The proposed permanent location of the applicant's
1759 facility in this state at which the project is or is to be
1760 located.

1761 3. A description of the type of business activity or
1762 product covered by the project, including a minimum of a five-
1763 digit NAICS code for all activities included in the project. As
1764 used in this paragraph, "NAICS" means those classifications
1765 contained in the North American Industry Classification System,
1766 as published in 2007 by the Office of Management and Budget,
1767 Executive Office of the President, and updated periodically.

1768 4. The proposed number of net new full-time equivalent
1769 Florida jobs at the qualified target industry business as of

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1770 December 31 of each year included in the project and the average
1771 wage of those jobs. If more than one type of business activity
1772 or product is included in the project, the number of jobs and
1773 average wage for those jobs must be separately stated for each
1774 type of business activity or product.

1775 5. The total number of full-time equivalent employees
1776 employed by the applicant in this state, if applicable.

1777 6. The anticipated commencement date of the project.

1778 7. A brief statement explaining ~~concerning~~ the role that
1779 the estimated tax refunds to be requested will play in the
1780 decision of the applicant to locate or expand in this state.

1781 8. An estimate of the proportion of the sales resulting
1782 from the project that will be made outside this state.

1783 9. An estimate of the proportion of the cost of the
1784 machinery and equipment, and any other resources necessary in
1785 the development of its product or service, to be used by the
1786 business in its Florida operations which will be purchased
1787 outside this state.

1788 10.9. A resolution adopted by the governing board of the
1789 county or municipality in which the project will be located,
1790 which ~~resolution~~ recommends that the project ~~certain types of~~
1791 ~~businesses~~ be approved as a qualified target industry business
1792 and specifies ~~states~~ that ~~the~~ commitments of local financial
1793 support necessary for the target industry business exist. In
1794 advance of the passage of such resolution, the office may also
1795 accept an official letter from an authorized local economic
1796 development agency that endorses the proposed target industry
1797 project and pledges that sources of local financial support for
1798 such project exist. For the purposes of making pledges of local

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1799 financial support under this subsection, the authorized local
1800 economic development agency shall be officially designated by
1801 the passage of a one-time resolution by the local governing
1802 authority.

1803 ~~11.10.~~ Any additional information requested by the office.

1804 (b) To qualify for review by the office, the application of
1805 a target industry business must, at a minimum, establish the
1806 following to the satisfaction of the office:

1807 1.a. The jobs proposed to be created ~~provided~~ under the
1808 application, pursuant to subparagraph (a)4., must pay an
1809 estimated annual average wage equaling at least 115 percent of
1810 the average area private sector wage ~~in the area~~ where the
1811 business is to be located ~~or the statewide private sector~~
1812 ~~average wage.~~ The governing body of the county where the
1813 qualified target industry business is to be located shall notify
1814 the office and Enterprise Florida, Inc., which calculation of
1815 the average area private sector wage must be used as the basis
1816 for the business' wage commitment. In determining the average
1817 annual wage, the office shall include only new proposed jobs,
1818 and wages for existing jobs shall be excluded from this
1819 calculation.

1820 b. The office may waive the average wage requirement at the
1821 request of the local governing body recommending the project and
1822 Enterprise Florida, Inc. The director may waive the wage
1823 requirement ~~may only be waived~~ for a project located in a
1824 brownfield area designated under s. 376.80 or in a rural city,
1825 rural community, ~~or county,~~ or ~~in an~~ enterprise zone ~~and~~ only if
1826 ~~when~~ the merits of the individual project or the specific
1827 circumstances in the community in relationship to the project

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1828 warrant such action. If the local governing body and Enterprise
1829 Florida, Inc., make such a recommendation, it must be
1830 transmitted in writing and the specific justification for the
1831 waiver recommendation must be explained. If the director elects
1832 to waive the wage requirement, the waiver must be stated in
1833 writing and the reasons for granting the waiver must be
1834 explained.

1835 2. The target industry business's project must result in
1836 the creation of at least 10 jobs at the ~~such~~ project and, if an
1837 expansion of an existing business, must result in an ~~a net~~
1838 increase in employment of at least 10 percent at the business.
1839 ~~Notwithstanding the definition of the term "expansion of an~~
1840 ~~existing business" in paragraph (1)(g),~~ At the request of the
1841 local governing body recommending the project and Enterprise
1842 Florida, Inc., the office may waive this requirement for a
1843 business in a rural community or enterprise zone ~~define an~~
1844 ~~"expansion of an existing business" in a rural community or an~~
1845 ~~enterprise zone as the expansion of a business resulting in a~~
1846 ~~net increase in employment of less than 10 percent at such~~
1847 ~~business~~ if the merits of the individual project or the specific
1848 circumstances in the community in relationship to the project
1849 warrant such action. If the local governing body and Enterprise
1850 Florida, Inc., make such a request, the request must be
1851 transmitted in writing and the specific justification for the
1852 request must be explained. If the director elects to grant the
1853 request, the grant must be stated in writing and the reason for
1854 granting the request must be explained.

1855 3. The business activity or product for the applicant's
1856 project is within an industry ~~or industries that have been~~

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1857 identified by the office as a target industry business ~~to be~~
1858 ~~high-value-added industries~~ that contributes ~~contribute to the~~
1859 ~~area and~~ to the economic growth of the state and the region in
1860 which it is located, that produces ~~produce~~ a higher standard of
1861 living for residents of this state in the new global economy, or
1862 that can be shown to make an equivalent contribution to the area
1863 and state's economic progress. ~~The director must approve~~
1864 ~~requests to waive the wage requirement for brownfield areas~~
1865 ~~designated under s. 376.80 unless it is demonstrated that such~~
1866 ~~action is not in the public interest.~~

1867 (c) Each application meeting the requirements of paragraph
1868 (b) must be submitted to the office for determination of
1869 eligibility. The office shall review and evaluate each
1870 application based on, but not limited to, the following
1871 criteria:

1872 1. Expected contributions to the state economy, consistent
1873 with the state strategic economic development plan adopted by
1874 Enterprise Florida, Inc., ~~taking into account the long-term~~
1875 ~~effects of the project and of the applicant on the state~~
1876 ~~economy.~~

1877 2. The return on investment of the proposed award under the
1878 qualified target industry incentive program and the return on
1879 investment for all state incentives proposed for the project
1880 ~~economic benefit of the jobs created by the project in this~~
1881 ~~state, taking into account the cost and average wage of each job~~
1882 ~~created.~~

1883 3. The amount of capital investment to be made by the
1884 applicant in this state.

1885 4. The local financial commitment and support for the

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1886 project.

1887 5. The effect of the project on the unemployment rate in
1888 ~~local community, taking into account the unemployment rate for~~
1889 the county where the project will be located.

1890 6. The effect of the award ~~any tax refunds granted pursuant~~
1891 ~~to this section~~ on the viability of the project and the
1892 probability that the project would ~~will~~ be undertaken in this
1893 state if such tax refunds are granted to the applicant, ~~taking~~
1894 ~~into account the expected long-term commitment of the applicant~~
1895 ~~to economic growth and employment in this state.~~

1896 7. The expected long-term commitment of the applicant to
1897 economic growth and employment to this state resulting from the
1898 project.

1899 8. A review of the business's past activities in this state
1900 or other states, including whether such business has been
1901 subjected to criminal or civil fines and penalties. This
1902 subparagraph does not require the disclosure of confidential
1903 information.

1904 (d) Applications shall be reviewed and certified pursuant
1905 to s. 288.061. The office shall include in its review
1906 projections of the tax refunds the business would be eligible to
1907 receive in each fiscal year based on the creation and
1908 maintenance of the net new Florida jobs specified in
1909 subparagraph (a)4. as of December 31 of the preceding state
1910 fiscal year. If appropriate, the director shall enter into a
1911 written agreement with the qualified target industry business
1912 pursuant to subsection (5) ~~(4)~~.

1913 (e) The director may not certify any target industry
1914 business as a qualified target industry business if the value of

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1915 tax refunds to be included in that letter of certification
1916 exceeds the available amount of authority to certify new
1917 businesses as determined in s. 288.095(3). However, if the
1918 commitments of local financial support represent less than 20
1919 percent of the eligible tax refund payments, or to otherwise
1920 preserve the viability and fiscal integrity of the program, the
1921 director may certify a qualified target industry business to
1922 receive tax refund payments of less than the allowable amounts
1923 specified in paragraph (3) (b) ~~(2) (b)~~. A letter of certification
1924 that approves an application must specify the maximum amount of
1925 tax refund that will be available to the qualified industry
1926 business in each fiscal year and the total amount of tax refunds
1927 that will be available to the business for all fiscal years.

1928 (f) This section does not create a presumption that an
1929 applicant shall receive any tax refunds under this section.
1930 However, the office may issue nonbinding opinion letters, upon
1931 the request of prospective applicants, as to the applicants'
1932 eligibility and the potential amount of refunds.

1933 (5)~~(4)~~ TAX REFUND AGREEMENT.—

1934 (a) Each qualified target industry business must enter into
1935 a written agreement with the office which specifies, at a
1936 minimum:

1937 1. The total number of full-time equivalent jobs in this
1938 state that will be dedicated to the project, the average wage of
1939 those jobs, the definitions that will apply for measuring the
1940 achievement of these terms during the pendency of the agreement,
1941 and a time schedule or plan for when such jobs will be in place
1942 and active in this state.

1943 2. The maximum amount of tax refunds which the qualified

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1944 target industry business is eligible to receive on the project
1945 and the maximum amount of a tax refund that the qualified target
1946 industry business is eligible to receive for each fiscal year,
1947 based on the job creation and maintenance schedule specified in
1948 subparagraph 1.

1949 3. That the office may review and verify the financial and
1950 personnel records of the qualified target industry business to
1951 ascertain whether that business is in compliance with this
1952 section.

1953 4. The date by which, in each fiscal year, the qualified
1954 target industry business may file a claim under subsection (6)
1955 ~~(5)~~ to be considered to receive a tax refund in the following
1956 fiscal year.

1957 5. That local financial support will be annually available
1958 and will be paid to the account. The director may not enter into
1959 a written agreement with a qualified target industry business if
1960 the local financial support resolution is not passed by the
1961 local governing authority within 90 days after he or she has
1962 issued the letter of certification under subsection (4) ~~(3)~~.

1963 (b) Compliance with the terms and conditions of the
1964 agreement is a condition precedent for the receipt of a tax
1965 refund each year. The failure to comply with the terms and
1966 conditions of the tax refund agreement results in the loss of
1967 eligibility for receipt of all tax refunds previously authorized
1968 under this section and the revocation by the director of the
1969 certification of the business entity as a qualified target
1970 industry business, unless the business is eligible to receive
1971 and elects to accept a prorated refund under paragraph (6) (e)
1972 ~~(5) (d)~~ or the office grants the business an economic recovery

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1973 extension ~~economic stimulus exemption~~.

1974 1. A qualified target industry business may submit, in
1975 writing, a request to the office for an economic recovery
1976 extension ~~economic stimulus exemption~~. The request must provide
1977 quantitative evidence demonstrating how negative economic
1978 conditions in the business's industry, the effects of the impact
1979 of a named hurricane or tropical storm, or specific acts of
1980 terrorism affecting the qualified target industry business have
1981 prevented the business from complying with the terms and
1982 conditions of its tax refund agreement.

1983 2. Upon receipt of a request under subparagraph 1., the
1984 director has ~~shall have~~ 45 days to notify the requesting
1985 business, in writing, if its extension ~~exemption~~ has been
1986 granted or denied. In determining if an exemption should be
1987 granted, the director shall consider the extent to which
1988 negative economic conditions in the requesting business's
1989 industry have occurred in the state or the effects of the impact
1990 of a named hurricane or tropical storm or specific acts of
1991 terrorism affecting the qualified target industry business have
1992 prevented the business from complying with the terms and
1993 conditions of its tax refund agreement. The office shall
1994 consider current employment statistics for this state by
1995 industry, including whether the business's industry had
1996 substantial job loss during the prior year, when determining
1997 whether an exemption shall be granted.

