

20101752e1

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

20101752e1

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

20101752e1

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

20101752e1

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

20101752e1

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

20101752e1

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

20101752e1

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. 373.441, F.S.; revising provisions
191 relating to adoption of rules relating to permitting;
192 requiring the Department of Environmental Protection
193 to adopt rules that authorize a local government to
194 petition the Governor and Cabinet for certain
195 delegation requests; requiring the Department of
196 Environmental Protection detail the statutes or rules
197 that were not satisfied by a local government that
198 made a request for delegation and to detail actions
199 that could be taken to allow for delegation;
200 authorizing a local government to petition the
201 Governor and Cabinet to review the denial of a
202 delegation request; providing that a delegation of
203 authority must be approved if it meets certain rule

20101752e1

204 requirements; amending s. 403.061, F.S.; directing the
205 Department of Environmental Protection to expand the
206 use of online self-certification for certain
207 exemptions and permits; limiting the authority of a
208 local government the method or form for documenting
209 that a project qualifies for an exemption or meets the
210 requirements for a permit; requiring the Office of
211 Program Policy Analysis and Government Accountability
212 to review the Enterprise Zone Program and submit a
213 report of its findings and recommendations to the
214 Governor, the President of the Senate, and the Speaker
215 of the House of Representatives; authorizing the funds
216 in specific appropriation 2649 of chapter 2008-152,
217 Laws of Florida, to be used for additional space-
218 related economic-development purposes; providing an
219 appropriation to the Office of Tourism, Trade, and
220 Economic Development to fund the operations of Space
221 Florida; providing an appropriation to the Space
222 Business Investment and Financial Services Trust Fund
223 to carry out the purposes of the trust fund; providing
224 an appropriation to the Office of Tourism, Trade, and
225 Economic Development to enable Space Florida to
226 provide targeted business-development support services
227 and business recruitment; providing an appropriation
228 to the Office of Tourism, Trade, and Economic
229 Development for Space Florida to retrain workers in
230 the space industry; requiring all state agencies
231 owning or operating state-owned real property to
232 submit inventory data to the Department of

20101752e1

233 Environmental Protection by a specified date;
234 requiring the Department of Environmental Protection
235 to submit to the Governor, the President of the
236 Senate, and the Speaker of the House of
237 Representatives a report that lists state-owned real
238 property recommended for disposition; providing that
239 the proceeds of the sale of surplus real property be
240 deposited in the General Revenue Fund to be used for
241 certain specified purposes; requiring the Office of
242 Program Policy Analysis and Government Accountability
243 to review and evaluate the Research Commercialization
244 Matching Grant Program and submit a report of its
245 findings to the Governor, the President of the Senate,
246 and the Speaker of the House of Representatives;
247 reauthorizing certain exemptions, 2-year extensions,
248 and local comprehensive plan amendments granted,
249 authorized, or adopted in accordance with Chapter
250 2009-96, Laws of Florida; extending the expiration
251 dates of certain permits issued by the Department of
252 Environmental Protection or a water management
253 district; extending certain previously granted build-
254 out dates; amending s. 47 of chapter 2009-82, Laws of
255 Florida; delaying the expiration of the Florida
256 Homebuyer Opportunity Program; requiring that
257 construction contracts funded by state funds contain a
258 provision requiring the contractor to give preference
259 to the employment of Florida residents if they have
260 substantially equal qualifications as nonresidents;
261 defining the term "substantially equal

20101752e1

262 qualifications"; requiring that a contractor post
263 employment needs in the state's job bank system;
264 providing an appropriation to the Florida Institute
265 for the Commercialization of Public Research to fund
266 grants under the Research Commercialization Matching
267 Grant Program; conditionally specifying the use of an
268 appropriation to the Board of Governors of the State
269 University System to fund proposals under the State
270 University Research Commercialization Assistance Grant
271 Program; providing an appropriation for the Florida
272 Export Finance Corporation to capitalize an expansion
273 of its existing loan program for exporters; providing
274 a finding that the act fulfills an important state
275 interest; providing for severability; providing
276 effective dates.

277
278 Be It Enacted by the Legislature of the State of Florida:

279
280 Section 1. Effective July 1, 2010, section 125.045, Florida
281 Statutes, is amended to read:

282 125.045 County economic development powers.—

283 (1) The Legislature finds and declares that this state
284 faces increasing competition from other states and other
285 countries for the location and retention of private enterprises
286 within its borders. Furthermore, the Legislature finds that
287 there is a need to enhance and expand economic activity in the
288 counties of this state by attracting and retaining manufacturing
289 development, business enterprise management, and other
290 activities conducive to economic promotion, in order to provide

20101752e1

291 a stronger, more balanced, and stable economy in the state; to
292 enhance and preserve purchasing power and employment
293 opportunities for the residents of this state; and to improve
294 the welfare and competitive position of the state. The
295 Legislature declares that it is necessary and in the public
296 interest to facilitate the growth and creation of business
297 enterprises in the counties of the state.

298 (2) The governing body of a county may expend public funds
299 to attract and retain business enterprises, and the use of
300 public funds toward the achievement of such economic development
301 goals constitutes a public purpose. The provisions of this
302 chapter which confer powers and duties on the governing body of
303 a county, including any powers not specifically prohibited by
304 law which can be exercised by the governing body of a county,
305 must be liberally construed in order to effectively carry out
306 the purposes of this section.

307 (3) For the purposes of this section, it constitutes a
308 public purpose to expend public funds for economic development
309 activities, including, but not limited to, developing or
310 improving local infrastructure, issuing bonds to finance or
311 refinance the cost of capital projects for industrial or
312 manufacturing plants, leasing or conveying real property, and
313 making grants to private enterprises for the expansion of
314 businesses existing in the community or the attraction of new
315 businesses to the community.

316 (4) A contract between the governing body of a county or
317 other entity engaged in economic development activities on
318 behalf of the county and an economic development agency must
319 require the agency or entity receiving county funds to submit a

20101752e1

320 report to the governing body of the county detailing how county
321 funds were spent and detailing the results of the economic
322 development agency's or entity's efforts on behalf of the
323 county. The county shall include the report as an addendum to
324 the county's annual financial audit.

325 (5) (a) By December 1, 2010, and annually thereafter, each
326 county shall report to the Legislative Committee on
327 Intergovernmental Relations the economic development incentives
328 given to any business during the county's previous fiscal year.
329 Economic development incentives include:

330 1. Direct financial incentives of monetary assistance
331 provided to a business from the county or through an
332 organization authorized by the county. Such incentives include
333 grants, loans, equity investments, loan insurance and
334 guarantees, and training subsidies.

335 2. Indirect incentives in the form of grants and loans
336 provided to businesses and community organizations that provide
337 support to businesses or promote business investment or
338 development.

339 3. Fee-based or tax-based incentives, including credits,
340 refunds, exemptions, and property tax abatement or assessment
341 reductions.

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

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

346 (b) A county shall report its economic development
347 incentives in the format specified by the Legislative Committee
348 on Intergovernmental Relations.

20101752e1

349 (c) The Legislative Committee on Intergovernmental
350 Relations shall compile the economic development incentives
351 provided by each county in a manner that shows the total of each
352 class of economic development incentives provided by each county
353 and all counties.

354 (d) If a county did not provide any economic development
355 incentives during its previous fiscal year, the governing body
356 of the county must report to the Legislative Committee on
357 Intergovernmental Relations that the county did not provide any
358 incentives.

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

361 159.803 Definitions.—As used in this part, the term:

362 (11) "Florida First Business project" means any project
363 which is certified by the Office of Tourism, Trade, and Economic
364 Development as eligible to receive an allocation from the
365 Florida First Business allocation pool established pursuant to
366 s. 159.8083. The Office of Tourism, Trade, and Economic
367 Development may certify those projects meeting the criteria set
368 forth in s. 288.106(4)(b) ~~s. 288.106(3)(b)~~ or any project
369 providing a substantial economic benefit to this state.

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

372 166.021 Powers.—

373 (9) (a) The Legislature finds and declares that this state
374 faces increasing competition from other states and other
375 countries for the location and retention of private enterprises
376 within its borders. Furthermore, the Legislature finds that
377 there is a need to enhance and expand economic activity in the

20101752e1

378 municipalities of this state by attracting and retaining
379 manufacturing development, business enterprise management, and
380 other activities conducive to economic promotion, in order to
381 provide a stronger, more balanced, and stable economy in the
382 state, to enhance and preserve purchasing power and employment
383 opportunities for the residents of this state, and to improve
384 the welfare and competitive position of the state. The
385 Legislature declares that it is necessary and in the public
386 interest to facilitate the growth and creation of business
387 enterprises in the municipalities of the state.

388 (b) The governing body of a municipality may expend public
389 funds to attract and retain business enterprises, and the use of
390 public funds toward the achievement of such economic development
391 goals constitutes a public purpose. The provisions of this
392 chapter which confer powers and duties on the governing body of
393 a municipality, including any powers not specifically prohibited
394 by law which can be exercised by the governing body of a
395 municipality, shall be liberally construed in order to
396 effectively carry out the purposes of this subsection.

397 (c) For the purposes of this subsection, it constitutes a
398 public purpose to expend public funds for economic development
399 activities, including, but not limited to, developing or
400 improving local infrastructure, issuing bonds to finance or
401 refinance the cost of capital projects for industrial or
402 manufacturing plants, leasing or conveying real property, and
403 making grants to private enterprises for the expansion of
404 businesses existing in the community or the attraction of new
405 businesses to the community.

406 (d) A contract between the governing body of a municipality

20101752e1

407 or other entity engaged in economic development activities on
408 behalf of the municipality and an economic development agency
409 must require the agency or entity receiving county funds to
410 submit a report to the governing body of the county detailing
411 how county funds were spent and detailing the results of the
412 economic development agency's or entity's efforts on behalf of
413 the county. The municipality shall include the report as an
414 addendum to the municipality's annual financial audit.

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

421 a. Direct financial incentives of monetary assistance
422 provided to a business from the municipality or through an
423 organization authorized by the municipality. Such incentives
424 include grants, loans, equity investments, loan insurance and
425 guarantees, and training subsidies.

426 b. Indirect incentives in the form of grants and loans
427 provided to businesses and community organizations that provide
428 support to businesses or promote business investment or
429 development.

430 c. Fee-based or tax-based incentives, including credits,
431 refunds, exemptions, and property tax abatement or assessment
432 reductions.

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

434 e. Any other inducement provided to a business in order for
435 the business to create or retain jobs, relocate to or remain in

20101752e1

436 the county, or expand its current operations in the county.

437 2. A municipality shall report its economic development
438 incentives in the format specified by the Legislative Committee
439 on Intergovernmental Relations.

440 3. The Legislative Committee on Intergovernmental Relations
441 shall compile the economic development incentives provided by
442 each county in a manner that shows the total of each class of
443 economic development incentives provided by each municipality
444 and all municipalities.

445 4. If a municipality did not provide any economic
446 development incentives during its previous fiscal year, the
447 governing body of the municipality must report to the
448 Legislative Committee on Intergovernmental Relations that the
449 municipality did not provide any incentives.

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

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

455 212.05 Sales, storage, use tax.—It is hereby declared to be
456 the legislative intent that every person is exercising a taxable
457 privilege who engages in the business of selling tangible
458 personal property at retail in this state, including the
459 business of making mail order sales, or who rents or furnishes
460 any of the things or services taxable under this chapter, or who
461 stores for use or consumption in this state any item or article
462 of tangible personal property as defined herein and who leases
463 or rents such property within the state.

464 (5) Notwithstanding any other provision of this chapter,

20101752e1

465 the maximum amount of tax imposed under this chapter and
466 collected on the sale or use of a boat or aircraft in this state
467 may not exceed \$18,000.

468 Section 5. Effective July 1, 2010, paragraphs (b) and (g)
469 of subsection (5) of section 212.08, Florida Statutes, are
470 amended, paragraph (q) is added to that subsection, and
471 paragraph (ggg) is added to subsection (7) of that section, to
472 read:

473 212.08 Sales, rental, use, consumption, distribution, and
474 storage tax; specified exemptions.—The sale at retail, the
475 rental, the use, the consumption, the distribution, and the
476 storage to be used or consumed in this state of the following
477 are hereby specifically exempt from the tax imposed by this
478 chapter.

479 (5) EXEMPTIONS; ACCOUNT OF USE.—

480 (b) *Machinery and equipment used to increase productive*
481 *output.—*

482 1. Industrial machinery and equipment purchased for
483 exclusive use by a new business in spaceport activities as
484 defined by s. 212.02 or for use in new businesses that ~~which~~
485 manufacture, process, compound, or produce for sale items of
486 tangible personal property at fixed locations are exempt from
487 the tax imposed by this chapter upon an affirmative showing by
488 the taxpayer to the satisfaction of the department that such
489 items are used in a new business in this state. Such purchases
490 must be made prior to the date the business first begins its
491 productive operations, and delivery of the purchased item must
492 be made within 12 months after ~~of~~ that date.

493 2. Industrial machinery and equipment purchased for

20101752e1

494 exclusive use by an expanding facility which is engaged in
495 spaceport activities as defined by s. 212.02 or for use in
496 expanding manufacturing facilities or plant units which
497 manufacture, process, compound, or produce for sale items of
498 tangible personal property at fixed locations in this state are
499 exempt from any amount of tax imposed by this chapter upon an
500 affirmative showing by the taxpayer to the satisfaction of the
501 department that such items are used to increase the productive
502 output of such expanded facility or business by not less than 10
503 percent.

504 3. Beginning July 1, 2010, and ending June 30, 2011, and
505 beginning July 1, 2011, and ending June 30, 2012, that portion
506 of the total amount of a taxpayer's purchases of industrial
507 machinery and equipment for the exclusive use by a facility that
508 is engaged in spaceport activities, or for use in manufacturing
509 facilities or plant units that manufacture, process, compound,
510 or produce for sale items of tangible personal property at fixed
511 locations in this state, which exceeds the total amount incurred
512 for all industrial machinery and equipment purchased and placed
513 into service by the taxpayer in its tax year that began in 2008
514 is exempt from the tax imposed by this chapter to the extent
515 that the taxpayer demonstrates to the satisfaction of the
516 department the actual costs incurred to purchase the items and
517 that the items have been located and placed into service in this
518 state. The taxpayer's 2008 tax year shall be the baseline year
519 for future computations of the tax exemption as long as the
520 exemption exists.

521 4.3-a. To receive an exemption provided by this paragraph
522 ~~subparagraph 1. or subparagraph 2.,~~ a qualifying business entity

20101752e1

523 shall apply to the department for a temporary tax exemption
524 permit. The application shall state that a ~~new~~ business
525 exemption ~~or expanded business exemption~~ is being sought. Upon a
526 tentative affirmative determination by the department pursuant
527 to subparagraph 1., ~~or~~ subparagraph 2., or subparagraph 3., the
528 department shall issue such permit.

529 b. The applicant shall ~~be required to~~ maintain all
530 necessary books and records to support the exemption. Upon
531 completion of purchases of qualified machinery and equipment
532 pursuant to subparagraph 1., ~~or~~ subparagraph 2., or subparagraph
533 3., the temporary tax permit shall be delivered to the
534 department or returned to the department by certified or
535 registered mail.

536 c. If, in a subsequent audit conducted by the department,
537 it is determined that the machinery and equipment purchased as
538 exempt under subparagraph 1., ~~or~~ subparagraph 2., or
539 subparagraph 3. did not meet the criteria mandated by this
540 paragraph or if commencement of production did not occur, the
541 amount of taxes exempted at the time of purchase shall
542 immediately be due and payable to the department by the business
543 entity, together with the appropriate interest and penalty,
544 computed from the date of purchase, in the manner prescribed by
545 this chapter.

546 d. ~~If in the event~~ a qualifying business entity fails to
547 apply for a temporary exemption permit or if the tentative
548 determination by the department required to obtain a temporary
549 exemption permit is negative, a qualifying business entity shall
550 receive an ~~the~~ exemption provided in this paragraph ~~subparagraph~~
551 ~~1. or subparagraph 2.~~ through a refund of previously paid taxes.

20101752e1

552 No refund may be made for such taxes unless the criteria
553 mandated by subparagraph 1., ~~or~~ subparagraph 2., or subparagraph
554 3. have been met and commencement of production has occurred.

555 e. The exemption provided by subparagraph 3. applies to the
556 taxpayer only through a refund of previously paid taxes. The
557 taxpayer must submit a refund application to the Department of
558 Revenue within 12 months after the last day of the 12-month
559 period during which the machinery and equipment qualifies for
560 the exemption under this subparagraph. The refund shall be paid
561 to the taxpayer from the General Revenue Fund.

562 5.4. The department shall adopt rules governing
563 applications for, issuance of, and the form of temporary tax
564 exemption permits; provisions for recapture of taxes; and the
565 manner and form of refund applications, and may establish
566 guidelines as to the requisites for an affirmative showing of
567 increased productive output, commencement of production, and
568 qualification for exemption.

569 6.5. The exemptions provided in this paragraph
570 ~~subparagraphs 1. and 2.~~ do not apply to machinery or equipment
571 purchased or used by electric utility companies, communications
572 companies, oil or gas exploration or production operations,
573 publishing firms that do not export at least 50 percent of their
574 finished product out of the state, any firm subject to
575 regulation by the Division of Hotels and Restaurants of the
576 Department of Business and Professional Regulation, or any firm
577 that ~~which~~ does not manufacture, process, compound, or produce
578 for sale items of tangible personal property or that ~~which~~ does
579 not use such machinery and equipment in spaceport activities as
580 required by this paragraph. The exemptions provided in this

20101752e1

581 paragraph ~~subparagraphs 1. and 2.~~ shall apply to machinery and
582 equipment purchased for use in phosphate or other solid minerals
583 severance, mining, or processing operations.

584 ~~7.6.~~ For the purposes of the exemptions provided in this
585 paragraph, the term ~~subparagraphs 1. and 2.~~, these terms have the
586 following meanings:

587 a. "Industrial machinery and equipment" means tangible
588 personal property or other property that has a depreciable life
589 of 3 years or more and that is used as an integral part in the
590 manufacturing, processing, compounding, or production of
591 tangible personal property for sale or is exclusively used in
592 spaceport activities. A building and its structural components
593 are not industrial machinery and equipment unless the building
594 or structural component is so closely related to the industrial
595 machinery and equipment that it houses or supports that the
596 building or structural component can be expected to be replaced
597 when the machinery and equipment are replaced. Heating and air-
598 conditioning systems are not industrial machinery and equipment
599 unless the sole justification for their installation is to meet
600 the requirements of the production process, even though the
601 system may provide incidental comfort to employees or serve, to
602 an insubstantial degree, nonproduction activities. The term
603 includes parts and accessories only to the extent that the
604 exemption thereof is consistent with the provisions of this
605 paragraph.

606 b. "Productive output" means the number of units actually
607 produced by a single plant or operation in a single continuous
608 12-month period, irrespective of sales. Increases in productive
609 output shall be measured by the output for 12 continuous months

20101752e1

610 immediately following the completion of installation of such
611 machinery or equipment over the output for the 12 continuous
612 months immediately preceding such installation. However, if a
613 different 12-month continuous period of time would more
614 accurately reflect the increase in productive output of
615 machinery and equipment purchased to facilitate an expansion,
616 the increase in productive output may be measured during that
617 12-month continuous period of time if such time period is
618 mutually agreed upon by the Department of Revenue and the
619 expanding business prior to the commencement of production;
620 provided, however, in no case may such time period begin later
621 than 2 years following the completion of installation of the new
622 machinery and equipment. The units used to measure productive
623 output shall be physically comparable between the two periods,
624 irrespective of sales.

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

627 1. Building materials used in the rehabilitation of real
628 property located in an enterprise zone are ~~shall be~~ exempt from
629 the tax imposed by this chapter upon an affirmative showing to
630 the satisfaction of the department that the items have been used
631 for the rehabilitation of real property located in an enterprise
632 zone. Except as provided in subparagraph 2., this exemption
633 inures to the owner, lessee, or lessor of the rehabilitated real
634 property located in an enterprise zone only through a refund of
635 previously paid taxes. To receive a refund pursuant to this
636 paragraph, the owner, lessee, or lessor of the rehabilitated
637 real property located in an enterprise zone must file an
638 application under oath with the governing body or enterprise

20101752e1

639 zone development agency having jurisdiction over the enterprise
640 zone where the business is located, as applicable, which
641 includes:

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

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

646 c. A description of the improvements made to accomplish the
647 rehabilitation of the real property.

648 d. A copy of the building permit issued for the
649 rehabilitation of the real property.

