

20101752e2

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 or successor entity; amending s. 166.021, F.S.;
12 requiring an agency or entity that receives municipal
13 funds for economic development purposes pursuant to a
14 contract to submit a report on the use of the funds;
15 requiring the municipality to include the report in
16 its annual financial audit; requiring municipalities
17 to report on the provision of economic development
18 incentives to businesses to the Legislative Committee
19 on Intergovernmental Relations or successor entity;
20 amending s. 196.1995, F.S.; authorizing counties and
21 municipalities to extend economic development ad
22 valorem tax exemptions under certain circumstances;
23 amending s. 212.02, F.S.; defining the term
24 "fractional aircraft ownership program"; amending s.
25 212.031, F.S.; providing a partial exemption from the
26 tax on renting, leasing, letting, or granting a
27 license for the use of real property for property
28 rented, leased, subleased, or licensed to a person
29 providing certain services at convention halls, civic

20101752e2

30 centers, or public lodging establishments; providing
31 for application only to certain portions of payments;
32 providing for retroactive application; amending s.
33 212.04, F.S.; extending certain exemptions from the
34 admissions tax; expanding an exemption for admissions
35 to certain professional sporting events; amending s.
36 212.05, F.S.; deleting a requirement that a certain
37 penalty is mandatory and not waivable by the
38 Department of Revenue; deleting authorization to
39 return certain aircraft to the state for repairs
40 without liability for taxes and penalty under certain
41 circumstances; imposing a maximum limitation on the
42 amount of tax collected on sales of boats in this
43 state; creating s. 212.0597, F.S.; providing a maximum
44 tax on the sale or use of fractional aircraft
45 ownership interests; amending s. 212.08, F.S.;

46 redefining the terms "real property" and
47 "rehabilitation of real property" for purposes of the
48 sales tax exemption on certain building materials used
49 in the rehabilitation of real property used in an
50 enterprise zone; specifying procedures to claim a
51 sales tax credit under the entertainment industry
52 financial incentive program; providing an exemption
53 from the use tax for an aircraft that temporarily
54 enters the state or is temporarily in the state for
55 certain purposes; requiring documentation that
56 identifies the aircraft in order to qualify for the
57 exemption; providing that the exemption is in addition
58 to certain other exemptions; providing tax exemptions

20101752e2

59 on the sale or use of aircraft primarily used in a
60 fractional aircraft ownership program and for the
61 parts and labor used in the maintenance, repair, and
62 overhaul of such aircraft; authorizing the department
63 to adopt rules; amending s. 213.053, F.S.; authorizing
64 the Department of Revenue to provide tax credit
65 information to the Office of Film and Entertainment
66 and the Office of Tourism, Trade, and Economic
67 Development; amending s. 220.02, F.S.; providing for
68 tax credits pursuant to the entertainment industry
69 financial incentive program and the jobs for the
70 unemployed tax credit program to be taken against the
71 corporate income tax or the franchise tax after other
72 existing credits are taken; amending s. 220.13, F.S.;
73 revising the calculation of additions to adjusted
74 federal income; creating s. 220.1896, F.S.; creating
75 the jobs for the unemployed tax credit program to
76 provide a tax credit to certain businesses that employ
77 certain individuals who were previously unemployed
78 after a certain date; providing for applications for
79 certification under the program to be reviewed by
80 Enterprise Florida, Inc., and the Office of Tourism,
81 Trade, and Economic Development; providing criminal
82 penalties for fraudulent claims of a tax credit;
83 authorizing the Office of Tourism, Trade, and Economic
84 Development and the Department of Revenue to adopt
85 rules; providing for the expiration of the tax credit
86 program; creating s. 220.1899, F.S.; providing for
87 credits against the corporate income tax in the

20101752e2

88 amounts awarded under the entertainment industry
89 financial incentive program; providing for
90 carryforward of the tax credits under certain
91 circumstances; amending s. 288.018, F.S.; revising the
92 allowable uses for matching grants awarded under the
93 Regional Rural Development Grants Program; creating s.
94 288.0659, F.S.; creating the Local Government
95 Distressed Area Matching Grant Program within the
96 Office of Tourism, Trade, and Economic Development;
97 providing a program purpose; providing definitions;
98 authorizing the office to accept and administer
99 appropriated moneys to provide local government
100 distressed area matching grants; authorizing local
101 governments to apply for grants to match qualified
102 business assistance; providing qualifying requirements
103 for targeted businesses; specifying evaluation
104 criteria for reviewing grant requests; subjecting
105 grant approval to legislative appropriation; providing
106 limitations on expending funds; providing procedures
107 for approving grant allocations or disapproving
108 application; providing a process for making
109 preliminary and final grant awards; providing
110 requirements for grant recipients; providing for
111 revocation of grants; limiting the grant amount for
112 the qualified business assistance; authorizing the
113 office to retain certain funds for administrative
114 costs; amending s. 288.1045, F.S.; revising the
115 definition of the term "jobs" for purposes of the
116 qualified defense contractor and space flight business

20101752e2

117 tax refund program; amending s. 288.106, F.S.;
118 revising definitions, refund amounts, eligibility,
119 requirements, and procedures for the tax refund
120 program for qualified target industry businesses;
121 amending s. 288.107, F.S.; revising the definition of
122 the term "jobs" for purposes of brownfield
123 redevelopment bonus refunds; correcting a cross-
124 reference; amending s. 288.108, F.S.; revising the
125 definitions of the terms "eligible high-impact
126 business" and "jobs" for purposes of high-impact
127 sector performance grants; revising the guidelines for
128 negotiating the award of high-impact sector
129 performance grants; creating s. 288.1083, F.S.;
130 creating the Manufacturing and Spaceport Investment
131 Incentive Program within the Office of Tourism, Trade
132 and Economic Development; providing a purpose;
133 providing definitions; providing for refunds of sales
134 and use taxes paid on certain equipment purchases;
135 providing for allocation of refunds by the office;
136 limiting the amount of individual refunds; providing
137 application requirements and procedures; providing for
138 priority of allocations; providing requirements and
139 procedures for certification of refunds for eligible
140 equipment purchases; providing procedures for
141 allocating surplus amounts; providing refund
142 limitations; requiring the office to adopt emergency
143 rules; authorizing the office to establish guideline
144 for demonstrating certain purchases; providing for
145 future repeal; amending s. 288.1088, F.S.; revising

20101752e2

146 the process for legislative consultation and review of
147 Quick Action Closing Fund projects; authorizing
148 certain Quick Action Closing Fund businesses to
149 request renegotiation of their contracts; providing
150 for review and approval of the requests; providing for
151 the return of funds under certain circumstances;
152 providing for the reappropriation of returned funds;
153 providing for expiration; requiring that certain funds
154 be placed in reserve; providing for the release of
155 funds; providing for the reversion of funds; amending
156 s. 288.1089, F.S.; revising the definitions of the
157 term "jobs" for purposes of the Innovation Incentive
158 Program; amending s. 288.125, F.S.; redefining the
159 term "entertainment industry" to include digital media
160 projects; amending s. 288.1251, F.S.; requiring the
161 Office of Film and Entertainment to update its
162 strategic plan every 5 years; deleting requirements
163 for the Office of Film and Entertainment to represent
164 certain decisionmakers within the entertainment
165 industry and to act as a liaison between entertainment
166 industry producers and labor organizations; amending
167 s. 288.1252, F.S.; deleting obsolete provisions;
168 deleting the requirement for the Commissioner of Film
169 and Entertainment and a representative of the Florida
170 Tourism Marketing Council to serve as ex officio
171 members of the Film and Entertainment Advisory
172 Council; amending s. 288.1253, F.S.; eliminating
173 provisions authorizing the payment of travel expenses
174 to persons other than employees of the Office of Film

20101752e2

175 and Entertainment, the Governor and Lieutenant
176 Governor, and security staff; providing for the
177 payment of travel expenses through reimbursements;
178 amending s. 288.1254, F.S.; revising the entertainment
179 industry financial incentive program to provide
180 corporate income tax and sales and use tax credits to
181 qualified entertainment entities rather than
182 reimbursements from appropriations; revising
183 provisions relating to definitions, creation and
184 scope, application procedures, approval process,
185 eligibility, required documents, qualified and
186 certified productions, and annual reports; providing
187 duties and responsibilities of the Office of Film and
188 Entertainment, the Office of Tourism, Trade, and
189 Economic Development, and the Department of Revenue
190 relating to the tax credits; providing criteria and
191 limitations for awards of tax credits; providing for
192 uses, allocations, election, distributions, and
193 carryforward of the tax credits; providing for
194 withdrawal of tax credit eligibility; providing for
195 use of consolidated returns; providing for partnership
196 and noncorporate distributions of tax credits;
197 providing for succession of tax credits; providing for
198 relinquishment of tax credits; providing requirements
199 for transfer of tax credits; authorizing the Office of
200 Tourism, Trade, and Economic Development to adopt
201 rules, policies, and procedures; authorizing the
202 Department of Revenue to adopt rules and conduct
203 audits; providing for revocation and forfeiture of tax

20101752e2

204 credits; providing liability for reimbursement of
205 certain costs and fees associated with a fraudulent
206 claim; requiring an annual report to the Governor and
207 the Legislature; providing for future repeal; amending
208 s. 288.1258, F.S.; requiring the Office of Film and
209 Entertainment to include in its records certain ratios
210 of tax exemptions and incentives to the estimated
211 funds expended by a certified production; creating s.
212 288.9552, F.S.; creating the Florida Research
213 Commercialization Matching Grant Program; providing
214 program purposes, goals and objectives; providing for
215 administration of the program by the Florida Institute
216 for the Commercialization of Public Research;
217 providing eligibility guidelines; providing
218 application guidelines; providing peer review
219 guidelines; providing responsibilities of the program
220 administrator; providing application review
221 requirements and procedures; providing for grant
222 awards; providing reporting requirements; providing
223 for expiration unless reviewed and reenacted; amending
224 s. 288.9625, F.S.; revising the purpose of the
225 Institute for the Commercialization of Public
226 Research; deleting a requirement that Enterprise
227 Florida, Inc., contract with a state university to
228 fulfill the purposes of the institute; revising the
229 institute's powers and duties; requiring the institute
230 to administer a matching grant program to provide
231 financial assistance for certain early stage
232 companies; amending ss. 14.2015, 212.20, and 218.64,

20101752e2

233 F.S., relating to the Office of Tourism, Trade, and
234 Economic Development, the distribution of certain tax
235 proceeds, and the allocation of a portion of the local
236 government half-cent sales tax; conforming provisions
237 to changes made by the act; conforming cross-
238 references; amending s. 288.1162, F.S.; deleting
239 provisions relating to the certification and funding
240 of facilities for spring training baseball franchises;
241 authorizing the Auditor General to conduct audits to
242 verify whether certain funds for professional sports
243 franchises are used as required by law; requiring the
244 Auditor General to notify the Department of Revenue if
245 the funds are not used as required by law; creating s.
246 288.11621, F.S.; authorizing certain units of local
247 government to apply for certification to receive state
248 funding for a facility for a spring training
249 franchise; providing definitions; providing
250 eligibility requirements; providing criteria to
251 competitively evaluate applications for certification;
252 requiring a certified applicant to use the funds
253 awarded for specified public purposes and place
254 unexpended funds in a trust fund or separate account;
255 authorizing a certified applicant to request a
256 suspension of the distribution of funds for a
257 specified period under certain circumstances;
258 requiring the expenditure of funds by certain
259 certified applicants within a specified period;
260 requiring the completion of certain spring training
261 facility projects within a specified period; requiring