1998 3. As a condition for receiving a prorated refund under
1999 paragraph (6) (e) ~~(5) (d)~~ or an economic recovery extension
2000 ~~economic stimulus exemption~~ under this paragraph, a qualified
2001 target industry business must agree to renegotiate its tax

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2002 refund agreement with the office to, at a minimum, ensure that
2003 the terms of the agreement comply with current law and office
2004 procedures governing application for and award of tax refunds.
2005 Upon approving the award of a prorated refund or granting an
2006 economic recovery extension ~~economic-stimulus exemption~~, the
2007 office shall renegotiate the tax refund agreement with the
2008 business as required by this subparagraph. When amending the
2009 agreement of a business receiving an economic recovery extension
2010 ~~economic-stimulus exemption~~, the office may extend the duration
2011 of the agreement for a period not to exceed 2 years.

2012 4. A qualified target industry business may submit a
2013 request for an economic recovery extension ~~economic-stimulus~~
2014 ~~exemption~~ to the office in lieu of any tax refund claim
2015 scheduled to be submitted after January 1, 2009, but before July
2016 1, 2012 ~~2011~~.

2017 5. A qualified target industry business that receives an
2018 economic recovery extension ~~economic-stimulus exemption~~ may not
2019 receive a tax refund for the period covered by the extension
2020 ~~exemption~~.

2021 (c) The agreement must be signed by the director and by an
2022 authorized officer of the qualified target industry business
2023 within 120 days after the issuance of the letter of
2024 certification under subsection (4) ~~(3)~~, but not before passage
2025 and receipt of the resolution of local financial support. The
2026 office may grant an extension of this period at the written
2027 request of the qualified target industry business.

2028 (d) The agreement must contain the following legend,
2029 clearly printed on its face in bold type of not less than 10
2030 points in size: "This agreement is neither a general obligation

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2031 of the State of Florida, nor is it backed by the full faith and
2032 credit of the State of Florida. Payment of tax refunds is ~~are~~
2033 conditioned on and subject to specific annual appropriations by
2034 the Florida Legislature ~~of moneys~~ sufficient to pay amounts
2035 authorized in section 288.106, Florida Statutes."

2036 (6) ~~(5)~~ ANNUAL CLAIM FOR REFUND.—

2037 (a) To be eligible to claim any scheduled tax refund, a
2038 qualified target industry business that has entered into a tax
2039 refund agreement with the office under subsection (5) ~~(4)~~ must
2040 apply by January 31 of each fiscal year to the office for the
2041 tax refund scheduled to be paid from the appropriation for the
2042 fiscal year that begins on July 1 following the January 31
2043 claims-submission date. The office may, upon written request,
2044 grant a 30-day extension of the filing date.

2045 (b) The claim for refund by the qualified target industry
2046 business must include a copy of all receipts pertaining to the
2047 payment of taxes for which the refund is sought and data related
2048 to achievement of each performance item specified in the tax
2049 refund agreement. The amount requested as a tax refund may not
2050 exceed the amount specified for the relevant fiscal year in that
2051 agreement.

2052 (c) If the qualified target industry business provides the
2053 office with proof that in a single year it has paid an amount of
2054 state taxes, from the categories in paragraph (3)(d), at least
2055 equal to the total amount of tax refunds it may receive through
2056 successful completion of its qualified target industry
2057 agreement, the office may waive the requirement for proof of
2058 taxes paid in future years.

2059 (d) ~~(e)~~ A tax refund may not be approved for a qualified

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2060 target industry business unless the required local financial
2061 support has been paid into the account for that refund. If the
2062 local financial support provided is less than 20 percent of the
2063 approved tax refund, the tax refund must be reduced. In no event
2064 may the tax refund exceed an amount that is equal to 5 times the
2065 amount of the local financial support received. Further, funding
2066 from local sources includes any tax abatement granted to that
2067 business under s. 196.1995 or the appraised market value of
2068 municipal or county land conveyed or provided at a discount to
2069 that business. The amount of any tax refund for such business
2070 approved under this section must be reduced by the amount of any
2071 such tax abatement granted or the value of the land granted; and
2072 the limitations in subsection (3) ~~(2)~~ and paragraph (4) (e)
2073 ~~(3) (e)~~ must be reduced by the amount of any such tax abatement
2074 or the value of the land granted. A report listing all sources
2075 of the local financial support shall be provided to the office
2076 when such support is paid to the account.

2077 (e) (d) A prorated tax refund, less a 5 percent ~~5-percent~~
2078 penalty, shall be approved for a qualified target industry
2079 business if provided all other applicable requirements have been
2080 satisfied and the business proves to the satisfaction of the
2081 director that:

2082 1. It has achieved at least 80 percent of its projected
2083 employment; and ~~that~~

2084 2. The average wage paid by the business is at least 90
2085 percent of the average wage specified in the tax refund
2086 agreement, but in no case less than 115 percent of the average
2087 private sector wage in the area available at the time of
2088 certification, or 150 percent or 200 percent of the average

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2089 private sector wage if the business requested the additional
2090 per-job tax refund authorized in paragraph (3) (b) ~~(2) (b)~~ for
2091 wages above those levels.

2092
2093 The prorated tax refund shall be calculated by multiplying the
2094 tax refund amount for which the qualified target industry
2095 business would have been eligible, if all applicable
2096 requirements had been satisfied, by the percentage of the
2097 average employment specified in the tax refund agreement which
2098 was achieved, and by the percentage of the average wages
2099 specified in the tax refund agreement which was achieved.

2100 (f) ~~(e)~~ The director, with such assistance as may be
2101 required from the office, the Department of Revenue, or the
2102 Agency for Workforce Innovation, shall, by June 30 following the
2103 scheduled date for submission of the tax refund claim, specify
2104 by written order the approval or disapproval of the tax refund
2105 claim and, if approved, the amount of the tax refund that is
2106 authorized to be paid to the qualified target industry business
2107 for the annual tax refund. The office may grant an extension of
2108 this date on the request of the qualified target industry
2109 business for the purpose of filing additional information in
2110 support of the claim.

2111 (g) ~~(f)~~ The total amount of tax refund claims approved by
2112 the director under this section in any fiscal year must not
2113 exceed the amount authorized under s. 288.095(3).

2114 (h) ~~(g)~~ This section does not create a presumption that a
2115 tax refund claim will be approved and paid.

2116 (i) ~~(h)~~ Upon approval of the tax refund under paragraphs
2117 ~~(e)~~, (d), and (e), and (f), the Chief Financial Officer shall

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2118 issue a warrant for the amount specified in the written order.
2119 If the written order is appealed, the Chief Financial Officer
2120 may not issue a warrant for a refund to the qualified target
2121 industry business until the conclusion of all appeals of that
2122 order.

2123 (7)~~(6)~~ ADMINISTRATION.—

2124 (a) The office may ~~is authorized to~~ verify information
2125 provided in any claim submitted for tax credits under this
2126 section with regard to employment and wage levels or the payment
2127 of the taxes to the appropriate agency or authority, including
2128 the Department of Revenue, the Agency for Workforce Innovation,
2129 or any local government or authority.

2130 (b) To facilitate the process of monitoring and auditing
2131 applications made under this program, the office may provide a
2132 list of qualified target industry businesses to the Department
2133 of Revenue, to the Agency for Workforce Innovation, or to any
2134 local government or authority. The office may request the
2135 assistance of those entities with respect to monitoring jobs,
2136 wages, and the payment of the taxes listed in subsection (3)
2137 ~~(2)~~.

2138 (c) Funds specifically appropriated for the tax refund
2139 program for qualified target industry businesses may not be used
2140 by the office for any purpose other than the payment of tax
2141 refunds authorized by this section.

2142 (d) For all agreements signed after January 1, 2006, the
2143 office shall conduct a review of each qualified target industry
2144 business approximately 12 months after such business has
2145 received its final incentive refund in order to evaluate whether
2146 the business is continuing to contribute to the regional or

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2147 state economy. To complete the reviews, the office shall examine
2148 the size of each business's workforce, the annual average wage
2149 of its employees, whether the business has made additional
2150 investments in its operations since the completion of its
2151 agreement, and whether the business has expanded into additional
2152 locations. The office shall submit a report of its findings and
2153 recommendations from its reviews to the Governor, the President
2154 of the Senate, and the Speaker of the House of Representatives.
2155 The first report shall be submitted by December 1, 2011, and
2156 each December 1 thereafter.

2157 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~
2158 ~~office may approve a waiver of the local financial support~~
2159 ~~requirement for a business located in any of the following~~
2160 ~~counties in which businesses received emergency loans~~
2161 ~~administered by the office in response to the named hurricanes~~
2162 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
2163 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
2164 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
2165 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
2166 ~~waiver may be granted only if the office determines that the~~
2167 ~~local financial support cannot be provided or that doing so~~
2168 ~~would effect a demonstrable hardship on the unit of local~~
2169 ~~government providing the local financial support. If the office~~
2170 ~~grants a waiver of the local financial support requirement, the~~
2171 ~~state shall pay 100 percent of the refund due to an eligible~~
2172 ~~business. The waiver shall apply for tax refund applications~~
2173 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

2174 (8) AVAILABILITY OF OTHER TAX CREDITS.—A business that
2175 receives tax refunds pursuant to this section is not eligible

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2176 for the capital investment tax credit under s. 220.191.

2177 (9)-(8) EXPIRATION.—An applicant may not be certified as
 2178 qualified under this section after June 30, 2015 ~~2010~~. A tax
 2179 refund agreement existing on that date shall continue in effect
 2180 in accordance with its terms.

2181 Section 14. Effective July 1, 2010, paragraph (e) of
 2182 subsection (1), subsection (2), paragraphs (a) and (d) of
 2183 subsection (4), and paragraph (b) of subsection (5) of section
 2184 288.107, Florida Statutes, are amended to read:

2185 288.107 Brownfield redevelopment bonus refunds.—

2186 (1) DEFINITIONS.—As used in this section:

2187 (e) "Eligible business" means:

2188 1. A qualified target industry business as defined in s.
 2189 288.106(2) ~~s. 288.106(1)(e)~~; or

2190 2. A business that can demonstrate a fixed capital
 2191 investment of at least \$2 million in mixed-use business
 2192 activities, including multiunit housing, commercial, retail, and
 2193 industrial in brownfield areas, or at least \$500,000 in
 2194 brownfield areas that do not require site cleanup, and which
 2195 provides benefits to its employees.

2196 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
 2197 shall be approved by the office as specified in the final order
 2198 issued by the director and allowed from the account as follows:

2199 (a) A bonus refund of \$2,500 shall be allowed to any
 2200 qualified target industry business as defined by s. 288.106 for
 2201 each new Florida job created in a brownfield area which is
 2202 claimed on the qualified target industry business's annual
 2203 refund claim authorized in s. 288.106(6) ~~s. 288.106(5)~~.

2204 (b) A bonus refund of up to \$2,500 shall be allowed to any

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2205 other eligible business as defined in subparagraph (1)(e)2. for
2206 each new Florida job created in a brownfield which is claimed
2207 under an annual claim procedure similar to the annual refund
2208 claim authorized in s. 288.106(6) ~~s. 288.106(5)~~. The amount of
2209 the refund shall be equal to 20 percent of the average annual
2210 wage for the jobs created.

2211 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2212 (a) To be eligible to receive a bonus refund for new
2213 Florida jobs created in a brownfield, a business must have been
2214 certified as a qualified target industry business under s.
2215 288.106 or eligible business as defined in paragraph (1)(e) and
2216 must have indicated on the qualified target industry tax refund
2217 application form submitted in accordance with s. 288.106(4) ~~s.~~
2218 ~~288.106(3)~~ or other similar agreement for other eligible
2219 business as defined in paragraph (1)(e) that the project for
2220 which the application is submitted is or will be located in a
2221 brownfield and that the business is applying for certification
2222 as a qualified brownfield business under this section, and must
2223 have signed a qualified target industry tax refund agreement
2224 with the office which indicates that the business has been
2225 certified as a qualified target industry business located in a
2226 brownfield and specifies the schedule of brownfield
2227 redevelopment bonus refunds that the business may be eligible to
2228 receive in each fiscal year.