650 e. A sworn statement, under the penalty of perjury, from
651 the general contractor licensed in this state with whom the
652 applicant contracted to make the improvements necessary to
653 accomplish the rehabilitation of the real property, which
654 statement lists the building materials used in the
655 rehabilitation of the real property, the actual cost of the
656 building materials, and the amount of sales tax paid in this
657 state on the building materials. If ~~In the event that~~ a general
658 contractor has not been used, the applicant shall provide this
659 information in a sworn statement, under the penalty of perjury.
660 Copies of the invoices that ~~which~~ evidence the purchase of the
661 building materials used in such rehabilitation and the payment
662 of sales tax on the building materials shall be attached to the
663 sworn statement provided by the general contractor or by the
664 applicant. Unless the actual cost of building materials used in
665 the rehabilitation of real property and the payment of sales
666 taxes due thereon is documented by a general contractor or by
667 the applicant in this manner, the cost of such building

20101752e1

668 materials shall be an amount equal to 40 percent of the increase
669 in assessed value for ad valorem tax purposes.

670 f. The identifying number assigned pursuant to s. 290.0065
671 to the enterprise zone in which the rehabilitated real property
672 is located.

673 g. A certification by the local building code inspector
674 that the improvements necessary to accomplish the rehabilitation
675 of the real property are substantially completed.

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

678 i. If applicable, the name and address of each permanent
679 employee of the business, including, for each employee who is a
680 resident of an enterprise zone, the identifying number assigned
681 pursuant to s. 290.0065 to the enterprise zone in which the
682 employee resides.

683 2. This exemption inures to a municipality ~~city~~, county,
684 other governmental agency, or nonprofit community-based
685 organization through a refund of previously paid taxes if the
686 building materials used in the rehabilitation of real property
687 located in an enterprise zone are paid for from the funds of a
688 community development block grant, State Housing Initiatives
689 Partnership Program, or similar grant or loan program. To
690 receive a refund pursuant to this paragraph, a municipality
691 ~~city~~, county, other governmental agency, or nonprofit community-
692 based organization must file an application that ~~which~~ includes
693 the same information required to be provided in subparagraph 1.
694 by an owner, lessee, or lessor of rehabilitated real property.
695 In addition, the application must include a sworn statement
696 signed by the chief executive officer of the municipality ~~city~~,

20101752e1

697 county, other governmental agency, or nonprofit community-based
698 organization seeking a refund which states that the building
699 materials for which a refund is sought were paid for from the
700 funds of a community development block grant, State Housing
701 Initiatives Partnership Program, or similar grant or loan
702 program.

703 3. Within 10 working days after receipt of an application,
704 the governing body or enterprise zone development agency shall
705 review the application to determine if it contains all the
706 information required pursuant to subparagraph 1. or subparagraph
707 2. and meets the criteria set out in this paragraph. The
708 governing body or agency shall certify all applications that
709 contain the information required pursuant to subparagraph 1. or
710 subparagraph 2. and that meet the criteria set out in this
711 paragraph as eligible to receive a refund. If applicable, the
712 governing body or agency shall also certify if 20 percent of the
713 employees of the business are residents of an enterprise zone,
714 excluding temporary and part-time employees. The certification
715 shall be in writing, and a copy of the certification shall be
716 transmitted to the executive director of the department ~~of~~
717 ~~Revenue~~. The applicant is ~~shall be~~ responsible for forwarding a
718 certified application to the department within the time
719 specified in subparagraph 4.

720 4. An application for a refund pursuant to this paragraph
721 must be submitted to the department within 6 months after the
722 rehabilitation of the property is deemed to be substantially
723 completed by the local building code inspector or by September 1
724 after the rehabilitated property is first subject to assessment.

725 5. Not more than one exemption through a refund of

20101752e1

726 previously paid taxes for the rehabilitation of real property
727 shall be permitted for any single parcel of property unless
728 there is a change in ownership, a new lessor, or a new lessee of
729 the real property. No refund shall be granted pursuant to this
730 paragraph unless the amount to be refunded exceeds \$500. No
731 refund granted pursuant to this paragraph shall exceed the
732 lesser of 97 percent of the Florida sales or use tax paid on the
733 cost of the building materials used in the rehabilitation of the
734 real property as determined pursuant to sub-subparagraph 1.e. or
735 \$5,000, or, if no less than 20 percent of the employees of the
736 business are residents of an enterprise zone, excluding
737 temporary and part-time employees, the amount of refund granted
738 pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97
739 percent of the sales tax paid on the cost of such building
740 materials or \$10,000. A refund approved pursuant to this
741 paragraph shall be made within 30 days after ~~of~~ formal approval
742 by the department of the application for the refund. This
743 subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

744 6. The department shall adopt rules governing the manner
745 and form of refund applications and may establish guidelines as
746 to the requisites for an affirmative showing of qualification
747 for exemption under this paragraph.

748 7. The department shall deduct an amount equal to 10
749 percent of each refund granted under ~~the provisions of~~ this
750 paragraph from the amount transferred into the Local Government
751 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
752 for the county area in which the rehabilitated real property is
753 located and shall transfer that amount to the General Revenue
754 Fund.

20101752e1

755 8. For the purposes of the exemption provided in this
756 paragraph, the term:

757 a. "Building materials" means tangible personal property
758 that ~~which~~ becomes a component part of improvements to real
759 property.

760 b. "Real property" has the same meaning as provided in s.
761 192.001(12), except that the term does not include a condominium
762 parcel or condominium property as defined in s. 718.103.

763 c. "Rehabilitation of real property" means the
764 reconstruction, renovation, restoration, rehabilitation,
765 construction, or expansion of improvements to real property.

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

768 9. This paragraph expires on the date specified in s.
769 290.016 for the expiration of the Florida Enterprise Zone Act.

770 (q) Entertainment industry tax credit; authorization;
771 eligibility for credits.—The credit against sales tax authorized
772 pursuant to s. 288.1254 is available to the holder of a
773 certificate only through a refund of previously paid taxes. To
774 receive a refund, a transferee must submit an application for
775 refund to the Department of Revenue within 12 months after
776 receipt of the transferred credit. Refunds shall be paid from
777 the General Revenue Fund. If the credit for the qualified
778 expenditures is larger than the amount owed on the sales and use
779 tax return on which the credit may be claimed, the unused amount
780 of the credit may be carried forward to a succeeding reporting
781 period as provided in s. 288.1254(4)(e).

782 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
783 entity by this chapter do not inure to any transaction that is

20101752e1

784 otherwise taxable under this chapter when payment is made by a
785 representative or employee of the entity by any means,
786 including, but not limited to, cash, check, or credit card, even
787 when that representative or employee is subsequently reimbursed
788 by the entity. In addition, exemptions provided to any entity by
789 this subsection do not inure to any transaction that is
790 otherwise taxable under this chapter unless the entity has
791 obtained a sales tax exemption certificate from the department
792 or the entity obtains or provides other documentation as
793 required by the department. Eligible purchases or leases made
794 with such a certificate must be in strict compliance with this
795 subsection and departmental rules, and any person who makes an
796 exempt purchase with a certificate that is not in strict
797 compliance with this subsection and the rules is liable for and
798 shall pay the tax. The department may adopt rules to administer
799 this subsection.

800 (ggg) Aircraft temporarily in the state.-

801 1. An aircraft owned by a nonresident is exempt from the
802 use tax imposed by this chapter if the aircraft enters and
803 remains in this state for less than a total of 21 days during
804 the 6-month period after the date of purchase. The temporary use
805 of the aircraft and subsequent removal from this state may be
806 proven by invoices for fuel, tie-down, or hangar charges issued
807 by out-of-state vendors or suppliers or similar documentation
808 that clearly and specifically identifies the aircraft. The
809 exemption created by this subparagraph is in addition to the
810 exemptions provided in subparagraph 2. and s. 212.05(1)(a).

811 2. An aircraft owned by a nonresident is exempt from the
812 use tax imposed by this chapter if the aircraft enters or

20101752e1

813 remains in this state exclusively for the purpose of flight
814 training, repairs, alterations, refitting, or modification. Such
815 purposes must be supported by written documentation issued by
816 in-state vendors or suppliers which clearly and specifically
817 identifies the aircraft. The exemption created by this
818 subparagraph is in addition to the exemptions provided in
819 subparagraph 1. and s. 212.05(1) (a).

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

823 212.08 Sales, rental, use, consumption, distribution, and
824 storage tax; specified exemptions.—The sale at retail, the
825 rental, the use, the consumption, the distribution, and the
826 storage to be used or consumed in this state of the following
827 are hereby specifically exempt from the tax imposed by this
828 chapter.

829 (5) EXEMPTIONS; ACCOUNT OF USE.—

830 (b) *Machinery and equipment used to increase productive*
831 *output.*—

832 1. Industrial machinery and equipment purchased for
833 exclusive use by a new business in spaceport activities as
834 defined by s. 212.02 or for use in new businesses that
835 manufacture, process, compound, or produce for sale items of
836 tangible personal property at fixed locations are exempt from
837 the tax imposed by this chapter upon an affirmative showing by
838 the taxpayer to the satisfaction of the department that such
839 items are used in a new business in this state. Such purchases
840 must be made prior to the date the business first begins its
841 productive operations, and delivery of the purchased item must

20101752e1

842 be made within 12 months after that date.

843 2. Industrial machinery and equipment purchased for
844 exclusive use by an expanding facility that is engaged in
845 spaceport activities as defined by s. 212.02 or for use in
846 expanding manufacturing facilities or plant units that
847 manufacture, process, compound, or produce for sale items of
848 tangible personal property at fixed locations in this state are
849 exempt from any amount of tax imposed by this chapter upon an
850 affirmative showing by the taxpayer to the satisfaction of the
851 department that such items are used to increase the productive
852 output of such expanded facility or business by at least 10
853 percent.

854 ~~3. Beginning July 1, 2010, and ending June 30, 2011, and~~
855 ~~beginning July 1, 2011, and ending June 30, 2012, that portion~~
856 ~~of the total amount of a taxpayer's purchases of industrial~~
857 ~~machinery and equipment for the exclusive use by a facility that~~
858 ~~is engaged in spaceport activities, or for use in manufacturing~~
859 ~~facilities or plant units that manufacture, process, compound,~~
860 ~~or produce for sale items of tangible personal property at fixed~~
861 ~~locations in this state, which exceeds the total amount incurred~~
862 ~~for all industrial machinery and equipment purchased and placed~~
863 ~~into service by the taxpayer in its tax year that began in 2008~~
864 ~~is exempt from the tax imposed by this chapter to the extent~~
865 ~~that the taxpayer demonstrates to the satisfaction of the~~
866 ~~department the actual costs incurred to purchase the items and~~
867 ~~that the items have been located and placed into service in this~~
868 ~~state. The taxpayer's 2008 tax year shall be the baseline year~~
869 ~~for future computations of the tax exemption as long as the~~
870 ~~exemption exists.~~

20101752e1

871 3.4.a. To receive an exemption provided by this paragraph,
872 a qualifying business entity shall apply to the department for a
873 temporary tax exemption permit. The application shall state that
874 a business exemption is being sought. Upon a tentative
875 affirmative determination by the department pursuant to
876 subparagraph 1. or subparagraph 2., ~~or subparagraph 3.~~, the
877 department shall issue such permit.

878 b. The applicant shall maintain all necessary books and
879 records to support the exemption. Upon completion of purchases
880 of qualified machinery and equipment pursuant to subparagraph 1.
881 or subparagraph 2., ~~or subparagraph 3.~~, the temporary tax
882 permit shall be delivered to the department or returned to the
883 department by certified or registered mail.

884 c. If, in a subsequent audit conducted by the department,
885 it is determined that the machinery and equipment purchased as
886 exempt under subparagraph 1. or subparagraph 2., ~~or~~
887 ~~subparagraph 3.~~ did not meet the criteria mandated by this
888 paragraph or if commencement of production did not occur, the
889 amount of taxes exempted at the time of purchase shall
890 immediately be due and payable to the department by the business
891 entity, together with the appropriate interest and penalty,
892 computed from the date of purchase, in the manner prescribed by
893 this chapter.

894 d. If a qualifying business entity fails to apply for a
895 temporary exemption permit or if the tentative determination by
896 the department required to obtain a temporary exemption permit
897 is negative, a qualifying business entity shall receive the ~~an~~
898 exemption provided in this paragraph through a refund of
899 previously paid taxes. No refund may be made for such taxes

20101752e1

900 unless the criteria mandated by subparagraph 1. or, subparagraph
901 ~~2., or subparagraph 3.~~ have been met and commencement of
902 production has occurred.

903 ~~e. The exemption provided by subparagraph 3. applies to the~~
904 ~~taxpayer only through a refund of previously paid taxes. The~~
905 ~~taxpayer must submit a refund application to the Department of~~
906 ~~Revenue within 12 months after the last day of the 12-month~~
907 ~~period during which the machinery and equipment qualifies for~~
908 ~~the exemption under this subparagraph. The refund shall be paid~~
909 ~~to the taxpayer from the General Revenue Fund.~~

910 4.5. The department shall adopt rules governing
911 applications for, issuance of, and the form of temporary tax
912 exemption permits; provisions for recapture of taxes; and the
913 manner and form of refund applications, and may establish
914 guidelines as to the requisites for an affirmative showing of
915 increased productive output, commencement of production, and
916 qualification for exemption.

917 5.6. The exemptions provided in this paragraph do not apply
918 to machinery or equipment purchased or used by electric utility
919 companies, communications companies, oil or gas exploration or
920 production operations, publishing firms that do not export at
921 least 50 percent of their finished product out of the state, any
922 firm subject to regulation by the Division of Hotels and
923 Restaurants of the Department of Business and Professional
924 Regulation, or any firm that does not manufacture, process,
925 compound, or produce for sale items of tangible personal
926 property or that does not use such machinery and equipment in
927 spaceport activities as required by this paragraph. The
928 exemptions provided in this paragraph apply to machinery and

20101752e1

929 equipment purchased for use in phosphate or other solid minerals
930 severance, mining, or processing operations.

931 ~~6.7.~~ For the purposes of the exemptions provided in this
932 paragraph, the term:

933 a. "Industrial machinery and equipment" means tangible
934 personal property or other property that has a depreciable life
935 of 3 years or more and that is used as an integral part in the
936 manufacturing, processing, compounding, or production of
937 tangible personal property for sale or is exclusively used in
938 spaceport activities. A building and its structural components
939 are not industrial machinery and equipment unless the building
940 or structural component is so closely related to the industrial
941 machinery and equipment that it houses or supports that the
942 building or structural component can be expected to be replaced
943 when the machinery and equipment are replaced. Heating and air-
944 conditioning systems are not industrial machinery and equipment
945 unless the sole justification for their installation is to meet
946 the requirements of the production process, even though the
947 system may provide incidental comfort to employees or serve, to
948 an insubstantial degree, nonproduction activities. The term
949 includes parts and accessories only to the extent that the
950 exemption thereof is consistent with the provisions of this
951 paragraph.

952 b. "Productive output" means the number of units actually
953 produced by a single plant or operation in a single continuous
954 12-month period, irrespective of sales. Increases in productive
955 output shall be measured by the output for 12 continuous months
956 immediately following the completion of installation of such
957 machinery or equipment over the output for the 12 continuous

20101752e1

958 months immediately preceding such installation. However, if a
959 different 12-month continuous period of time would more
960 accurately reflect the increase in productive output of
961 machinery and equipment purchased to facilitate an expansion,
962 the increase in productive output may be measured during that
963 12-month continuous period of time if such time period is
964 mutually agreed upon by the Department of Revenue and the
965 expanding business prior to the commencement of production;
966 however, in no case may such time period begin later than 2
967 years following the completion of installation of the new
968 machinery and equipment. The units used to measure productive
969 output shall be physically comparable between the two periods,
970 irrespective of sales.

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

973 213.053 Confidentiality and information sharing.—

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

976 (z) Information relative to tax credits taken under s.
977 288.1254 to the Office of Film and Entertainment and to the
978 Office of Tourism, Trade, and Economic Development.

979
980 Disclosure of information under this subsection shall be
981 pursuant to a written agreement between the executive director
982 and the agency. Such agencies, governmental or nongovernmental,
983 shall be bound by the same requirements of confidentiality as
984 the Department of Revenue. Breach of confidentiality is a
985 misdemeanor of the first degree, punishable as provided by s.
986 775.082 or s. 775.083.

20101752e1

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

989 220.02 Legislative intent.—

990 (8) It is the intent of the Legislature that credits
991 against either the corporate income tax or the franchise tax be
992 applied in the following order: those enumerated in s. 631.828,
993 those enumerated in s. 220.191, those enumerated in s. 220.181,
994 those enumerated in s. 220.183, those enumerated in s. 220.182,
995 those enumerated in s. 220.1895, those enumerated in s. 221.02,
996 those enumerated in s. 220.184, those enumerated in s. 220.186,
997 those enumerated in s. 220.1845, those enumerated in s. 220.19,
998 those enumerated in s. 220.185, those enumerated in s. 220.187,
999 those enumerated in s. 220.192, those enumerated in s. 220.193,
1000 ~~and~~ those enumerated in s. 288.9916, and those enumerated in s.
1001 288.1254, and those enumerated in s. 220.1896.

1002 Section 9. Effective July 1, 2010, section 220.1896,
1003 Florida Statutes, is created to read:

1004 220.1896 Jobs for the Unemployed Tax Credit Program.—

1005 (1) As used in this section, the term:

1006 (a) "Certified project" means a project proposed by an
1007 eligible business that has been certified by the Office of
1008 Tourism, Trade, and Economic Development to receive and use tax
1009 credits awarded under this incentive.

1010 (b) "Eligible business" means any target industry business
1011 as defined in s. 288.106(2) which is subject to the tax imposed
1012 by this chapter. The eligible business does not have to be
1013 certified to receive the Qualified Target Industry Tax Refund
1014 Incentive under s. 288.106 in order to receive the tax credit
1015 available under this section.

20101752e1

1016 (c) "Office" means the Office of Tourism, Trade, and
1017 Economic Development.

1018 (d) "Qualified employee" means a person:

1019 1. Who was unemployed and determined to be monetarily
1020 eligible for unemployment compensation benefits by the Agency
1021 for Workforce Innovation for a benefit year beginning on or
1022 after January 1, 2009, or who signs an affidavit stating that he
1023 or she has been unemployed but has not been determined eligible
1024 for unemployment compensation benefits during a benefit year
1025 beginning on or after that date.

1026 2. Who was hired by an eligible business on or after July
1027 1, 2010, and had not previously been employed by the eligible
1028 business or its parent or an affiliated corporation.

1029 3. Who performed duties connected to the operations of the
1030 eligible business on a regular, full-time basis for an average
1031 of at least 36 hours per week and for at least 12 months before
1032 an eligible business is awarded a tax credit.

1033 4. Whose employment by the eligible business has not formed
1034 the basis for any other claim to a credit pursuant to this
1035 section.

1036 (2) A certified business shall receive a \$1,000 tax credit
1037 for each qualified employee, pursuant to limitation in
1038 subsection (5).

1039 (3) (a) In order to become a certified business, an eligible
1040 business must file under oath with the office an application
1041 that includes:

1042 1. The name, address and NAICS identifying code of the
1043 eligible business.

1044 2. Relevant employment information.

20101752e1

1045 3. Verification of previous unemployment of each employee
1046 for whom the eligible business is seeking credits under this
1047 section.

1048 4. Verification that the wages paid by the eligible
1049 business to each of its qualified employees exceeds the wage
1050 eligibility levels for Medicaid and other public assistance
1051 programs.

1052 5. Any other information necessary to process the
1053 application.

1054 (b) The notice of monetary determination issued by the
1055 Agency for Workforce Innovation may be used as evidence of
1056 previous unemployment under subparagraph (3)(a)3. However,
1057 before an employee provides the notice of monetary determination
1058 to the employer, the employee may redact information that the
1059 employee considers confidential if the information is not
1060 required by the office to approve the application to certify a
1061 project.

1062 (c) The office and Enterprise Florida, Inc., shall process
1063 applications to certify a business in the order in which the
1064 applications are received, without regard as to whether the
1065 applicant is a new or an existing business. The office and
1066 Enterprise Florida, Inc., shall review and approve or deny an
1067 application pursuant to s. 288.061.

1068 (d)1. The office shall submit a copy of the letter of
1069 certification to the department within 10 days after the office
1070 issues the letter of certification to the applicant.

1071 2. If the application of an eligible business is not
1072 sufficient to certify the applicant business, the office must
1073 deny the application and issue a notice of denial to the

20101752e1

1074 applicant.

1075 3. If the application of an eligible business does not
1076 contain sufficient documentation of the number of qualified
1077 employees, the office shall approve the application with respect
1078 to the employees for whom the office determines are qualified
1079 employees. The office must deny the application with respect to
1080 persons for whom the office determines are not qualified
1081 employees or for whom insufficient documentation has been
1082 provided. A business may not submit a revised application for
1083 certification or for the determination of a person as qualified
1084 employee more than 3 months after the issuance of a notice of
1085 denial with respect to the business or a particular person as a
1086 qualified employee.

1087 (4) The applicant for a tax credit under this section has
1088 the responsibility to affirmatively demonstrate to the
1089 satisfaction of the office and the department that the applicant
1090 and the persons claimed as qualified employees meet the
1091 requirements of this section.