20101752e2

262 certified applicants to submit annual reports to the
263 Office of Tourism, Trade, and Economic Development;
264 requiring the office to decertify applicants under
265 certain circumstances; providing for delay in
266 decertification proceedings for local governments
267 certified before a specified date under certain
268 circumstances; providing for review of the office's
269 notice of intent to decertify an applicant; requiring
270 an applicant to repay unencumbered state funds and
271 interest after decertification; specifying
272 circumstances under which a certified applicant that
273 is a local government may not be decertified under
274 certain circumstances; requiring the office to develop
275 a strategic plan relating to baseball spring training
276 activities; requiring the office to adopt rules;
277 authorizing the Auditor General to conduct audits to
278 verify whether certified funds for baseball spring
279 training facilities are used as required by law;
280 requiring the Auditor General to notify the Department
281 of Revenue if the funds are not used as required by
282 law; amending s. 288.1229, F.S.; providing that the
283 Office of Tourism, Trade, and Economic Development may
284 authorize a direct-support organization to assist in
285 the retention of professional sports franchises;
286 recognizing the validity of specified agreements under
287 certain circumstances; amending s. 288.9913, F.S.;
288 revising the definition of the term "qualified active
289 low-income community business" for purposes of the New
290 Markets Development Program Act; amending s. 288.9920,

20101752e2

291 F.S.; extending the period within which a qualified
292 community development entity may cure an investment
293 deficiency; limiting the number of corrections
294 permitted for qualified equity investments; amending
295 s. 373.441, F.S.; revising provisions relating to
296 adoption of rules relating to permitting; requiring
297 the Department of Environmental Protection to adopt
298 rules that authorize a local government to petition
299 the Governor and Cabinet for certain delegation
300 requests; requiring the Department of Environmental
301 Protection to detail the statutes or rules that were
302 not satisfied by a local government that made a
303 request for delegation and to detail actions that
304 could be taken to allow for delegation; authorizing a
305 local government to petition the Governor and Cabinet
306 to review the denial of a delegation request;
307 providing for approval of a delegation of authority
308 that meets the requirements of certain rule
309 provisions; amending s. 403.061, F.S.; directing the
310 Department of Environmental Protection to expand the
311 use of online self-certification for certain
312 exemptions and permits; limiting the authority of
313 local governments to specify the method or form for
314 documenting that projects qualify for exemptions or
315 permits; amending s. 47 of chapter 2009-82, Laws of
316 Florida; delaying the expiration of the Florida
317 Homebuyer Opportunity Program; requiring the Office of
318 Program Policy Analysis and Government Accountability
319 to review the Enterprise Zone Program and submit a

20101752e2

320 report of its findings and recommendations to the
321 Governor, the President of the Senate, and the Speaker
322 of the House of Representatives; requiring the Office
323 of Program Policy Analysis and Government
324 Accountability to review and evaluate the Research
325 Commercialization Matching Grant Program and submit a
326 report of its findings to the Governor, the President
327 of the Senate, and the Speaker of the House of
328 Representatives; extending the expiration dates of
329 certain permits issued by the Department of
330 Environmental Protection or a water management
331 district; extending certain previously granted
332 buildout dates; requiring a permit holder to notify the
333 authorizing agency of its intended use of the
334 extension; exempting certain permits from eligibility
335 for an extension; providing for applicability of rules
336 governing permits; declaring that certain provisions
337 do not impair the authority of counties and
338 municipalities under certain circumstances; providing
339 legislative intent; reauthorizing certain exemptions,
340 2-year extensions, and local comprehensive plan
341 amendments granted, authorized, or adopted under
342 general law and in effect as of a certain date;
343 providing construction; providing for retroactive
344 application; authorizing the funds in specific
345 appropriation 2649 of chapter 2008-152, Laws of
346 Florida, to be used for additional space-related
347 economic-development purposes; specifying requirements
348 for fuel tank upgrades; extending certain fuel service

20101752e2

349 facility order deadlines; specifying compliance
350 requirements; requiring that construction contracts
351 funded by state funds contain a provision requiring
352 the contractor to give preference to the employment of
353 state residents if they have substantially equal
354 qualifications as nonresidents; defining the term
355 "substantially equal qualifications"; providing a
356 finding that the act fulfills an important state
357 interest; providing severability; providing
358 appropriations; providing effective dates.

359
360 Be It Enacted by the Legislature of the State of Florida:

361
362 Section 1. Effective July 1, 2010, subsections (4) and (5)
363 are added to section 125.045, Florida Statutes, to read:

364 125.045 County economic development powers.—

365 (4) A contract between the governing body of a county or
366 other entity engaged in economic development activities on
367 behalf of the county and an economic development agency must
368 require the agency or entity receiving county funds to submit a
369 report to the governing body of the county detailing how county
370 funds were spent and detailing the results of the economic
371 development agency's or entity's efforts on behalf of the
372 county. By January 15, 2011, and annually thereafter, the county
373 must file a copy of the report with the Legislative Committee on
374 Intergovernmental Relations or its successor entity and post a
375 copy of the report on the county's website.

376 (5) (a) By January 15, 2011, and annually thereafter, each
377 county shall report to the Legislative Committee on

20101752e2

378 Intergovernmental Relations or its successor entity the economic
379 development incentives in excess of \$25,000 given to any
380 business during the county's previous fiscal year. The
381 Legislative Committee on Intergovernmental Relations or its
382 successor entity shall provide the report to the Office of
383 Tourism, Trade, and Economic Development. Economic development
384 incentives include:

385 1. Direct financial incentives of monetary assistance
386 provided to a business from the county or through an
387 organization authorized by the county. Such incentives include,
388 but are not limited to, grants, loans, equity investments, loan
389 insurance and guarantees, and training subsidies.

390 2. Indirect incentives in the form of grants and loans
391 provided to businesses and community organizations that provide
392 support to businesses or promote business investment or
393 development.

394 3. Fee-based or tax-based incentives, including, but not
395 limited to, credits, refunds, exemptions, and property tax
396 abatement or assessment reductions.

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

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

401 (c) The Legislative Committee on Intergovernmental
402 Relations or its successor entity shall compile the economic
403 development incentives provided by each county in a manner that
404 shows the total of each class of economic development incentives
405 provided by each county and all counties.

406 Section 2. Effective July 1, 2010, paragraph (d) of

20101752e2

407 subsection (9) of section 166.021, Florida Statutes, is
408 redesignated as paragraph (f) and amended, and new paragraphs
409 (d) and (e) are added to that subsection, to read:

410 166.021 Powers.—

411 (9)

412 (d) A contract between the governing body of a municipality
413 or other entity engaged in economic development activities on
414 behalf of the municipality and an economic development agency
415 must require the agency or entity receiving municipal funds to
416 submit a report to the governing body of the municipality
417 detailing how the municipal funds are spent and detailing the
418 results of the economic development agency's or entity's efforts
419 on behalf of the municipality. By January 15, 2011, and annually
420 thereafter, the municipality shall file a copy of the report
421 with the Legislative Committee on Intergovernmental Relations or
422 its successor entity and post a copy of the report on the
423 municipality's website.

424 (e)1. By January 15, 2011, and annually thereafter, each
425 municipality having annual revenues or expenditures greater than
426 \$250,000 shall report to the Legislative Committee on
427 Intergovernmental Relations or its successor entity the economic
428 development incentives in excess of \$25,000 given to any
429 business during the municipality's previous fiscal year. The
430 Legislative Committee on Intergovernmental Relations or its
431 successor entity shall provide the report to the Office of
432 Tourism, Trade, and Economic Development. Economic development
433 incentives include:

434 a. Direct financial incentives of monetary assistance
435 provided to a business from the municipality or through an

20101752e2

436 organization authorized by the municipality. Such incentives
437 include, but are not limited to, grants, loans, equity
438 investments, loan insurance and guarantees, and training
439 subsidies.

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

444 c. Fee-based or tax-based incentives, including, but not
445 limited to, credits, refunds, exemptions, and property tax
446 abatement or assessment reductions.

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

448 2. A municipality shall report its economic development
449 incentives in the format specified by the Legislative Committee
450 on Intergovernmental Relations or its successor entity.

451 3. The Legislative Committee on Intergovernmental Relations
452 or its successor entity shall compile the economic development
453 incentives provided by each municipality in a manner that shows
454 the total of each class of economic development incentives
455 provided by each municipality and all municipalities.

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

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

461 196.1995 Economic development ad valorem tax exemption.—

462 (7) The authority to grant exemptions under this section
463 expires ~~will expire~~ 10 years after the date such authority was
464 approved in an election, but such authority may be renewed for

20101752e2

465 subsequent ~~another~~ 10-year periods if each 10-year renewal is
466 approved ~~period~~ in a referendum called and held pursuant to this
467 section.

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

470 212.02 Definitions.—The following terms and phrases when
471 used in this chapter have the meanings ascribed to them in this
472 section, except where the context clearly indicates a different
473 meaning:

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

479 Section 5. Effective July 1, 2010, paragraph (a) of
480 subsection (1) of section 212.031, Florida Statutes, is amended
481 to read:

482 212.031 Tax on rental or license fee for use of real
483 property.—

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

- 488 1. Assessed as agricultural property under s. 193.461.
- 489 2. Used exclusively as dwelling units.
- 490 3. Property subject to tax on parking, docking, or storage
491 spaces under s. 212.03(6).
- 492 4. Recreational property or the common elements of a
493 condominium when subject to a lease between the developer or

20101752e2

494 owner thereof and the condominium association in its own right
495 or as agent for the owners of individual condominium units or
496 the owners of individual condominium units. However, only the
497 lease payments on such property shall be exempt from the tax
498 imposed by this chapter, and any other use made by the owner or
499 the condominium association shall be fully taxable under this
500 chapter.

501 5. A public or private street or right-of-way and poles,
502 conduits, fixtures, and similar improvements located on such
503 streets or rights-of-way, occupied or used by a utility or
504 provider of communications services, as defined by s. 202.11,
505 for utility or communications or television purposes. For
506 purposes of this subparagraph, the term "utility" means any
507 person providing utility services as defined in s. 203.012. This
508 exception also applies to property, wherever located, on which
509 the following are placed: towers, antennas, cables, accessory
510 structures, or equipment, not including switching equipment,
511 used in the provision of mobile communications services as
512 defined in s. 202.11. For purposes of this chapter, towers used
513 in the provision of mobile communications services, as defined
514 in s. 202.11, are considered to be fixtures.

515 6. A public street or road which is used for transportation
516 purposes.

517 7. Property used at an airport exclusively for the purpose
518 of aircraft landing or aircraft taxiing or property used by an
519 airline for the purpose of loading or unloading passengers or
520 property onto or from aircraft or for fueling aircraft.

521 8.a. Property used at a port authority, as defined in s.
522 315.02(2), exclusively for the purpose of oceangoing vessels or

20101752e2

523 tugs docking, or such vessels mooring on property used by a port
524 authority for the purpose of loading or unloading passengers or
525 cargo onto or from such a vessel, or property used at a port
526 authority for fueling such vessels, or to the extent that the
527 amount paid for the use of any property at the port is based on
528 the charge for the amount of tonnage actually imported or
529 exported through the port by a tenant.