2229 (d) After entering into a tax refund agreement as provided
2230 in s. 288.106 or other similar agreement for other eligible
2231 businesses as defined in paragraph (1)(e), an eligible business
2232 may receive brownfield redevelopment bonus refunds from the
2233 account pursuant to s. 288.106(3)(d) ~~s. 288.106(2)(c)~~.

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2234 (5) ADMINISTRATION.—

2235 (b) To facilitate the process of monitoring and auditing
2236 applications made under this program, the office may provide a
2237 list of qualified target industry businesses to the Department
2238 of Revenue, to the Agency for Workforce Innovation, to the
2239 Department of Environmental Protection, or to any local
2240 government authority. The office may request the assistance of
2241 those entities with respect to monitoring the payment of the
2242 taxes listed in s. 288.106(3) ~~s. 288.106(2)~~.

2243 Section 15. Effective July 1, 2010, section 288.125,
2244 Florida Statutes, is amended to read:

2245 288.125 Definition of "entertainment industry".—For the
2246 purposes of ss. 288.1251-288.1258, the term "entertainment
2247 industry" means those persons or entities engaged in the
2248 operation of motion picture or television studios or recording
2249 studios; those persons or entities engaged in the preproduction,
2250 production, or postproduction of motion pictures, made-for-
2251 television movies, television programming, digital media
2252 projects, commercial advertising, music videos, or sound
2253 recordings; and those persons or entities providing products or
2254 services directly related to the preproduction, production, or
2255 postproduction of motion pictures, made-for-television movies,
2256 television programming, digital media projects, commercial
2257 advertising, music videos, or sound recordings, including, but
2258 not limited to, the broadcast industry.

2259 Section 16. Effective July 1, 2010, paragraph (b) of
2260 subsection (1) and paragraph (a) of subsection (2) of section
2261 288.1251, Florida Statutes, are amended to read:

2262 288.1251 Promotion and development of entertainment

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2263 industry; Office of Film and Entertainment; creation; purpose;
2264 powers and duties.—

2265 (1) CREATION.—

2266 (b) The Office of Tourism, Trade, and Economic Development
2267 shall conduct a national search for a qualified person to fill
2268 the position of Commissioner of Film and Entertainment, when the
2269 position is vacant. ~~and~~ The Executive Director of the Office of
2270 Tourism, Trade, and Economic Development has the responsibility
2271 to ~~shall~~ hire the commissioner ~~of Film and Entertainment.~~

2272 Qualifications for the commissioner ~~Guidelines for selection of~~
2273 ~~the Commissioner of Film and Entertainment shall~~ include, but
2274 are not be limited to, ~~the Commissioner of Film and~~
2275 ~~Entertainment having~~ the following:

2276 1. A working knowledge of the equipment, personnel,
2277 financial, and day-to-day production operations of the
2278 industries to be served by the Office of Film and Entertainment;

2279 2. Marketing and promotion experience related to the film
2280 and entertainment industries to be served ~~by the office;~~

2281 3. Experience working with a variety of individuals
2282 representing large and small entertainment-related businesses,
2283 industry associations, local community entertainment industry
2284 liaisons, and labor organizations; and

2285 4. Experience working with a variety of state and local
2286 governmental agencies.

2287 (2) POWERS AND DUTIES.—

2288 (a) The Office of Film and Entertainment, in performance of
2289 its duties, shall:

2290 1. In consultation with the Florida Film and Entertainment
2291 Advisory Council, update the ~~develop and implement a 5-year~~

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2292 strategic plan every 5 years to guide the activities of the
2293 Office of Film and Entertainment in the areas of entertainment
2294 industry development, marketing, promotion, liaison services,
2295 field office administration, and information. The plan, ~~to be~~
2296 ~~developed by no later than June 30, 2000,~~ shall:

2297 a. Be annual in construction and ongoing in nature.

2298 b. Include recommendations relating to the organizational
2299 structure of the office.

2300 c. Include an annual budget projection for the office for
2301 each year of the plan.

2302 d. Include an operational model for the office to use in
2303 implementing programs for rural and urban areas designed to:

2304 (I) Develop and promote the state's entertainment industry.

2305 (II) Have the office serve as a liaison between the
2306 entertainment industry and other state and local governmental
2307 agencies, local film commissions, and labor organizations.

2308 (III) Gather statistical information related to the state's
2309 entertainment industry.

2310 (IV) Provide information and service to businesses,
2311 communities, organizations, and individuals engaged in
2312 entertainment industry activities.

2313 (V) Administer field offices outside the state and
2314 coordinate with regional offices maintained by counties and
2315 regions of the state, as described in sub-sub-subparagraph (II),
2316 as necessary.

2317 e. Include performance standards and measurable outcomes
2318 for the programs to be implemented by the office.

2319 f. Include an assessment of, and make recommendations on,
2320 the feasibility of creating an alternative public-private

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2321 partnership for the purpose of contracting with such a
2322 partnership for the administration of the state's entertainment
2323 industry promotion, development, marketing, and service
2324 programs.

2325 2. Develop, market, and facilitate a ~~smooth~~ working
2326 relationship between state agencies and local governments in
2327 cooperation with local film commission offices for out-of-state
2328 and indigenous entertainment industry production entities.

2329 3. Implement a structured methodology prescribed for
2330 coordinating activities of local offices with each other and the
2331 commissioner's office.

2332 4. Represent the state's indigenous entertainment industry
2333 to key decisionmakers within the national and international
2334 entertainment industry, and to state and local officials.

2335 5. Prepare an inventory and analysis of the state's
2336 entertainment industry, including, but not limited to,
2337 information on crew, related businesses, support services, job
2338 creation, talent, and economic impact and coordinate with local
2339 offices to develop an information tool for common use.

2340 ~~6. Represent key decisionmakers within the national and~~
2341 ~~international entertainment industry to the indigenous~~
2342 ~~entertainment industry and to state and local officials.~~

2343 ~~7. Serve as liaison between entertainment industry~~
2344 ~~producers and labor organizations.~~

2345 6.8. Identify, solicit, and recruit entertainment
2346 production opportunities for the state.

2347 7.9. Assist rural communities and other small communities
2348 in the state in developing the expertise and capacity necessary
2349 for such communities to develop, market, promote, and provide

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2350 services to the state's entertainment industry.

2351 Section 17. Effective July 1, 2010, subsection (3) of
2352 section 288.1252, Florida Statutes, is amended to read:

2353 288.1252 Florida Film and Entertainment Advisory Council;
2354 creation; purpose; membership; powers and duties.—

2355 (3) MEMBERSHIP.—

2356 (a) The council shall consist of 17 members, seven to be
2357 appointed by the Governor, five to be appointed by the President
2358 of the Senate, and five to be appointed by the Speaker of the
2359 House of Representatives, ~~with the initial appointments being~~
2360 ~~made no later than August 1, 1999.~~

2361 (b) When making appointments to the council, the Governor,
2362 the President of the Senate, and the Speaker of the House of
2363 Representatives shall appoint persons who are residents of the
2364 state and who are highly knowledgeable of, active in, and
2365 recognized leaders in Florida's motion picture, television,
2366 video, sound recording, or other entertainment industries. These
2367 persons shall include, but not be limited to, representatives of
2368 local film commissions, representatives of entertainment
2369 associations, a representative of the broadcast industry,
2370 representatives of labor organizations in the entertainment
2371 industry, and board chairs, presidents, chief executive
2372 officers, chief operating officers, or persons of comparable
2373 executive position or stature of leading or otherwise important
2374 entertainment industry businesses and offices. Council members
2375 shall be appointed in such a manner as to equitably represent
2376 the broadest spectrum of the entertainment industry and
2377 geographic areas of the state.

2378 (c) Council members shall serve for 4-year terms, ~~except~~

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2379 ~~that the initial terms shall be staggered:~~

2380 ~~1. The Governor shall appoint one member for a 1-year term,~~
2381 ~~two members for 2-year terms, two members for 3-year terms, and~~
2382 ~~two members for 4-year terms.~~

2383 ~~2. The President of the Senate shall appoint one member for~~
2384 ~~a 1-year term, one member for a 2-year term, two members for 3-~~
2385 ~~year terms, and one member for a 4-year term.~~

2386 ~~3. The Speaker of the House of Representatives shall~~
2387 ~~appoint one member for a 1-year term, one member for a 2-year~~
2388 ~~term, two members for 3-year terms, and one member for a 4-year~~
2389 ~~term.~~

2390 (d) Subsequent appointments shall be made by the official
2391 who appointed the council member whose expired term is to be
2392 filled.

2393 (e) ~~The Commissioner of Film and Entertainment,~~ A
2394 representative of Enterprise Florida, Inc., a representative of
2395 Workforce Florida, Inc., and a representative of Visit Florida
2396 ~~the Florida Tourism Industry Marketing Corporation~~ shall serve
2397 as ex officio, nonvoting members of the council, and shall be in
2398 addition to the 17 appointed members of the council.

2399 (f) Absence from three consecutive meetings shall result in
2400 automatic removal from the council.

2401 (g) A vacancy on the council shall be filled for the
2402 remainder of the unexpired term by the official who appointed
2403 the vacating member.

2404 (h) No more than one member of the council may be an
2405 employee of any one company, organization, or association.

2406 (i) Any member shall be eligible for reappointment but may
2407 not serve more than two consecutive terms.

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2408 Section 18. Effective July 1, 2010, subsections (1), (2),
2409 (4), and (5) of section 288.1253, Florida Statutes, are amended
2410 to read:

2411 288.1253 Travel and entertainment expenses.—

2412 (1) As used in this section, the term—

2413 ~~(a) "Business client" means any person, other than a state~~
2414 ~~official or state employee, who receives the services of~~
2415 ~~representatives of the Office of Film and Entertainment in~~
2416 ~~connection with the performance of its statutory duties,~~
2417 ~~including persons or representatives of entertainment industry~~
2418 ~~companies considering location, relocation, or expansion of an~~
2419 ~~entertainment industry business within the state.~~

2420 ~~(b) "Entertainment expenses" means the actual, necessary,~~
2421 ~~and reasonable costs of providing hospitality for business~~
2422 ~~clients or guests, which costs are defined and prescribed by~~
2423 ~~rules adopted by the Office of Tourism, Trade, and Economic~~
2424 ~~Development, subject to approval by the Chief Financial Officer.~~

2425 ~~(c) "Guest" means a person, other than a state official or~~
2426 ~~state employee, authorized by the Office of Tourism, Trade, and~~
2427 ~~Economic Development to receive the hospitality of the Office of~~
2428 ~~Film and Entertainment in connection with the performance of its~~
2429 ~~statutory duties.~~

2430 ~~(d) "travel expenses" means the actual, necessary, and~~
2431 ~~reasonable costs of transportation, meals, lodging, and~~
2432 ~~incidental expenses normally incurred by an employee of the~~
2433 ~~Office of Film and Entertainment a traveler, which costs are~~
2434 ~~defined and prescribed by rules adopted by the Office of~~
2435 ~~Tourism, Trade, and Economic Development, subject to approval by~~
2436 ~~the Chief Financial Officer.~~

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2437 (2) Notwithstanding the provisions of s. 112.061, the
2438 Office of Tourism, Trade, and Economic Development shall adopt
2439 rules by which it may make expenditures by ~~advancement or~~
2440 ~~reimbursement, or a combination thereof,~~ to:

2441 ~~(a) the Governor, the Lieutenant Governor, security staff~~
2442 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2443 ~~and Entertainment, or staff of the Office of Film and~~
2444 ~~Entertainment for travel expenses or entertainment expenses~~
2445 ~~incurred by such individuals solely and exclusively in~~
2446 ~~connection with the performance of the statutory duties of the~~
2447 ~~Office of Film and Entertainment.~~