1092 (5) The total amount of tax credits under this section
1093 which may be approved by the office for all applicants is \$10
1094 million, with \$5 million available to be awarded in the 2011-
1095 2012 fiscal year and \$5 million available to be awarded in the
1096 2012-2013 fiscal year. The credit may be applied to corporate
1097 income tax liability due on returns for fiscal years beginning
1098 July 1, 2011, and July 1, 2012.

1099 (6) An unused tax credit amount that is granted under this
1100 section which is not fully used in the first year for which it
1101 becomes available, may be carried forward to the subsequent tax
1102 year. The carryover credit may be used in the subsequent year if

20101752e1

1103 the tax imposed by this chapter for such year exceeds the credit
1104 for such year under this section after applying the other
1105 credits and unused credit carryovers in the order provided in s.
1106 220.02(8).

1107 (7) A person who fraudulently claims a credit under this
1108 section is liable for repayment of the credit plus a mandatory
1109 penalty of 100 percent of the credit. Such person also commits a
1110 misdemeanor of the second degree, punishable as provided in s.
1111 775.082 or s. 775.083.

1112 (8) The office may adopt rules governing the manner and
1113 form of applications for the tax credit. The office may
1114 establish guidelines for making an affirmative showing of
1115 qualification for the tax credit under this section.

1116 (9) The department may adopt rules to administer this
1117 section, including rules relating to the creation of forms to
1118 claim a tax credit and examination and audit procedures required
1119 to administer this section.

1120 (10) This section expires June 30, 2012. However, a
1121 taxpayer that is awarded a tax credit in the second year of the
1122 program may carry forward any unused credit amount to the
1123 subsequent tax reporting period. Rules adopted by the department
1124 to administer this section shall remain valid as long as a
1125 taxpayer may use a credit against its corporate income tax
1126 liability.

1127 Section 10. Effective July 1, 2010, section 220.1899,
1128 Florida Statutes, is created to read:

1129 220.1899 Entertainment Industry Tax Credit.—

1130 (1) There shall be a credit allowed against the tax imposed
1131 by this chapter in the amounts approved by the Office of

20101752e1

1132 Tourism, Trade, and Economic Development pursuant to the
1133 entertainment industry financial incentives program in s.
1134 288.1254.

1135 (2) A qualified production company, as defined in s.
1136 288.1254(1)(j), which is awarded a tax credit against its
1137 qualified expenditures pursuant to s. 288.1254, for expenditures
1138 made between July 1, 2010, and June 30, 2015, may not claim a
1139 credit before July 1, 2011, regardless of when such credit is
1140 awarded.

1141 (3) To the extent that a credit amount exceeds the amount
1142 due on a return, the balance of the credit may be carried
1143 forward to a succeeding reporting period pursuant to s.
1144 288.1254(4)(e).

1145 Section 11. Effective July 1, 2010, section 220.191,
1146 Florida Statutes, is amended to read:

1147 220.191 Capital investment tax credit.—

1148 (1) DEFINITIONS.—For purposes of this section:

1149 (a) "Commencement of operations" means the beginning of
1150 active operations by a qualifying business of the principal
1151 function for which a qualifying project was constructed.

1152 (b) "Cumulative capital investment" means the total capital
1153 investment in land, buildings, and equipment made in connection
1154 with a qualifying project during the period from the beginning
1155 of construction of the project to the commencement of
1156 operations.

1157 (c) "Eligible capital costs" means all expenses incurred by
1158 a qualifying business in connection with the acquisition,
1159 construction, installation, and equipping of a qualifying
1160 project during the period from the beginning of construction of

20101752e1

1161 the project to the commencement of operations, including, but
1162 not limited to:

1163 1. The costs of acquiring, constructing, installing,
1164 equipping, and financing a qualifying project, including all
1165 obligations incurred for labor and obligations to contractors,
1166 subcontractors, builders, and materialmen.

1167 2. The costs of acquiring land or rights to land and any
1168 cost incidental thereto, including recording fees.

1169 3. The costs of architectural and engineering services,
1170 including test borings, surveys, estimates, plans and
1171 specifications, preliminary investigations, environmental
1172 mitigation, and supervision of construction, as well as the
1173 performance of all duties required by or consequent to the
1174 acquisition, construction, installation, and equipping of a
1175 qualifying project.

1176 4. The costs associated with the installation of fixtures
1177 and equipment; surveys, including archaeological and
1178 environmental surveys; site tests and inspections; subsurface
1179 site work and excavation; removal of structures, roadways, and
1180 other surface obstructions; filling, grading, paving, and
1181 provisions for drainage, storm water retention, and installation
1182 of utilities, including water, sewer, sewage treatment, gas,
1183 electricity, communications, and similar facilities; and offsite
1184 construction of utility extensions to the boundaries of the
1185 property.

1186
1187 Eligible capital costs shall not include the cost of any
1188 property previously owned or leased by the qualifying business.

1189 (d) "Income generated by or arising out of the qualifying

20101752e1

1190 project" means the qualifying project's annual taxable income as
1191 determined by generally accepted accounting principles and under
1192 s. 220.13.

1193 (e) "Jobs" means full-time equivalent positions, as that
1194 term is consistent with terms used by the Agency for Workforce
1195 Innovation and the United States Department of Labor for
1196 purposes of unemployment tax administration and employment
1197 estimation, resulting directly from a project in this state. The
1198 term does not include temporary construction jobs involved in
1199 the construction of the project facility.

1200 (f) "Office" means the Office of Tourism, Trade, and
1201 Economic Development.

1202 (g) "Qualifying business" means a business that is
1203 designated as a qualified target industry business pursuant to
1204 s. 288.106(2)(t), ~~which~~ establishes a qualifying project in this
1205 state, and ~~which~~ is certified by the office to receive tax
1206 credits pursuant to this section.

1207 (h) "Qualifying project" means:

1208 1. A new or expanding facility in this state which creates
1209 at least 50 ~~100~~ new jobs in this state, pays an annual average
1210 wage of at least 130 percent of the average private sector wage
1211 as defined in s. 288.106(2), makes a cumulative capital
1212 investment of at least \$25 million in this state, and is a
1213 qualified target industry business pursuant to s. 288.106(2)(t)
1214 ~~in one of the high-impact sectors identified by Enterprise~~
1215 ~~Florida, Inc., and certified by the office pursuant to s.~~
1216 ~~288.108(6), including, but not limited to, aviation, aerospace,~~
1217 ~~automotive, and silicon technology industries; or~~

1218 2. ~~A new or expanded facility in this state which is~~

20101752e1

1219 ~~engaged in a target industry designated pursuant to the~~
1220 ~~procedure specified in s. 288.106(1)(o) and which is induced by~~
1221 ~~this credit to create or retain at least 1,000 jobs in this~~
1222 ~~state, provided that at least 100 of those jobs are new, pay an~~
1223 ~~annual average wage of at least 130 percent of the average~~
1224 ~~private sector wage in the area as defined in s. 288.106(1), and~~
1225 ~~make a cumulative capital investment of at least \$100 million~~
1226 ~~after July 1, 2005. Jobs may be considered retained only if~~
1227 ~~there is significant evidence that the loss of jobs is imminent.~~
1228 ~~Notwithstanding subsection (2), annual credits against the tax~~
1229 ~~imposed by this chapter shall not exceed 50 percent of the~~
1230 ~~increased annual corporate income tax liability or the premium~~
1231 ~~tax liability generated by or arising out of a project~~
1232 ~~qualifying under this subparagraph. A facility that qualifies~~
1233 ~~under this subparagraph for an annual credit against the tax~~
1234 ~~imposed by this chapter may take the tax credit for a period not~~
1235 ~~to exceed 5 years; or~~

1236 2.3. A new or expanded headquarters facility in this state
1237 which locates in an enterprise zone and brownfield area and is
1238 induced by this credit to create at least 1,500 jobs that which
1239 on average pay at least 200 percent of the statewide average
1240 annual private sector wage, as published by the Agency for
1241 Workforce Innovation or its successor, and which new or expanded
1242 headquarters facility makes a cumulative capital investment in
1243 this state of at least \$250 million.

1244 (2) (a) On or after July 1, 2010, a qualifying business that
1245 enters into an agreement with the office for a qualifying
1246 project shall receive an annual credit against the tax imposed
1247 by this chapter ~~shall be granted to any qualifying business in~~

20101752e1

1248 an amount equal to a diminishing percentage ~~5 percent~~ of the
1249 eligible capital costs generated by a qualifying project during
1250 a 10-year, ~~for a period not to exceed 20 years~~ beginning with
1251 the commencement of operations of the project. The credit shall
1252 be awarded as follows: 15 percent of the eligible capital costs
1253 in each of the years 1 through 3; 10 percent in each of the
1254 years 4 through 7; and 5 percent each year in years 8 through
1255 10. An agreement for a qualifying project between a qualifying
1256 business and the office which was entered into before July 1,
1257 2010, is subject to the law in effect when the agreement was
1258 executed. Unless assigned as described in this subsection, the
1259 tax credit shall be granted against only the corporate income
1260 tax liability or the premium tax liability generated by or
1261 arising out of the qualifying project, and the sum of all tax
1262 credits provided pursuant to this section may ~~shall~~ not exceed
1263 100 percent of the eligible capital costs of the project. In no
1264 event may any credit granted under this section be carried
1265 forward or backward by any qualifying business with respect to a
1266 subsequent or prior year. The annual tax credit granted under
1267 this section may ~~shall~~ not exceed the following percentages of
1268 the annual corporate income tax liability or the premium tax
1269 liability generated by or arising out of a qualifying project:
1270 1. One hundred percent for a qualifying project which
1271 results in a cumulative capital investment of at least \$100
1272 million.
1273 2. Seventy-five percent for a qualifying project which
1274 results in a cumulative capital investment of at least \$50
1275 million but less than \$100 million.
1276 3. Fifty percent for a qualifying project which results in

20101752e1

1277 a cumulative capital investment of at least \$25 million but less
1278 than \$50 million.

1279 (b) A qualifying project that ~~which~~ results in a cumulative
1280 capital investment of less than \$25 million is not eligible for
1281 the capital investment tax credit. However, an insurance company
1282 claiming a credit against premium tax liability under this
1283 program is ~~shall~~ not ~~be~~ required to pay any additional
1284 retaliatory tax levied pursuant to s. 624.5091 as a result of
1285 claiming such credit. Because credits under this section are
1286 available to an insurance company, s. 624.5091 does not limit
1287 such credit in any manner.

1288 (c) A qualifying business that establishes a qualifying
1289 project that includes locating a new solar panel manufacturing
1290 facility in this state which ~~that~~ generates a minimum of 400
1291 jobs within 6 months after commencement of operations with an
1292 average salary of at least \$50,000 may assign or transfer the
1293 annual credit, or any portion thereof, granted under this
1294 section to any other business. However, the amount of the tax
1295 credit that may be transferred in any year shall be the lesser
1296 of the qualifying business's state corporate income tax
1297 liability for that year, as limited by the percentages
1298 applicable under paragraph (a) and as calculated prior to taking
1299 any credit pursuant to this section, or the credit amount
1300 granted for that year. A business receiving the transferred or
1301 assigned credits may use the credits only in the year received,
1302 and the credits may not be carried forward or backward. To
1303 perfect the transfer, the transferor shall provide the
1304 department with a written transfer statement notifying the
1305 department of the transferor's intent to transfer the tax

20101752e1

1306 credits to the transferee; the date the transfer is effective;
1307 the transferee's name, address, and federal taxpayer
1308 identification number; the tax period; and the amount of tax
1309 credits to be transferred. The department shall, upon receipt of
1310 a transfer statement conforming to the requirements of this
1311 paragraph, provide the transferee with a certificate reflecting
1312 the tax credit amounts transferred. A copy of the certificate
1313 must be attached to each tax return for which the transferee
1314 seeks to apply such tax credits.

1315 (3) (a) Notwithstanding subsection (2), an annual credit
1316 against the tax imposed by this chapter shall be granted to a
1317 qualifying business that ~~which~~ establishes a qualifying project
1318 pursuant to subparagraph (1) (h) 2. ~~(1) (h) 3.~~, in an amount equal
1319 to the lesser of \$15 million or 5 percent of the eligible
1320 capital costs made in connection with a qualifying project, for
1321 a period not to exceed 20 years beginning with the commencement
1322 of operations of the project. The tax credit shall be granted
1323 against the corporate income tax liability of the qualifying
1324 business and as further provided in paragraph (c). The total tax
1325 credit provided pursuant to this subsection shall be equal to no
1326 more than 100 percent of the eligible capital costs of the
1327 qualifying project.

1328 (b) If the credit granted under this subsection is not
1329 fully used in any one year because of insufficient tax liability
1330 on the part of the qualifying business, the unused amount may be
1331 carried forward for a period not to exceed 20 years after the
1332 commencement of operations of the project. The carryover credit
1333 may be used in a subsequent year when the tax imposed by this
1334 chapter for that year exceeds the credit for which the

20101752e1

1335 qualifying business is eligible in that year under this
1336 subsection after applying the other credits and unused
1337 carryovers in the order provided by s. 220.02(8).

1338 (c) The credit granted under this subsection may be used in
1339 whole or in part by the qualifying business or any corporation
1340 that is ~~either~~ a member of that qualifying business's affiliated
1341 group of corporations, is a related entity taxable as a
1342 cooperative under subchapter T of the Internal Revenue Code, or,
1343 if the qualifying business is an entity taxable as a cooperative
1344 under subchapter T of the Internal Revenue Code, is related to
1345 the qualifying business. Any entity related to the qualifying
1346 business may continue to file as a member of a Florida-nexus
1347 consolidated group pursuant to a prior election made under s.
1348 220.131(1), Florida Statutes (1985), even if the parent of the
1349 group changes due to a direct or indirect acquisition of the
1350 former common parent of the group. Any credit may ~~can~~ be used by
1351 any of the affiliated companies or related entities referenced
1352 in this paragraph to the same extent as it could have been used
1353 by the qualifying business. However, any such use does ~~shall~~ not
1354 operate to increase the amount of the credit or extend the
1355 period within which the credit must be used.

1356 (4) Prior to receiving tax credits pursuant to this
1357 section, a qualifying business must achieve and maintain the
1358 minimum employment goals beginning with the commencement of
1359 operations at a qualifying project and continuing each year
1360 thereafter during which tax credits are available pursuant to
1361 this section. However, the office may approve a prorated tax
1362 credit amount for a qualifying business that enters into an
1363 agreement with the office on or after July 1, 2010, has

20101752e1

1364 satisfied the capital investment and average wage requirements
1365 but that has not met the employment requirements because of
1366 market conditions. The prorated tax refund shall be calculated
1367 by multiplying the tax refund amount for which the qualifying
1368 business would have been eligible if all applicable requirements
1369 had been satisfied by the percentage of the average employment
1370 specified in the tax refund agreement which was actually
1371 achieved.

1372 (5) Applications shall be reviewed and certified pursuant
1373 to s. 288.061. The office, upon a recommendation by Enterprise
1374 Florida, Inc., shall first certify a business as eligible to
1375 receive tax credits pursuant to this section prior to the
1376 commencement of operations of a qualifying project, and such
1377 certification shall be transmitted to the Department of Revenue.
1378 Upon receipt of the certification, the Department of Revenue
1379 shall enter into a written agreement with the qualifying
1380 business specifying, at a minimum, the method by which income
1381 generated by or arising out of the qualifying project will be
1382 determined.

1383 (6) The office, in consultation with Enterprise Florida,
1384 Inc., may ~~is authorized to~~ develop the necessary guidelines and
1385 application materials for the certification process described in
1386 subsection(5).

1387 (7) ~~It shall be the responsibility of~~ The qualifying
1388 business has the responsibility to affirmatively demonstrate to
1389 the satisfaction of the department and the office ~~of Revenue~~
1390 that such business meets the job creation and capital investment
1391 requirements of this section.

1392 (8) The department ~~of Revenue~~ may specify by rule the

20101752e1

1393 methods by which a qualifying project's pro forma annual taxable
1394 income is determined.

1395 (9) A business that receives a tax credit pursuant to this
1396 section is not eligible for a tax refund under the tax refund
1397 program for qualified target industry businesses, s. 288.106.

1398 Section 12. Effective July 1, 2010, paragraph (a) of
1399 subsection (3) of section 288.095, Florida Statutes, is amended
1400 to read:

1401 288.095 Economic Development Trust Fund.—

1402 (3) (a) The Office of Tourism, Trade, and Economic
1403 Development may approve applications for certification pursuant
1404 to ss. 288.1045(3) and 288.106. ~~However, the total state share~~
1405 ~~of tax refund payments scheduled in all active certifications~~
1406 ~~for fiscal year 2001-2002 may not exceed \$30 million.~~ The total
1407 state share of tax refund payments for active certifications for
1408 each subsequent fiscal year may not exceed \$100 ~~\$35~~ million.

1409 Section 13. Effective July 1, 2010, section 288.106,
1410 Florida Statutes, is reordered and amended to read:

1411 288.106 Tax refund program for qualified target industry
1412 businesses.—

1413 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
1414 finds that retaining and expanding existing businesses in
1415 Florida, encouraging the creation of new businesses in Florida,
1416 attracting new businesses from out of state, and generally
1417 providing conditions favorable for the growth of target
1418 industries creates high-quality, high-wage employment
1419 opportunities for the citizens of this state and strengthens
1420 Florida's economic foundation. The Legislature also finds that
1421 incentives that are narrowly focused in application and scope

20101752e1

1422 tend to be more effective at achieving the state's economic-
1423 development goals. Further, the Legislature finds that higher-
1424 wage jobs reduce the state's share of hidden costs such as
1425 public assistance and subsidized health care associated with
1426 low-wage jobs. Therefore, the Legislature declares that it is
1427 the policy of this state to encourage the growth of higher-wage
1428 jobs and a diverse economic base by providing state tax refunds
1429 to qualified target industry businesses that originate or expand
1430 in this state or that relocate to this state.

1431 (2)-(1) DEFINITIONS.—As used in this section:

1432 (a) "Account" means the Economic Development Incentives
1433 Account within the Economic Development Trust Fund established
1434 under s. 288.095.

1435 (c)-(b) "Average area private sector wage ~~in the area~~" means
1436 the statewide private sector average wage, ~~or~~ the average of all
1437 private sector wages and salaries in the county, or the average
1438 of all private sector wages and salaries in the standard
1439 metropolitan area, as determined by the governing body of the
1440 county or municipality in which the business will be ~~is~~ located.

1441 (d)-(e) "Business" means an employing unit, as defined in s.
1442 443.036, which is registered for unemployment compensation
1443 purposes with the state agency providing unemployment tax
1444 collection services under contract with the Agency for Workforce
1445 Innovation through an interagency agreement pursuant to s.
1446 443.1316, or a subcategory or division of an employing unit
1447 which is accepted by the state agency providing unemployment tax
1448 collection services as a reporting unit.

1449 (e)-(d) "Corporate headquarters business" means an
1450 international, national, or regional headquarters office of a

20101752e1

1451 multinational or multistate business enterprise or national
1452 trade association, whether separate from or connected with other
1453 facilities used by such business.

1454 (n)~~(e)~~ "Office" means the Office of Tourism, Trade, and
1455 Economic Development.

1456 (g)~~(f)~~ "Enterprise zone" means an area designated as an
1457 enterprise zone pursuant to s. 290.0065.

1458 (h)~~(g)~~ "Expansion of an existing business" means the
1459 expansion of an existing Florida business by or through
1460 additions to real and personal property, resulting in a net
1461 increase in employment of not less than 10 percent at such
1462 business.

1463 (i)~~(h)~~ "Fiscal year" means the fiscal year of the state.

1464 (j)~~(i)~~ "Jobs" means full-time equivalent positions, as that
1465 term is consistent with terms used by the Agency for Workforce
1466 Innovation and the United States Department of Labor for
1467 purposes of unemployment compensation tax administration and
1468 employment estimation, resulting directly from a project in this
1469 state. The term does not include temporary construction jobs
1470 involved with the construction of facilities for the project or
1471 any jobs previously included in any application for tax refunds
1472 under s. 288.1045 or this section.

1473 (k)~~(j)~~ "Local financial support" means funding from local
1474 sources, public or private, which is paid to the Economic
1475 Development Trust Fund and which is equal to 20 percent of the
1476 annual tax refund for a qualified target industry business. A
1477 qualified target industry business may not provide, directly or
1478 indirectly, more than 5 percent of such funding in any fiscal
1479 year. The sources of such funding may not include, directly or

20101752e1

1480 indirectly, state funds appropriated from the General Revenue
1481 Fund or any state trust fund, excluding tax revenues shared with
1482 local governments pursuant to law.

1483 (l)~~(k)~~ "Local financial support exemption option" means the
1484 option to exercise an exemption from the local financial support
1485 requirement available to any applicant whose project is located
1486 in a brownfield area or a rural community county ~~with a~~
1487 ~~population of 75,000 or fewer or a county with a population of~~
1488 ~~125,000 or fewer which is contiguous to a county with a~~
1489 ~~population of 75,000 or fewer.~~ Any applicant that exercises this
1490 option is ~~shall~~ not ~~be~~ eligible for more than 80 percent of the
1491 total tax refunds allowed such applicant under this section.