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

534 9. Property used as an integral part of the performance of
535 qualified production services. As used in this subparagraph, the
536 term "qualified production services" means any activity or
537 service performed directly in connection with the production of
538 a qualified motion picture, as defined in s. 212.06(1)(b), and
539 includes:

540 a. Photography, sound and recording, casting, location
541 managing and scouting, shooting, creation of special and optical
542 effects, animation, adaptation (language, media, electronic, or
543 otherwise), technological modifications, computer graphics, set
544 and stage support (such as electricians, lighting designers and
545 operators, greensmen, prop managers and assistants, and grips),
546 wardrobe (design, preparation, and management), hair and makeup
547 (design, production, and application), performing (such as
548 acting, dancing, and playing), designing and executing stunts,
549 coaching, consulting, writing, scoring, composing,
550 choreographing, script supervising, directing, producing,
551 transmitting dailies, dubbing, mixing, editing, cutting,

20101752e2

552 looping, printing, processing, duplicating, storing, and
553 distributing;

554 b. The design, planning, engineering, construction,
555 alteration, repair, and maintenance of real or personal property
556 including stages, sets, props, models, paintings, and facilities
557 principally required for the performance of those services
558 listed in sub-subparagraph a.; and

559 c. Property management services directly related to
560 property used in connection with the services described in sub-
561 subparagraphs a. and b.

562
563 This exemption will inure to the taxpayer upon presentation of
564 the certificate of exemption issued to the taxpayer under the
565 provisions of s. 288.1258.

566 10. Leased, subleased, licensed, or rented to a person
567 providing food and drink concessionaire services within the
568 premises of a convention hall, exhibition hall, auditorium,
569 stadium, theater, arena, civic center, performing arts center,
570 publicly owned recreational facility, or any business operated
571 under a permit issued pursuant to chapter 550. A person
572 providing retail concessionaire services involving the sale of
573 food and drink or other tangible personal property within the
574 premises of an airport shall be subject to tax on the rental of
575 real property used for that purpose, but shall not be subject to
576 the tax on any license to use the property. For purposes of this
577 subparagraph, the term "sale" shall not include the leasing of
578 tangible personal property.

579 11. Property occupied pursuant to an instrument calling for
580 payments which the department has declared, in a Technical

20101752e2

581 Assistance Advisement issued on or before March 15, 1993, to be
582 nontaxable pursuant to rule 12A-1.070(19)(c), Florida
583 Administrative Code; provided that this subparagraph shall only
584 apply to property occupied by the same person before and after
585 the execution of the subject instrument and only to those
586 payments made pursuant to such instrument, exclusive of renewals
587 and extensions thereof occurring after March 15, 1993.

588 12. Rented, leased, subleased, or licensed to a
589 concessionaire by a convention hall, exhibition hall,
590 auditorium, stadium, theater, arena, civic center, performing
591 arts center, or publicly owned recreational facility, during an
592 event at the facility, to be used by the concessionaire to sell
593 souvenirs, novelties, or other event-related products. This
594 subparagraph applies only to that portion of the rental, lease,
595 or license payment which is based on a percentage of sales and
596 not based on a fixed price. This subparagraph is repealed July
597 1, 2009.

598 13. Property used or occupied predominantly for space
599 flight business purposes. As used in this subparagraph, "space
600 flight business" means the manufacturing, processing, or
601 assembly of a space facility, space propulsion system, space
602 vehicle, satellite, or station of any kind possessing the
603 capacity for space flight, as defined by s. 212.02(23), or
604 components thereof, and also means the following activities
605 supporting space flight: vehicle launch activities, flight
606 operations, ground control or ground support, and all
607 administrative activities directly related thereto. Property
608 shall be deemed to be used or occupied predominantly for space
609 flight business purposes if more than 50 percent of the

20101752e2

610 property, or improvements thereon, is used for one or more space
611 flight business purposes. Possession by a landlord, lessor, or
612 licensor of a signed written statement from the tenant, lessee,
613 or licensee claiming the exemption shall relieve the landlord,
614 lessor, or licensor from the responsibility of collecting the
615 tax, and the department shall look solely to the tenant, lessee,
616 or licensee for recovery of such tax if it determines that the
617 exemption was not applicable.

618 14. Rented, leased, subleased, or licensed to a person
619 providing telecommunications, data systems management, or
620 Internet services at a publicly or privately owned convention
621 hall, civic center, or meeting space at a public lodging
622 establishment as defined in s. 509.013. This subparagraph
623 applies only to that portion of the rental, lease, or license
624 payment that is based upon a percentage of sales, revenue
625 sharing, or royalty payments and not based upon a fixed price.
626 This subparagraph is intended to be clarifying and remedial in
627 nature and shall apply retroactively. This subparagraph does not
628 provide a basis for an assessment of any tax not paid, or create
629 a right to a refund of any tax paid, pursuant to this section
630 before July 1, 2010.

631 Section 6. Paragraph (a) of subsection (2) of section
632 212.04, Florida Statutes, is reenacted and amended to read:

633 212.04 Admissions tax; rate, procedure, enforcement.—

634 (2) (a) 1. No tax shall be levied on admissions to athletic
635 or other events sponsored by elementary schools, junior high
636 schools, middle schools, high schools, community colleges,
637 public or private colleges and universities, deaf and blind
638 schools, facilities of the youth services programs of the

20101752e2

639 Department of Children and Family Services, and state
640 correctional institutions when only student, faculty, or inmate
641 talent is used. However, this exemption shall not apply to
642 admission to athletic events sponsored by a state university,
643 and the proceeds of the tax collected on such admissions shall
644 be retained and used by each institution to support women's
645 athletics as provided in s. 1006.71(2)(c).

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

652 b. No tax shall be levied on admission charges to an event
653 sponsored by a governmental entity, sports authority, or sports
654 commission when held in a convention hall, exhibition hall,
655 auditorium, stadium, theater, arena, civic center, performing
656 arts center, or publicly owned recreational facility and when
657 100 percent of the risk of success or failure lies with the
658 sponsor of the event and 100 percent of the funds at risk for
659 the event belong to the sponsor, and student or faculty talent
660 is not exclusively used. As used in this sub-subparagraph, the
661 terms "sports authority" and "sports commission" mean a
662 nonprofit organization that is exempt from federal income tax
663 under s. 501(c)(3) of the Internal Revenue Code and that
664 contracts with a county or municipal government for the purpose
665 of promoting and attracting sports-tourism events to the
666 community with which it contracts. ~~This sub-subparagraph is~~
667 ~~repealed July 1, 2009.~~

20101752e2

668 3. No tax shall be levied on an admission paid by a
669 student, or on the student's behalf, to any required place of
670 sport or recreation if the student's participation in the sport
671 or recreational activity is required as a part of a program or
672 activity sponsored by, and under the jurisdiction of, the
673 student's educational institution, provided his or her
674 attendance is as a participant and not as a spectator.

675 4. No tax shall be levied on admissions to the National
676 Football League championship game or Pro Bowl; ~~or~~ on admissions to
677 any semifinal game or championship game of a national collegiate
678 tournament; ~~or~~ on admissions to a Major League Baseball,
679 National Basketball Association, or National Hockey League all-
680 star game; on admissions to the Major League Baseball Home Run
681 Derby held before the Major League Baseball All-Star Game; or on
682 admissions to the National Basketball Association Rookie
683 Challenge, Celebrity Game, 3-Point Shooting Contest, or Slam
684 Dunk Challenge.

685 5. A participation fee or sponsorship fee imposed by a
686 governmental entity as described in s. 212.08(6) for an athletic
687 or recreational program is exempt when the governmental entity
688 by itself, or in conjunction with an organization exempt under
689 s. 501(c)(3) of the Internal Revenue Code of 1954, as amended,
690 sponsors, administers, plans, supervises, directs, and controls
691 the athletic or recreational program.

692 6. Also exempt from the tax imposed by this section to the
693 extent provided in this subparagraph are admissions to live
694 theater, live opera, or live ballet productions in this state
695 which are sponsored by an organization that has received a
696 determination from the Internal Revenue Service that the

20101752e2

697 organization is exempt from federal income tax under s.
698 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
699 the organization actively participates in planning and
700 conducting the event, is responsible for the safety and success
701 of the event, is organized for the purpose of sponsoring live
702 theater, live opera, or live ballet productions in this state,
703 has more than 10,000 subscribing members and has among the
704 stated purposes in its charter the promotion of arts education
705 in the communities which it serves, and will receive at least 20
706 percent of the net profits, if any, of the events which the
707 organization sponsors and will bear the risk of at least 20
708 percent of the losses, if any, from the events which it sponsors
709 if the organization employs other persons as agents to provide
710 services in connection with a sponsored event. Prior to March 1
711 of each year, such organization may apply to the department for
712 a certificate of exemption for admissions to such events
713 sponsored in this state by the organization during the
714 immediately following state fiscal year. The application shall
715 state the total dollar amount of admissions receipts collected
716 by the organization or its agents from such events in this state
717 sponsored by the organization or its agents in the year
718 immediately preceding the year in which the organization applies
719 for the exemption. Such organization shall receive the exemption
720 only to the extent of \$1.5 million multiplied by the ratio that
721 such receipts bear to the total of such receipts of all
722 organizations applying for the exemption in such year; however,
723 in no event shall such exemption granted to any organization
724 exceed 6 percent of such admissions receipts collected by the
725 organization or its agents in the year immediately preceding the

20101752e2

726 year in which the organization applies for the exemption. Each
727 organization receiving the exemption shall report each month to
728 the department the total admissions receipts collected from such
729 events sponsored by the organization during the preceding month
730 and shall remit to the department an amount equal to 6 percent
731 of such receipts reduced by any amount remaining under the
732 exemption. Tickets for such events sold by such organizations
733 shall not reflect the tax otherwise imposed under this section.

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

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

740 9. No tax shall be levied on admissions to any postseason
741 collegiate football game sanctioned by the National Collegiate
742 Athletic Association.

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

746 212.05 Sales, storage, use tax.—It is hereby declared to be
747 the legislative intent that every person is exercising a taxable
748 privilege who engages in the business of selling tangible
749 personal property at retail in this state, including the
750 business of making mail order sales, or who rents or furnishes
751 any of the things or services taxable under this chapter, or who
752 stores for use or consumption in this state any item or article
753 of tangible personal property as defined herein and who leases
754 or rents such property within the state.

20101752e2

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

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

763 b. Each occasional or isolated sale of an aircraft, boat,
764 mobile home, or motor vehicle of a class or type which is
765 required to be registered, licensed, titled, or documented in
766 this state or by the United States Government shall be subject
767 to tax at the rate provided in this paragraph. The department
768 shall by rule adopt any nationally recognized publication for
769 valuation of used motor vehicles as the reference price list for
770 any used motor vehicle which is required to be licensed pursuant
771 to s. 320.08(1), (2), (3)(a), (b), (c), or (e), or (9). If any
772 party to an occasional or isolated sale of such a vehicle
773 reports to the tax collector a sales price which is less than 80
774 percent of the average loan price for the specified model and
775 year of such vehicle as listed in the most recent reference
776 price list, the tax levied under this paragraph shall be
777 computed by the department on such average loan price unless the
778 parties to the sale have provided to the tax collector an
779 affidavit signed by each party, or other substantial proof,
780 stating the actual sales price. Any party to such sale who
781 reports a sales price less than the actual sales price is guilty
782 of a misdemeanor of the first degree, punishable as provided in
783 s. 775.082 or s. 775.083. The department shall collect or

20101752e2

784 attempt to collect from such party any delinquent sales taxes.
785 In addition, such party shall pay any tax due and any penalty
786 and interest assessed plus a penalty equal to twice the amount
787 of the additional tax owed. Notwithstanding any other provision
788 of law, the Department of Revenue may waive or compromise any
789 penalty imposed pursuant to this subparagraph.