2448 ~~(b) The Governor, the Lieutenant Governor, security staff~~
2449 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2450 ~~and Entertainment, or staff of the Office of Film and~~
2451 ~~Entertainment for travel expenses or entertainment expenses~~
2452 ~~incurred by such individuals on behalf of guests, business~~
2453 ~~clients, or authorized persons as defined in s. 112.061(2)(e)~~
2454 ~~solely and exclusively in connection with the performance of the~~
2455 ~~statutory duties of the Office of Film and Entertainment.~~

2456 ~~(c) Third party vendors for the travel or entertainment~~
2457 ~~expenses of guests, business clients, or authorized persons as~~
2458 ~~defined in s. 112.061(2)(e) incurred solely and exclusively~~
2459 ~~while such persons are participating in activities or events~~
2460 ~~carried out by the Office of Film and Entertainment in~~
2461 ~~connection with that office's statutory duties.~~

2462
2463 The rules are ~~shall be~~ subject to approval by the Chief
2464 Financial Officer before adoption ~~prior to promulgation~~. The
2465 rules shall require the submission of paid receipts, or other

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2466 proof of expenditure prescribed by the Chief Financial Officer,
2467 with any claim for reimbursement ~~and shall require, as a~~
2468 ~~condition for any advancement of funds, an agreement to submit~~
2469 ~~paid receipts or other proof of expenditure and to refund any~~
2470 ~~unused portion of the advancement within 15 days after the~~
2471 ~~expense is incurred or, if the advancement is made in connection~~
2472 ~~with travel, within 10 working days after the traveler's return~~
2473 ~~to headquarters. However, with respect to an advancement of~~
2474 ~~funds made solely for travel expenses, the rules may allow paid~~
2475 ~~receipts or other proof of expenditure to be submitted, and any~~
2476 ~~unused portion of the advancement to be refunded, within 10~~
2477 ~~working days after the traveler's return to headquarters.~~
2478 ~~Operational or promotional advancements, as defined in s.~~
2479 ~~288.35(4), obtained pursuant to this section shall not be~~
2480 ~~commingled with any other state funds.~~

2481 (5) Any claim submitted under this section is ~~shall~~ not be
2482 required to be sworn to before a notary public or other officer
2483 authorized to administer oaths, but any claim authorized or
2484 required to be made under any provision of this section shall
2485 contain a statement that the expenses were actually incurred as
2486 necessary travel or entertainment expenses in the performance of
2487 official duties of the Office of Film and Entertainment and
2488 shall be verified by written declaration that it is true and
2489 correct as to every material matter. Any person who willfully
2490 makes and subscribes to any claim which he or she does not
2491 believe to be true and correct as to every material matter or
2492 who willfully aids or assists in, procures, or counsels or
2493 advises with respect to, the preparation or presentation of a
2494 claim pursuant to this section that is fraudulent or false as to

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2495 any material matter, whether ~~or not~~ such falsity or fraud is
2496 with the knowledge or consent of the person authorized or
2497 required to present the claim, commits a misdemeanor of the
2498 second degree, punishable as provided in s. 775.082 or s.
2499 775.083. Whoever receives a ~~an advancement or~~ reimbursement by
2500 means of a false claim is civilly liable, in the amount of the
2501 overpayment, for the reimbursement of the public fund from which
2502 the claim was paid.

2503 Section 19. Effective July 1, 2010, section 288.1254,
2504 Florida Statutes, is amended to read:

2505 (Substantial rewording of section. See

2506 s. 288.1254, F.S., for present text.)

2507 288.1254 Entertainment industry financial incentive
2508 program.—

2509 (1) DEFINITIONS.—As used in this section, the term:

2510 (a) "Certified production" means a qualified production
2511 that has tax credits allocated to it by the Office of Tourism,
2512 Trade, and Economic Development based on the production's
2513 estimated qualified expenditures, up to the production's maximum
2514 certified amount of tax credits, by the Office of Tourism,
2515 Trade, and Economic Development. The term does not include a
2516 production if the first date that it incurs production
2517 expenditures in this state occurs before the production is
2518 certified by the Office of Tourism, Trade, and Economic
2519 Development.

2520 (b) "Digital media project" means a production of
2521 interactive entertainment that is produced for distribution in
2522 commercial or educational markets. The term includes a video
2523 game or production intended for Internet or wireless

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2524 distribution. The term does not include a production deemed by
2525 the Office of Film and Entertainment to contain obscene content
2526 as defined in s. 847.001(10).

2527 (c) "High-impact television series" means a production
2528 created to run multiple production seasons and having an
2529 estimated order of at least seven episodes per season and
2530 qualified expenditures of at least \$625,000 per episode.

2531 (d) "Off-season certified production" means a production,
2532 other than a digital media project or an animated production,
2533 commercial, music video, or documentary, which films 75 percent
2534 or more of its principal photography days from June 1 through
2535 November 30.

2536 (e) "Principal photography" means the filming of major or
2537 significant components of the qualified production which involve
2538 lead actors.

2539 (f) "Production" means a theatrical or direct-to-video
2540 motion picture; a made-for-television motion picture; visual
2541 effects or digital animation sequences produced in conjunction
2542 with a motion picture; a commercial; a music video; an
2543 industrial or educational film; an infomercial; a documentary
2544 film; a television pilot program; a presentation for a
2545 television pilot program; a television series, including, but
2546 not limited to, a drama, a reality show, a comedy, a soap opera,
2547 a telenovela, a game show, or a miniseries production; or a
2548 digital media project by the entertainment industry. One season
2549 of a television series is considered one production. The term
2550 does not include a weather or market program; a sporting event;
2551 a sports show; a gala; a production that solicits funds; a home
2552 shopping program; a political program; a political documentary;

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2553 political advertising; a gambling-related project or production;
2554 a concert production; or a local, regional, or Internet-
2555 distributed-only news show, current-events show, pornographic
2556 production, or current-affairs show. A production may be
2557 produced on or by film, tape, or otherwise by means of a motion
2558 picture camera; electronic camera or device; tape device;
2559 computer; any combination of the foregoing; or any other means,
2560 method, or device now used or later adopted.

2561 (g) "Production expenditures" means the costs of tangible
2562 and intangible property used for, and services performed
2563 primarily and customarily in, production, including
2564 preproduction and postproduction, but excluding costs for
2565 development, marketing, and distribution. The term includes, but
2566 is not limited to:

2567 1. Wages, salaries, or other compensation paid to legal
2568 residents of this state, including amounts paid through payroll
2569 service companies, for technical and production crews,
2570 directors, producers, and performers.

2571 2. Expenditures for sound stages, backlots, production
2572 editing, digital effects, sound recordings, sets, and set
2573 construction.

2574 3. Expenditures for rental equipment, including, but not
2575 limited to, cameras and grip or electrical equipment.

2576 4. Up to \$300,000 of the costs of newly purchased computer
2577 software and hardware unique to the project, including servers,
2578 data processing, and visualization technologies, which are
2579 located in and used exclusively in the state for the production
2580 of digital media.

2581 5. Expenditures for meals, travel, and accommodations.

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2582 (h) "Qualified expenditures" means production expenditures
2583 incurred in this state by a qualified production for:

2584 1. Goods purchased or leased from, or services, including,
2585 but not limited to, insurance costs and bonding, payroll
2586 services, and legal fees, which are provided by a vendor or
2587 supplier in this state which is registered with the Department
2588 of State or the Department of Revenue, is doing business in the
2589 state, and whose primary employees involved in facilitating the
2590 transaction are legal residents of and doing business in this
2591 state.

2592 2. Payments to legal residents of this state in the form of
2593 salary, wages, or other compensation up to a maximum of \$650,000
2594 per resident unless otherwise specified in subsection (4).

2595
2596 For a qualified production involving an event, such as an awards
2597 show, the term does not include expenditures solely associated
2598 with the event itself and not directly required by the
2599 production. The term does not include expenditures incurred
2600 before certification, with the exception of those incurred for a
2601 commercial, a music video, or the pickup of additional episodes
2602 of a high-impact television series within a single season.

2603 (i) "Qualified production" means a production in this state
2604 meeting the requirements of this section. The term does not
2605 include a production:

2606 1. In which, for the first 2 years of the incentive
2607 program, less than 50 percent, and, thereafter, less than 60
2608 percent, of the positions that make up its production cast and
2609 below-the-line production crew, or, in the case of digital media
2610 projects, less than 75 percent of such positions, are filled by

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2611 legal residents of this state, whose residency is demonstrated
2612 by a valid Florida driver's license or other state-issued
2613 identification confirming residency, or students enrolled full-
2614 time in a film-and-entertainment-related course of study at an
2615 institution of higher education in this state; or

2616 2. That is deemed by the Office of Film and Entertainment
2617 to contain obscene content as defined in s. 847.001(10).

2618 (j) "Qualified production company" means a corporation,
2619 limited liability company, partnership, or other legal entity
2620 engaged in one or more productions in this state.

2621 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2622 industry financial incentive program is created within the
2623 Office of Film and Entertainment. The purpose of this program is
2624 to encourage the use of this state as a site for filming, for
2625 the digital production of films, and to develop and sustain the
2626 workforce and infrastructure for film, digital media, and
2627 entertainment production.

2628 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2629 (a) Program application.—A qualified production company
2630 producing a qualified production in this state may submit a
2631 program application to the Office of Film and Entertainment for
2632 the purpose of determining qualification for an award of tax
2633 credits authorized by this section no earlier than 6 months
2634 before the first date that production expenditures are incurred
2635 in this state. The applicant shall provide the Office of Film
2636 and Entertainment with information required to determine whether
2637 the production is a qualified production and to determine the
2638 qualified expenditures and other information necessary for the
2639 office to determine eligibility for the tax credit.

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2640 (b) Required documentation.—The Office of Film and
2641 Entertainment shall develop an application form for qualifying
2642 an applicant as a qualified production. The form must include,
2643 but need not be limited to, production-related information
2644 concerning employment of residents in this state, a detailed
2645 budget of planned qualified expenditures, and the applicant's
2646 signed affirmation that the information on the form has been
2647 verified and is correct. The Office of Film and Entertainment
2648 and local film commissions shall distribute the form.

2649 (c) Application process.—The Office of Film and
2650 Entertainment shall establish a process by which an application
2651 is accepted and reviewed and by which tax credit eligibility and
2652 the award amount are determined. The Office of Film and
2653 Entertainment may request assistance from a duly appointed local
2654 film commission in determining compliance with this section.

2655 (d) Certification.—The Office of Film and Entertainment
2656 shall review the application within 15 business days after
2657 receipt. Upon its determination that the application contains
2658 all the information required by this subsection and meets the
2659 criteria set out in this section, the Office of Film and
2660 Entertainment shall qualify the applicant and recommend to the
2661 Office of Tourism, Trade, and Economic Development that the
2662 applicant be certified for the maximum tax credit award amount.
2663 Within 5 business days after receipt of the recommendation, the
2664 Office of Tourism, Trade, and Economic Development shall reject
2665 the recommendation or certify the maximum recommended tax credit
2666 award, if any, to the applicant and to the executive director of
2667 the Department of Revenue.

2668 (e) Grounds for denial.—The Office of Film and

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2669 Entertainment shall deny an application if it determines that
2670 the application is incomplete or the production or application
2671 does not meet the requirements of this section.

2672 (f) Verification of actual qualified expenditures.—

2673 1. The Office of Film and Entertainment shall develop a
2674 process to verify the actual qualified expenditures of a
2675 certified production. The process must require:

2676 a. A certified production to submit, in a timely manner
2677 after principal photography, digital production, or the digital
2678 media project ends and after making all of its qualified
2679 expenditures, data substantiating each qualified expenditure to
2680 an independent certified public accountant licensed in this
2681 state;

2682 b. Such accountant to conduct a compliance audit, at the
2683 certified production's expense, to substantiate each qualified
2684 expenditure and submit the results as a report, along with the
2685 required substantiating data, to the Office of Film and
2686 Entertainment; and

2687 c. The Office of Film and Entertainment to review the
2688 accountant's submittal and report to the Office of Tourism,
2689 Trade, and Economic Development the final verified amount of
2690 actual qualified expenditures made by the certified production.