1492 (m)~~(l)~~ "New business" means a business that applies for the
1493 qualified target industry refund program before beginning
1494 operations which heretofore did not exist in this state and will
1495 begin, first beginning operations on a site that was not used
1496 for the operations of a related entity within the 48 months
1497 before the submission of the application located in this state
1498 ~~and clearly separate from any other commercial or industrial~~
1499 ~~operations owned by the same business.~~

1500 (o)~~(m)~~ "Project" means the creation of a new business or
1501 expansion of an existing business.

1502 (f)~~(n)~~ "Director" means the Director of the Office of
1503 Tourism, Trade, and Economic Development.

1504 (t)~~(o)~~ "Target industry business" means a corporate
1505 headquarters business or any business that is engaged in one of
1506 the target industries identified pursuant to the following
1507 criteria developed by the office in consultation with Enterprise
1508 Florida, Inc.:

20101752e1

1509 1. Future growth.—Industry forecasts should indicate strong
1510 expectation for future growth in both employment and output,
1511 according to the most recent available data. Preference ~~Special~~
1512 ~~consideration~~ should be given to businesses that export goods or
1513 services ~~Florida's growing access~~ to international markets or to
1514 businesses that replace domestic and international ~~replacing~~
1515 imports of goods or services.

1516 2. Stability.—The industry should not be subject to
1517 periodic layoffs, whether due to seasonality or sensitivity to
1518 volatile economic variables such as weather. The industry should
1519 also be relatively resistant to recession, so that the demand
1520 for products of this industry is not typically ~~necessarily~~
1521 subject to decline during an economic downturn.

1522 3. High wage.—The industry should pay higher ~~relatively~~
1523 ~~high~~ wages compared to statewide or area averages.

1524 4. Market and resource independent.—The location of
1525 industry businesses should not be dependent on Florida markets
1526 or resources as indicated by industry analysis, with the
1527 exception of businesses in the renewable-energy industry.
1528 ~~Special consideration should be given to the development of~~
1529 ~~strong industrial clusters which include defense and homeland~~
1530 ~~security businesses~~.

1531 5. Industrial base diversification and strengthening.—The
1532 industry should contribute toward expanding or diversifying the
1533 state's or area's economic base, as indicated by analysis of
1534 employment and output shares compared to national and regional
1535 trends. Preference ~~Special consideration~~ should be given to
1536 industries that strengthen regional economies by adding value to
1537 basic products or building regional industrial clusters as

20101752e1

1538 indicated by industry analysis. Additionally, preference should
1539 be given to the development of strong industrial clusters that
1540 include defense and homeland security businesses.

1541 6. Economic benefits.—The industry is expected to ~~should~~
1542 have strong positive impacts on or benefits to the state or ~~and~~
1543 regional economies.

1544
1545 The office, in consultation with Enterprise Florida, Inc., shall
1546 develop a list of such target industries annually and submit
1547 such list as part of the final agency legislative budget request
1548 submitted pursuant to s. 216.023(1). A target industry business
1549 may not include any industry engaged in retail activities; any
1550 electrical utility company; any phosphate or other solid
1551 minerals severance, mining, or processing operation; any oil or
1552 gas exploration or production operation; ~~or~~ any business firm
1553 subject to regulation by the Division of Hotels and Restaurants
1554 of the Department of Business and Professional Regulation; or
1555 any business within NAICS code 56, administrative support
1556 services, including call centers and customer account service
1557 centers.

1558 (u) ~~(p)~~ "Taxable year" means taxable year as defined in s.
1559 220.03(1)(y).

1560 (p) ~~(q)~~ "Qualified target industry business" means a target
1561 industry business that has been approved by the director to be
1562 eligible for tax refunds pursuant to this section.

1563 (q) "Return on investment" means the gain in state revenues
1564 as a percentage of the state's investment. The state's
1565 investment includes state grants, tax exemptions, tax refunds,
1566 tax credits, and other state incentives. Return on investment is

20101752e1

1567 expressed mathematically as follows:

1568

1569 Return on investment = (gain in state revenues - state's
1570 investment)/state's investment

1571

1572 ~~(r) "Rural county" means a county with a population of~~
1573 ~~75,000 or fewer or a county with a population of 100,000 or~~
1574 ~~fewer which is contiguous to a county with a population of~~
1575 ~~75,000 or fewer.~~

1576 (r)(s) "Rural city" means a city having ~~with~~ a population
1577 of 10,000 or fewer ~~less~~, or a city having ~~with~~ a population of
1578 greater than 10,000 but fewer ~~less~~ than 20,000 which has been
1579 determined by the office ~~of Tourism, Trade, and Economic~~
1580 ~~Development~~ to have economic characteristics such as, but not
1581 limited to, a significant percentage of residents on public
1582 assistance, a significant percentage of residents with income
1583 below the poverty level, or a significant percentage of the
1584 city's employment base in agriculture-related industries.

1585 (s)(t) "Rural community" means:

1586 1. A county having ~~with~~ a population of 75,000 or fewer.

1587 2. A county having ~~with~~ a population of 125,000 or fewer
1588 which is contiguous to a county having ~~with~~ a population of
1589 75,000 or fewer.

1590 3. A municipality within a county described in subparagraph
1591 1. or subparagraph 2.

1592

1593 For purposes of this paragraph, population shall be determined
1594 in accordance with the most recent official estimate pursuant to
1595 s. 186.901.

20101752e1

1596 (b)~~(a)~~ "Authorized local economic development agency" means
1597 a ~~any~~ public or private entity, including those defined in s.
1598 288.075, authorized by a county or municipality to promote the
1599 general business or industrial interests of that county or
1600 municipality.

1601 (3)~~(2)~~ TAX REFUND; ELIGIBLE AMOUNTS.—

1602 (a) There shall be allowed, from the account, a refund to a
1603 qualified target industry business for the amount of eligible
1604 taxes certified by the director which were paid by the ~~such~~
1605 business. The total amount of refunds for all fiscal years for
1606 each qualified target industry business must be determined
1607 pursuant to subsection (4) ~~(3)~~. The annual amount of a refund to
1608 a qualified target industry business must be determined pursuant
1609 to subsection (6) ~~(5)~~.

1610 (b)1. Upon approval by the director, a qualified target
1611 industry business shall be allowed tax refund payments equal to
1612 \$3,000 times the number of jobs specified in the tax refund
1613 agreement under subparagraph (5) (a)1. ~~(4) (a)1.~~, or equal to
1614 \$6,000 times the number of jobs if the project is located in a
1615 rural county or an enterprise zone.

1616 2. ~~Further,~~ A qualified target industry business shall be
1617 allowed additional tax refund payments equal to \$1,000 times the
1618 number of jobs specified in the tax refund agreement under
1619 subparagraph (5) (a)1. ~~(4) (a)1.~~, if such jobs pay an annual
1620 average wage of at least 150 percent of the average area private
1621 sector wage ~~in the area~~, or equal to \$2,000 times the number of
1622 jobs if such jobs pay an annual average area wage of at least
1623 200 percent of the average area private sector wage ~~in the area~~.

1624 3. A qualified target industry business shall be allowed a

20101752e1

1625 tax refund payment in addition to the payments authorized in
1626 sub-subparagraphs 1. and 2. equal to \$2,000 times the number of
1627 jobs specified in the tax refund agreement under subparagraph
1628 (5) (a)1., for one of the following:

1629 a. Projects classified as a corporate headquarters for
1630 businesses that did not exist in this state before applying for
1631 certification as a qualified target industry business or
1632 corporate headquarters for businesses in the following
1633 industries: renewable energy, as defined in s. 366.91(2) (d);
1634 transportation equipment manufacturing; life sciences; financial
1635 services; or information technology.

1636 b. Businesses that increase exports of their goods through
1637 a Florida seaport or a Florida airport by at least 10 percent in
1638 value or tonnage in each of the years that they receive a tax
1639 credit under this section. For purposes of this sub-
1640 subparagraph, Florida seaports are limited to the ports of
1641 Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft.
1642 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
1643 Petersburg, Pensacola, Fernandina, and Key West.

1644 4. A qualified target industry business shall be allowed a
1645 tax refund in addition to the payments authorized in sub-
1646 subparagraphs 1., 2., and 3. equal to \$1,000 times the number of
1647 jobs specified in the tax refund agreement under subparagraph
1648 (5) (a)1., if:

1649 a. The local financial support is equal to that of the
1650 state's incentive award under subparagraph (3) (b)1.; or

1651 b. The business is employing, among those jobs specified in
1652 the tax refund agreement under subparagraph (5) (a)1., a Florida
1653 resident who has been unemployed and who was determined to be

20101752e1

1654 monetarily eligible for unemployment compensation benefits by
1655 the Agency for Workforce Innovation for a benefit year beginning
1656 on or after January 1, 2009. These employees must perform duties
1657 connected to the operations of the eligible business on a
1658 regular, full-time basis for an average of at least 36 hours per
1659 week and for at least 12 months before an eligible business
1660 files for the tax credit.

1661 (c) A qualified target industry business may not receive
1662 refund payments of more than 25 percent of the total tax refunds
1663 specified in the tax refund agreement under subparagraph
1664 (5) (a) 1. ~~(4) (a) 1.~~ in any fiscal year. Further, a qualified
1665 target industry business may not receive more than \$1.5 million
1666 in refunds under this section in any single fiscal year, or more
1667 than \$2.5 million in any single fiscal year if the project is
1668 located in an enterprise zone. A qualified target industry
1669 business may not receive more than \$5 million in refund payments
1670 under this section in all fiscal years, or more than \$7.5
1671 million if the project is located in an enterprise zone. ~~Funds~~
1672 ~~made available pursuant to this section may not be expended in~~
1673 ~~connection with the relocation of a business from one community~~
1674 ~~to another community in this state unless the Office of Tourism,~~
1675 ~~Trade, and Economic Development determines that without such~~
1676 ~~relocation the business will move outside this state or~~
1677 ~~determines that the business has a compelling economic rationale~~
1678 ~~for the relocation and that the relocation will create~~
1679 ~~additional jobs.~~

1680 (d) (e) After entering into a tax refund agreement under
1681 subsection (5) ~~(4)~~, a qualified target industry business may:
1682 1. Receive refunds from the account for the following taxes

20101752e1

1683 due and paid by that business beginning with the first taxable
1684 year of the business which begins after entering into the
1685 agreement:

1686 a. Corporate income taxes under chapter 220.

1687 b. Insurance premium tax under s. 624.509.

1688 2. Receive refunds from the account for the following taxes
1689 due and paid by that business after entering into the agreement:

1690 a. Taxes on sales, use, and other transactions under
1691 chapter 212.

1692 b. Intangible personal property taxes under chapter 199.

1693 c. Emergency excise taxes under chapter 221.

1694 d. Excise taxes on documents under chapter 201.

1695 e. Ad valorem taxes paid, as defined in s. 220.03(1).

1696 f. State communications services taxes administered under
1697 chapter 202. This provision does not apply to the gross receipts
1698 tax imposed under chapter 203 and administered under chapter 202
1699 or the local communications services tax authorized under s.
1700 202.19.

1701
1702 ~~The addition of state communications services taxes administered~~
1703 ~~under chapter 202 is remedial in nature and retroactive to~~
1704 ~~October 1, 2001. The office may make supplemental tax refund~~
1705 ~~payments to allow for tax refunds for communications services~~
1706 ~~taxes paid by an eligible qualified target industry business~~
1707 ~~after October 1, 2001.~~

1708 (e) ~~(d)~~ However, a qualified target industry business may
1709 not receive a refund under this section for any amount of
1710 credit, refund, or exemption granted to that business for any of
1711 the such taxes listed in paragraph (d). If a refund for such

20101752e1

1712 taxes is provided by the office, which taxes are subsequently
 1713 adjusted by the application of any credit, refund, or exemption
 1714 granted to the qualified target industry business other than as
 1715 provided in this section, the business shall reimburse the
 1716 account for the amount of that credit, refund, or exemption. A
 1717 qualified target industry business shall notify and tender
 1718 payment to the office within 20 days after receiving any credit,
 1719 refund, or exemption other than one provided in this section.

1720 (f) Refunds made available pursuant to this section may not
 1721 be expended in connection with the relocation of a business from
 1722 one community to another community in this state unless the
 1723 office determines that without such relocation the business will
 1724 move outside this state, or determines that the business has a
 1725 compelling economic rationale for the relocation and that the
 1726 relocation will create additional jobs.

1727 (g) ~~(e)~~ A qualified target industry business that
 1728 fraudulently claims a refund under this section:

1729 1. Is liable for repayment of the amount of the refund to
 1730 the account, plus a mandatory penalty in the amount of 200
 1731 percent of the tax refund which shall be deposited into the
 1732 General Revenue Fund.

1733 2. Commits ~~is guilty of~~ a felony of the third degree,
 1734 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1735 (4) ~~(3)~~ APPLICATION AND APPROVAL PROCESS.—

1736 (a) To apply for certification as a qualified target
 1737 industry business under this section, the business must file an
 1738 application with the office before the business decides ~~has made~~
 1739 ~~the decision~~ to locate a ~~new business~~ in this state or before
 1740 the business decides ~~had made the decision~~ to expand its ~~an~~

20101752e1

1741 existing operations ~~business~~ in this state. The application must
1742 ~~shall~~ include, but need is not be limited to, ~~the following~~
1743 ~~information:~~

1744 1. The applicant's federal employer identification number
1745 and, if applicable, the applicant's state sales tax registration
1746 number.

1747 2. The proposed permanent location of the applicant's
1748 facility in this state at which the project is or is to be
1749 located.

1750 3. A description of the type of business activity or
1751 product covered by the project, including a minimum of a five-
1752 digit NAICS code for all activities included in the project. As
1753 used in this paragraph, "NAICS" means those classifications
1754 contained in the North American Industry Classification System,
1755 as published in 2007 by the Office of Management and Budget,
1756 Executive Office of the President, and updated periodically.

1757 4. The proposed number of net new full-time equivalent
1758 Florida jobs at the qualified target industry business as of
1759 December 31 of each year included in the project and the average
1760 wage of those jobs. If more than one type of business activity
1761 or product is included in the project, the number of jobs and
1762 average wage for those jobs must be separately stated for each
1763 type of business activity or product.

1764 5. The total number of full-time equivalent employees
1765 employed by the applicant in this state, if applicable.

1766 6. The anticipated commencement date of the project.

1767 7. A brief statement explaining ~~concerning~~ the role that
1768 the estimated tax refunds to be requested will play in the
1769 decision of the applicant to locate or expand in this state.

20101752e1

1770 8. An estimate of the proportion of the sales resulting
1771 from the project that will be made outside this state.

1772 9. An estimate of the proportion of the cost of the
1773 machinery and equipment, and any other resources necessary in
1774 the development of its product or service, to be used by the
1775 business in its Florida operations which will be purchased
1776 outside this state.

1777 ~~10.9.~~ A resolution adopted by the governing board of the
1778 county or municipality in which the project will be located,
1779 which ~~resolution~~ recommends that the project ~~certain types of~~
1780 ~~businesses~~ be approved as a qualified target industry business
1781 and specifies ~~states~~ that ~~the~~ commitments of local financial
1782 support necessary for the target industry business exist. In
1783 advance of the passage of such resolution, the office may also
1784 accept an official letter from an authorized local economic
1785 development agency that endorses the proposed target industry
1786 project and pledges that sources of local financial support for
1787 such project exist. For the purposes of making pledges of local
1788 financial support under this subsection, the authorized local
1789 economic development agency shall be officially designated by
1790 the passage of a one-time resolution by the local governing
1791 authority.

1792 ~~11.10.~~ Any additional information requested by the office.

1793 (b) To qualify for review by the office, the application of
1794 a target industry business must, at a minimum, establish the
1795 following to the satisfaction of the office:

1796 1.a. The jobs proposed to be created ~~provided~~ under the
1797 application, pursuant to subparagraph (a)4., must pay an
1798 estimated annual average wage equaling at least 115 percent of

20101752e1

1799 the average area private sector wage ~~in the area~~ where the
1800 business is to be located ~~or the statewide private sector~~
1801 ~~average wage~~. The governing body of the county where the
1802 qualified target industry business is to be located shall notify
1803 the office and Enterprise Florida, Inc., which calculation of
1804 the average area private sector wage must be used as the basis
1805 for the business' wage commitment. In determining the average
1806 annual wage, the office shall include only new proposed jobs,
1807 and wages for existing jobs shall be excluded from this
1808 calculation.

1809 b. The office may waive the average wage requirement at the
1810 request of the local governing body recommending the project and
1811 Enterprise Florida, Inc. The director may waive the wage
1812 requirement ~~may only be waived~~ for a project located in a
1813 brownfield area designated under s. 376.80 or in a rural city,
1814 rural community, ~~or county,~~ or ~~in an~~ enterprise zone ~~and~~ only if
1815 ~~when~~ the merits of the individual project or the specific
1816 circumstances in the community in relationship to the project
1817 warrant such action. If the local governing body and Enterprise
1818 Florida, Inc., make such a recommendation, it must be
1819 transmitted in writing and the specific justification for the
1820 waiver recommendation must be explained. If the director elects
1821 to waive the wage requirement, the waiver must be stated in
1822 writing and the reasons for granting the waiver must be
1823 explained.

1824 2. The target industry business's project must result in
1825 the creation of at least 10 jobs at the ~~such~~ project and, if an
1826 expansion of an existing business, must result in an ~~a net~~
1827 increase in employment of at least 10 percent at the business.

20101752e1

1828 ~~Notwithstanding the definition of the term "expansion of an~~
1829 ~~existing business" in paragraph (1)(g),~~ At the request of the
1830 local governing body recommending the project and Enterprise
1831 Florida, Inc., the office may waive this requirement for a
1832 business in a rural community or enterprise zone ~~define an~~
1833 ~~"expansion of an existing business" in a rural community or an~~
1834 ~~enterprise zone as the expansion of a business resulting in a~~
1835 ~~net increase in employment of less than 10 percent at such~~
1836 ~~business~~ if the merits of the individual project or the specific
1837 circumstances in the community in relationship to the project
1838 warrant such action. If the local governing body and Enterprise
1839 Florida, Inc., make such a request, the request must be
1840 transmitted in writing and the specific justification for the
1841 request must be explained. If the director elects to grant the
1842 request, the grant must be stated in writing and the reason for
1843 granting the request must be explained.

1844 3. The business activity or product for the applicant's
1845 project is within an industry ~~or industries that have been~~
1846 identified by the office as a target industry business ~~to be~~
1847 ~~high value-added industries that~~ contributes ~~contribute to the~~
1848 ~~area and~~ to the economic growth of the state and the region in
1849 which it is located, that produces ~~produce~~ a higher standard of
1850 living for residents of this state in the new global economy, or
1851 that can be shown to make an equivalent contribution to the area
1852 and state's economic progress. ~~The director must approve~~
1853 ~~requests to waive the wage requirement for brownfield areas~~
1854 ~~designated under s. 376.80 unless it is demonstrated that such~~
1855 ~~action is not in the public interest.~~

1856 (c) Each application meeting the requirements of paragraph

20101752e1

1857 (b) must be submitted to the office for determination of
1858 eligibility. The office shall review and evaluate each
1859 application based on, but not limited to, the following
1860 criteria:

1861 1. Expected contributions to the state economy, consistent
1862 with the state strategic economic development plan adopted by
1863 Enterprise Florida, Inc., ~~taking into account the long-term~~
1864 ~~effects of the project and of the applicant on the state~~
1865 ~~economy.~~

1866 2. The return on investment of the proposed award under the
1867 qualified target industry incentive program and the return on
1868 investment for all state incentives proposed for the project
1869 ~~economic benefit of the jobs created by the project in this~~
1870 ~~state, taking into account the cost and average wage of each job~~
1871 ~~created.~~

1872 3. The amount of capital investment to be made by the
1873 applicant in this state.

1874 4. The local financial commitment and support for the
1875 project.

1876 5. The effect of the project on the unemployment rate in
1877 ~~local community, taking into account the unemployment rate for~~
1878 ~~the county where the project will be located.~~

1879 6. The effect of the award ~~any tax refunds granted pursuant~~
1880 ~~to this section~~ on the viability of the project and the
1881 probability that the project would ~~will~~ be undertaken in this
1882 state if such tax refunds are granted to the applicant, ~~taking~~
1883 ~~into account the expected long-term commitment of the applicant~~
1884 ~~to economic growth and employment in this state.~~

1885 7. The expected long-term commitment of the applicant to

20101752e1

1886 economic growth and employment to this state resulting from the
1887 project.

1888 8. A review of the business's past activities in this state
1889 or other states, including whether such business has been
1890 subjected to criminal or civil fines and penalties. This
1891 subparagraph does not require the disclosure of confidential
1892 information.