790 2. This paragraph does not apply to the sale of a boat or
791 aircraft by or through a registered dealer under this chapter to
792 a purchaser who, at the time of taking delivery, is a
793 nonresident of this state, does not make his or her permanent
794 place of abode in this state, and is not engaged in carrying on
795 in this state any employment, trade, business, or profession in
796 which the boat or aircraft will be used in this state, or is a
797 corporation none of the officers or directors of which is a
798 resident of, or makes his or her permanent place of abode in,
799 this state, or is a noncorporate entity that has no individual
800 vested with authority to participate in the management,
801 direction, or control of the entity's affairs who is a resident
802 of, or makes his or her permanent abode in, this state. For
803 purposes of this exemption, either a registered dealer acting on
804 his or her own behalf as seller, a registered dealer acting as
805 broker on behalf of a seller, or a registered dealer acting as
806 broker on behalf of the purchaser may be deemed to be the
807 selling dealer. This exemption shall not be allowed unless:

808 a. The purchaser removes a qualifying boat, as described in
809 sub-subparagraph f., from the state within 90 days after the
810 date of purchase or extension, or the purchaser removes a
811 nonqualifying boat or an aircraft from this state within 10 days
812 after the date of purchase or, when the boat or aircraft is

20101752e2

813 repaired or altered, within 20 days after completion of the
814 repairs or alterations;

815 b. The purchaser, within 30 days from the date of
816 departure, shall provide the department with written proof that
817 the purchaser licensed, registered, titled, or documented the
818 boat or aircraft outside the state. If such written proof is
819 unavailable, within 30 days the purchaser shall provide proof
820 that the purchaser applied for such license, title,
821 registration, or documentation. The purchaser shall forward to
822 the department proof of title, license, registration, or
823 documentation upon receipt;

824 c. The purchaser, within 10 days of removing the boat or
825 aircraft from Florida, shall furnish the department with proof
826 of removal in the form of receipts for fuel, dockage, slippage,
827 tie-down, or hangaring from outside of Florida. The information
828 so provided must clearly and specifically identify the boat or
829 aircraft;

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

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

837 f. Unless the nonresident purchaser of a boat of 5 net tons
838 of admeasurement or larger intends to remove the boat from this
839 state within 10 days after the date of purchase or when the boat
840 is repaired or altered, within 20 days after completion of the
841 repairs or alterations, the nonresident purchaser shall apply to

20101752e2

842 the selling dealer for a decal which authorizes 90 days after
843 the date of purchase for removal of the boat. The nonresident
844 purchaser of a qualifying boat may apply to the selling dealer
845 within 60 days after the date of purchase for an extension decal
846 that authorizes the boat to remain in this state for an
847 additional 90 days, but not more than a total of 180 days,
848 before the nonresident purchaser is required to pay the tax
849 imposed by this chapter. The department is authorized to issue
850 decals in advance to dealers. The number of decals issued in
851 advance to a dealer shall be consistent with the volume of the
852 dealer's past sales of boats which qualify under this sub-
853 subparagraph. The selling dealer or his or her agent shall mark
854 and affix the decals to qualifying boats in the manner
855 prescribed by the department, prior to delivery of the boat.

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

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

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

864 (IV) The department is authorized to require dealers who
865 purchase decals to file reports with the department and may
866 prescribe all necessary records by rule. All such records are
867 subject to inspection by the department.

868 (V) Any dealer or his or her agent who issues a decal
869 falsely, fails to affix a decal, mismarks the expiration date of
870 a decal, or fails to properly account for decals will be

20101752e2

871 considered prima facie to have committed a fraudulent act to
872 evade the tax and will be liable for payment of the tax plus a
873 mandatory penalty of 200 percent of the tax, and shall be liable
874 for fine and punishment as provided by law for a conviction of a
875 misdemeanor of the first degree, as provided in s. 775.082 or s.
876 775.083.

877 (VI) Any nonresident purchaser of a boat who removes a
878 decal prior to permanently removing the boat from the state, or
879 defaces, changes, modifies, or alters a decal in a manner
880 affecting its expiration date prior to its expiration, or who
881 causes or allows the same to be done by another, will be
882 considered prima facie to have committed a fraudulent act to
883 evade the tax and will be liable for payment of the tax plus a
884 mandatory penalty of 200 percent of the tax, and shall be liable
885 for fine and punishment as provided by law for a conviction of a
886 misdemeanor of the first degree, as provided in s. 775.082 or s.
887 775.083.

888 (VII) The department is authorized to adopt rules necessary
889 to administer and enforce this subparagraph and to publish the
890 necessary forms and instructions.

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

894
895 If the purchaser fails to remove the qualifying boat from this
896 state within the maximum 180 days after purchase or a
897 nonqualifying boat or an aircraft from this state within 10 days
898 after purchase or, when the boat or aircraft is repaired or
899 altered, within 20 days after completion of such repairs or

20101752e2

900 alterations, or permits the boat or aircraft to return to this
901 state within 6 months from the date of departure, except as
902 provided in s. 212.08(7)(ggg), or if the purchaser fails to
903 furnish the department with any of the documentation required by
904 this subparagraph within the prescribed time period, the
905 purchaser shall be liable for use tax on the cost price of the
906 boat or aircraft and, in addition thereto, payment of a penalty
907 to the Department of Revenue equal to the tax payable. This
908 penalty shall be in lieu of the penalty imposed by s. 212.12(2)
909 and is mandatory and shall not be waived by the department. The
910 maximum 180-day period following the sale of a qualifying boat
911 tax-exempt to a nonresident may not be tolled for any reason.
912 ~~Notwithstanding other provisions of this paragraph to the~~
913 ~~contrary, an aircraft purchased in this state under the~~
914 ~~provisions of this paragraph may be returned to this state for~~
915 ~~repairs within 6 months after the date of its departure without~~
916 ~~being in violation of the law and without incurring liability~~
917 ~~for the payment of tax or penalty on the purchase price of the~~
918 ~~aircraft if the aircraft is removed from this state within 20~~
919 ~~days after the completion of the repairs and if such removal can~~
920 ~~be demonstrated by invoices for fuel, tie-down, hangar charges~~
921 ~~issued by out-of-state vendors or suppliers, or similar~~
922 ~~documentation.~~

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

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

20101752e2

929 212.0597 Maximum tax on fractional aircraft ownership
930 interests.—The maximum tax imposed under this chapter, including
931 any discretionary sales surtax under s. 212.055, is limited to
932 \$300 on the sale or use in this state of a fractional ownership
933 interest in aircraft pursuant to a fractional aircraft ownership
934 program. The tax applies to the total consideration paid for the
935 fractional ownership interest, including any amounts paid by the
936 fractional owner as monthly management or maintenance fees. The
937 tax applies only if the fractional ownership interest is sold by
938 or to the program manager of the fractional aircraft ownership
939 program, or if the fractional ownership interest is transferred
940 upon the approval of the program manager of the fractional
941 aircraft ownership program.

942 Section 9. Effective July 1, 2010, paragraphs (b) and (g)
943 of subsection (5) of section 212.08, Florida Statutes, are
944 amended, paragraph (q) is added to that subsection, and
945 paragraphs (ggg) and (hhh) are added to subsection (7) of that
946 section, to read:

947 212.08 Sales, rental, use, consumption, distribution, and
948 storage tax; specified exemptions.—The sale at retail, the
949 rental, the use, the consumption, the distribution, and the
950 storage to be used or consumed in this state of the following
951 are hereby specifically exempt from the tax imposed by this
952 chapter.

953 (5) EXEMPTIONS; ACCOUNT OF USE.—

954 (b) *Machinery and equipment used to increase productive*
955 *output.—*

956 1. Industrial machinery and equipment purchased for
957 exclusive use by a new business in spaceport activities as

20101752e2

958 defined by s. 212.02 or for use in new businesses that ~~which~~
959 manufacture, process, compound, or produce for sale items of
960 tangible personal property at fixed locations are exempt from
961 the tax imposed by this chapter upon an affirmative showing by
962 the taxpayer to the satisfaction of the department that such
963 items are used in a new business in this state. Such purchases
964 must be made prior to the date the business first begins its
965 productive operations, and delivery of the purchased item must
966 be made within 12 months after ~~of~~ that date.

967 2. Industrial machinery and equipment purchased for
968 exclusive use by an expanding facility which is engaged in
969 spaceport activities as defined by s. 212.02 or for use in
970 expanding manufacturing facilities or plant units which
971 manufacture, process, compound, or produce for sale items of
972 tangible personal property at fixed locations in this state are
973 exempt from any amount of tax imposed by this chapter upon an
974 affirmative showing by the taxpayer to the satisfaction of the
975 department that such items are used to increase the productive
976 output of such expanded facility or business by not less than 10
977 percent.

978 3.a. To receive an exemption provided by subparagraph 1. or
979 subparagraph 2., a qualifying business entity shall apply to the
980 department for a temporary tax exemption permit. The application
981 shall state that a new business exemption or expanded business
982 exemption is being sought. Upon a tentative affirmative
983 determination by the department pursuant to subparagraph 1. or
984 subparagraph 2., the department shall issue such permit.

985 b. The applicant shall ~~be required to~~ maintain all
986 necessary books and records to support the exemption. Upon

20101752e2

987 completion of purchases of qualified machinery and equipment
988 pursuant to subparagraph 1. or subparagraph 2., the temporary
989 tax permit shall be delivered to the department or returned to
990 the department by certified or registered mail.

991 c. If, in a subsequent audit conducted by the department,
992 it is determined that the machinery and equipment purchased as
993 exempt under subparagraph 1. or subparagraph 2. did not meet the
994 criteria mandated by this paragraph or if commencement of
995 production did not occur, the amount of taxes exempted at the
996 time of purchase shall immediately be due and payable to the
997 department by the business entity, together with the appropriate
998 interest and penalty, computed from the date of purchase, in the
999 manner prescribed by this chapter.

1000 d. ~~If in the event~~ a qualifying business entity fails to
1001 apply for a temporary exemption permit or if the tentative
1002 determination by the department required to obtain a temporary
1003 exemption permit is negative, a qualifying business entity shall
1004 receive the exemption provided in subparagraph 1. or
1005 subparagraph 2. through a refund of previously paid taxes. No
1006 refund may be made for such taxes unless the criteria mandated
1007 by subparagraph 1. or subparagraph 2. have been met and
1008 commencement of production has occurred.

1009 4. The department shall adopt rules governing applications
1010 for, issuance of, and the form of temporary tax exemption
1011 permits; provisions for recapture of taxes; and the manner and
1012 form of refund applications, and may establish guidelines as to
1013 the requisites for an affirmative showing of increased
1014 productive output, commencement of production, and qualification
1015 for exemption.

20101752e2

1016 5. The exemptions provided in subparagraphs 1. and 2. do
1017 not apply to machinery or equipment purchased or used by
1018 electric utility companies, communications companies, oil or gas
1019 exploration or production operations, publishing firms that do
1020 not export at least 50 percent of their finished product out of
1021 the state, any firm subject to regulation by the Division of
1022 Hotels and Restaurants of the Department of Business and
1023 Professional Regulation, or any firm that ~~which~~ does not
1024 manufacture, process, compound, or produce for sale items of
1025 tangible personal property or that ~~which~~ does not use such
1026 machinery and equipment in spaceport activities as required by
1027 this paragraph. The exemptions provided in subparagraphs 1. and
1028 2. shall apply to machinery and equipment purchased for use in
1029 phosphate or other solid minerals severance, mining, or
1030 processing operations.

1031 6. For the purposes of the exemptions provided in
1032 subparagraphs 1. and 2., these terms have the following meanings:

1033 a. "Industrial machinery and equipment" means tangible
1034 personal property or other property that has a depreciable life
1035 of 3 years or more and that is used as an integral part in the
1036 manufacturing, processing, compounding, or production of
1037 tangible personal property for sale or is exclusively used in
1038 spaceport activities. A building and its structural components
1039 are not industrial machinery and equipment unless the building
1040 or structural component is so closely related to the industrial
1041 machinery and equipment that it houses or supports that the
1042 building or structural component can be expected to be replaced
1043 when the machinery and equipment are replaced. Heating and air-
1044 conditioning systems are not industrial machinery and equipment

20101752e2

1045 unless the sole justification for their installation is to meet
1046 the requirements of the production process, even though the
1047 system may provide incidental comfort to employees or serve, to
1048 an insubstantial degree, nonproduction activities. The term
1049 includes parts and accessories only to the extent that the
1050 exemption thereof is consistent with the provisions of this
1051 paragraph.