2691 2. The Office of Tourism, Trade, and Economic Development
2692 shall determine and approve the final tax credit award amount to
2693 each certified applicant based on the final verified amount of
2694 actual qualified expenditures and shall notify the executive
2695 director of the Department of Revenue in writing that the
2696 certified production has met the requirements of the incentive
2697 program and of the final amount of the tax credit award. The

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2698 final tax credit award amount may not exceed the maximum tax
2699 credit award amount certified under paragraph (d).

2700 (g) *Promoting Florida.*—The Office of Film and Entertainment
2701 shall ensure that, as a condition of receiving a tax credit
2702 under this section, marketing materials promoting this state as
2703 a tourist destination or film and entertainment production
2704 destination are included, when appropriate, at no cost to the
2705 state, which must, at a minimum, include placement of a “Filmed
2706 in Florida” or “Produced in Florida” logo in the opening credits
2707 and end credits and on all packaging material and hard media,
2708 unless prohibited by licensing or other contractual obligations.
2709 The size and placement of such logo shall be commensurate to
2710 other logos used. If no logos are used, the statement “Filmed in
2711 Florida using Florida’s Entertainment Industry Financial
2712 Incentive,” or a similar statement approved by the Office of
2713 Film and Entertainment, shall be used. The Office of Film and
2714 Entertainment shall provide a logo and supply it for the
2715 purposes specified in this paragraph.

2716 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2717 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2718 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2719 ACQUISITIONS.—

2720 (a) *Priority for tax credit award.*—The priority of a
2721 qualified production for tax credit awards must be determined on
2722 a first-come, first-served basis within its appropriate queue.
2723 Each qualified production must be placed into the appropriate
2724 queue and is subject to the requirements of that queue.

2725 (b) *Tax credit eligibility.*—

2726 1. General production queue.—Ninety-four percent of tax

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2727 credits authorized in any state fiscal year must be dedicated to
2728 the general production queue. The general production queue
2729 consists of all qualified productions other than those eligible
2730 for the commercial and music video queue or the independent
2731 production queue. A qualified production that demonstrates a
2732 minimum of \$625,000 in qualified expenditures is eligible for
2733 tax credits equal to 20 percent of its actual qualified
2734 expenditures, up to a maximum of \$8 million. A qualified
2735 production that incurs qualified expenditures during multiple
2736 state fiscal years may combine those expenditures to satisfy the
2737 \$625,000 minimum threshold.

2738 a. An off-season certified production that is a feature
2739 film, independent film, or television series or pilot is
2740 eligible for an additional 5-percent tax credit on actual
2741 qualified expenditures. An off-season certified production that
2742 does not complete 75 percent of principal photography due to a
2743 disruption caused by a hurricane or tropical storm may not be
2744 disqualified from eligibility for the additional 5-percent
2745 credit as a result of the disruption.

2746 b. A qualified high-impact television series shall be
2747 allowed first position in this queue for tax credit awards not
2748 yet certified.

2749 2. Commercial and music video queue.—Three percent of tax
2750 credits authorized in any state fiscal year must be dedicated to
2751 the commercial and music video queue. A qualified production
2752 company that produces national or regional commercials or music
2753 videos may be eligible for a tax credit award if it demonstrates
2754 a minimum of \$100,000 in qualified expenditures per national or
2755 regional commercial or music video and exceeds a combined

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2756 threshold of \$500,000 after combining actual qualified
2757 expenditures from qualified commercials and music videos during
2758 a single state fiscal year. After a qualified production company
2759 that produces commercials, music videos, or both reaches the
2760 threshold of \$500,000, it is eligible to apply for certification
2761 for a tax credit award. The maximum credit award shall be equal
2762 to 20 percent of its actual qualified expenditures up to a
2763 maximum of \$500,000. If there is a surplus at the end of a
2764 fiscal year after the Office of Film and Entertainment certifies
2765 and determines the tax credits for all qualified commercial and
2766 video projects, such surplus tax credits shall be carried
2767 forward to the following fiscal year and be available to any
2768 eligible qualified productions under the general production
2769 queue.

2770 3. Independent production queue.—Three percent of tax
2771 credits authorized in any state fiscal year must be dedicated to
2772 the independent production queue. An independent Florida film or
2773 digital media project that meets the criteria of this
2774 subparagraph and demonstrates a minimum of \$100,000, but not
2775 more than \$625,000, in total qualified expenditures is eligible
2776 for tax credits equal to 20 percent of its actual qualified
2777 expenditures. To qualify for this tax credit, a qualified
2778 production must:

2779 a. Be planned as a feature film or documentary of at least
2780 70 minutes in length or be a digital media project.

2781 b. Employ legal residents of this state in at least two of
2782 the following key positions: writer, director, producer, star,
2783 or composer; or, in the case of a digital media project, employ
2784 legal residents of this state in at least two positions

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2785 functionally equivalent to the positions of writer, director,
2786 producer, star, or composer.

2787 4. Family-friendly productions.—A certified production
2788 determined by the Commissioner of Film and Entertainment, with
2789 the advice of the Florida Film and Entertainment Advisory
2790 Council, to be family-friendly, based on the review of the
2791 script and the review of the final release version, is eligible
2792 for an additional tax credit equal to 5 percent of its actual
2793 qualified expenditures. Family-friendly productions are those
2794 that have cross-generational appeal; would be considered
2795 suitable for viewing by children age 5 or older; are appropriate
2796 in theme, content, and language for a broad family audience;
2797 embody a responsible resolution of issues; and do not exhibit or
2798 imply any act of smoking, sex, nudity, gratuitous violence, or
2799 vulgar or profane language.

2800 (c) Withdrawal of tax credit eligibility.—A qualified or
2801 certified production must continue on a reasonable schedule,
2802 which means beginning principal photography, or, in the case of
2803 a digital media project, the start date of the production, in
2804 this state no more than 45 calendar days before or after the
2805 date provided in the production's program application. The
2806 Office of Tourism, Trade, and Economic Development shall
2807 withdraw the eligibility of a qualified or certified production
2808 that does not continue on a reasonable schedule.

2809 (d) Election and distribution of tax credits.—

2810 1. A certified production company receiving a tax credit
2811 award under this section shall, at the time the credit is
2812 awarded by the Office of Tourism, Trade, and Economic
2813 Development after production is completed and all requirements

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2814 to receive a credit award have been met, make an irrevocable
2815 election to apply the credit against taxes due under chapter
2816 220, against taxes collected or accrued under chapter 212,
2817 except that the credit authorized under this section may not be
2818 applied against discretionary sales surtaxes authorized under s.
2819 212.055, or against a stated combination of the two taxes. The
2820 election is binding upon any distributee, successor, transferee,
2821 or purchaser. The Office of Tourism, Trade, and Economic
2822 Development shall notify the Department of Revenue of any
2823 election made pursuant to this paragraph.

2824 2. For the fiscal years beginning July 1, 2010, and ending
2825 June 30, 2015, a qualified production company is eligible for
2826 tax credits against its sales and use tax liabilities and
2827 corporate income tax liabilities as provided in this section.
2828 However, tax credits awarded under this section may not be
2829 claimed against sales and use tax liabilities or corporate
2830 income tax liabilities for any tax period beginning before July
2831 1, 2011, regardless of when the credits are applied for or
2832 awarded.

2833 (e) Tax credit carryforward.—If the certified production
2834 company cannot use the entire tax credit in the taxable year or
2835 reporting period in which the credit is awarded, any excess
2836 amount may be carried forward to a succeeding taxable year or
2837 reporting period. A tax credit applied against taxes imposed
2838 under chapter 212 may be carried forward for a maximum of 5
2839 years after the date the credit is awarded. A tax credit applied
2840 against taxes imposed under chapter 220 may be carried forward
2841 for a maximum of 5 years after the date the credit is awarded,
2842 after which the credit expires and may not be used.

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2843 (f) Consolidated returns.—A certified production company
2844 that files a Florida consolidated return as a member of an
2845 affiliated group under s. 220.131(1) may be allowed the credit
2846 on a consolidated return basis up to the amount of the tax
2847 imposed upon the consolidated group under chapter 220.

2848 (g) Partnership and noncorporate distributions.—A qualified
2849 production company that is not a corporation as defined in s.
2850 220.03 may elect to distribute tax credits awarded under this
2851 section to its partners or members in proportion to their
2852 respective distributive income or loss in the taxable fiscal
2853 year in which the tax credits were awarded.

2854 (h) Mergers or acquisitions.—Tax credits available under
2855 this section to a certified production company may succeed to a
2856 surviving or acquiring entity subject to the same conditions and
2857 limitations as described in this section; however, they may not
2858 be transferred again by the surviving or acquiring entity.

2859 (5) TRANSFER OF TAX CREDITS.—

2860 (a) Authorization.—Upon application to the Office of Film
2861 and Entertainment and approval by the Office of Tourism, Trade,
2862 and Economic Development, a certified production company, or a
2863 partner or member that has received a distribution under
2864 paragraph (4)(g), may elect to transfer, in whole or in part,
2865 any unused credit amount granted under this section. An election
2866 to transfer any unused tax credit amount under chapter 212 or
2867 chapter 220 must be made no later than 5 years after the date
2868 the credit is awarded, after which period the credit expires and
2869 may not be used. The Office of Tourism, Trade, and Economic
2870 Development shall notify the Department of Revenue of the
2871 election and transfer.

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2872 (b) Number of transfers permitted.—A certified production
2873 company that elects to apply a credit amount against taxes
2874 remitted under chapter 212 is permitted a one-time transfer of
2875 unused credits to one transferee. The credit against sales tax
2876 is available to the transferee only through a refund of
2877 previously paid taxes pursuant to s. 212.08(5)(g). A certified
2878 production company that elects to apply a credit amount against
2879 taxes due under chapter 220 is permitted a one-time transfer of
2880 unused credits to no more than four transferees, and such
2881 transfers must occur in the same taxable year.

2882 (c) Transferee rights and limitations.—The transferee is
2883 subject to the same rights and limitations as the certified
2884 production company awarded the tax credit, except that the
2885 transferee may not sell or otherwise transfer the tax credit.

2886 (d) Rulemaking.—The Department of Revenue may adopt rules
2887 to administer this subsection, as provided in subsection (7).

2888 (6) ANNUAL ALLOCATION OF TAX CREDITS.—

2889 (a) The aggregate amount of the tax credits that may be
2890 certified pursuant to paragraph (3)(d) may not exceed \$20
2891 million per fiscal year.

2892 (b) Any portion of the maximum amount of tax credits
2893 established per fiscal year in paragraph (a) that is not
2894 certified as of the end of a fiscal year shall be carried
2895 forward and made available for certification during the
2896 following two fiscal years in addition to the amounts available
2897 for certification under paragraph (a) for those fiscal years.

2898 (c) Upon approval of the final tax credit award amount
2899 pursuant to subparagraph (3)(f)2., an amount equal to the
2900 difference between the maximum tax credit award amount

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2901 previously certified under paragraph (3) (d) and the approved
2902 final tax credit award amount shall immediately be available for
2903 recertification during the current and following fiscal years in
2904 addition to the amounts available for certification under
2905 paragraph (a) for those fiscal years. Credit amounts are
2906 available for recertification only once under this paragraph.

2907 (d) If, during a fiscal year, the total amount of credits
2908 applied for, pursuant to paragraph (3) (a), exceeds the amount of
2909 credits available for certification in that fiscal year, such
2910 excess shall be treated as having been applied for on the first
2911 day of the next fiscal year in which credits remain available
2912 for certification.