1893 (d) Applications shall be reviewed and certified pursuant
1894 to s. 288.061. The office shall include in its review
1895 projections of the tax refunds the business would be eligible to
1896 receive in each fiscal year based on the creation and
1897 maintenance of the net new Florida jobs specified in
1898 subparagraph (a)4. as of December 31 of the preceding state
1899 fiscal year. If appropriate, the director shall enter into a
1900 written agreement with the qualified target industry business
1901 pursuant to subsection (5) ~~(4)~~.

1902 (e) The director may not certify any target industry
1903 business as a qualified target industry business if the value of
1904 tax refunds to be included in that letter of certification
1905 exceeds the available amount of authority to certify new
1906 businesses as determined in s. 288.095(3). However, if the
1907 commitments of local financial support represent less than 20
1908 percent of the eligible tax refund payments, or to otherwise
1909 preserve the viability and fiscal integrity of the program, the
1910 director may certify a qualified target industry business to
1911 receive tax refund payments of less than the allowable amounts
1912 specified in paragraph (3) (b) ~~(2) (b)~~. A letter of certification
1913 that approves an application must specify the maximum amount of
1914 tax refund that will be available to the qualified industry

20101752e1

1915 business in each fiscal year and the total amount of tax refunds
1916 that will be available to the business for all fiscal years.

1917 (f) This section does not create a presumption that an
1918 applicant shall receive any tax refunds under this section.
1919 However, the office may issue nonbinding opinion letters, upon
1920 the request of prospective applicants, as to the applicants'
1921 eligibility and the potential amount of refunds.

1922 (5)~~(4)~~ TAX REFUND AGREEMENT.—

1923 (a) Each qualified target industry business must enter into
1924 a written agreement with the office which specifies, at a
1925 minimum:

1926 1. The total number of full-time equivalent jobs in this
1927 state that will be dedicated to the project, the average wage of
1928 those jobs, the definitions that will apply for measuring the
1929 achievement of these terms during the pendency of the agreement,
1930 and a time schedule or plan for when such jobs will be in place
1931 and active in this state.

1932 2. The maximum amount of tax refunds which the qualified
1933 target industry business is eligible to receive on the project
1934 and the maximum amount of a tax refund that the qualified target
1935 industry business is eligible to receive for each fiscal year,
1936 based on the job creation and maintenance schedule specified in
1937 subparagraph 1.

1938 3. That the office may review and verify the financial and
1939 personnel records of the qualified target industry business to
1940 ascertain whether that business is in compliance with this
1941 section.

1942 4. The date by which, in each fiscal year, the qualified
1943 target industry business may file a claim under subsection (6)

20101752e1

1944 ~~(5)~~ to be considered to receive a tax refund in the following
1945 fiscal year.

1946 5. That local financial support will be annually available
1947 and will be paid to the account. The director may not enter into
1948 a written agreement with a qualified target industry business if
1949 the local financial support resolution is not passed by the
1950 local governing authority within 90 days after he or she has
1951 issued the letter of certification under subsection (4) ~~(3)~~.

1952 (b) Compliance with the terms and conditions of the
1953 agreement is a condition precedent for the receipt of a tax
1954 refund each year. The failure to comply with the terms and
1955 conditions of the tax refund agreement results in the loss of
1956 eligibility for receipt of all tax refunds previously authorized
1957 under this section and the revocation by the director of the
1958 certification of the business entity as a qualified target
1959 industry business, unless the business is eligible to receive
1960 and elects to accept a prorated refund under paragraph (6) (e)
1961 ~~(5) (d)~~ or the office grants the business an economic recovery
1962 extension ~~economic-stimulus-exemption~~.

1963 1. A qualified target industry business may submit, in
1964 writing, a request to the office for an economic recovery
1965 extension ~~economic-stimulus-exemption~~. The request must provide
1966 quantitative evidence demonstrating how negative economic
1967 conditions in the business's industry, the effects of the impact
1968 of a named hurricane or tropical storm, or specific acts of
1969 terrorism affecting the qualified target industry business have
1970 prevented the business from complying with the terms and
1971 conditions of its tax refund agreement.

1972 2. Upon receipt of a request under subparagraph 1., the

20101752e1

1973 director has ~~shall have~~ 45 days to notify the requesting
1974 business, in writing, if its extension ~~exemption~~ has been
1975 granted or denied. In determining if an exemption should be
1976 granted, the director shall consider the extent to which
1977 negative economic conditions in the requesting business's
1978 industry have occurred in the state or 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. The office shall
1983 consider current employment statistics for this state by
1984 industry, including whether the business's industry had
1985 substantial job loss during the prior year, when determining
1986 whether an exemption shall be granted.

1987 3. As a condition for receiving a prorated refund under
1988 paragraph (6) (e) ~~(5) (d)~~ or an economic recovery extension
1989 ~~economic stimulus exemption~~ under this paragraph, a qualified
1990 target industry business must agree to renegotiate its tax
1991 refund agreement with the office to, at a minimum, ensure that
1992 the terms of the agreement comply with current law and office
1993 procedures governing application for and award of tax refunds.
1994 Upon approving the award of a prorated refund or granting an
1995 economic recovery extension ~~economic stimulus exemption~~, the
1996 office shall renegotiate the tax refund agreement with the
1997 business as required by this subparagraph. When amending the
1998 agreement of a business receiving an economic recovery extension
1999 ~~economic stimulus exemption~~, the office may extend the duration
2000 of the agreement for a period not to exceed 2 years.

2001 4. A qualified target industry business may submit a

20101752e1

2002 request for an economic recovery extension ~~economic-stimulus~~
2003 ~~exemption~~ to the office in lieu of any tax refund claim
2004 scheduled to be submitted after January 1, 2009, but before July
2005 1, 2012 ~~2011~~.

2006 5. A qualified target industry business that receives an
2007 economic recovery extension ~~economic-stimulus exemption~~ may not
2008 receive a tax refund for the period covered by the extension
2009 ~~exemption~~.

2010 (c) The agreement must be signed by the director and by an
2011 authorized officer of the qualified target industry business
2012 within 120 days after the issuance of the letter of
2013 certification under subsection (4) ~~(3)~~, but not before passage
2014 and receipt of the resolution of local financial support. The
2015 office may grant an extension of this period at the written
2016 request of the qualified target industry business.

2017 (d) The agreement must contain the following legend,
2018 clearly printed on its face in bold type of not less than 10
2019 points in size: "This agreement is neither a general obligation
2020 of the State of Florida, nor is it backed by the full faith and
2021 credit of the State of Florida. Payment of tax refunds is ~~are~~
2022 conditioned on and subject to specific annual appropriations by
2023 the Florida Legislature ~~of moneys~~ sufficient to pay amounts
2024 authorized in section 288.106, Florida Statutes."

2025 (6) ~~(5)~~ ANNUAL CLAIM FOR REFUND.—

2026 (a) To be eligible to claim any scheduled tax refund, a
2027 qualified target industry business that has entered into a tax
2028 refund agreement with the office under subsection (5) ~~(4)~~ must
2029 apply by January 31 of each fiscal year to the office for the
2030 tax refund scheduled to be paid from the appropriation for the

20101752e1

2031 fiscal year that begins on July 1 following the January 31
2032 claims-submission date. The office may, upon written request,
2033 grant a 30-day extension of the filing date.

2034 (b) The claim for refund by the qualified target industry
2035 business must include a copy of all receipts pertaining to the
2036 payment of taxes for which the refund is sought and data related
2037 to achievement of each performance item specified in the tax
2038 refund agreement. The amount requested as a tax refund may not
2039 exceed the amount specified for the relevant fiscal year in that
2040 agreement.

2041 (c) If the qualified target industry business provides the
2042 office with proof that in a single year it has paid an amount of
2043 state taxes, from the categories in paragraph (3) (d), at least
2044 equal to the total amount of tax refunds it may receive through
2045 successful completion of its qualified target industry
2046 agreement, the office may waive the requirement for proof of
2047 taxes paid in future years.

2048 (d)~~(e)~~ A tax refund may not be approved for a qualified
2049 target industry business unless the required local financial
2050 support has been paid into the account for that refund. If the
2051 local financial support provided is less than 20 percent of the
2052 approved tax refund, the tax refund must be reduced. In no event
2053 may the tax refund exceed an amount that is equal to 5 times the
2054 amount of the local financial support received. Further, funding
2055 from local sources includes any tax abatement granted to that
2056 business under s. 196.1995 or the appraised market value of
2057 municipal or county land conveyed or provided at a discount to
2058 that business. The amount of any tax refund for such business
2059 approved under this section must be reduced by the amount of any

20101752e1

2060 such tax abatement granted or the value of the land granted; and
2061 the limitations in subsection (3) ~~(2)~~ and paragraph (4) (e)
2062 ~~(3) (e)~~ must be reduced by the amount of any such tax abatement
2063 or the value of the land granted. A report listing all sources
2064 of the local financial support shall be provided to the office
2065 when such support is paid to the account.

2066 (e) ~~(d)~~ A prorated tax refund, less a 5 percent ~~5-percent~~
2067 penalty, shall be approved for a qualified target industry
2068 business if ~~provided~~ all other applicable requirements have been
2069 satisfied and the business proves to the satisfaction of the
2070 director that:

2071 1. It has achieved at least 80 percent of its projected
2072 employment; and ~~that~~

2073 2. The average wage paid by the business is at least 90
2074 percent of the average wage specified in the tax refund
2075 agreement, but in no case less than 115 percent of the average
2076 private sector wage in the area available at the time of
2077 certification, or 150 percent or 200 percent of the average
2078 private sector wage if the business requested the additional
2079 per-job tax refund authorized in paragraph (3) (b) ~~(2) (b)~~ for
2080 wages above those levels.

2081
2082 The prorated tax refund shall be calculated by multiplying the
2083 tax refund amount for which the qualified target industry
2084 business would have been eligible, if all applicable
2085 requirements had been satisfied, by the percentage of the
2086 average employment specified in the tax refund agreement which
2087 was achieved, and by the percentage of the average wages
2088 specified in the tax refund agreement which was achieved.

20101752e1

2089 (f)~~(e)~~ The director, with such assistance as may be
2090 required from the office, the Department of Revenue, or the
2091 Agency for Workforce Innovation, shall, by June 30 following the
2092 scheduled date for submission of the tax refund claim, specify
2093 by written order the approval or disapproval of the tax refund
2094 claim and, if approved, the amount of the tax refund that is
2095 authorized to be paid to the qualified target industry business
2096 for the annual tax refund. The office may grant an extension of
2097 this date on the request of the qualified target industry
2098 business for the purpose of filing additional information in
2099 support of the claim.

2100 (g)~~(f)~~ The total amount of tax refund claims approved by
2101 the director under this section in any fiscal year must not
2102 exceed the amount authorized under s. 288.095(3).

2103 (h)~~(g)~~ This section does not create a presumption that a
2104 tax refund claim will be approved and paid.

2105 (i)~~(h)~~ Upon approval of the tax refund under paragraphs
2106 ~~(e)~~, (d), and (e), and (f), the Chief Financial Officer shall
2107 issue a warrant for the amount specified in the written order.
2108 If the written order is appealed, the Chief Financial Officer
2109 may not issue a warrant for a refund to the qualified target
2110 industry business until the conclusion of all appeals of that
2111 order.

2112 (7)~~(6)~~ ADMINISTRATION.—

2113 (a) The office may ~~is authorized to~~ verify information
2114 provided in any claim submitted for tax credits under this
2115 section with regard to employment and wage levels or the payment
2116 of the taxes to the appropriate agency or authority, including
2117 the Department of Revenue, the Agency for Workforce Innovation,

20101752e1

2118 or any local government or authority.

2119 (b) To facilitate the process of monitoring and auditing
2120 applications made under this program, the office may provide a
2121 list of qualified target industry businesses to the Department
2122 of Revenue, to the Agency for Workforce Innovation, or to any
2123 local government or authority. The office may request the
2124 assistance of those entities with respect to monitoring jobs,
2125 wages, and the payment of the taxes listed in subsection (3)
2126 ~~(2)~~.

2127 (c) Funds specifically appropriated for the tax refund
2128 program for qualified target industry businesses may not be used
2129 by the office for any purpose other than the payment of tax
2130 refunds authorized by this section.

2131 (d) For all agreements signed after January 1, 2006, the
2132 office shall conduct a review of each qualified target industry
2133 business approximately 12 months after such business has
2134 received its final incentive refund in order to evaluate whether
2135 the business is continuing to contribute to the regional or
2136 state economy. To complete the reviews, the office shall examine
2137 the size of each business's workforce, the annual average wage
2138 of its employees, whether the business has made additional
2139 investments in its operations since the completion of its
2140 agreement, and whether the business has expanded into additional
2141 locations. The office shall submit a report of its findings and
2142 recommendations from its reviews to the Governor, the President
2143 of the Senate, and the Speaker of the House of Representatives.
2144 The first report shall be submitted by December 1, 2011, and
2145 each December 1 thereafter.

2146 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~

20101752e1

2147 ~~office may approve a waiver of the local financial support~~
 2148 ~~requirement for a business located in any of the following~~
 2149 ~~counties in which businesses received emergency loans~~
 2150 ~~administered by the office in response to the named hurricanes~~
 2151 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
 2152 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~
 2153 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
 2154 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
 2155 ~~waiver may be granted only if the office determines that the~~
 2156 ~~local financial support cannot be provided or that doing so~~
 2157 ~~would effect a demonstrable hardship on the unit of local~~
 2158 ~~government providing the local financial support. If the office~~
 2159 ~~grants a waiver of the local financial support requirement, the~~
 2160 ~~state shall pay 100 percent of the refund due to an eligible~~
 2161 ~~business. The waiver shall apply for tax refund applications~~
 2162 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

2163 (8) AVAILABILITY OF OTHER TAX CREDITS.—A business that
 2164 receives tax refunds pursuant to this section is not eligible
 2165 for the capital investment tax credit under s. 220.191.

2166 (9)~~(8)~~ EXPIRATION.—An applicant may not be certified as
 2167 qualified under this section after June 30, 2015 ~~2010~~. A tax
 2168 refund agreement existing on that date shall continue in effect
 2169 in accordance with its terms.

2170 Section 14. Effective July 1, 2010, paragraph (e) of
 2171 subsection (1), subsection (2), paragraphs (a) and (d) of
 2172 subsection (4), and paragraph (b) of subsection (5) of section
 2173 288.107, Florida Statutes, are amended to read:

2174 288.107 Brownfield redevelopment bonus refunds.—

2175 (1) DEFINITIONS.—As used in this section:

20101752e1

2176 (e) "Eligible business" means:

2177 1. A qualified target industry business as defined in s.
2178 288.106(2) ~~s. 288.106(1)(e)~~; or

2179 2. A business that can demonstrate a fixed capital
2180 investment of at least \$2 million in mixed-use business
2181 activities, including multiunit housing, commercial, retail, and
2182 industrial in brownfield areas, or at least \$500,000 in
2183 brownfield areas that do not require site cleanup, and which
2184 provides benefits to its employees.

2185 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
2186 shall be approved by the office as specified in the final order
2187 issued by the director and allowed from the account as follows:

2188 (a) A bonus refund of \$2,500 shall be allowed to any
2189 qualified target industry business as defined by s. 288.106 for
2190 each new Florida job created in a brownfield area which is
2191 claimed on the qualified target industry business's annual
2192 refund claim authorized in s. 288.106(6) ~~s. 288.106(5)~~.

2193 (b) A bonus refund of up to \$2,500 shall be allowed to any
2194 other eligible business as defined in subparagraph (1)(e)2. for
2195 each new Florida job created in a brownfield which is claimed
2196 under an annual claim procedure similar to the annual refund
2197 claim authorized in s. 288.106(6) ~~s. 288.106(5)~~. The amount of
2198 the refund shall be equal to 20 percent of the average annual
2199 wage for the jobs created.

2200 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2201 (a) To be eligible to receive a bonus refund for new
2202 Florida jobs created in a brownfield, a business must have been
2203 certified as a qualified target industry business under s.
2204 288.106 or eligible business as defined in paragraph (1)(e) and

20101752e1

2205 must have indicated on the qualified target industry tax refund
2206 application form submitted in accordance with s. 288.106(4) ~~s.~~
2207 ~~288.106(3)~~ or other similar agreement for other eligible
2208 business as defined in paragraph (1)(e) that the project for
2209 which the application is submitted is or will be located in a
2210 brownfield and that the business is applying for certification
2211 as a qualified brownfield business under this section, and must
2212 have signed a qualified target industry tax refund agreement
2213 with the office which indicates that the business has been
2214 certified as a qualified target industry business located in a
2215 brownfield and specifies the schedule of brownfield
2216 redevelopment bonus refunds that the business may be eligible to
2217 receive in each fiscal year.

2218 (d) After entering into a tax refund agreement as provided
2219 in s. 288.106 or other similar agreement for other eligible
2220 businesses as defined in paragraph (1)(e), an eligible business
2221 may receive brownfield redevelopment bonus refunds from the
2222 account pursuant to s. 288.106(3)(d) ~~s. 288.106(2)(e)~~.

2223 (5) ADMINISTRATION.—

2224 (b) To facilitate the process of monitoring and auditing
2225 applications made under this program, the office may provide a
2226 list of qualified target industry businesses to the Department
2227 of Revenue, to the Agency for Workforce Innovation, to the
2228 Department of Environmental Protection, or to any local
2229 government authority. The office may request the assistance of
2230 those entities with respect to monitoring the payment of the
2231 taxes listed in s. 288.106(3) ~~s. 288.106(2)~~.

2232 Section 15. Effective July 1, 2010, section 288.125,
2233 Florida Statutes, is amended to read:

20101752e1

2234 288.125 Definition of "entertainment industry".—For the
2235 purposes of ss. 288.1251-288.1258, the term "entertainment
2236 industry" means those persons or entities engaged in the
2237 operation of motion picture or television studios or recording
2238 studios; those persons or entities engaged in the preproduction,
2239 production, or postproduction of motion pictures, made-for-
2240 television movies, television programming, digital media
2241 projects, commercial advertising, music videos, or sound
2242 recordings; and those persons or entities providing products or
2243 services directly related to the preproduction, production, or
2244 postproduction of motion pictures, made-for-television movies,
2245 television programming, digital media projects, commercial
2246 advertising, music videos, or sound recordings, including, but
2247 not limited to, the broadcast industry.

2248 Section 16. Effective July 1, 2010, paragraph (b) of
2249 subsection (1) and paragraph (a) of subsection (2) of section
2250 288.1251, Florida Statutes, are amended to read:

2251 288.1251 Promotion and development of entertainment
2252 industry; Office of Film and Entertainment; creation; purpose;
2253 powers and duties.—

2254 (1) CREATION.—

2255 (b) The Office of Tourism, Trade, and Economic Development
2256 shall conduct a national search for a qualified person to fill
2257 the position of Commissioner of Film and Entertainment, when the
2258 position is vacant. ~~and~~ The Executive Director of the Office of
2259 Tourism, Trade, and Economic Development has the responsibility
2260 to ~~shall~~ hire the commissioner ~~of Film and Entertainment.~~
2261 Qualifications for the commissioner ~~Guidelines for selection of~~
2262 ~~the Commissioner of Film and Entertainment shall~~ include, but

20101752e1

2263 ~~are not be~~ limited to, ~~the Commissioner of Film and~~
2264 ~~Entertainment having~~ the following:

2265 1. A working knowledge of the equipment, personnel,
2266 financial, and day-to-day production operations of the
2267 industries to be served by the Office of Film and Entertainment;

2268 2. Marketing and promotion experience related to the film
2269 and entertainment industries to be served ~~by the office~~;

2270 3. Experience working with a variety of individuals
2271 representing large and small entertainment-related businesses,
2272 industry associations, local community entertainment industry
2273 liaisons, and labor organizations; and

2274 4. Experience working with a variety of state and local
2275 governmental agencies.

2276 (2) POWERS AND DUTIES.—

2277 (a) The Office of Film and Entertainment, in performance of
2278 its duties, shall:

2279 1. In consultation with the Florida Film and Entertainment
2280 Advisory Council, update the ~~develop and implement a 5-year~~
2281 strategic plan every 5 years to guide the activities of the
2282 Office of Film and Entertainment in the areas of entertainment
2283 industry development, marketing, promotion, liaison services,
2284 field office administration, and information. The plan, ~~to be~~
2285 ~~developed by no later than June 30, 2000,~~ shall:

2286 a. Be annual in construction and ongoing in nature.

2287 b. Include recommendations relating to the organizational
2288 structure of the office.

2289 c. Include an annual budget projection for the office for
2290 each year of the plan.