1052 b. "Productive output" means the number of units actually
1053 produced by a single plant, or operation, or product line in a
1054 single continuous 12-month period, irrespective of sales.
1055 Increases in productive output shall be measured by the output
1056 for 12 continuous months selected by the expanding business
1057 ~~immediately~~ following the completion of installation of such
1058 machinery or equipment over the output for the 12 continuous
1059 months immediately preceding such installation. However, ~~if a~~
1060 ~~different 12-month continuous period of time would more~~
1061 ~~accurately reflect the increase in productive output of~~
1062 ~~machinery and equipment purchased to facilitate an expansion,~~
1063 ~~the increase in productive output may be measured during that~~
1064 ~~12-month continuous period of time if such time period is~~
1065 ~~mutually agreed upon by the Department of Revenue and the~~
1066 ~~expanding business prior to the commencement of production;~~
1067 ~~provided, however,~~ in no case may such time period begin later
1068 than 2 years following the completion of installation of the new
1069 machinery and equipment. The units used to measure productive
1070 output shall be physically comparable between the two periods,
1071 irrespective of sales.

1072 (g) *Building materials used in the rehabilitation of real*
1073 *property located in an enterprise zone.*—

20101752e2

1074 1. Building materials used in the rehabilitation of real
1075 property located in an enterprise zone are ~~shall be~~ exempt from
1076 the tax imposed by this chapter upon an affirmative showing to
1077 the satisfaction of the department that the items have been used
1078 for the rehabilitation of real property located in an enterprise
1079 zone. Except as provided in subparagraph 2., this exemption
1080 inures to the owner, lessee, or lessor of the rehabilitated real
1081 property located in an enterprise zone only through a refund of
1082 previously paid taxes. To receive a refund pursuant to this
1083 paragraph, the owner, lessee, or lessor of the rehabilitated
1084 real property located in an enterprise zone must file an
1085 application under oath with the governing body or enterprise
1086 zone development agency having jurisdiction over the enterprise
1087 zone where the business is located, as applicable, which
1088 includes:

1089 a. The name and address of the person claiming the refund.

1090 b. An address and assessment roll parcel number of the
1091 rehabilitated real property in an enterprise zone for which a
1092 refund of previously paid taxes is being sought.

1093 c. A description of the improvements made to accomplish the
1094 rehabilitation of the real property.

1095 d. A copy of the building permit issued for the
1096 rehabilitation of the real property.

1097 e. A sworn statement, under the penalty of perjury, from
1098 the general contractor licensed in this state with whom the
1099 applicant contracted to make the improvements necessary to
1100 accomplish the rehabilitation of the real property, which
1101 statement lists the building materials used in the
1102 rehabilitation of the real property, the actual cost of the

20101752e2

1103 building materials, and the amount of sales tax paid in this
1104 state on the building materials. If ~~In the event that~~ a general
1105 contractor has not been used, the applicant shall provide this
1106 information in a sworn statement, under the penalty of perjury.
1107 Copies of the invoices that ~~which~~ evidence the purchase of the
1108 building materials used in such rehabilitation and the payment
1109 of sales tax on the building materials shall be attached to the
1110 sworn statement provided by the general contractor or by the
1111 applicant. Unless the actual cost of building materials used in
1112 the rehabilitation of real property and the payment of sales
1113 taxes due thereon is documented by a general contractor or by
1114 the applicant in this manner, the cost of such building
1115 materials shall be an amount equal to 40 percent of the increase
1116 in assessed value for ad valorem tax purposes.

1117 f. The identifying number assigned pursuant to s. 290.0065
1118 to the enterprise zone in which the rehabilitated real property
1119 is located.

1120 g. A certification by the local building code inspector
1121 that the improvements necessary to accomplish the rehabilitation
1122 of the real property are substantially completed.

1123 h. Whether the business is a small business as defined by
1124 s. 288.703(1).

1125 i. If applicable, the name and address of each permanent
1126 employee of the business, including, for each employee who is a
1127 resident of an enterprise zone, the identifying number assigned
1128 pursuant to s. 290.0065 to the enterprise zone in which the
1129 employee resides.

1130 2. This exemption inures to a municipality ~~city~~, county,
1131 other governmental agency, or nonprofit community-based

20101752e2

1132 organization through a refund of previously paid taxes if the
1133 building materials used in the rehabilitation of real property
1134 located in an enterprise zone are paid for from the funds of a
1135 community development block grant, State Housing Initiatives
1136 Partnership Program, or similar grant or loan program. To
1137 receive a refund pursuant to this paragraph, a municipality
1138 ~~city~~, county, other governmental agency, or nonprofit community-
1139 based organization must file an application that ~~which~~ includes
1140 the same information required to be provided in subparagraph 1.
1141 by an owner, lessee, or lessor of rehabilitated real property.
1142 In addition, the application must include a sworn statement
1143 signed by the chief executive officer of the municipality ~~city~~,
1144 county, other governmental agency, or nonprofit community-based
1145 organization seeking a refund which states that the building
1146 materials for which a refund is sought were paid for from the
1147 funds of a community development block grant, State Housing
1148 Initiatives Partnership Program, or similar grant or loan
1149 program.

1150 3. Within 10 working days after receipt of an application,
1151 the governing body or enterprise zone development agency shall
1152 review the application to determine if it contains all the
1153 information required pursuant to subparagraph 1. or subparagraph
1154 2. and meets the criteria set out in this paragraph. The
1155 governing body or agency shall certify all applications that
1156 contain the information required pursuant to subparagraph 1. or
1157 subparagraph 2. and that meet the criteria set out in this
1158 paragraph as eligible to receive a refund. If applicable, the
1159 governing body or agency shall also certify if 20 percent of the
1160 employees of the business are residents of an enterprise zone,

20101752e2

1161 excluding temporary and part-time employees. The certification
1162 shall be in writing, and a copy of the certification shall be
1163 transmitted to the executive director of the department ~~of~~
1164 ~~Revenue~~. The applicant is ~~shall be~~ responsible for forwarding a
1165 certified application to the department within the time
1166 specified in subparagraph 4.

1167 4. An application for a refund pursuant to this paragraph
1168 must be submitted to the department within 6 months after the
1169 rehabilitation of the property is deemed to be substantially
1170 completed by the local building code inspector or by September 1
1171 after the rehabilitated property is first subject to assessment.

1172 5. Not more than one exemption through a refund of
1173 previously paid taxes for the rehabilitation of real property
1174 shall be permitted for any single parcel of property unless
1175 there is a change in ownership, a new lessor, or a new lessee of
1176 the real property. No refund shall be granted pursuant to this
1177 paragraph unless the amount to be refunded exceeds \$500. No
1178 refund granted pursuant to this paragraph shall exceed the
1179 lesser of 97 percent of the Florida sales or use tax paid on the
1180 cost of the building materials used in the rehabilitation of the
1181 real property as determined pursuant to sub-subparagraph 1.e. or
1182 \$5,000, or, if no less than 20 percent of the employees of the
1183 business are residents of an enterprise zone, excluding
1184 temporary and part-time employees, the amount of refund granted
1185 pursuant to this paragraph may ~~shall~~ not exceed the lesser of 97
1186 percent of the sales tax paid on the cost of such building
1187 materials or \$10,000. A refund approved pursuant to this
1188 paragraph shall be made within 30 days after ~~of~~ formal approval
1189 by the department of the application for the refund. This

20101752e2

1190 subparagraph applies ~~shall apply~~ retroactively to July 1, 2005.

1191 6. The department shall adopt rules governing the manner
1192 and form of refund applications and may establish guidelines as
1193 to the requisites for an affirmative showing of qualification
1194 for exemption under this paragraph.

1195 7. The department shall deduct an amount equal to 10
1196 percent of each refund granted under ~~the provisions of~~ this
1197 paragraph from the amount transferred into the Local Government
1198 Half-cent Sales Tax Clearing Trust Fund pursuant to s. 212.20
1199 for the county area in which the rehabilitated real property is
1200 located and shall transfer that amount to the General Revenue
1201 Fund.

1202 8. For the purposes of the exemption provided in this
1203 paragraph, the term:

1204 a. "Building materials" means tangible personal property
1205 that ~~which~~ becomes a component part of improvements to real
1206 property.

1207 b. "Real property" has the same meaning as provided in s.
1208 192.001(12), except that the term does not include a condominium
1209 parcel or condominium property as defined in s. 718.103.

1210 c. "Rehabilitation of real property" means the
1211 reconstruction, renovation, restoration, rehabilitation,
1212 construction, or expansion of improvements to real property.

1213 d. "Substantially completed" has the same meaning as
1214 provided in s. 192.042(1).

1215 9. This paragraph expires on the date specified in s.
1216 290.016 for the expiration of the Florida Enterprise Zone Act.

1217 (q) Entertainment industry tax credit; authorization;
1218 eligibility for credits.—The credits against the state sales tax

20101752e2

1219 authorized pursuant to s. 288.1254 shall be deducted from any
1220 sales and use tax remitted by the dealer to the department by
1221 electronic funds transfer and may only be deducted on a sales
1222 and use tax return initiated through electronic data
1223 interchange. The dealer shall separately state the credit on the
1224 electronic return. The net amount of tax due and payable must be
1225 remitted by electronic funds transfer. If the credit for the
1226 qualified expenditures is larger than the amount owed on the
1227 sales and use tax return that is eligible for the credit, the
1228 unused amount of the credit may be carried forward to a
1229 succeeding reporting period as provided in s. 288.1254(4)(e). A
1230 dealer may only obtain a credit using the method described in
1231 this subparagraph. A dealer is not authorized to obtain a credit
1232 by applying for a refund.

1233 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
1234 entity by this chapter do not inure to any transaction that is
1235 otherwise taxable under this chapter when payment is made by a
1236 representative or employee of the entity by any means,
1237 including, but not limited to, cash, check, or credit card, even
1238 when that representative or employee is subsequently reimbursed
1239 by the entity. In addition, exemptions provided to any entity by
1240 this subsection do not inure to any transaction that is
1241 otherwise taxable under this chapter unless the entity has
1242 obtained a sales tax exemption certificate from the department
1243 or the entity obtains or provides other documentation as
1244 required by the department. Eligible purchases or leases made
1245 with such a certificate must be in strict compliance with this
1246 subsection and departmental rules, and any person who makes an
1247 exempt purchase with a certificate that is not in strict

20101752e2

1248 compliance with this subsection and the rules is liable for and
1249 shall pay the tax. The department may adopt rules to administer
1250 this subsection.

1251 (ggg) Aircraft temporarily in the state—

1252 1. An aircraft owned by a nonresident is exempt from the
1253 use tax imposed by this chapter if the aircraft enters and
1254 remains in this state for less than a total of 21 days during
1255 the 6-month period after the date of purchase. The temporary use
1256 of the aircraft and subsequent removal from this state may be
1257 proven by invoices for fuel, tie-down, or hangar charges issued
1258 by out-of-state vendors or suppliers or similar documentation
1259 that clearly and specifically identifies the aircraft. The
1260 exemption created by this subparagraph is in addition to the
1261 exemptions provided in subparagraph 2. and s. 212.05(1) (a).