2913 (7) RULES, POLICIES, AND PROCEDURES.—

2914 (a) The Office of Tourism, Trade, and Economic Development
2915 may adopt rules pursuant to ss. 120.536(1) and 120.54 and
2916 develop policies and procedures to implement and administer this
2917 section, including, but not limited to, rules specifying
2918 requirements for the application and approval process, records
2919 required for substantiation for tax credits, procedures for
2920 making the election in paragraph (4) (d), the manner and form of
2921 documentation required to claim tax credits awarded or
2922 transferred under this section, and marketing requirements for
2923 tax credit recipients.

2924 (b) The Department of Revenue may adopt rules pursuant to
2925 ss. 120.536(1) and 120.54 to administer this section, including
2926 rules governing the examination and audit procedures required to
2927 administer this section and the manner and form of documentation
2928 required to claim tax credits awarded or transferred under this
2929 section.

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2930 (8) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2931 CREDITS; FRAUDULENT CLAIMS.—

2932 (a) *Audit authority.*—The Department of Revenue may conduct
2933 examinations and audits as provided in s. 213.34 to verify that
2934 tax credits under this section are received, transferred, and
2935 applied according to the requirements of this section. If the
2936 Department of Revenue determines that tax credits are not
2937 received, transferred, or applied as required by this section,
2938 it may, in addition to the remedies provided in this subsection,
2939 pursue recovery of such funds pursuant to the laws and rules
2940 governing the assessment of taxes.

2941 (b) *Revocation of tax credits.*—The Office of Tourism,
2942 Trade, and Economic Development may revoke or modify any written
2943 decision qualifying, certifying, or otherwise granting
2944 eligibility for tax credits under this section if it is
2945 discovered that the tax credit applicant submitted any false
2946 statement, representation, or certification in any application,
2947 record, report, plan, or other document filed in an attempt to
2948 receive tax credits under this section. The Office of Tourism,
2949 Trade, and Economic Development shall immediately notify the
2950 Department of Revenue of any revoked or modified orders
2951 affecting previously granted tax credits. Additionally, the
2952 applicant must notify the Department of Revenue of any change in
2953 its tax credit claimed.

2954 (c) *Forfeiture of tax credits.*—A determination by the
2955 Department of Revenue, as a result of an audit or examination by
2956 the Department of Revenue or from information received from the
2957 Office of Film and Entertainment, that an applicant received tax
2958 credits pursuant to this section to which the applicant was not

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2959 entitled is grounds for forfeiture of previously claimed and
2960 received tax credits. The applicant is responsible for returning
2961 forfeited tax credits to the Department of Revenue, and such
2962 funds shall be paid into the General Revenue Fund of the state.
2963 Tax credits purchased in good faith are not subject to
2964 forfeiture unless the transferee submitted fraudulent
2965 information in the purchase or failed to meet the requirements
2966 in subsection (5).

2967 (d) *Fraudulent claims.*—Any applicant that submits
2968 fraudulent information under this section is liable for
2969 reimbursement of the reasonable costs and fees associated with
2970 the review, processing, investigation, and prosecution of the
2971 fraudulent claim. An applicant that obtains a credit payment
2972 under this section through a claim that is fraudulent is liable
2973 for reimbursement of the credit amount plus a penalty in an
2974 amount double the credit amount. The penalty is in addition to
2975 any criminal penalty to which the applicant is liable for the
2976 same acts. The applicant is also liable for costs and fees
2977 incurred by the state in investigating and prosecuting the
2978 fraudulent claim.

2979 (9) ANNUAL REPORT.—Each October 1, the Office of Film and
2980 Entertainment shall provide an annual report for the previous
2981 fiscal year to the Governor, the President of the Senate, and
2982 the Speaker of the House of Representatives which outlines the
2983 return on investment and economic benefits to the state.

2984 (10) REPEAL.—This section is repealed July 1, 2015, except
2985 that the tax credit carryforward provided in this section shall
2986 continue to be valid for the period specified.

2987 Section 20. Effective July 1, 2010, subsection (5) of

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2988 section 288.1258, Florida Statutes, is amended to read:

2989 288.1258 Entertainment industry qualified production
2990 companies; application procedure; categories; duties of the
2991 Department of Revenue; records and reports.—

2992 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
2993 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
2994 and Entertainment shall keep annual records from the information
2995 provided on taxpayer applications for tax exemption certificates
2996 beginning January 1, 2001. These records shall reflect a ratio
2997 percentage comparison of the annual amount of funds exempted
2998 sales and use tax exemptions under this section and incentives
2999 awarded pursuant to s. 288.1284 to the estimated amount of funds
3000 expended by certified productions, including productions that
3001 received incentives pursuant to s. 288.1254 ~~in relation to~~
3002 ~~entertainment industry products.~~ These records also shall
3003 reflect a separate ratio of the annual amount of sales and use
3004 tax exemptions under this section, plus the incentives awarded
3005 pursuant to s. 288.1254 to the estimated amount of funds
3006 expended by certified productions. In addition, the office shall
3007 maintain data showing annual growth in Florida-based
3008 entertainment industry companies and entertainment industry
3009 employment and wages. The Office of Film and Entertainment shall
3010 report this information to the Legislature ~~by~~ no later than
3011 December 1 of each year.

3012 Section 21. Effective July 1, 2010, section 288.9552,
3013 Florida Statutes, is created to read:

3014 288.9552 Florida Research Commercialization Matching Grant
3015 Program.—

3016 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

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3017 (a) The purpose of the Florida Research Commercialization
3018 Matching Grant Program is to increase the amount of federal
3019 funding to this state which will produce the kind of distinctive
3020 technologies that drive today's knowledge-based economy. By
3021 leveraging federal, state, and private-sector resources, the
3022 Legislature intends that program accelerate the innovation
3023 process and more efficiently transform research results into
3024 products in the marketplace.

3025 (b) The matching grant program is specifically intended to
3026 be a catalyst for small or startup companies that can take
3027 advantage of federal and state partnerships in order to
3028 accelerate their growth and market penetration by helping them
3029 to overcome the funding gap faced by many small companies that
3030 are based in this state. Specific goals and objectives of the
3031 program include:

3032 1. Increasing the amount of federal research moneys
3033 received by small businesses in this state through awards from
3034 the Small Business Innovation Research Program and the Small
3035 Business Technology Transfer Program of the Office of Technology
3036 of the United States Small Business Administration.

3037 2. Accelerating the entry of new technology-based products
3038 into the marketplace.

3039 3. Producing additional technology-based jobs for the
3040 state.

3041 4. Providing leveraged resources to increase the
3042 effectiveness and success of applicants' projects.

3043 5. Speeding commercialization of promising technologies.

3044 6. Encouraging the establishment and growth of high-
3045 quality, advanced technology firms in the state.

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3046 7. Accelerating the rate of investment and enhancing the
3047 state's investment infrastructure.

3048 (c) The Florida Research Commercialization Matching Grant
3049 Program is created for the purpose of accomplishing the goals
3050 and objectives specified in this section.

3051 (2) ADMINISTRATION.—The Florida Institute for the
3052 Commercialization of Public Research shall develop programmatic
3053 policy, ensure statewide applicability of the matching grant
3054 program, establish criteria for grant awards, approve grant
3055 awards, and review program progress and results.

3056 (3) ELIGIBILITY GUIDELINES.—A qualified applicant must:

3057 (a) Be a business entity that is registered with the
3058 Secretary of State to operate in this state. The qualified
3059 applicant must also have its primary office and a majority of
3060 its employees domiciled in Florida, and its principal research
3061 activities must be conducted in the state.

3062 (b) Be a small company for which a state matching grant is
3063 necessary for project development and implementation.

3064 (c) Have received a Phase I award under the federal Small
3065 Business Innovation Research Program or Small Business
3066 Technology Transfer Program and have received an invitation to
3067 submit an application for a Phase II award. If a Phase II award
3068 has already been issued, the end date of the federal award must
3069 be identified and justification must be provided as to how these
3070 additional funds will enhance, not supplant, the existing award.

3071 (d) Use federal, local, and private resources to the
3072 maximum extent possible. Total project funding shall demonstrate
3073 that:

3074 1. Private-sector investments offset the total cost of the

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3075 project; and

3076 2. At least 75 percent of the project's total funding is
3077 from sources other than the state grant.

3078 (e) Conduct the project funded by the matching grant
3079 program in this state.

3080 (4) PROGRAM ADMINISTRATOR.—Subject to appropriations, the
3081 Florida Institute for the Commercialization of Public Research
3082 shall serve as program administrator. The institute may contract
3083 for the performance of a technology review and related functions
3084 with a third party. Not more than 10 percent of a legislative
3085 appropriation may be used for administrative purposes. The
3086 responsibilities of the program administrator include, but are
3087 not limited to:

3088 (a) Coordinating and supporting the grant review, approval,
3089 and contracting activities;

3090 (b) Administering the grant-selection process, including,
3091 but not limited to, issuing open-call requests for grant
3092 applications and receiving, reviewing, and processing grant
3093 applications;

3094 (c) Serving as grant contract manager for recipients of a
3095 matching grant;

3096 (d) Reporting program progress and results; and

3097 (e) Establishing a mechanism by which information regarding
3098 grant projects may be made available to facilitate additional
3099 investment by individual investors, investment for early start-
3100 up costs, or venture capital investment.

3101 (5) APPLICATION REVIEW.—An application for a matching grant
3102 award must be reviewed and approved or denied within 45 days
3103 after receipt.

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3104 (6) FIDUCIARY.—The institute shall award a grant to a
3105 qualified applicant if:

3106 (a) The qualified applicant demonstrates that it has
3107 obtained a Phase II award under the federal Small Business
3108 Innovation Research Program or Small Business Technology
3109 Transfer Program; and

3110 (b) The qualified applicant executes a performance contract
3111 with the institute.

3112
3113 The institute shall release the grant to a qualified applicant
3114 upon completion of all contract requirements.

3115 (7) AWARDS.—The matching grant program may make one-time
3116 awards of up to \$250,000 per project to a qualified applicant.

3117 (8) REPORTING.—Beginning December 1, 2011, and annually
3118 thereafter, the institute shall transmit a report relating to
3119 the grants awarded under the program to the Governor, the
3120 President of the Senate, and the Speaker of the House of
3121 Representatives for the previous fiscal year.

3122 Section 22. Effective July 1, 2010, section 290.00677,
3123 Florida Statutes, is amended to read:

3124 290.00677 Rural enterprise zones; special qualifications.—

3125 (1) Notwithstanding the enterprise zone residency
3126 requirements set out in s. 212.096(1)(c), eligible businesses as
3127 defined by s. 212.096(1)(a), located in rural enterprise zones
3128 as defined by s. 290.004, may receive the basic minimum credit
3129 provided under s. 212.096 for creating a new job and hiring a
3130 person residing within the jurisdiction of a rural community
3131 county, as defined by s. 288.106(2) ~~s. 288.106(1)(r)~~. All other
3132 provisions of s. 212.096, including, but not limited to, those

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3133 relating to the award of enhanced credits, apply to such
3134 businesses.

3135 (2) Notwithstanding the enterprise zone residency
3136 requirements set out in s. 220.03(1)(q), businesses as defined
3137 by s. 220.03(1)(c), located in rural enterprise zones as defined
3138 in s. 290.004, may receive the basic minimum credit provided
3139 under s. 220.181 for creating a new job and hiring a person
3140 residing within the jurisdiction of a rural community county, as
3141 defined by s. 288.106(2) ~~s. 288.106(1)(r)~~. All other provisions
3142 of s. 220.181, including, but not limited to, those relating to
3143 the award of enhanced credits apply to such businesses.