2291 d. Include an operational model for the office to use in

20101752e1

2292 implementing programs for rural and urban areas designed to:
2293 (I) Develop and promote the state's entertainment industry.
2294 (II) Have the office serve as a liaison between the
2295 entertainment industry and other state and local governmental
2296 agencies, local film commissions, and labor organizations.
2297 (III) Gather statistical information related to the state's
2298 entertainment industry.
2299 (IV) Provide information and service to businesses,
2300 communities, organizations, and individuals engaged in
2301 entertainment industry activities.
2302 (V) Administer field offices outside the state and
2303 coordinate with regional offices maintained by counties and
2304 regions of the state, as described in sub-sub-subparagraph (II),
2305 as necessary.
2306 e. Include performance standards and measurable outcomes
2307 for the programs to be implemented by the office.
2308 f. Include an assessment of, and make recommendations on,
2309 the feasibility of creating an alternative public-private
2310 partnership for the purpose of contracting with such a
2311 partnership for the administration of the state's entertainment
2312 industry promotion, development, marketing, and service
2313 programs.
2314 2. Develop, market, and facilitate a ~~smooth~~ working
2315 relationship between state agencies and local governments in
2316 cooperation with local film commission offices for out-of-state
2317 and indigenous entertainment industry production entities.
2318 3. Implement a structured methodology prescribed for
2319 coordinating activities of local offices with each other and the
2320 commissioner's office.

20101752e1

2321 4. Represent the state's indigenous entertainment industry
2322 to key decisionmakers within the national and international
2323 entertainment industry, and to state and local officials.

2324 5. Prepare an inventory and analysis of the state's
2325 entertainment industry, including, but not limited to,
2326 information on crew, related businesses, support services, job
2327 creation, talent, and economic impact and coordinate with local
2328 offices to develop an information tool for common use.

2329 ~~6. Represent key decisionmakers within the national and
2330 international entertainment industry to the indigenous
2331 entertainment industry and to state and local officials.~~

2332 ~~7. Serve as liaison between entertainment industry
2333 producers and labor organizations.~~

2334 6.8. Identify, solicit, and recruit entertainment
2335 production opportunities for the state.

2336 7.9. Assist rural communities and other small communities
2337 in the state in developing the expertise and capacity necessary
2338 for such communities to develop, market, promote, and provide
2339 services to the state's entertainment industry.

2340 Section 17. Effective July 1, 2010, subsection (3) of
2341 section 288.1252, Florida Statutes, is amended to read:

2342 288.1252 Florida Film and Entertainment Advisory Council;
2343 creation; purpose; membership; powers and duties.—

2344 (3) MEMBERSHIP.—

2345 (a) The council shall consist of 17 members, seven to be
2346 appointed by the Governor, five to be appointed by the President
2347 of the Senate, and five to be appointed by the Speaker of the
2348 House of Representatives, ~~with the initial appointments being
2349 made no later than August 1, 1999.~~

20101752e1

2350 (b) When making appointments to the council, the Governor,
2351 the President of the Senate, and the Speaker of the House of
2352 Representatives shall appoint persons who are residents of the
2353 state and who are highly knowledgeable of, active in, and
2354 recognized leaders in Florida's motion picture, television,
2355 video, sound recording, or other entertainment industries. These
2356 persons shall include, but not be limited to, representatives of
2357 local film commissions, representatives of entertainment
2358 associations, a representative of the broadcast industry,
2359 representatives of labor organizations in the entertainment
2360 industry, and board chairs, presidents, chief executive
2361 officers, chief operating officers, or persons of comparable
2362 executive position or stature of leading or otherwise important
2363 entertainment industry businesses and offices. Council members
2364 shall be appointed in such a manner as to equitably represent
2365 the broadest spectrum of the entertainment industry and
2366 geographic areas of the state.

2367 (c) Council members shall serve for 4-year terms, ~~except~~
2368 ~~that the initial terms shall be staggered:~~

2369 ~~1. The Governor shall appoint one member for a 1-year term,~~
2370 ~~two members for 2-year terms, two members for 3-year terms, and~~
2371 ~~two members for 4-year terms.~~

2372 ~~2. The President of the Senate shall appoint one member for~~
2373 ~~a 1-year term, one member for a 2-year term, two members for 3-~~
2374 ~~year terms, and one member for a 4-year term.~~

2375 ~~3. The Speaker of the House of Representatives shall~~
2376 ~~appoint one member for a 1-year term, one member for a 2-year~~
2377 ~~term, two members for 3-year terms, and one member for a 4-year~~
2378 ~~term.~~

20101752e1

2379 (d) Subsequent appointments shall be made by the official
2380 who appointed the council member whose expired term is to be
2381 filled.

2382 (e) ~~The Commissioner of Film and Entertainment,~~ A
2383 representative of Enterprise Florida, Inc., a representative of
2384 Workforce Florida, Inc., and a representative of Visit Florida
2385 ~~the Florida Tourism Industry Marketing Corporation~~ shall serve
2386 as ex officio, nonvoting members of the council, and shall be in
2387 addition to the 17 appointed members of the council.

2388 (f) Absence from three consecutive meetings shall result in
2389 automatic removal from the council.

2390 (g) A vacancy on the council shall be filled for the
2391 remainder of the unexpired term by the official who appointed
2392 the vacating member.

2393 (h) No more than one member of the council may be an
2394 employee of any one company, organization, or association.

2395 (i) Any member shall be eligible for reappointment but may
2396 not serve more than two consecutive terms.

2397 Section 18. Effective July 1, 2010, subsections (1), (2),
2398 (4), and (5) of section 288.1253, Florida Statutes, are amended
2399 to read:

2400 288.1253 Travel and entertainment expenses.—

2401 (1) As used in this section, the term—

2402 ~~(a) "Business client" means any person, other than a state~~
2403 ~~official or state employee, who receives the services of~~
2404 ~~representatives of the Office of Film and Entertainment in~~
2405 ~~connection with the performance of its statutory duties,~~
2406 ~~including persons or representatives of entertainment industry~~
2407 ~~companies considering location, relocation, or expansion of an~~

20101752e1

2408 ~~entertainment industry business within the state.~~

2409 ~~(b) "Entertainment expenses" means the actual, necessary,~~
2410 ~~and reasonable costs of providing hospitality for business~~
2411 ~~clients or guests, which costs are defined and prescribed by~~
2412 ~~rules adopted by the Office of Tourism, Trade, and Economic~~
2413 ~~Development, subject to approval by the Chief Financial Officer.~~

2414 ~~(c) "Guest" means a person, other than a state official or~~
2415 ~~state employee, authorized by the Office of Tourism, Trade, and~~
2416 ~~Economic Development to receive the hospitality of the Office of~~
2417 ~~Film and Entertainment in connection with the performance of its~~
2418 ~~statutory duties.~~

2419 ~~(d) "travel expenses" means the actual, necessary, and~~
2420 ~~reasonable costs of transportation, meals, lodging, and~~
2421 ~~incidental expenses normally incurred by an employee of the~~
2422 ~~Office of Film and Entertainment a traveler, which costs are~~
2423 ~~defined and prescribed by rules adopted by the Office of~~
2424 ~~Tourism, Trade, and Economic Development, subject to approval by~~
2425 ~~the Chief Financial Officer.~~

2426 (2) Notwithstanding the provisions of s. 112.061, the
2427 Office of Tourism, Trade, and Economic Development shall adopt
2428 rules by which it may make expenditures by ~~advancement or~~
2429 ~~reimbursement, or a combination thereof,~~ to:

2430 ~~(a)~~ the Governor, the Lieutenant Governor, security staff
2431 of the Governor or Lieutenant Governor, the Commissioner of Film
2432 and Entertainment, or staff of the Office of Film and
2433 Entertainment for travel expenses or entertainment expenses
2434 incurred by such individuals solely and exclusively in
2435 connection with the performance of the statutory duties of the
2436 Office of Film and Entertainment.

20101752e1

2437 ~~(b) The Governor, the Lieutenant Governor, security staff~~
2438 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2439 ~~and Entertainment, or staff of the Office of Film and~~
2440 ~~Entertainment for travel expenses or entertainment expenses~~
2441 ~~incurred by such individuals on behalf of guests, business~~
2442 ~~clients, or authorized persons as defined in s. 112.061(2)(c)~~
2443 ~~solely and exclusively in connection with the performance of the~~
2444 ~~statutory duties of the Office of Film and Entertainment.~~

2445 ~~(c) Third party vendors for the travel or entertainment~~
2446 ~~expenses of guests, business clients, or authorized persons as~~
2447 ~~defined in s. 112.061(2)(c) incurred solely and exclusively~~
2448 ~~while such persons are participating in activities or events~~
2449 ~~carried out by the Office of Film and Entertainment in~~
2450 ~~connection with that office's statutory duties.~~

2451
2452 The rules are ~~shall be~~ subject to approval by the Chief
2453 Financial Officer before adoption ~~prior to promulgation~~. The
2454 rules shall require the submission of paid receipts, or other
2455 proof of expenditure prescribed by the Chief Financial Officer,
2456 with any claim for reimbursement and ~~shall require, as a~~
2457 ~~condition for any advancement of funds, an agreement to submit~~
2458 ~~paid receipts or other proof of expenditure and to refund any~~
2459 ~~unused portion of the advancement within 15 days after the~~
2460 ~~expense is incurred or, if the advancement is made in connection~~
2461 ~~with travel, within 10 working days after the traveler's return~~
2462 ~~to headquarters. However, with respect to an advancement of~~
2463 ~~funds made solely for travel expenses, the rules may allow paid~~
2464 ~~receipts or other proof of expenditure to be submitted, and any~~
2465 ~~unused portion of the advancement to be refunded, within 10~~

20101752e1

2466 ~~working days after the traveler's return to headquarters.~~
2467 ~~Operational or promotional advancements, as defined in s.~~
2468 ~~288.35(4), obtained pursuant to this section shall not be~~
2469 ~~commingled with any other state funds.~~

2470 (5) Any claim submitted under this section is ~~shall~~ not be
2471 required to be sworn to before a notary public or other officer
2472 authorized to administer oaths, but any claim authorized or
2473 required to be made under any provision of this section shall
2474 contain a statement that the expenses were actually incurred as
2475 necessary travel or entertainment expenses in the performance of
2476 official duties of the Office of Film and Entertainment and
2477 shall be verified by written declaration that it is true and
2478 correct as to every material matter. Any person who willfully
2479 makes and subscribes to any claim which he or she does not
2480 believe to be true and correct as to every material matter or
2481 who willfully aids or assists in, procures, or counsels or
2482 advises with respect to, the preparation or presentation of a
2483 claim pursuant to this section that is fraudulent or false as to
2484 any material matter, whether ~~or not~~ such falsity or fraud is
2485 with the knowledge or consent of the person authorized or
2486 required to present the claim, commits a misdemeanor of the
2487 second degree, punishable as provided in s. 775.082 or s.
2488 775.083. Whoever receives a ~~an advancement or~~ reimbursement by
2489 means of a false claim is civilly liable, in the amount of the
2490 overpayment, for the reimbursement of the public fund from which
2491 the claim was paid.

2492 Section 19. Effective July 1, 2010, section 288.1254,
2493 Florida Statutes, is amended to read:

2494 (Substantial rewording of section. See

20101752e1

2495 s. 288.1254, F.S., for present text.)

2496 288.1254 Entertainment industry financial incentive
2497 program.-

2498 (1) DEFINITIONS.-As used in this section, the term:

2499 (a) "Certified production" means a qualified production
2500 that has tax credits allocated to it by the Office of Tourism,
2501 Trade, and Economic Development based on the production's
2502 estimated qualified expenditures, up to the production's maximum
2503 certified amount of tax credits, by the Office of Tourism,
2504 Trade, and Economic Development. The term does not include a
2505 production if the first date that it incurs production
2506 expenditures in this state occurs before the production is
2507 certified by the Office of Tourism, Trade, and Economic
2508 Development.

2509 (b) "Digital media project" means a production of
2510 interactive entertainment that is produced for distribution in
2511 commercial or educational markets. The term includes a video
2512 game or production intended for Internet or wireless
2513 distribution. The term does not include a production deemed by
2514 the Office of Film and Entertainment to contain obscene content
2515 as defined in s. 847.001(10).

2516 (c) "High-impact television series" means a production
2517 created to run multiple production seasons and having an
2518 estimated order of at least seven episodes per season and
2519 qualified expenditures of at least \$625,000 per episode.

2520 (d) "Off-season certified production" means a production,
2521 other than a digital media project or an animated production,
2522 commercial, music video, or documentary, which films 75 percent
2523 or more of its principal photography days from June 1 through

20101752e1

2524 November 30.

2525 (e) "Principal photography" means the filming of major or
2526 significant components of the qualified production which involve
2527 lead actors.

2528 (f) "Production" means a theatrical or direct-to-video
2529 motion picture; a made-for-television motion picture; visual
2530 effects or digital animation sequences produced in conjunction
2531 with a motion picture; a commercial; a music video; an
2532 industrial or educational film; an infomercial; a documentary
2533 film; a television pilot program; a presentation for a
2534 television pilot program; a television series, including, but
2535 not limited to, a drama, a reality show, a comedy, a soap opera,
2536 a telenovela, a game show, or a miniseries production; or a
2537 digital media project by the entertainment industry. One season
2538 of a television series is considered one production. The term
2539 does not include a weather or market program; a sporting event;
2540 a sports show; a gala; a production that solicits funds; a home
2541 shopping program; a political program; a political documentary;
2542 political advertising; a gambling-related project or production;
2543 a concert production; or a local, regional, or Internet-
2544 distributed-only news show, current-events show, pornographic
2545 production, or current-affairs show. A production may be
2546 produced on or by film, tape, or otherwise by means of a motion
2547 picture camera; electronic camera or device; tape device;
2548 computer; any combination of the foregoing; or any other means,
2549 method, or device now used or later adopted.

2550 (g) "Production expenditures" means the costs of tangible
2551 and intangible property used for, and services performed
2552 primarily and customarily in, production, including

20101752e1

2553 preproduction and postproduction, but excluding costs for
2554 development, marketing, and distribution. The term includes, but
2555 is not limited to:

2556 1. Wages, salaries, or other compensation paid to legal
2557 residents of this state, including amounts paid through payroll
2558 service companies, for technical and production crews,
2559 directors, producers, and performers.

2560 2. Expenditures for sound stages, backlots, production
2561 editing, digital effects, sound recordings, sets, and set
2562 construction.

2563 3. Expenditures for rental equipment, including, but not
2564 limited to, cameras and grip or electrical equipment.

2565 4. Up to \$300,000 of the costs of newly purchased computer
2566 software and hardware unique to the project, including servers,
2567 data processing, and visualization technologies, which are
2568 located in and used exclusively in the state for the production
2569 of digital media.

2570 5. Expenditures for meals, travel, and accommodations.

2571 (h) "Qualified expenditures" means production expenditures
2572 incurred in this state by a qualified production for:

2573 1. Goods purchased or leased from, or services, including,
2574 but not limited to, insurance costs and bonding, payroll
2575 services, and legal fees, which are provided by a vendor or
2576 supplier in this state which is registered with the Department
2577 of State or the Department of Revenue, is doing business in the
2578 state, and whose primary employees involved in facilitating the
2579 transaction are legal residents of and doing business in this
2580 state.

2581 2. Payments to legal residents of this state in the form of

20101752e1

2582 salary, wages, or other compensation up to a maximum of \$650,000
2583 per resident unless otherwise specified in subsection (4).

2584
2585 For a qualified production involving an event, such as an awards
2586 show, the term does not include expenditures solely associated
2587 with the event itself and not directly required by the
2588 production. The term does not include expenditures incurred
2589 before certification, with the exception of those incurred for a
2590 commercial, a music video, or the pickup of additional episodes
2591 of a high-impact television series within a single season.

2592 (i) "Qualified production" means a production in this state
2593 meeting the requirements of this section. The term does not
2594 include a production:

2595 1. In which, for the first 2 years of the incentive
2596 program, less than 50 percent, and, thereafter, less than 60
2597 percent, of the positions that make up its production cast and
2598 below-the-line production crew, or, in the case of digital media
2599 projects, less than 75 percent of such positions, are filled by
2600 legal residents of this state, whose residency is demonstrated
2601 by a valid Florida driver's license or other state-issued
2602 identification confirming residency, or students enrolled full-
2603 time in a film-and-entertainment-related course of study at an
2604 institution of higher education in this state; or

2605 2. That is deemed by the Office of Film and Entertainment
2606 to contain obscene content as defined in s. 847.001(10).

2607 (j) "Qualified production company" means a corporation,
2608 limited liability company, partnership, or other legal entity
2609 engaged in one or more productions in this state.

2610 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment

20101752e1

2611 industry financial incentive program is created within the
2612 Office of Film and Entertainment. The purpose of this program is
2613 to encourage the use of this state as a site for filming, for
2614 the digital production of films, and to develop and sustain the
2615 workforce and infrastructure for film, digital media, and
2616 entertainment production.

2617 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2618 (a) Program application.—A qualified production company
2619 producing a qualified production in this state may submit a
2620 program application to the Office of Film and Entertainment for
2621 the purpose of determining qualification for an award of tax
2622 credits authorized by this section no earlier than 6 months
2623 before the first date that production expenditures are incurred
2624 in this state. The applicant shall provide the Office of Film
2625 and Entertainment with information required to determine whether
2626 the production is a qualified production and to determine the
2627 qualified expenditures and other information necessary for the
2628 office to determine eligibility for the tax credit.

2629 (b) Required documentation.—The Office of Film and
2630 Entertainment shall develop an application form for qualifying
2631 an applicant as a qualified production. The form must include,
2632 but need not be limited to, production-related information
2633 concerning employment of residents in this state, a detailed
2634 budget of planned qualified expenditures, and the applicant's
2635 signed affirmation that the information on the form has been
2636 verified and is correct. The Office of Film and Entertainment
2637 and local film commissions shall distribute the form.

2638 (c) Application process.—The Office of Film and
2639 Entertainment shall establish a process by which an application

20101752e1

2640 is accepted and reviewed and by which tax credit eligibility and
2641 the award amount are determined. The Office of Film and
2642 Entertainment may request assistance from a duly appointed local
2643 film commission in determining compliance with this section.

2644 (d) *Certification.*—The Office of Film and Entertainment
2645 shall review the application within 15 business days after
2646 receipt. Upon its determination that the application contains
2647 all the information required by this subsection and meets the
2648 criteria set out in this section, the Office of Film and
2649 Entertainment shall qualify the applicant and recommend to the
2650 Office of Tourism, Trade, and Economic Development that the
2651 applicant be certified for the maximum tax credit award amount.
2652 Within 5 business days after receipt of the recommendation, the
2653 Office of Tourism, Trade, and Economic Development shall reject
2654 the recommendation or certify the maximum recommended tax credit
2655 award, if any, to the applicant and to the executive director of
2656 the Department of Revenue.

2657 (e) *Grounds for denial.*—The Office of Film and
2658 Entertainment shall deny an application if it determines that
2659 the application is incomplete or the production or application
2660 does not meet the requirements of this section.

2661 (f) *Verification of actual qualified expenditures.*—

2662 1. The Office of Film and Entertainment shall develop a
2663 process to verify the actual qualified expenditures of a
2664 certified production. The process must require:

2665 a. A certified production to submit, in a timely manner
2666 after principal photography, digital production, or the digital
2667 media project ends and after making all of its qualified
2668 expenditures, data substantiating each qualified expenditure to

20101752e1

2669 an independent certified public accountant licensed in this
2670 state;

2671 b. Such accountant to conduct a compliance audit, at the
2672 certified production's expense, to substantiate each qualified
2673 expenditure and submit the results as a report, along with the
2674 required substantiating data, to the Office of Film and
2675 Entertainment; and

2676 c. The Office of Film and Entertainment to review the
2677 accountant's submittal and report to the Office of Tourism,
2678 Trade, and Economic Development the final verified amount of
2679 actual qualified expenditures made by the certified production.

2680 2. The Office of Tourism, Trade, and Economic Development
2681 shall determine and approve the final tax credit award amount to
2682 each certified applicant based on the final verified amount of
2683 actual qualified expenditures and shall notify the executive
2684 director of the Department of Revenue in writing that the
2685 certified production has met the requirements of the incentive
2686 program and of the final amount of the tax credit award. The
2687 final tax credit award amount may not exceed the maximum tax
2688 credit award amount certified under paragraph (d).

2689 (g) Promoting Florida.—The Office of Film and Entertainment
2690 shall ensure that, as a condition of receiving a tax credit
2691 under this section, marketing materials promoting this state as
2692 a tourist destination or film and entertainment production
2693 destination are included, when appropriate, at no cost to the
2694 state, which must, at a minimum, include placement of a "Filmed
2695 in Florida" or "Produced in Florida" logo in the opening credits
2696 and end credits and on all packaging material and hard media,
2697 unless prohibited by licensing or other contractual obligations.

20101752e1

2698 The size and placement of such logo shall be commensurate to
2699 other logos used. If no logos are used, the statement "Filmed in
2700 Florida using Florida's Entertainment Industry Financial
2701 Incentive," or a similar statement approved by the Office of
2702 Film and Entertainment, shall be used. The Office of Film and
2703 Entertainment shall provide a logo and supply it for the
2704 purposes specified in this paragraph.

2705 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2706 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2707 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2708 ACQUISITIONS.—

2709 (a) Priority for tax credit award.—The priority of a
2710 qualified production for tax credit awards must be determined on
2711 a first-come, first-served basis within its appropriate queue.
2712 Each qualified production must be placed into the appropriate
2713 queue and is subject to the requirements of that queue.