1262 2. An aircraft owned by a nonresident is exempt from the
1263 use tax imposed by this chapter if the aircraft enters or
1264 remains in this state exclusively for the purpose of flight
1265 training, repairs, alterations, refitting, or modification. Such
1266 purposes must be supported by written documentation issued by
1267 in-state vendors or suppliers which clearly and specifically
1268 identifies the aircraft. The exemption created by this
1269 subparagraph is in addition to the exemptions provided in
1270 subparagraph 1. and s. 212.05(1) (a).

1271 (hhh) Fractional aircraft ownership programs—The sale or
1272 use of aircraft primarily used in a fractional aircraft
1273 ownership program or of any parts or labor used in the
1274 completion, maintenance, repair, or overhaul of such aircraft is
1275 exempt from the tax imposed by this chapter. The exemption is
1276 not allowed unless the program manager of the fractional

20101752e2

1277 aircraft ownership program furnishes the dealer with a
1278 certificate stating that the lease, purchase, repair, or
1279 maintenance is for aircraft primarily used in a fractional
1280 aircraft ownership program and that the program manager
1281 qualifies for the exemption. If a program manager makes tax-
1282 exempt purchases on a continual basis, the program manager may
1283 allow the dealer to keep the certificate on file. The program
1284 manager must inform a dealer that keeps the certificate on file
1285 if the program manager no longer qualifies for the exemption.
1286 The department may adopt rules to administer this paragraph,
1287 including rules determining the format of the certificate.

1288 Section 10. Effective July 1, 2010, paragraph (z) is added
1289 to subsection (8) of section 213.053, Florida Statutes, to read:

1290 213.053 Confidentiality and information sharing.—

1291 (8) Notwithstanding any other provision of this section,
1292 the department may provide:

1293 (z) Information relative to tax credits taken under s.
1294 288.1254 to the Office of Film and Entertainment and the Office
1295 of Tourism, Trade, and Economic Development.

1296
1297 Disclosure of information under this subsection shall be
1298 pursuant to a written agreement between the executive director
1299 and the agency. Such agencies, governmental or nongovernmental,
1300 shall be bound by the same requirements of confidentiality as
1301 the Department of Revenue. Breach of confidentiality is a
1302 misdemeanor of the first degree, punishable as provided by s.
1303 775.082 or s. 775.083.

1304 Section 11. Effective July 1, 2010, subsection (8) of
1305 section 220.02, Florida Statutes, is amended to read:

20101752e2

1306 220.02 Legislative intent.—

1307 (8) It is the intent of the Legislature that credits
1308 against either the corporate income tax or the franchise tax be
1309 applied in the following order: those enumerated in s. 631.828,
1310 those enumerated in s. 220.191, those enumerated in s. 220.181,
1311 those enumerated in s. 220.183, those enumerated in s. 220.182,
1312 those enumerated in s. 220.1895, those enumerated in s. 221.02,
1313 those enumerated in s. 220.184, those enumerated in s. 220.186,
1314 those enumerated in s. 220.1845, those enumerated in s. 220.19,
1315 those enumerated in s. 220.185, those enumerated in s. 220.187,
1316 those enumerated in s. 220.192, those enumerated in s. 220.193,
1317 ~~and~~ those enumerated in s. 288.9916, those enumerated in s.
1318 220.1899, and those enumerated in s. 220.1896.

1319 Section 12. Paragraph (a) of subsection (1) of section
1320 220.13, Florida Statutes, is amended to read:

1321 220.13 "Adjusted federal income" defined.—

1322 (1) The term "adjusted federal income" means an amount
1323 equal to the taxpayer's taxable income as defined in subsection
1324 (2), or such taxable income of more than one taxpayer as
1325 provided in s. 220.131, for the taxable year, adjusted as
1326 follows:

1327 (a) *Additions.*—There shall be added to such taxable income:

1328 1. The amount of any tax upon or measured by income,
1329 excluding taxes based on gross receipts or revenues, paid or
1330 accrued as a liability to the District of Columbia or any state
1331 of the United States which is deductible from gross income in
1332 the computation of taxable income for the taxable year.

1333 2. The amount of interest which is excluded from taxable
1334 income under s. 103(a) of the Internal Revenue Code or any other

20101752e2

1335 federal law, less the associated expenses disallowed in the
1336 computation of taxable income under s. 265 of the Internal
1337 Revenue Code or any other law, excluding 60 percent of any
1338 amounts included in alternative minimum taxable income, as
1339 defined in s. 55(b)(2) of the Internal Revenue Code, if the
1340 taxpayer pays tax under s. 220.11(3).

1341 3. In the case of a regulated investment company or real
1342 estate investment trust, an amount equal to the excess of the
1343 net long-term capital gain for the taxable year over the amount
1344 of the capital gain dividends attributable to the taxable year.

1345 4. That portion of the wages or salaries paid or incurred
1346 for the taxable year which is equal to the amount of the credit
1347 allowable for the taxable year under s. 220.181. This
1348 subparagraph shall expire on the date specified in s. 290.016
1349 for the expiration of the Florida Enterprise Zone Act.

1350 5. That portion of the ad valorem school taxes paid or
1351 incurred for the taxable year which is equal to the amount of
1352 the credit allowable for the taxable year under s. 220.182. This
1353 subparagraph shall expire on the date specified in s. 290.016
1354 for the expiration of the Florida Enterprise Zone Act.

1355 6. The amount of emergency excise tax paid or accrued as a
1356 liability to this state under chapter 221 which tax is
1357 deductible from gross income in the computation of taxable
1358 income for the taxable year.

1359 7. That portion of assessments to fund a guaranty
1360 association incurred for the taxable year which is equal to the
1361 amount of the credit allowable for the taxable year.

1362 8. In the case of a nonprofit corporation which holds a
1363 pari-mutuel permit and which is exempt from federal income tax

20101752e2

1364 as a farmers' cooperative, an amount equal to the excess of the
1365 gross income attributable to the pari-mutuel operations over the
1366 attributable expenses for the taxable year.

1367 9. The amount taken as a credit for the taxable year under
1368 s. 220.1895.

1369 10. Up to nine percent of the eligible basis of any
1370 designated project which is equal to the credit allowable for
1371 the taxable year under s. 220.185.

1372 11. The amount taken as a credit for the taxable year under
1373 s. 220.187.

1374 12. The amount taken as a credit for the taxable year under
1375 s. 220.192.

1376 13. The amount taken as a credit for the taxable year under
1377 s. 220.193.

1378 14. Any portion of a qualified investment, as defined in s.
1379 288.9913, which is claimed as a deduction by the taxpayer and
1380 taken as a credit against income tax pursuant to s. 288.9916.

1381 15. The costs to acquire a tax credit pursuant to s.
1382 288.1254(5) that are deducted from or otherwise reduce federal
1383 taxable income for the taxable year.

1384 Section 13. Effective July 1, 2010, section 220.1896,
1385 Florida Statutes, is created to read:

1386 220.1896 Jobs for the Unemployed Tax Credit Program.-

1387 (1) As used in this section, the term:

1388 (a) "Eligible business" means any target industry business
1389 as defined in s. 288.106(2) which is subject to the tax imposed
1390 by this chapter. The eligible business does not have to be
1391 certified to receive the Qualified Target Industry Tax Refund
1392 Incentive under s. 288.106 in order to receive the tax credit

20101752e2

1393 available under this section.

1394 (b) "Office" means the Office of Tourism, Trade, and
1395 Economic Development.

1396 (c) "Qualified employee" means a person:

1397 1. Who was unemployed at least 30 days immediately prior to
1398 being hired by an eligible business.

1399 2. Who was hired by an eligible business on or after July
1400 1, 2010, and had not previously been employed by the eligible
1401 business or its parent or an affiliated corporation.

1402 3. Who performed duties connected to the operations of the
1403 eligible business on a regular, full-time basis for an average
1404 of at least 36 hours per week and for at least 12 months before
1405 an eligible business is awarded a tax credit.

1406 4. Whose employment by the eligible business has not formed
1407 the basis for any other claim to a credit pursuant to this
1408 section.

1409 (2) A certified business shall receive a \$1,000 tax credit
1410 for each qualified employee, pursuant to limitation in
1411 subsection (5).

1412 (3) (a) In order to become a certified business, an eligible
1413 business must file under oath with the office an application
1414 that includes:

1415 1. The name, address and NAICS identifying code of the
1416 eligible business.

1417 2. Relevant employment information.

1418 3. A sworn affidavit, signed by each employee, attesting to
1419 his or her previous unemployment for whom the eligible business
1420 is seeking credits under this section.

1421 4. Verification that the wages paid by the eligible

20101752e2

1422 business to each of its qualified employees exceeds the wage
1423 eligibility levels for Medicaid and other public assistance
1424 programs.

1425 5. Any other information necessary to process the
1426 application.

1427 (b) The office shall process applications to certify a
1428 business in the order in which the applications are received,
1429 without regard as to whether the applicant is a new or an
1430 existing business. The office shall review and approve or deny
1431 an application within 10 days after receiving a completed
1432 application. The office shall notify the applicant in writing as
1433 to the office's decision.

1434 (c)1. The office shall submit a copy of the letter of
1435 certification to the department within 10 days after the office
1436 issues the letter of certification to the applicant.

1437 2. If the application of an eligible business is not
1438 sufficient to certify the applicant business, the office must
1439 deny the application and issue a notice of denial to the
1440 applicant.

1441 3. If the application of an eligible business does not
1442 contain sufficient documentation of the number of qualified
1443 employees, the office shall approve the application with respect
1444 to the employees for whom the office determines are qualified
1445 employees. The office must deny the application with respect to
1446 persons for whom the office determines are not qualified
1447 employees or for whom insufficient documentation has been
1448 provided. A business may not submit a revised application for
1449 certification or for the determination of a person as a
1450 qualified employee more than 3 months after the issuance of a

20101752e2

1451 notice of denial with respect to the business or a particular
1452 person as a qualified employee.

1453 (4) The applicant for a tax credit under this section has
1454 the responsibility to affirmatively demonstrate to the
1455 satisfaction of the office and the department that the applicant
1456 and the persons claimed as qualified employees meet the
1457 requirements of this section.

1458 (5) The total amount of tax credits under this section
1459 which may be approved by the office for all applicants is \$10
1460 million, with \$5 million available to be awarded in the 2011-
1461 2012 fiscal year and \$5 million available to be awarded in the
1462 2012-2013 fiscal year.

1463 (6) A tax credit amount that is granted under this section
1464 which is not fully used in the first year for which it becomes
1465 available, may be carried forward to the subsequent taxable
1466 year. The carryover credit may be used in the subsequent year if
1467 the tax imposed by this chapter for such year exceeds the credit
1468 for such year under this section after applying the other
1469 credits and unused credit carryovers in the order provided in s.
1470 220.02(8).

1471 (7) A person who fraudulently claims a credit under this
1472 section is liable for repayment of the credit plus a mandatory
1473 penalty of 100 percent of the credit. Such person also commits a
1474 misdemeanor of the second degree, punishable as provided in s.
1475 775.082 or s. 775.083.

1476 (8) The office may adopt rules governing the manner and
1477 form of applications for the tax credit. The office may
1478 establish guidelines for making an affirmative showing of
1479 qualification for the tax credit under this section.

20101752e2

1480 (9) The department may adopt rules to administer this
1481 section, including rules relating to the creation of forms to
1482 claim a tax credit and examination and audit procedures required
1483 to administer this section.

1484 (10) This section expires June 30, 2012. However, a
1485 taxpayer that is awarded a tax credit in the second year of the
1486 program may carry forward any unused credit amount to the
1487 subsequent tax reporting period. Rules adopted by the department
1488 to administer this section shall remain valid as long as a
1489 taxpayer may use a credit against its corporate income tax
1490 liability.