3144 Section 23. Effective July 1, 2010, section 373.4141,
3145 Florida Statutes, is amended to read:

3146 373.4141 Permits; processing.—

3147 (1) The Legislature finds that it is in the best interests
3148 of the state to expedite the processing of permits under this
3149 part. ~~Within 30 days after receipt of an application for a~~
3150 ~~permit under this part, the department or the water management~~
3151 ~~district shall review the application and shall request~~
3152 ~~submittal of all additional information the department or the~~
3153 ~~water management district is permitted by law to require. If the~~
3154 ~~applicant believes any request for additional information is not~~
3155 ~~authorized by law or rule, the applicant may request a hearing~~
3156 ~~pursuant to s. 120.57. Within 30 days after receipt of such~~
3157 ~~additional information, the department or water management~~
3158 ~~district shall review it and may request only that information~~
3159 ~~needed to clarify such additional information or to answer new~~
3160 ~~questions raised by or directly related to such additional~~
3161 ~~information. If the applicant believes the request of the~~

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3162 ~~department or water management district for such additional~~
3163 ~~information is not authorized by law or rule, the department or~~
3164 ~~water management district, at the applicant's request, shall~~
3165 ~~proceed to process the permit application.~~

3166 (2) (a) An application for a permit under this part must
3167 shall be approved or denied within 30 ~~90~~ days after receipt of
3168 the original application, the last item of timely requested
3169 additional material, or the applicant's written request to begin
3170 processing the permit application. An application for a permit
3171 that is not approved within 30 days is deemed approved by
3172 default.

3173 (b) A permit required by local government for an activity
3174 that also requires a state permit under this part, shall be
3175 approved or denied within 30 days after receipt of the original
3176 application. An application for a local permit that is not
3177 approved within 30 days is deemed approved by default.

3178 (3) Processing of applications for permits for affordable
3179 housing projects shall be expedited to a greater degree than
3180 other projects.

3181 Section 24. Effective July 1, 2010, section 373.441,
3182 Florida Statutes, is amended to read:

3183 373.441 Role of counties, municipalities, and local
3184 pollution control programs in permit processing; delegation.-

3185 (1) The department in consultation with the water
3186 management districts shall, by December 1, 1994, adopt rules to
3187 guide the participation of counties, municipalities, and local
3188 pollution control programs in an efficient, streamlined
3189 permitting system. Such rules shall seek to increase
3190 governmental efficiency, shall maintain environmental standards,

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3191 and shall include consideration of the following:

3192 (a) Provisions under which the environmental resource
3193 permit program shall be delegated, upon approval of the
3194 department and the appropriate water management districts, to a
3195 county, municipality, or local pollution control program which
3196 has the financial, technical, and administrative capabilities
3197 and desire to implement and enforce the program;

3198 (b) Provisions under which a locally delegated permit
3199 program may have stricter environmental standards than state
3200 standards;

3201 (c) Provisions for identifying and reconciling any
3202 duplicative permitting by January 1, 1995;

3203 (d) Provisions for timely and cost-efficient notification
3204 by the reviewing agency of permit applications, and permit
3205 requirements, to counties, municipalities, local pollution
3206 control programs, the department, or water management districts,
3207 as appropriate;

3208 (e) Provisions for ensuring the consistency of permit
3209 applications with local comprehensive plans;

3210 (f) Provisions for the partial delegation of the
3211 environmental resource permit program to counties,
3212 municipalities, or local pollution control programs, and
3213 standards and criteria to be employed in the implementation of
3214 such delegation by counties, municipalities, and local pollution
3215 control programs;

3216 (g) Special provisions under which the environmental
3217 resource permit program may be delegated to counties having ~~with~~
3218 populations of 75,000 or fewer ~~less~~, or municipalities with, or
3219 local pollution control programs serving, populations of 50,000

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3220 or fewer less; and

3221 (h) Provisions for the applicability of chapter 120 to
3222 local government programs when the environmental resource permit
3223 program is delegated to counties, municipalities, or local
3224 pollution control programs; and

3225 (i) Provisions for a local government to petition the
3226 Governor and Cabinet for the review of a request for a
3227 delegation of authority which has not been approved or denied
3228 within 1 year after being initiated.

3229 (2) Any denial by the department of a local government's
3230 request for a delegation of authority must provide specific
3231 detail of those statutory or rule provisions that were not
3232 satisfied. Such detail shall also include specific actions that
3233 can be taken in order to allow for the delegation of authority.
3234 A local government, upon being denied a request for a delegation
3235 of authority, may petition the Governor and Cabinet for a review
3236 of the request. The Governor and Cabinet may reverse the
3237 decision of the department and may provide any necessary
3238 conditions to allow the delegation of authority to occur.

3239 (3) A county having a population of more than 75,000 or
3240 more or a municipality having or local pollution control
3241 programs serving populations of more than 50,000 must apply for
3242 delegation of authority on or before June 1, 2011. A county,
3243 municipality, or local pollution control programs that fails to
3244 apply for delegation of authority may not require permits that
3245 in part or in full are substantially similar to the requirements
3246 needed to obtain an environmental resource permit.

3247 (4)~~(2)~~ Nothing in this section affects or modifies land
3248 development regulations adopted by a local government to

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3249 implement its comprehensive plan pursuant to chapter 163.

3250 (5)~~(3)~~ The department shall review environmental resource
3251 permit applications for electrical distribution and transmission
3252 lines and other facilities related to the production,
3253 transmission, and distribution of electricity which are not
3254 certified under ss. 403.52-403.5365, the Florida Electric
3255 Transmission Line Siting Act, regulated under this part.

3256 Section 25. Effective July 1, 2010, subsection (41) is
3257 added to section 403.061, Florida Statutes, to read:

3258 403.061 Department; powers and duties.—The department shall
3259 have the power and the duty to control and prohibit pollution of
3260 air and water in accordance with the law and rules adopted and
3261 promulgated by it and, for this purpose, to:

3262 (41) Expand the use of online self-certification for
3263 appropriate exemptions and general permits issued by the
3264 department or the water management districts if such expansion
3265 is economically feasible. Notwithstanding any other provisions
3266 of law, a local government may not specify the method or form
3267 for documenting that a project qualifies for an exemption or
3268 meets the requirements for a permit under chapter 161, chapter
3269 253, chapter 373, or this chapter. This preclusion of local
3270 government authority extends to Internet-based department
3271 programs that provide for self-certification.

3272
3273 The department shall implement such programs in conjunction with
3274 its other powers and duties and shall place special emphasis on
3275 reducing and eliminating contamination that presents a threat to
3276 humans, animals or plants, or to the environment.

3277 Section 26. Effective July 1, 2010, subsection (12) is

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3278 added to section 403.814, Florida Statutes, to read:

3279 403.814 General permits; delegation.—

3280 (12) A general permit is granted for the construction,
3281 alteration, and maintenance of a surface water management system
3282 serving a total project area of up to 40 acres. The construction
3283 of such a system may proceed without any agency action by the
3284 department or water management district if:

3285 (a) The surface water management system design plans and
3286 calculations are signed and sealed by a professional engineer
3287 licensed under chapter 471;

3288 (b) The system will not be located in surface waters or
3289 wetlands, as delineated in s. 373.421(1);

3290 (c) The system will not cause adverse water quantity
3291 impacts to receiving waters and adjacent lands, as provided by
3292 department or district rule;

3293 (d) The system will not cause adverse flooding to onsite or
3294 off-site property, as provided by department or district rule;

3295 (e) The system will not cause adverse impacts to existing
3296 surface water storage and conveyance capabilities, as provided
3297 by department or district rule;

3298 (f) The system will not adversely affect the quality of
3299 receiving waters such that the standards applicable to waters as
3300 defined in s. 403.031(13), including any special standards for
3301 Outstanding Florida Waters, will be violated, as provided by
3302 department or district rule;

3303 (g) The system will not adversely impact the maintenance of
3304 surface or ground water levels or surface water flows
3305 established pursuant to s. 373.042, as provided by department or
3306 district rule;

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3307 (h) The system will not cause adverse impacts to a work of
3308 the district established pursuant to s. 373.086, as provided by
3309 department or district rule;

3310 (i) The system will not be part of a larger plan of
3311 development or sale;

3312 (j) The system will comply with all applicable NPDES
3313 requirements, as implemented by department or district rule; and

3314 (k) Within 10 days after the commencement of construction
3315 of the surface water management system, the professional
3316 engineer who is responsible for the design provides written
3317 notice of the commencement of construction to the department or
3318 district.

3319 Section 27. The Office of Program Policy Analysis and
3320 Government Accountability shall review and evaluate the Florida
3321 Enterprise Zone Program in ss. 290.001-290.014, Florida
3322 Statutes, over the 2010 interim, and submit a report of its
3323 findings and recommendations to the Governor, the President of
3324 the Senate, and the Speaker of the House of Representatives by
3325 January 11, 2011. The review shall include, but need not be
3326 limited to: how the program has changed over the years since it
3327 was created; whether the program is effectively and efficiently
3328 addressing the issues that precipitated its creation; the direct
3329 and indirect costs of the program to the state and local
3330 governments that participate; whether the program's tax
3331 incentives are effectively designed to benefit economically
3332 distressed or high-poverty areas and their residents and
3333 business owners; and whether the application, review, and
3334 approval processes are transparent, effective, and efficient.

3335 Section 28. Funds in Specific Appropriation 2649 of chapter

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3336 2008-152, Laws of Florida, for Space and Aerospace
3337 Infrastructure to make improvements to Launch Complex 36 on the
3338 45th Space Wing property may also be used for improvements to
3339 other launch complexes and space transportation facilities in
3340 order to attract new space vehicle testing and launch businesses
3341 to the state; to address intermodal requirements and impacts of
3342 the launch ranges, spaceports, and other space transportation
3343 facilities; and to assist in the development of joint-use
3344 facilities and technology that support aviation and aerospace
3345 operations, including high-altitude and suborbital flights and
3346 range technology development.

3347 Section 29. Effective July 1, 2010, the following
3348 appropriations for the 2010-2011 state fiscal year are
3349 authorized:

3350 (1) To the Office of Tourism, Trade, and Economic
3351 Development within the Office of the Governor, the sum of
3352 \$3,839,943 in nonrecurring funds from the General Revenue Fund
3353 to fund the operations of Space Florida.

3354 (2) To the Space Business Investment and Financial Services
3355 Trust Fund, the sum of \$10 million in nonrecurring funds from
3356 the General Revenue Fund. Notwithstanding s. 216.301 and
3357 pursuant to s. 216.351, any remaining funds from this
3358 appropriation as of June 30, 2011, shall remain in the trust
3359 fund and be available for carrying out the purpose of the trust
3360 fund.

3361 (3) To the Office of Tourism, Trade, and Economic
3362 Development within the Office of the Governor, the sum of \$3
3363 million in nonrecurring general revenue for the exclusive
3364 purpose of providing targeted-business-development support

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3365 services and business recruitment through Space Florida.
3366 Activities and services may include securing federal programs
3367 and processes, identifying and securing new contract and grant
3368 opportunities for Florida businesses, assisting businesses in
3369 establishing operations, securing necessary qualifications and
3370 approvals, obtaining capital, and engaging company and federal
3371 officials to site new program elements including research,
3372 design, testing, and manufacturing work packages in Florida.
3373 Emphasis will be placed on assisting small- to medium-sized
3374 businesses on a statewide basis. These funds may not be used for
3375 administrative or operational costs of Space Florida.

3376 (4) To the Office of Tourism, Trade and Economic
3377 Development within the Office of the Governor, the sum of \$3.2
3378 million in nonrecurring general revenue exclusively for Space
3379 Florida to retrain workers as the result of the retirement of
3380 the Space Shuttle Program.

3381 Section 30. (1) The Legislature finds that it is in the
3382 best interests of the state to identify surplus properties and
3383 dispose of properties owned by the state which are unnecessary
3384 to achieving the state's responsibilities, which may cost more
3385 to maintain than the revenue generated, and which serve no
3386 public purpose.

3387 (2) On or before July 1, 2010, and annually thereafter, all
3388 state agencies owning or operating state-owned real property
3389 shall submit inventory data to the Department of Environmental
3390 Protection in a format as prescribed by the department.