2714 (b) Tax credit eligibility.—

2715 1. General production queue.—Ninety-four percent of tax
2716 credits authorized in any state fiscal year must be dedicated to
2717 the general production queue. The general production queue
2718 consists of all qualified productions other than those eligible
2719 for the commercial and music video queue or the independent
2720 production queue. A qualified production that demonstrates a
2721 minimum of \$625,000 in qualified expenditures is eligible for
2722 tax credits equal to 20 percent of its actual qualified
2723 expenditures, up to a maximum of \$8 million. A qualified
2724 production that incurs qualified expenditures during multiple
2725 state fiscal years may combine those expenditures to satisfy the
2726 \$625,000 minimum threshold.

20101752e1

2727 a. An off-season certified production that is a feature
2728 film, independent film, or television series or pilot is
2729 eligible for an additional 5-percent tax credit on actual
2730 qualified expenditures. An off-season certified production that
2731 does not complete 75 percent of principal photography due to a
2732 disruption caused by a hurricane or tropical storm may not be
2733 disqualified from eligibility for the additional 5-percent
2734 credit as a result of the disruption.

2735 b. A qualified high-impact television series shall be
2736 allowed first position in this queue for tax credit awards not
2737 yet certified.

2738 2. Commercial and music video queue.—Three percent of tax
2739 credits authorized in any state fiscal year must be dedicated to
2740 the commercial and music video queue. A qualified production
2741 company that produces national or regional commercials or music
2742 videos may be eligible for a tax credit award if it demonstrates
2743 a minimum of \$100,000 in qualified expenditures per national or
2744 regional commercial or music video and exceeds a combined
2745 threshold of \$500,000 after combining actual qualified
2746 expenditures from qualified commercials and music videos during
2747 a single state fiscal year. After a qualified production company
2748 that produces commercials, music videos, or both reaches the
2749 threshold of \$500,000, it is eligible to apply for certification
2750 for a tax credit award. The maximum credit award shall be equal
2751 to 20 percent of its actual qualified expenditures up to a
2752 maximum of \$500,000. If there is a surplus at the end of a
2753 fiscal year after the Office of Film and Entertainment certifies
2754 and determines the tax credits for all qualified commercial and
2755 video projects, such surplus tax credits shall be carried

20101752e1

2756 forward to the following fiscal year and be available to any
2757 eligible qualified productions under the general production
2758 queue.

2759 3. Independent production queue.—Three percent of tax
2760 credits authorized in any state fiscal year must be dedicated to
2761 the independent production queue. An independent Florida film or
2762 digital media project that meets the criteria of this
2763 subparagraph and demonstrates a minimum of \$100,000, but not
2764 more than \$625,000, in total qualified expenditures is eligible
2765 for tax credits equal to 20 percent of its actual qualified
2766 expenditures. To qualify for this tax credit, a qualified
2767 production must:

2768 a. Be planned as a feature film or documentary of at least
2769 70 minutes in length or be a digital media project.

2770 b. Employ legal residents of this state in at least two of
2771 the following key positions: writer, director, producer, star,
2772 or composer; or, in the case of a digital media project, employ
2773 legal residents of this state in at least two positions
2774 functionally equivalent to the positions of writer, director,
2775 producer, star, or composer.

2776 4. Family-friendly productions.—A certified production
2777 determined by the Commissioner of Film and Entertainment, with
2778 the advice of the Florida Film and Entertainment Advisory
2779 Council, to be family-friendly, based on the review of the
2780 script and the review of the final release version, is eligible
2781 for an additional tax credit equal to 5 percent of its actual
2782 qualified expenditures. Family-friendly productions are those
2783 that have cross-generational appeal; would be considered
2784 suitable for viewing by children age 5 or older; are appropriate

20101752e1

2785 in theme, content, and language for a broad family audience;
2786 embody a responsible resolution of issues; and do not exhibit or
2787 imply any act of smoking, sex, nudity, gratuitous violence, or
2788 vulgar or profane language.

2789 (c) *Withdrawal of tax credit eligibility.*—A qualified or
2790 certified production must continue on a reasonable schedule,
2791 which means beginning principal photography, or, in the case of
2792 a digital media project, the start date of the production, in
2793 this state no more than 45 calendar days before or after the
2794 date provided in the production's program application. The
2795 Office of Tourism, Trade, and Economic Development shall
2796 withdraw the eligibility of a qualified or certified production
2797 that does not continue on a reasonable schedule.

2798 (d) *Election and distribution of tax credits.*—

2799 1. A certified production company receiving a tax credit
2800 award under this section shall, at the time the credit is
2801 awarded by the Office of Tourism, Trade, and Economic
2802 Development after production is completed and all requirements
2803 to receive a credit award have been met, make an irrevocable
2804 election to apply the credit against taxes due under chapter
2805 220, against taxes collected or accrued under chapter 212,
2806 except that the credit authorized under this section may not be
2807 applied against discretionary sales surtaxes authorized under s.
2808 212.055, or against a stated combination of the two taxes. The
2809 election is binding upon any distributee, successor, transferee,
2810 or purchaser. The Office of Tourism, Trade, and Economic
2811 Development shall notify the Department of Revenue of any
2812 election made pursuant to this paragraph.

2813 2. For the fiscal years beginning July 1, 2010, and ending

20101752e1

2814 June 30, 2015, a qualified production company is eligible for
2815 tax credits against its sales and use tax liabilities and
2816 corporate income tax liabilities as provided in this section.
2817 However, tax credits awarded under this section may not be
2818 claimed against sales and use tax liabilities or corporate
2819 income tax liabilities for any tax period beginning before July
2820 1, 2011, regardless of when the credits are applied for or
2821 awarded.

2822 (e) Tax credit carryforward.—If the certified production
2823 company cannot use the entire tax credit in the taxable year or
2824 reporting period in which the credit is awarded, any excess
2825 amount may be carried forward to a succeeding taxable year or
2826 reporting period. A tax credit applied against taxes imposed
2827 under chapter 212 may be carried forward for a maximum of 5
2828 years after the date the credit is awarded. A tax credit applied
2829 against taxes imposed under chapter 220 may be carried forward
2830 for a maximum of 5 years after the date the credit is awarded,
2831 after which the credit expires and may not be used.

2832 (f) Consolidated returns.—A certified production company
2833 that files a Florida consolidated return as a member of an
2834 affiliated group under s. 220.131(1) may be allowed the credit
2835 on a consolidated return basis up to the amount of the tax
2836 imposed upon the consolidated group under chapter 220.

2837 (g) Partnership and noncorporate distributions.—A qualified
2838 production company that is not a corporation as defined in s.
2839 220.03 may elect to distribute tax credits awarded under this
2840 section to its partners or members in proportion to their
2841 respective distributive income or loss in the taxable fiscal
2842 year in which the tax credits were awarded.

20101752e1

2843 (h) Mergers or acquisitions.—Tax credits available under
2844 this section to a certified production company may succeed to a
2845 surviving or acquiring entity subject to the same conditions and
2846 limitations as described in this section; however, they may not
2847 be transferred again by the surviving or acquiring entity.

2848 (5) TRANSFER OF TAX CREDITS.—

2849 (a) Authorization.—Upon application to the Office of Film
2850 and Entertainment and approval by the Office of Tourism, Trade,
2851 and Economic Development, a certified production company, or a
2852 partner or member that has received a distribution under
2853 paragraph (4) (g), may elect to transfer, in whole or in part,
2854 any unused credit amount granted under this section. An election
2855 to transfer any unused tax credit amount under chapter 212 or
2856 chapter 220 must be made no later than 5 years after the date
2857 the credit is awarded, after which period the credit expires and
2858 may not be used. The Office of Tourism, Trade, and Economic
2859 Development shall notify the Department of Revenue of the
2860 election and transfer.

2861 (b) Number of transfers permitted.—A certified production
2862 company that elects to apply a credit amount against taxes
2863 remitted under chapter 212 is permitted a one-time transfer of
2864 unused credits to one transferee. The credit against sales tax
2865 is available to the transferee only through a refund of
2866 previously paid taxes pursuant to s. 212.08(5) (g). A certified
2867 production company that elects to apply a credit amount against
2868 taxes due under chapter 220 is permitted a one-time transfer of
2869 unused credits to no more than four transferees, and such
2870 transfers must occur in the same taxable year.

2871 (c) Transferee rights and limitations.—The transferee is

20101752e1

2872 subject to the same rights and limitations as the certified
2873 production company awarded the tax credit, except that the
2874 transferee may not sell or otherwise transfer the tax credit.

2875 (d) Rulemaking.—The Department of Revenue may adopt rules
2876 to administer this subsection, as provided in subsection (7).

2877 (6) ANNUAL ALLOCATION OF TAX CREDITS.—

2878 (a) The aggregate amount of the tax credits that may be
2879 certified pursuant to paragraph (3) (d) may not exceed \$20
2880 million per fiscal year.

2881 (b) Any portion of the maximum amount of tax credits
2882 established per fiscal year in paragraph (a) that is not
2883 certified as of the end of a fiscal year shall be carried
2884 forward and made available for certification during the
2885 following two fiscal years in addition to the amounts available
2886 for certification under paragraph (a) for those fiscal years.

2887 (c) Upon approval of the final tax credit award amount
2888 pursuant to subparagraph (3) (f)2., an amount equal to the
2889 difference between the maximum tax credit award amount
2890 previously certified under paragraph (3) (d) and the approved
2891 final tax credit award amount shall immediately be available for
2892 recertification during the current and following fiscal years in
2893 addition to the amounts available for certification under
2894 paragraph (a) for those fiscal years. Credit amounts are
2895 available for recertification only once under this paragraph.

2896 (d) If, during a fiscal year, the total amount of credits
2897 applied for, pursuant to paragraph (3) (a), exceeds the amount of
2898 credits available for certification in that fiscal year, such
2899 excess shall be treated as having been applied for on the first
2900 day of the next fiscal year in which credits remain available

20101752e1

2901 for certification.

2902 (7) RULES, POLICIES, AND PROCEDURES.—

2903 (a) The Office of Tourism, Trade, and Economic Development
2904 may adopt rules pursuant to ss. 120.536(1) and 120.54 and
2905 develop policies and procedures to implement and administer this
2906 section, including, but not limited to, rules specifying
2907 requirements for the application and approval process, records
2908 required for substantiation for tax credits, procedures for
2909 making the election in paragraph (4) (d), the manner and form of
2910 documentation required to claim tax credits awarded or
2911 transferred under this section, and marketing requirements for
2912 tax credit recipients.

2913 (b) The Department of Revenue may adopt rules pursuant to
2914 ss. 120.536(1) and 120.54 to administer this section, including
2915 rules governing the examination and audit procedures required to
2916 administer this section and the manner and form of documentation
2917 required to claim tax credits awarded or transferred under this
2918 section.

2919 (8) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2920 CREDITS; FRAUDULENT CLAIMS.—

2921 (a) Audit authority.—The Department of Revenue may conduct
2922 examinations and audits as provided in s. 213.34 to verify that
2923 tax credits under this section are received, transferred, and
2924 applied according to the requirements of this section. If the
2925 Department of Revenue determines that tax credits are not
2926 received, transferred, or applied as required by this section,
2927 it may, in addition to the remedies provided in this subsection,
2928 pursue recovery of such funds pursuant to the laws and rules
2929 governing the assessment of taxes.

20101752e1

2930 (b) Revocation of tax credits.—The Office of Tourism,
2931 Trade, and Economic Development may revoke or modify any written
2932 decision qualifying, certifying, or otherwise granting
2933 eligibility for tax credits under this section if it is
2934 discovered that the tax credit applicant submitted any false
2935 statement, representation, or certification in any application,
2936 record, report, plan, or other document filed in an attempt to
2937 receive tax credits under this section. The Office of Tourism,
2938 Trade, and Economic Development shall immediately notify the
2939 Department of Revenue of any revoked or modified orders
2940 affecting previously granted tax credits. Additionally, the
2941 applicant must notify the Department of Revenue of any change in
2942 its tax credit claimed.

2943 (c) Forfeiture of tax credits.—A determination by the
2944 Department of Revenue, as a result of an audit or examination by
2945 the Department of Revenue or from information received from the
2946 Office of Film and Entertainment, that an applicant received tax
2947 credits pursuant to this section to which the applicant was not
2948 entitled is grounds for forfeiture of previously claimed and
2949 received tax credits. The applicant is responsible for returning
2950 forfeited tax credits to the Department of Revenue, and such
2951 funds shall be paid into the General Revenue Fund of the state.
2952 Tax credits purchased in good faith are not subject to
2953 forfeiture unless the transferee submitted fraudulent
2954 information in the purchase or failed to meet the requirements
2955 in subsection (5).

2956 (d) Fraudulent claims.—Any applicant that submits
2957 fraudulent information under this section is liable for
2958 reimbursement of the reasonable costs and fees associated with

20101752e1

2959 the review, processing, investigation, and prosecution of the
2960 fraudulent claim. An applicant that obtains a credit payment
2961 under this section through a claim that is fraudulent is liable
2962 for reimbursement of the credit amount plus a penalty in an
2963 amount double the credit amount. The penalty is in addition to
2964 any criminal penalty to which the applicant is liable for the
2965 same acts. The applicant is also liable for costs and fees
2966 incurred by the state in investigating and prosecuting the
2967 fraudulent claim.

2968 (9) ANNUAL REPORT.—Each October 1, the Office of Film and
2969 Entertainment shall provide an annual report for the previous
2970 fiscal year to the Governor, the President of the Senate, and
2971 the Speaker of the House of Representatives which outlines the
2972 return on investment and economic benefits to the state.

2973 (10) REPEAL.—This section is repealed July 1, 2015, except
2974 that the tax credit carryforward provided in this section shall
2975 continue to be valid for the period specified.

2976 Section 20. Effective July 1, 2010, subsection (5) of
2977 section 288.1258, Florida Statutes, is amended to read:

2978 288.1258 Entertainment industry qualified production
2979 companies; application procedure; categories; duties of the
2980 Department of Revenue; records and reports.—

2981 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
2982 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
2983 and Entertainment shall keep annual records from the information
2984 provided on taxpayer applications for tax exemption certificates
2985 beginning January 1, 2001. These records shall reflect a ratio
2986 ~~percentage comparison~~ of the annual amount of ~~funds exempted~~
2987 sales and use tax exemptions under this section and incentives

20101752e1

2988 awarded pursuant to s. 288.1284 to the estimated amount of funds
2989 expended by certified productions, including productions that
2990 received incentives pursuant to s. 288.1254 in relation to
2991 entertainment industry products. These records also shall
2992 reflect a separate ratio of the annual amount of sales and use
2993 tax exemptions under this section, plus the incentives awarded
2994 pursuant to s. 288.1254 to the estimated amount of funds
2995 expended by certified productions. In addition, the office shall
2996 maintain data showing annual growth in Florida-based
2997 entertainment industry companies and entertainment industry
2998 employment and wages. The Office of Film and Entertainment shall
2999 report this information to the Legislature ~~by~~ no later than
3000 December 1 of each year.

3001 Section 21. Effective July 1, 2010, section 288.9552,
3002 Florida Statutes, is created to read:

3003 288.9552 Florida Research Commercialization Matching Grant
3004 Program.—

3005 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

3006 (a) The purpose of the Florida Research Commercialization
3007 Matching Grant Program is to increase the amount of federal
3008 funding to this state which will produce the kind of distinctive
3009 technologies that drive today's knowledge-based economy. By
3010 leveraging federal, state, and private-sector resources, the
3011 Legislature intends that program accelerate the innovation
3012 process and more efficiently transform research results into
3013 products in the marketplace.

3014 (b) The matching grant program is specifically intended to
3015 be a catalyst for small or startup companies that can take
3016 advantage of federal and state partnerships in order to

20101752e1

3017 accelerate their growth and market penetration by helping them
3018 to overcome the funding gap faced by many small companies that
3019 are based in this state. Specific goals and objectives of the
3020 program include:

3021 1. Increasing the amount of federal research moneys
3022 received by small businesses in this state through awards from
3023 the Small Business Innovation Research Program and the Small
3024 Business Technology Transfer Program of the Office of Technology
3025 of the United States Small Business Administration.

3026 2. Accelerating the entry of new technology-based products
3027 into the marketplace.

3028 3. Producing additional technology-based jobs for the
3029 state.

3030 4. Providing leveraged resources to increase the
3031 effectiveness and success of applicants' projects.

3032 5. Speeding commercialization of promising technologies.

3033 6. Encouraging the establishment and growth of high-
3034 quality, advanced technology firms in the state.

3035 7. Accelerating the rate of investment and enhancing the
3036 state's investment infrastructure.

3037 (c) The Florida Research Commercialization Matching Grant
3038 Program is created for the purpose of accomplishing the goals
3039 and objectives specified in this section.

3040 (2) ADMINISTRATION.—The Florida Institute for the
3041 Commercialization of Public Research shall develop programmatic
3042 policy, ensure statewide applicability of the matching grant
3043 program, establish criteria for grant awards, approve grant
3044 awards, and review program progress and results.

3045 (3) ELIGIBILITY GUIDELINES.—A qualified applicant must:

20101752e1

3046 (a) Be a business entity that is registered with the
3047 Secretary of State to operate in this state. The qualified
3048 applicant must also have its primary office and a majority of
3049 its employees domiciled in Florida, and its principal research
3050 activities must be conducted in the state.

3051 (b) Be a small company for which a state matching grant is
3052 necessary for project development and implementation.

3053 (c) Have received a Phase I award under the federal Small
3054 Business Innovation Research Program or Small Business
3055 Technology Transfer Program and have received an invitation to
3056 submit an application for a Phase II award. If a Phase II award
3057 has already been issued, the end date of the federal award must
3058 be identified and justification must be provided as to how these
3059 additional funds will enhance, not supplant, the existing award.

3060 (d) Use federal, local, and private resources to the
3061 maximum extent possible. Total project funding shall demonstrate
3062 that:

3063 1. Private-sector investments offset the total cost of the
3064 project; and

3065 2. At least 75 percent of the project's total funding is
3066 from sources other than the state grant.

3067 (e) Conduct the project funded by the matching grant
3068 program in this state.

3069 (4) PROGRAM ADMINISTRATOR.—Subject to appropriations, the
3070 Florida Institute for the Commercialization of Public Research
3071 shall serve as program administrator. The institute may contract
3072 for the performance of a technology review and related functions
3073 with a third party. Not more than 5 percent of a legislative
3074 appropriation may be used for administrative purposes. The

20101752e1

3075 responsibilities of the program administrator include, but are
3076 not limited to:

3077 (a) Coordinating and supporting the grant review, approval,
3078 and contracting activities;

3079 (b) Administering the grant-selection process, including,
3080 but not limited to, issuing open-call requests for grant
3081 applications and receiving, reviewing, and processing grant
3082 applications;

3083 (c) Serving as grant contract manager for recipients of a
3084 matching grant;

3085 (d) Reporting program progress and results; and

3086 (e) Establishing a mechanism by which information regarding
3087 grant projects may be made available to facilitate additional
3088 investment by individual investors, investment for early start-
3089 up costs, or venture capital investment.

3090 (5) APPLICATION REVIEW.—An application for a matching grant
3091 award must be reviewed and approved or denied within 45 days
3092 after receipt.

3093 (6) FIDUCIARY.—The institute shall award a grant to a
3094 qualified applicant if:

3095 (a) The qualified applicant demonstrates that it has
3096 obtained a Phase II award under the federal Small Business
3097 Innovation Research Program or Small Business Technology
3098 Transfer Program; and

3099 (b) The qualified applicant executes a performance contract
3100 with the institute.

3101
3102 The institute shall release the grant to a qualified applicant
3103 upon completion of all contract requirements.

20101752e1

3104 (7) AWARDS.—The matching grant program may make one-time
3105 awards of up to \$250,000 per project to a qualified applicant.

3106 (8) REPORTING.—Beginning December 1, 2011, and annually
3107 thereafter, the institute shall transmit a report relating to
3108 the grants awarded under the program to the Governor, the
3109 President of the Senate, and the Speaker of the House of
3110 Representatives for the previous fiscal year.

3111 Section 22. Effective July 1, 2010, section 290.00677,
3112 Florida Statutes, is amended to read:

3113 290.00677 Rural enterprise zones; special qualifications.—

3114 (1) Notwithstanding the enterprise zone residency
3115 requirements set out in s. 212.096(1)(c), eligible businesses as
3116 defined by s. 212.096(1)(a), located in rural enterprise zones
3117 as defined by s. 290.004, may receive the basic minimum credit
3118 provided under s. 212.096 for creating a new job and hiring a
3119 person residing within the jurisdiction of a rural community
3120 county, as defined by s. 288.106(2) ~~s. 288.106(1)(r)~~. All other
3121 provisions of s. 212.096, including, but not limited to, those
3122 relating to the award of enhanced credits, apply to such
3123 businesses.