1491 Section 14. Effective July 1, 2010, section 220.1899,
1492 Florida Statutes, is created to read:

1493 220.1899 Entertainment industry tax credit.-

1494 (1) There shall be a credit allowed against the tax imposed
1495 by this chapter in the amounts awarded by the Office of Tourism,
1496 Trade, and Economic Development under the entertainment industry
1497 financial incentive program in s. 288.1254.

1498 (2) A qualified production company as defined in s.
1499 288.1254 that is awarded a tax credit under s. 288.1254 may not
1500 claim the credit before July 1, 2011, regardless of when the
1501 credit is awarded.

1502 (3) To the extent that the amount of a tax credit exceeds
1503 the amount due on a return, the balance of the credit may be
1504 carried forward to a succeeding taxable year pursuant to s.
1505 288.1254(4)(e).

1506 Section 15. Subsection (1) of section 288.018, Florida
1507 Statutes, is amended to read:

1508 288.018 Regional Rural Development Grants Program.-

20101752e2

1509 (1) The Office of Tourism, Trade, and Economic Development
1510 shall establish a matching grant program to provide funding to
1511 regionally based economic development organizations representing
1512 rural counties and communities for the purpose of building the
1513 professional capacity of their organizations. Such matching
1514 grants may also be used by an economic development organization
1515 to provide technical assistance to businesses within the rural
1516 counties and communities that it serves. The Office of Tourism,
1517 Trade, and Economic Development is authorized to approve, on an
1518 annual basis, grants to such regionally based economic
1519 development organizations. The maximum amount an organization
1520 may receive in any year will be \$35,000, or \$100,000 in a rural
1521 area of critical economic concern recommended by the Rural
1522 Economic Development Initiative and designated by the Governor,
1523 and must be matched each year by an equivalent amount of
1524 nonstate resources.

1525 Section 16. Effective July 1, 2010, section 288.0659,
1526 Florida Statutes, is created to read:

1527 288.0659 Local Government Distressed Area Matching Grant
1528 Program.—

1529 (1) The Local Government Distressed Area Matching Grant
1530 Program is created within the Office of Tourism, Trade, and
1531 Economic Development. The purpose of the program is to stimulate
1532 investment in the state's economy by providing grants to match
1533 demonstrated business assistance by local governments to attract
1534 and retain businesses in this state.

1535 (2) As used in this section, the term:

1536 (a) "Local government" means a county or municipality.

1537 (b) "Office" means the Office of Tourism, Trade, and

20101752e2

1538 Economic Development.

1539 (c) "Qualified business assistance" means economic
1540 incentives provided by a local government for the purpose of
1541 attracting or retaining a specific business, including, but not
1542 limited to, suspensions, waivers, or reductions of impact fees
1543 or permit fees; direct incentive payments; expenditures for
1544 onsite or offsite improvements directly benefiting a specific
1545 business; or construction or renovation of buildings for a
1546 specific business.

1547 (3) The office may accept and administer moneys
1548 appropriated to the office for providing grants to match
1549 expenditures by local governments to attract or retain
1550 businesses in this state.

1551 (4) A local government may apply for grants to match
1552 qualified business assistance made by the local government for
1553 the purpose of attracting or retaining a specific business. A
1554 local government may apply for no more than one grant per
1555 targeted business. A local government may only have one
1556 application pending with the office. Additional applications may
1557 be filed after a previous application has been approved or
1558 denied.

1559 (5) To qualify for a grant, the business being targeted by
1560 a local government must create at least 15 full-time jobs, must
1561 be new to this state, must be expanding its operations in this
1562 state, or would otherwise leave the state absent state and local
1563 assistance, and the local government applying for the grant must
1564 expedite its permitting processes for the target business by
1565 accelerating the normal review and approval timelines. In
1566 addition to these requirements, the office shall review the

20101752e2

1567 grant requests using the following evaluation criteria, with
1568 priority given in descending order:

1569 (a) The presence and degree of pervasive poverty,
1570 unemployment, and general distress as determined pursuant to s.
1571 290.0058 in the area where the business will locate, with
1572 priority given to locations with greater degrees of poverty,
1573 unemployment, and general distress.

1574 (b) The extent of reliance on the local government
1575 expenditure as an inducement for the business's location
1576 decision, with priority given to higher levels of local
1577 government expenditure.

1578 (c) The number of new full-time jobs created, with priority
1579 given to higher numbers of jobs created.

1580 (d) The average hourly wage for jobs created, with priority
1581 given to higher average wages.

1582 (e) The amount of capital investment to be made by the
1583 business, with priority given to higher amounts of capital
1584 investment.

1585 (6) In evaluating grant requests, the office shall take
1586 into consideration the need for grant assistance as it relates
1587 to the local government's general fund balance as well as local
1588 incentive programs that are already in existence.

1589 (7) Funds made available pursuant to this section may not
1590 be expended in connection with the relocation of a business from
1591 one community to another community in this state unless the
1592 office determines that without such relocation the business will
1593 move outside this state or determines that the business has a
1594 compelling economic rationale for the relocation which creates
1595 additional jobs. Funds made available pursuant to this section

20101752e2

1596 may not be used by the receiving local government to supplant
1597 matching commitments required of the local government pursuant
1598 to other state or federal incentive programs.

1599 (8) Within 30 days after the office receives an application
1600 for a grant, the office shall approve a preliminary grant
1601 allocation or disapprove the application. The preliminary grant
1602 allocation shall be based on estimates of qualified business
1603 assistance submitted by the local government and shall equal 50
1604 percent of the amount of the estimated qualified business
1605 assistance or \$50,000, whichever is less. The preliminary grant
1606 allocation shall be executed by contract with the local
1607 government. The contract shall set forth the terms and
1608 conditions, including the timeframes within which the final
1609 grant award will be disbursed. The final grant award may not
1610 exceed the preliminary grant allocation. The office may approve
1611 preliminary grant allocations only to the extent that funds are
1612 appropriated for such grants by the Legislature.

1613 (a) Preliminary grant allocations that are revoked or
1614 voluntarily surrendered shall be immediately available for
1615 reallocation.

1616 (b) Recipients of preliminary grant allocations shall
1617 promptly report to the office the date on which the local
1618 government's permitting and approval process is completed and
1619 the date on which all qualified business assistance are
1620 completed.

1621 (9) The office shall make a final grant award to a local
1622 government within 30 days after receiving information from the
1623 local government sufficient to demonstrate actual qualified
1624 business assistance. An awarded grant amount shall equal 50

20101752e2

1625 percent of the amount of the qualified business assistance or
1626 \$50,000, whichever is less, and may not exceed the preliminary
1627 grant allocation. The amount by which a preliminary grant
1628 allocation exceeds a final grant award shall be immediately
1629 available for reallocation.

1630 (10) Up to 2 percent of the funds appropriated annually be
1631 the Legislature for the program may be used by the office for
1632 direct administrative costs associated with implementing this
1633 section.

1634 Section 17. Paragraph (j) of subsection (1) of section
1635 288.1045, Florida Statutes, is amended to read:

1636 288.1045 Qualified defense contractor and space flight
1637 business tax refund program.—

1638 (1) DEFINITIONS.—As used in this section:

1639 (j) "Jobs" means full-time equivalent positions, including,
1640 but not limited to, positions obtained from a temporary
1641 employment agency or employee leasing company or through a union
1642 agreement or coemployment under a professional employer
1643 organization agreement, that consistent with the use of such
1644 terms by the Agency for Workforce Innovation for the purpose of
1645 unemployment compensation tax, created or retained as a direct
1646 result directly from ~~of~~ a project in this state. This number
1647 does not include temporary construction jobs involved with the
1648 construction of facilities for the project.

1649 Section 18. Paragraphs (c), (d), and (e) of subsection (2)
1650 of section 288.106, Florida Statutes, are redesignated as
1651 paragraphs (d), (e), and (f), respectively, and paragraph (o) of
1652 subsection (1), paragraph (b) of subsection (2), paragraphs (a)
1653 and (b) of subsection (3), and subsection (8) of that section

20101752e2

1654 are amended to read:

1655 288.106 Tax refund program for qualified target industry
1656 businesses.—

1657 (1) DEFINITIONS.—As used in this section:

1658 (o) "Target industry business" means a corporate
1659 headquarters business or any business that is engaged in one of
1660 the target industries identified pursuant to the following
1661 criteria developed by the office in consultation with Enterprise
1662 Florida, Inc.:

1663 1. Future growth.—Industry forecasts should indicate strong
1664 expectation for future growth in both employment and output,
1665 according to the most recent available data. Special
1666 consideration should be given to businesses that export goods or
1667 services ~~Florida's growing access~~ to international markets or to
1668 businesses that replace domestic and international replacing
1669 imports of goods or services.

1670 2. Stability.—The industry should not be subject to
1671 periodic layoffs, whether due to seasonality or sensitivity to
1672 volatile economic variables such as weather. The industry should
1673 also be relatively resistant to recession, so that the demand
1674 for products of this industry is not typically ~~necessarily~~
1675 subject to decline during an economic downturn.

1676 3. High wage.—The industry should pay relatively high wages
1677 compared to statewide or area averages.

1678 4. Market and resource independent.—The location of
1679 industry businesses should not be dependent on Florida markets
1680 or resources as indicated by industry analysis, except for
1681 businesses in the renewable energy industry. ~~Special~~
1682 ~~consideration should be given to the development of strong~~

20101752e2

1683 ~~industrial clusters which include defense and homeland security~~
1684 ~~businesses.~~

1685 5. Industrial base diversification and strengthening.—The
1686 industry should contribute toward expanding or diversifying the
1687 state's or area's economic base, as indicated by analysis of
1688 employment and output shares compared to national and regional
1689 trends. Special consideration should be given to industries that
1690 strengthen regional economies by adding value to basic products
1691 or building regional industrial clusters as indicated by
1692 industry analysis. Special consideration should also be given to
1693 the development of strong industrial clusters which include
1694 defense and homeland security businesses.

1695 6. Economic benefits.—The industry is expected to ~~should~~
1696 have strong positive impacts on or benefits to the state or ~~and~~
1697 regional economies.

1698
1699 ~~The office, in consultation with Enterprise Florida, Inc., shall~~
1700 ~~develop a list of such target industries annually and submit~~
1701 ~~such list as part of the final agency legislative budget request~~
1702 ~~submitted pursuant to s. 216.023(1).~~ A target industry business
1703 may not include any business industry engaged in retail industry
1704 activities; any electrical utility company; any phosphate or
1705 other solid minerals severance, mining, or processing operation;
1706 any oil or gas exploration or production operation; or any
1707 business firm subject to regulation by the Division of Hotels
1708 and Restaurants of the Department of Business and Professional
1709 Regulation. Any business within NAICS code 5611 or 5614, office
1710 administrative services and business support services,
1711 respectively, may be considered a target industry business only

20101752e2

1712 after the local governing body and Enterprise Florida, Inc.,
1713 make a determination that the community where the business may
1714 locate has conditions affecting the fiscal and economic
1715 viability of the local community or area, including but not
1716 limited to, factors such as low per capita income, high
1717 unemployment, high underemployment, and a lack of year-round
1718 stable employment opportunities, and such conditions may be
1719 improved by the location of such a business to the community. By
1720 January 1 of every 3rd year, beginning January 1, 2011, the
1721 office, in consultation with Enterprise Florida, Inc., economic
1722 development organizations, the State University System, local
1723 governments, employee and employer organizations, market
1724 analysts, and economists, shall review and, as appropriate,
1725 revise the list of such target industries and submit the list to
1726 the Governor, the President of the Senate, and the Speaker of
1727 the House of Representatives.