3391 (3) By October 1, 2010, and annually thereafter, the
3392 Department of Environmental Protection shall submit to the
3393 Governor, the President of the Senate, and the Speaker of the

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3394 House of Representatives a report that lists state-owned real
3395 property recommended for disposition.

3396 (4) Consistent with federal law and any bond covenants, the
3397 proceeds of the sale of real property under this section shall
3398 be deposited in the General Revenue Fund to be used, to the
3399 extent practical, for activities supporting economic development
3400 or as directed by the Legislature.

3401 Section 31. Before the 2013 Regular Session of the
3402 Legislature, the Office of Program Policy Analysis and
3403 Government Accountability shall conduct a review and evaluation
3404 of the effectiveness and viability of the Florida Research
3405 Commercialization Matching Grant Program. The office shall
3406 specifically evaluate the use of federal grants and private
3407 investment and the creation of new businesses and jobs. The
3408 office shall also recommend outcome measures for further
3409 evaluation of the program. The office shall submit a report of
3410 its findings and recommendations to the Governor, the President
3411 of the Senate, and the Speaker of the House of Representatives
3412 by January 15, 2013.

3413 Section 32. Notwithstanding any final declaration by a
3414 court of this state that chapter 2009-96, Laws of Florida, or
3415 any portion of such law is invalid, the following actions shall,
3416 if taken prior to such final judicial declaration of invalidity,
3417 remain valid and continue in effect:

3418 (1) Any exemption granted for any project for which an
3419 application for development approval has been approved or filed
3420 pursuant to s. 380.06, Florida Statutes, or for which a complete
3421 development application or rescission request has been approved
3422 or is pending and the application or rescission process is

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3423 continuing in good faith, within a development that is located
3424 within an area that qualifies for an exemption under s. 380.06,
3425 Florida Statutes, as amended by chapter 2009-96, Laws of
3426 Florida.

3427 (2) Any 2-year extension authorized pursuant to section 14
3428 of chapter 2009-96, Laws of Florida.

3429 (3) Any amendment to a local comprehensive plan adopted
3430 pursuant to s. 163.3184, Florida Statutes, as amended by chapter
3431 2009-96, Laws of Florida, and legally in effect to authorize and
3432 implement a transportation concurrency exception area pursuant
3433 to s. 163.3180, Florida Statutes, as amended by chapter 2009-96,
3434 Laws of Florida.

3435 Section 33. (1) Except as provided in subsection (4), a
3436 development order issued by a local government, building permit,
3437 permit issued by the Department of Environmental Protection, or
3438 permit issued by a water management district pursuant to part IV
3439 of chapter 373, Florida Statutes, which has an expiration date
3440 from September 1, 2008, through January 1, 2012, is extended and
3441 renewed for a period of 2 years following its previously
3442 scheduled date of expiration. This 2-year extension also applies
3443 to build-out dates including any extension of build-out date
3444 that was granted previously under s. 380.06(19)(c), Florida
3445 Statutes. This section does not prohibit conversion from the
3446 construction phase to the operation phase upon completion of
3447 construction. This extension is in addition to a 2-year permit
3448 extension under s. 14 of chapter 2009-96, Laws of Florida.

3449 (2) The commencement and completion dates for any required
3450 mitigation associated with a phased construction project are
3451 extended such that mitigation takes place in the same timeframe

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3452 relative to the phase as originally permitted.

3453 (3) The holder of a valid permit or other authorization
3454 that is eligible for the 2-year extension must notify the
3455 authorizing agency in writing by December 31, 2010, identifying
3456 the specific authorization for which the holder intends to use
3457 the extension and the anticipated timeframe for acting on the
3458 authorization.

3459 (4) The extension provided for in subsection (1) does not
3460 apply to:

3461 (a) A permit or other authorization under any programmatic
3462 or regional general permit issued by the Army Corps of
3463 Engineers.

3464 (b) A permit or other authorization held by an owner or
3465 operator determined to be in significant noncompliance with the
3466 conditions of the permit or authorization as established through
3467 the issuance of a warning letter or notice of violation, the
3468 initiation of formal enforcement, or other equivalent action by
3469 the authorizing agency.

3470 (c) A permit or other authorization, if granted an
3471 extension that would delay or prevent compliance with a court
3472 order.

3473 (5) Permits extended under this section shall continue to
3474 be governed by rules in effect at the time the permit was
3475 issued, except if it can be demonstrated that the rules in
3476 effect at the time the permit was issued would create an
3477 immediate threat to public safety or health. This provision
3478 applies to any modification of the plans, terms, and conditions
3479 of the permit which lessens the environmental impact, except
3480 that any such modification does not extend the time limit beyond

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3481 2 additional years.

3482 (6) This section does not impair the authority of a county
3483 or municipality to require the owner of a property that has
3484 notified the county or municipality of the owner's intention to
3485 receive the extension of time granted by this section to
3486 maintain and secure the property in a safe and sanitary
3487 condition in compliance with applicable laws and ordinances.

3488 Section 34. Section 47 of chapter 2009-82, Laws of Florida,
3489 is amended to read:

3490 Section 47. In order to implement Specific Appropriation
3491 1570 of the 2009-2010 General Appropriations Act:

3492 (1) The intent of the Legislature is to ensure that
3493 residents of the state derive the maximum possible economic
3494 benefit from the federal first-time homebuyer tax credit created
3495 through The American Recovery and Reinvestment Act of 2009 by
3496 providing subordinate down payment assistance loans to first-
3497 time homebuyers for owner-occupied primary residences which can
3498 be repaid by the income tax refund the homebuyer is entitled to
3499 under the First Time Homebuyer Credit. The state program shall
3500 be called the "Florida Homebuyer Opportunity Program."

3501 (2) The Florida Housing Finance Corporation shall
3502 administer the Florida Homebuyer Opportunity Program to optimize
3503 eligibility for conventional, VA, USDA, FHA, and other loan
3504 programs through the State Housing Initiatives Partnership
3505 program in accordance with ss. 420.907-420.9079, Florida
3506 Statutes, and the provisions of this section.

3507 (3) Prior to December 1, 2009, or any later date
3508 established by the Internal Revenue Service for such purchases,
3509 counties and eligible municipalities receiving funds shall

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3510 expend the funds appropriated under Specific Appropriation 1570A
3511 only to provide subordinate loans to prospective first-time
3512 homebuyers under the Florida Homebuyer Opportunity Program
3513 pursuant to this section, except that up to 10 percent of such
3514 funds may be used to cover administrative expenses of the
3515 counties and eligible municipalities to implement the Florida
3516 Homebuyer Opportunity Program, and not more than .25 percent may
3517 be used to compensate the Florida Housing Finance Corporation
3518 for the expenses associated with compliance monitoring. The
3519 funds appropriated under Specific Appropriation 1570A may not be
3520 used for any other program currently existing under ss. 420.907-
3521 420.9079, Florida Statutes. Thereafter, the funds shall be
3522 expended in accordance with ss. 420.907-420.9079, Florida
3523 Statutes.

3524 (4) Notwithstanding s. 420.9075, Florida Statutes, for
3525 purposes of the Florida Homebuyer Opportunity Program, the
3526 following exceptions shall apply:

3527 (a) The maximum income limit shall be an adjusted gross
3528 income of \$75,000 for single taxpayer households or \$150,000 for
3529 joint-filing taxpayer households, which is equal to that
3530 permitted by the American Recovery and Reinvestment Act of 2009;

3531 (b) There is no requirement to reserve 30 percent of the
3532 funds for awards to very-low-income persons or 30 percent of the
3533 funds for awards to low-income persons;

3534 (c) There is no requirement to expend 75 percent of funds
3535 for construction, rehabilitation, or emergency repair; and

3536 (d) The principal balance of the loans provided may not
3537 exceed 10 percent of the purchase price or \$8,000, whichever is
3538 less.

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3539 (5) Funds shall be expended under a newly created strategy
3540 in the local housing assistance plan to implement the Florida
3541 Homebuyer Opportunity Program.

3542 (6) The homebuyer shall be expected to use their federal
3543 income tax refund to fully repay the loan. If the county or
3544 eligible municipality receives repayment from the homebuyer
3545 within 18 months after the closing date of the loan, the county
3546 or eligible municipality shall waive all interest charges. A
3547 homebuyer who fails to fully repay the loan within the earlier
3548 of 18 months or 10 days after the receipt of their federal
3549 income tax refund, shall be subject to repayment terms provided
3550 in the local housing assistance plan, including penalties for
3551 not using his or her refund for repayment. Penalties may not
3552 exceed 10 percent of the loan amount and shall be included in
3553 the loan agreement with the homebuyer.

3554 (7) All funds repaid to a county or eligible municipality
3555 shall be considered "program income" as defined in s.
3556 420.9071(24), Florida Statutes.

3557 (8) In order to maximize the effect of the funding, the
3558 counties and eligible municipalities are encouraged to work with
3559 private lenders to provide additional funds to support the
3560 initiative. However, in all instances, the counties and eligible
3561 municipalities shall make and hold the subordinate loan.

3562 (9) This section expires July 1, 2011 ~~2010~~.

3563 Section 35. Preference to Florida residents.-

3564 (1) Each contract for construction which is funded by state
3565 funds must contain a provision requiring the contractor to give
3566 preference to the employment of state residents in the
3567 performance of the work on the project if state residents have

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3568 substantially equal qualifications to those of nonresidents. A
3569 contract for construction funded by local funds may contain such
3570 a provision.

3571 (a) As used in this section, "substantially equal
3572 qualifications" means the qualifications of two or more persons
3573 among whom the employer cannot make a reasonable determination
3574 that the qualifications held by one person are better suited for
3575 the position than the qualifications held by the other parties.

3576 (b) A contractor required to employ Florida residents must
3577 contact the Agency for Workforce Innovation to post the
3578 contractor's employment needs in the state's job bank system.

3579 (2) No contract shall be let to any person refusing to
3580 execute an agreement containing the aforementioned provisions.
3581 However, in work involving the expenditure of federal aid funds,
3582 this section may not be enforced in such a manner as to conflict
3583 with or be contrary to federal law prescribing a labor
3584 preference to honorably discharged soldiers, sailors, and
3585 marines, or prohibiting as unlawful any other preference or
3586 discrimination among the citizens of the United States.

3587 Section 36. The sum of \$10 million is appropriated from the
3588 General Revenue Fund to the Florida Institute for the
3589 Commercialization of Public Research for the 2010-2011 fiscal
3590 year to fund the Phase I Florida Research Commercialization
3591 Matching Grants authorized in s. 288.9552, Florida Statutes.

3592 Section 37. Subject to an appropriation by the Legislature,
3593 funds shall be made available to the Board of Governors of the
3594 State University System from the General Revenue Fund solely to
3595 provide early stage seed-capital funding to proposals applying
3596 for the State University Research Commercialization Assistance

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3597 Grant Program created by s. 2 of chapter 2007-189, Laws of
3598 Florida. Funds must be disbursed by the Board of Governors
3599 pursuant to grant agreements and contracts by the Florida
3600 Technology, Research, and Scholarship Board.

3601 Section 38. The sum of \$5 million in nonrecurring general
3602 revenue shall be provided to the Florida Export Finance
3603 Corporation for the purpose of capitalizing a self-sustaining
3604 cash collateral fund to be available to lenders participating in
3605 the corporation's existing loan guarantee program. The cash
3606 collateral fund must complement the corporation's existing loan
3607 and loan guarantee programs and otherwise comply with the
3608 requirements of part V of chapter 288, Florida Statutes.

3609 Section 39. The Legislature finds that this act fulfills an
3610 important state interest.

3611 Section 40. If any provision of this act or the application
3612 thereof to any person or circumstance is held invalid, the
3613 invalidity does not affect other provisions or applications of
3614 this act which can be given effect without the invalid provision
3615 or application, and to this end the provisions of this act are
3616 severable.

3617 Section 41. Except as otherwise expressly provided in this
3618 act, this act shall take effect upon becoming a law.