3124 (2) Notwithstanding the enterprise zone residency
3125 requirements set out in s. 220.03(1)(q), businesses as defined
3126 by s. 220.03(1)(c), located in rural enterprise zones as defined
3127 in s. 290.004, may receive the basic minimum credit provided
3128 under s. 220.181 for creating a new job and hiring a person
3129 residing within the jurisdiction of a rural community ~~county~~, as
3130 defined by s. 288.106(2) ~~s. 288.106(1)(r)~~. All other provisions
3131 of s. 220.181, including, but not limited to, those relating to
3132 the award of enhanced credits apply to such businesses.

20101752e1

3133 Section 23. Effective July 1, 2010, section 373.441,
3134 Florida Statutes, is amended to read:

3135 373.441 Role of counties, municipalities, and local
3136 pollution control programs in permit processing; delegation.—

3137 (1) The department ~~in consultation with the water~~
3138 ~~management districts~~ shall, by December 1, 1994, adopt rules to
3139 guide the participation of counties, municipalities, and local
3140 pollution control programs in an efficient, streamlined
3141 permitting system. Such rules must ~~shall~~ seek to increase
3142 governmental efficiency, ~~shall~~ maintain environmental standards,
3143 and ~~shall~~ include consideration of ~~the following~~:

3144 (a) Provisions under which the environmental resource
3145 permit program are ~~shall be~~ delegated, upon approval of the
3146 department ~~and the appropriate water management districts~~, only
3147 to a county, municipality, or local pollution control program
3148 that ~~which~~ has the financial, technical, and administrative
3149 capabilities and desire to implement and enforce the program;

3150 (b) Provisions under which a locally delegated permit
3151 program may have stricter environmental standards than state
3152 standards;

3153 (c) Provisions for identifying and reconciling any
3154 duplicative permitting by January 1, 1995;

3155 (d) Provisions for timely and cost-efficient notification
3156 by the reviewing agency of permit applications, and permit
3157 requirements, to counties, municipalities, local pollution
3158 control programs, the department, or water management districts,
3159 as appropriate;

3160 (e) Provisions for ensuring the consistency of permit
3161 applications with local comprehensive plans;

20101752e1

3162 (f) Provisions for the partial delegation of the
3163 environmental resource permit program to counties,
3164 municipalities, or local pollution control programs, and
3165 standards and criteria to be employed in the implementation of
3166 such delegation by counties, municipalities, and local pollution
3167 control programs;

3168 (g) Special provisions under which the environmental
3169 resource permit program may be delegated to counties having ~~with~~
3170 populations of 75,000 or fewer ~~less~~, or municipalities with, or
3171 local pollution control programs serving, populations of 50,000
3172 or fewer ~~less~~; and

3173 (h) Provisions for the applicability of chapter 120 to
3174 local government programs when the environmental resource permit
3175 program is delegated to counties, municipalities, or local
3176 pollution control programs; and

3177 (i) Provisions for a local government to petition the
3178 Governor and Cabinet for the review of a request for a
3179 delegation of authority which has not been approved or denied
3180 within 1 year after being initiated.

3181 (2) Any denial by the department of a local government's
3182 request for a delegation of authority must provide specific
3183 detail of those statutory or rule provisions that were not
3184 satisfied. Such detail shall also include specific actions that
3185 can be taken in order to allow for the delegation of authority.
3186 A local government, upon being denied a request for a delegation
3187 of authority, may petition the Governor and Cabinet for a review
3188 of the request. The Governor and Cabinet may reverse the
3189 decision of the department and may provide any necessary
3190 conditions to allow the delegation of authority to occur.

20101752e1

3191 (3) Delegation of authority shall be approved if the local
3192 government meets the requirements set forth in rule 62-344,
3193 Florida Administrative Code. This section does not require a
3194 local government to seek delegation of the environmental
3195 resource permit program.

3196 (4)~~(2)~~ Nothing in this section affects or modifies land
3197 development regulations adopted by a local government to
3198 implement its comprehensive plan pursuant to chapter 163.

3199 (5)~~(3)~~ The department shall review environmental resource
3200 permit applications for electrical distribution and transmission
3201 lines and other facilities related to the production,
3202 transmission, and distribution of electricity which are not
3203 certified under ss. 403.52-403.5365, the Florida Electric
3204 Transmission Line Siting Act, regulated under this part.

3205 Section 24. Effective July 1, 2010, subsection (41) is
3206 added to section 403.061, Florida Statutes, to read:

3207 403.061 Department; powers and duties.—The department shall
3208 have the power and the duty to control and prohibit pollution of
3209 air and water in accordance with the law and rules adopted and
3210 promulgated by it and, for this purpose, to:

3211 (41) Expand the use of online self-certification for
3212 appropriate exemptions and general permits issued by the
3213 department or the water management districts if such expansion
3214 is economically feasible. Notwithstanding any other provisions
3215 of law, a local government may not specify the method or form
3216 for documenting that a project qualifies for an exemption or
3217 meets the requirements for a permit under chapter 161, chapter
3218 253, chapter 373, or this chapter. This preclusion of local
3219 government authority extends to Internet-based department

20101752e1

3220 programs that provide for self-certification.

3221
3222 The department shall implement such programs in conjunction with
3223 its other powers and duties and shall place special emphasis on
3224 reducing and eliminating contamination that presents a threat to
3225 humans, animals or plants, or to the environment.

3226 Section 25. The Office of Program Policy Analysis and
3227 Government Accountability shall review and evaluate the Florida
3228 Enterprise Zone Program in ss. 290.001-290.014, Florida
3229 Statutes, over the 2010 interim, and submit a report of its
3230 findings and recommendations to the Governor, the President of
3231 the Senate, and the Speaker of the House of Representatives by
3232 January 11, 2011. The review shall include, but need not be
3233 limited to: how the program has changed over the years since it
3234 was created; whether the program is effectively and efficiently
3235 addressing the issues that precipitated its creation; the direct
3236 and indirect costs of the program to the state and local
3237 governments that participate; whether the program's tax
3238 incentives are effectively designed to benefit economically
3239 distressed or high-poverty areas and their residents and
3240 business owners; and whether the application, review, and
3241 approval processes are transparent, effective, and efficient.

3242 Section 26. Funds in Specific Appropriation 2649 of chapter
3243 2008-152, Laws of Florida, for Space and Aerospace
3244 Infrastructure to make improvements to Launch Complex 36 on the
3245 45th Space Wing property may also be used for improvements to
3246 other launch complexes and space transportation facilities in
3247 order to attract new space vehicle testing and launch businesses
3248 to the state; to address intermodal requirements and impacts of

20101752e1

3249 the launch ranges, spaceports, and other space transportation
3250 facilities; to advance aerospace technology to meet the current
3251 and future needs of the United States commercial space
3252 transportation industry; and to assist in the development of
3253 joint-use facilities and technology that support aviation and
3254 aerospace operations, including high-altitude and suborbital
3255 flights and range technology development.

3256 Section 27. Effective July 1, 2010, the following
3257 appropriations for the 2010-2011 state fiscal year are
3258 authorized:

3259 (1) To the Office of Tourism, Trade, and Economic
3260 Development within the Office of the Governor, the sum of
3261 \$3,839,943 in nonrecurring funds from the General Revenue Fund
3262 to fund the operations of Space Florida.

3263 (2) To the Space Business Investment and Financial Services
3264 Trust Fund, the sum of \$10 million in nonrecurring funds from
3265 the General Revenue Fund. Notwithstanding s. 216.301 and
3266 pursuant to s. 216.351, any remaining funds from this
3267 appropriation as of June 30, 2011, shall remain in the trust
3268 fund and be available for carrying out the purpose of the trust
3269 fund.

3270 (3) To the Office of Tourism, Trade, and Economic
3271 Development within the Office of the Governor, the sum of \$3
3272 million in nonrecurring general revenue for the exclusive
3273 purpose of providing targeted-business-development support
3274 services and business recruitment through Space Florida.
3275 Activities and services may include securing federal programs
3276 and processes, identifying and securing new contract and grant
3277 opportunities for Florida businesses, assisting businesses in

20101752e1

3278 establishing operations, securing necessary qualifications and
3279 approvals, obtaining capital, and engaging company and federal
3280 officials to site new program elements including research,
3281 design, testing, and manufacturing work packages in Florida.
3282 Emphasis will be placed on assisting small- to medium-sized
3283 businesses on a statewide basis. These funds may not be used for
3284 administrative or operational costs of Space Florida.

3285 (4) To the Office of Tourism, Trade and Economic
3286 Development within the Office of the Governor, the sum of \$3.2
3287 million in nonrecurring general revenue exclusively for Space
3288 Florida to retrain workers as the result of the retirement of
3289 the Space Shuttle Program.

3290 Section 28. (1) The Legislature finds that it is in the
3291 best interests of the state to identify surplus properties and
3292 dispose of properties owned by the state which are unnecessary
3293 to achieving the state's responsibilities, which may cost more
3294 to maintain than the revenue generated, and which serve no
3295 public purpose.

3296 (2) On or before July 1, 2010, and annually thereafter, all
3297 state agencies owning or operating state-owned real property
3298 shall submit inventory data to the Department of Environmental
3299 Protection in a format as prescribed by the department.

3300 (3) By October 1, 2010, and annually thereafter, the
3301 Department of Environmental Protection shall submit to the
3302 Governor, the President of the Senate, and the Speaker of the
3303 House of Representatives a report that lists state-owned real
3304 property recommended for disposition.

3305 (4) Consistent with federal law and any bond covenants, the
3306 proceeds of the sale of real property under this section shall

20101752e1

3307 be deposited in the General Revenue Fund to be used, to the
3308 extent practical, for activities supporting economic development
3309 or as directed by the Legislature.

3310 Section 29. Before the 2013 Regular Session of the
3311 Legislature, the Office of Program Policy Analysis and
3312 Government Accountability shall conduct a review and evaluation
3313 of the effectiveness and viability of the Florida Research
3314 Commercialization Matching Grant Program. The office shall
3315 specifically evaluate the use of federal grants and private
3316 investment and the creation of new businesses and jobs. The
3317 office shall also recommend outcome measures for further
3318 evaluation of the program. The office shall submit a report of
3319 its findings and recommendations to the Governor, the President
3320 of the Senate, and the Speaker of the House of Representatives
3321 by January 15, 2013.

3322 Section 30. The Legislature hereby reauthorizes the
3323 following:

3324 (1) Any exemption granted for any project for which an
3325 application for development approval has been approved or filed
3326 pursuant to s. 380.06, Florida Statutes, or for which a complete
3327 development application or rescission request has been approved
3328 or is pending, and the application or rescission process is
3329 continuing in good faith, within a development that is located
3330 within an area that qualified for an exemption under s. 380.06,
3331 Florida Statutes, as amended by chapter 2009-96, Laws of
3332 Florida.

3333 (2) Any 2-year extension authorized and timely applied for
3334 pursuant to section 14 of chapter 2009-96, Laws of Florida.

3335 (3) Any amendment to a local comprehensive plan adopted

20101752e1

3336 pursuant to s. 163.3184, Florida Statutes, as amended by chapter
3337 2009-96, Laws of Florida, which authorizes and implements a
3338 transportation concurrency exception area pursuant to s.
3339 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws
3340 of Florida.

3341 (4) This section is intended to be remedial in nature and
3342 to reenact provisions of existing law. This act shall apply
3343 retroactively to all actions addressed in this section and
3344 therefore to any such actions pending as of the effective date
3345 of this act.

3346 Section 31. (1) Except as provided in subsection (4), a
3347 development order issued by a local government, building permit,
3348 permit issued by the Department of Environmental Protection, or
3349 permit issued by a water management district pursuant to part IV
3350 of chapter 373, Florida Statutes, which has an expiration date
3351 from September 1, 2008, through January 1, 2012, is extended and
3352 renewed for a period of 2 years following its previously
3353 scheduled date of expiration. This 2-year extension also applies
3354 to build-out dates including any extension of build-out date
3355 that was granted previously under s. 380.06(19)(c), Florida
3356 Statutes. This section does not prohibit conversion from the
3357 construction phase to the operation phase upon completion of
3358 construction. This extension is in addition to a 2-year permit
3359 extension under s. 14 of chapter 2009-96, Laws of Florida.

3360 (2) The commencement and completion dates for any required
3361 mitigation associated with a phased construction project are
3362 extended such that mitigation takes place in the same timeframe
3363 relative to the phase as originally permitted.

3364 (3) The holder of a valid permit or other authorization

20101752e1

3365 that is eligible for the 2-year extension must notify the
3366 authorizing agency in writing by December 31, 2010, identifying
3367 the specific authorization for which the holder intends to use
3368 the extension and the anticipated timeframe for acting on the
3369 authorization.

3370 (4) The extension provided for in subsection (1) does not
3371 apply to:

3372 (a) A permit or other authorization under any programmatic
3373 or regional general permit issued by the Army Corps of
3374 Engineers.

3375 (b) A permit or other authorization held by an owner or
3376 operator determined to be in significant noncompliance with the
3377 conditions of the permit or authorization as established through
3378 the issuance of a warning letter or notice of violation, the
3379 initiation of formal enforcement, or other equivalent action by
3380 the authorizing agency.

3381 (c) A permit or other authorization, if granted an
3382 extension that would delay or prevent compliance with a court
3383 order.

3384 (5) Permits extended under this section shall continue to
3385 be governed by rules in effect at the time the permit was
3386 issued, except if it can be demonstrated that the rules in
3387 effect at the time the permit was issued would create an
3388 immediate threat to public safety or health. This provision
3389 applies to any modification of the plans, terms, and conditions
3390 of the permit which lessens the environmental impact, except
3391 that any such modification does not extend the time limit beyond
3392 2 additional years.

3393 (6) This section does not impair the authority of a county

20101752e1

3394 or municipality to require the owner of a property that has
3395 notified the county or municipality of the owner's intention to
3396 receive the extension of time granted by this section to
3397 maintain and secure the property in a safe and sanitary
3398 condition in compliance with applicable laws and ordinances.

3399 Section 32. Section 47 of chapter 2009-82, Laws of Florida,
3400 is amended to read:

3401 Section 47. In order to implement Specific Appropriation
3402 1570 of the 2009-2010 General Appropriations Act:

3403 (1) The intent of the Legislature is to ensure that
3404 residents of the state derive the maximum possible economic
3405 benefit from the federal first-time homebuyer tax credit created
3406 through The American Recovery and Reinvestment Act of 2009 by
3407 providing subordinate down payment assistance loans to first-
3408 time homebuyers for owner-occupied primary residences which can
3409 be repaid by the income tax refund the homebuyer is entitled to
3410 under the First Time Homebuyer Credit. The state program shall
3411 be called the "Florida Homebuyer Opportunity Program."

3412 (2) The Florida Housing Finance Corporation shall
3413 administer the Florida Homebuyer Opportunity Program to optimize
3414 eligibility for conventional, VA, USDA, FHA, and other loan
3415 programs through the State Housing Initiatives Partnership
3416 program in accordance with ss. 420.907-420.9079, Florida
3417 Statutes, and the provisions of this section.

3418 (3) Prior to December 1, 2009, or any later date
3419 established by the Internal Revenue Service for such purchases,
3420 counties and eligible municipalities receiving funds shall
3421 expend the funds appropriated under Specific Appropriation 1570A
3422 only to provide subordinate loans to prospective first-time

20101752e1

3423 homebuyers under the Florida Homebuyer Opportunity Program
3424 pursuant to this section, except that up to 10 percent of such
3425 funds may be used to cover administrative expenses of the
3426 counties and eligible municipalities to implement the Florida
3427 Homebuyer Opportunity Program, and not more than .25 percent may
3428 be used to compensate the Florida Housing Finance Corporation
3429 for the expenses associated with compliance monitoring. The
3430 funds appropriated under Specific Appropriation 1570A may not be
3431 used for any other program currently existing under ss. 420.907-
3432 420.9079, Florida Statutes. Thereafter, the funds shall be
3433 expended in accordance with ss. 420.907-420.9079, Florida
3434 Statutes.

3435 (4) Notwithstanding s. 420.9075, Florida Statutes, for
3436 purposes of the Florida Homebuyer Opportunity Program, the
3437 following exceptions shall apply:

3438 (a) The maximum income limit shall be an adjusted gross
3439 income of \$75,000 for single taxpayer households or \$150,000 for
3440 joint-filing taxpayer households, which is equal to that
3441 permitted by the American Recovery and Reinvestment Act of 2009;

3442 (b) There is no requirement to reserve 30 percent of the
3443 funds for awards to very-low-income persons or 30 percent of the
3444 funds for awards to low-income persons;

3445 (c) There is no requirement to expend 75 percent of funds
3446 for construction, rehabilitation, or emergency repair; and

3447 (d) The principal balance of the loans provided may not
3448 exceed 10 percent of the purchase price or \$8,000, whichever is
3449 less.

3450 (5) Funds shall be expended under a newly created strategy
3451 in the local housing assistance plan to implement the Florida

20101752e1

3452 Homebuyer Opportunity Program.

3453 (6) The homebuyer shall be expected to use their federal
3454 income tax refund to fully repay the loan. If the county or
3455 eligible municipality receives repayment from the homebuyer
3456 within 18 months after the closing date of the loan, the county
3457 or eligible municipality shall waive all interest charges. A
3458 homebuyer who fails to fully repay the loan within the earlier
3459 of 18 months or 10 days after the receipt of their federal
3460 income tax refund, shall be subject to repayment terms provided
3461 in the local housing assistance plan, including penalties for
3462 not using his or her refund for repayment. Penalties may not
3463 exceed 10 percent of the loan amount and shall be included in
3464 the loan agreement with the homebuyer.

3465 (7) All funds repaid to a county or eligible municipality
3466 shall be considered "program income" as defined in s.
3467 420.9071(24), Florida Statutes.

3468 (8) In order to maximize the effect of the funding, the
3469 counties and eligible municipalities are encouraged to work with
3470 private lenders to provide additional funds to support the
3471 initiative. However, in all instances, the counties and eligible
3472 municipalities shall make and hold the subordinate loan.

3473 (9) This section expires July 1, 2011 ~~2010~~.

3474 Section 33. Preference to Florida residents.—

3475 (1) Each contract for construction which is funded by state
3476 funds must contain a provision requiring the contractor to give
3477 preference to the employment of state residents in the
3478 performance of the work on the project if state residents have
3479 substantially equal qualifications to those of nonresidents. A
3480 contract for construction funded by local funds may contain such

20101752e1

3481 a provision.

3482 (a) As used in this section, "substantially equal
3483 qualifications" means the qualifications of two or more persons
3484 among whom the employer cannot make a reasonable determination
3485 that the qualifications held by one person are better suited for
3486 the position than the qualifications held by the other parties.

3487 (b) A contractor required to employ Florida residents must
3488 contact the Agency for Workforce Innovation to post the
3489 contractor's employment needs in the state's job bank system.

3490 (2) No contract shall be let to any person refusing to
3491 execute an agreement containing the aforementioned provisions.
3492 However, in work involving the expenditure of federal aid funds,
3493 this section may not be enforced in such a manner as to conflict
3494 with or be contrary to federal law prescribing a labor
3495 preference to honorably discharged soldiers, sailors, and
3496 marines, or prohibiting as unlawful any other preference or
3497 discrimination among the citizens of the United States.

3498 Section 34. The sum of \$10 million is appropriated from the
3499 General Revenue Fund to the Florida Institute for the
3500 Commercialization of Public Research for the 2010-2011 fiscal
3501 year to fund the Phase I Florida Research Commercialization
3502 Matching Grants authorized in s. 288.9552, Florida Statutes.

3503 Section 35. Subject to an appropriation by the Legislature,
3504 funds shall be made available to the Board of Governors of the
3505 State University System from the General Revenue Fund solely to
3506 provide early stage seed-capital funding to proposals applying
3507 for the State University Research Commercialization Assistance
3508 Grant Program created by s. 2 of chapter 2007-189, Laws of
3509 Florida. Funds must be disbursed by the Board of Governors

20101752e1

3510 pursuant to grant agreements and contracts by the Florida
3511 Technology, Research, and Scholarship Board.

3512 Section 36. The sum of \$5 million in nonrecurring general
3513 revenue shall be provided to the Florida Export Finance
3514 Corporation for the purpose of capitalizing a self-sustaining
3515 cash collateral fund to be available to lenders participating in
3516 the corporation's existing loan guarantee program. The cash
3517 collateral fund must complement the corporation's existing loan
3518 and loan guarantee programs and otherwise comply with the
3519 requirements of part V of chapter 288, Florida Statutes.

3520 Section 37. The Legislature finds that this act fulfills an
3521 important state interest.

3522 Section 38. If any provision of this act or the application
3523 thereof to any person or circumstance is held invalid, the
3524 invalidity does not affect other provisions or applications of
3525 this act which can be given effect without the invalid provision
3526 or application, and to this end the provisions of this act are
3527 severable.

3528 Section 39. Except as otherwise expressly provided in this
3529 act, this act shall take effect upon becoming a law.