1728 (2) TAX REFUND; ELIGIBLE AMOUNTS.—

1729 (b)1. Upon approval by the office director, a qualified
1730 target industry business shall be allowed tax refund payments
1731 equal to \$3,000 multiplied by times the number of jobs specified
1732 in the tax refund agreement under subparagraph (4) (a)1., or
1733 equal to \$6,000 multiplied by times the number of jobs if the
1734 project is located in a rural community county or an enterprise
1735 zone.

1736 2. ~~Further,~~ A qualified target industry business shall be
1737 allowed additional tax refund payments equal to \$1,000
1738 multiplied by times the number of jobs specified in the tax
1739 refund agreement under subparagraph (4) (a)1., if such jobs pay
1740 an annual average wage of at least 150 percent of the average

20101752e2

1741 private sector wage in the area, or equal to \$2,000 multiplied
1742 by ~~times~~ the number of jobs if such jobs pay an annual average
1743 wage of at least 200 percent of the average private sector wage
1744 in the area.

1745 3. A qualified target industry business shall be allowed
1746 tax refund payments in addition to the other payments authorized
1747 in this paragraph equal to \$1,000 multiplied by the number of
1748 jobs specified in the tax refund agreement under subparagraph
1749 (4) (a)1. if the local financial support is equal to that of the
1750 state's incentive award under subparagraph 1.

1751 4. In addition to the other tax refund payments authorized
1752 in this paragraph, a qualified target industry business shall be
1753 allowed a tax refund payment equal to \$2,000 multiplied by the
1754 number of jobs specified in the tax refund agreement under
1755 subparagraph (4) (a)1. if the business:

1756 a. Falls within one of the high-impact sectors designated
1757 under s. 288.108; or

1758 b. Increases exports of its goods through a seaport or
1759 airport in the state by at least 10 percent in value or tonnage
1760 in each of the years that the business receives a tax refund
1761 under this section. For purposes of this sub-subparagraph,
1762 seaports in the state are limited to the ports of Jacksonville,
1763 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
1764 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
1765 Pensacola, Fernandina, and Key West.

1766 (c) A qualified target industry business may not receive
1767 refund payments of more than 25 percent of the total tax refunds
1768 specified in the tax refund agreement under subparagraph
1769 (4) (a)1. in any fiscal year. Further, a qualified target

20101752e2

1770 industry business may not receive more than \$1.5 million in
1771 refunds under this section in any single fiscal year, or more
1772 than \$2.5 million in any single fiscal year if the project is
1773 located in an enterprise zone. A qualified target industry may
1774 not receive more than \$5 million in refund payments under this
1775 section in all fiscal years, or more than \$7.5 million if the
1776 project is located in an enterprise zone. Funds made available
1777 pursuant to this section may not be expended in connection with
1778 the relocation of a business from one community to another
1779 community in this state unless the Office of Tourism, Trade, and
1780 Economic Development determines that without such relocation the
1781 business will move outside this state or determines that the
1782 business has a compelling economic rationale for the relocation
1783 and that the relocation will create additional jobs.

1784 (3) APPLICATION AND APPROVAL PROCESS.—

1785 (a) To apply for certification as a qualified target
1786 industry business under this section, the business must file an
1787 application with the office before the business decides ~~has made~~
1788 ~~the decision~~ to locate a ~~new business~~ in this state or before
1789 the business decides ~~had made the decision~~ to expand its ~~an~~
1790 existing operations ~~business~~ in this state. The application
1791 shall include, but need is ~~is~~ not be limited to, the following
1792 information:

1793 1. The applicant's federal employer identification number
1794 and, if applicable, ~~the applicant's~~ state sales tax registration
1795 number.

1796 2. The proposed permanent location of the applicant's
1797 facility in this state at which the project ~~is or~~ is to be
1798 located.

20101752e2

1799 3. A description of the type of business activity or
1800 product covered by the project, including a minimum of a five-
1801 digit NAICS code for all activities included in the project. As
1802 used in this paragraph, "NAICS" means those classifications
1803 contained in the North American Industry Classification System,
1804 as published in 2007 by the Office of Management and Budget,
1805 Executive Office of the President and updated periodically.

1806 4. The proposed number of net new full-time equivalent
1807 Florida jobs at the qualified target industry business as of
1808 December 31 of each year included in the project and the average
1809 wage of those jobs. If more than one type of business activity
1810 or product is included in the project, the number of jobs and
1811 average wage for those jobs must be separately stated for each
1812 type of business activity or product.

1813 5. The total number of full-time equivalent employees
1814 employed by the applicant in this state, if applicable.

1815 6. The anticipated commencement date of the project.

1816 7. A brief statement explaining ~~concerning~~ the role that
1817 the estimated tax refunds to be requested will play in the
1818 decision of the applicant to locate or expand in this state.

1819 8. An estimate of the proportion of the sales resulting
1820 from the project that will be made outside this state.

1821 9. An estimate of the proportion of the cost of the
1822 machinery and equipment, and any other resources necessary in
1823 the development of its product or service, to be used by the
1824 business in its Florida operations which will be purchased
1825 outside this state.

1826 10.9. A resolution adopted by the governing board of the
1827 county or municipality in which the project will be located,

20101752e2

1828 which resolution recommends that the project ~~certain types of~~
1829 ~~businesses~~ be approved as a qualified target industry business
1830 and specifies ~~states~~ that the commitments of local financial
1831 support necessary for the target industry business exist. Before
1832 ~~In advance of~~ the passage of such resolution, the office may
1833 also accept an official letter from an authorized local economic
1834 development agency that endorses the proposed target industry
1835 project and pledges that sources of local financial support for
1836 such project exist. For the purposes of making pledges of local
1837 financial support under this subparagraph ~~subsection~~, the
1838 authorized local economic development agency shall be officially
1839 designated by the passage of a one-time resolution by the local
1840 governing board ~~authority~~.

1841 ~~11.10.~~ Any additional information requested by the office.

1842 (b) To qualify for review by the office, the application of
1843 a target industry business must, at a minimum, establish the
1844 following to the satisfaction of the office:

1845 1.a. The jobs proposed to be created ~~provided~~ under the
1846 application, pursuant to subparagraph (a)4., must pay an
1847 estimated annual average wage equaling at least 115 percent of
1848 the average private sector wage in the area where the business
1849 is to be located or the statewide private sector average wage.
1850 The governing board of the county where the qualified target
1851 industry business is to be located shall notify the office and
1852 Enterprise Florida, Inc., which calculation of the average
1853 private sector wage in the area must be used as the basis for
1854 the business' wage commitment. In determining the average annual
1855 wage, the office shall include only new proposed jobs, and wages
1856 for existing jobs shall be excluded from this calculation.

20101752e2

1857 b. The office may waive the average wage requirement at the
1858 request of the local governing body recommending the project and
1859 Enterprise Florida, Inc. The office may waive the wage
1860 requirement ~~may only be waived~~ for a project located in a
1861 brownfield area designated under s. 376.80, ~~or~~ in a rural city,
1862 in a rural community, or county or in an enterprise zone, or for
1863 a manufacturing project at any location in the state if the jobs
1864 proposed to be created pay an estimated annual average wage
1865 equaling at least 100 percent of the average private sector wage
1866 in the area where the business is to be located, and only if
1867 ~~when~~ the merits of the individual project or the specific
1868 circumstances in the community in relationship to the project
1869 warrant such action. If the local governing body and Enterprise
1870 Florida, Inc., make such a recommendation, it must be
1871 transmitted in writing, and the specific justification for the
1872 waiver recommendation must be explained. If the office director
1873 elects to waive the wage requirement, the waiver must be stated
1874 in writing, and the reasons for granting the waiver must be
1875 explained.

1876 2. The target industry business's project must result in
1877 the creation of at least 10 jobs at the such project and, in the
1878 case of if an expansion of an existing business, must result in
1879 a net increase in employment of at least 10 percent at the
1880 business. ~~Notwithstanding the definition of the term "expansion~~
1881 ~~of an existing business" in paragraph (1)(g),~~ At the request of
1882 the local governing body recommending the project and Enterprise
1883 Florida, Inc., the office may waive this requirement for a
1884 business ~~define an "expansion of an existing business"~~ in a
1885 rural community or ~~an~~ enterprise zone ~~as the expansion of a~~

20101752e2

1886 ~~business resulting in a net increase in employment of less than~~
1887 ~~10 percent at such business~~ if the merits of the individual
1888 project or the specific circumstances in the community in
1889 relationship to the project warrant such action. If the local
1890 governing body and Enterprise Florida, Inc., make such a
1891 request, the request must be transmitted in writing, and the
1892 specific justification for the request must be explained. If the
1893 office ~~director~~ elects to grant the request, the grant must be
1894 stated in writing and the reason for granting the request must
1895 be explained.

1896 3. The business activity or product for the applicant's
1897 project must be ~~is~~ within an industry ~~or industries that have~~
1898 ~~been~~ identified by the office as a target industry business ~~to~~
1899 ~~be high-value-added industries that~~ contributes ~~contribute to~~
1900 ~~the area and~~ to the economic growth of the state and the area in
1901 which the business is located, that produces ~~produce~~ a higher
1902 standard of living for residents of this state in the new global
1903 economy, or that can be shown to make an equivalent contribution
1904 to the area's ~~area~~ and state's economic progress. ~~The director~~
1905 ~~must approve requests to waive the wage requirement for~~
1906 ~~brownfield areas designated under s. 376.80 unless it is~~
1907 ~~demonstrated that such action is not in the public interest.~~

1908 (8) EXPIRATION.—An applicant may not be certified as
1909 qualified under this section after June 30, 2020 ~~2010~~. A tax
1910 refund agreement existing on that date shall continue in effect
1911 in accordance with its terms.

1912 Section 19. Paragraph (f) of subsection (1) and paragraph
1913 (d) of subsection (4) of section 288.107, Florida Statutes, are
1914 amended to read:

20101752e2

1915 288.107 Brownfield redevelopment bonus refunds.—

1916 (1) DEFINITIONS.—As used in this section:

1917 (f) "Jobs" means full-time equivalent positions, including,
1918 but not limited to, positions obtained from a temporary
1919 employment agency or employee leasing company or through a union
1920 agreement or coemployment under a professional employer
1921 organization agreement, that result ~~as that term is consistent~~
1922 ~~with terms used by the Agency for Workforce Innovation for the~~
1923 ~~purpose of unemployment compensation tax, resulting directly~~
1924 from a project in this state. The term does not include
1925 temporary construction jobs involved with the construction of
1926 facilities for the project and which are not associated with the
1927 implementation of the site rehabilitation as provided in s.
1928 376.80.

1929 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1930 (d) After entering into a tax refund agreement as provided
1931 in s. 288.106 or other similar agreement for other eligible
1932 businesses as defined in paragraph (1)(e), an eligible business
1933 may receive brownfield redevelopment bonus refunds from the
1934 account pursuant to s. 288.106(2) (d) ~~(e)~~.

1935 Section 20. Paragraphs (a) and (g) of subsection (2),
1936 paragraph (b) of subsection (3), and paragraph (a) of subsection
1937 (6) of section 288.108, Florida Statutes, are amended to read:

1938 288.108 High-impact business.—

1939 (2) DEFINITIONS.—As used in this section, the term:

1940 (a) "Eligible high-impact business" means a business in one
1941 of the high-impact sectors identified by Enterprise Florida,
1942 Inc., and certified by the Office of Tourism, Trade, and
1943 Economic Development as provided in subsection (5), which is

20101752e2

1944 making a cumulative investment in the state of at least \$50 ~~\$100~~
1945 million and creating at least 50 ~~100~~ new full-time equivalent
1946 jobs in the state or a research and development facility making
1947 a cumulative investment of at least \$25 ~~\$75~~ million and creating
1948 at least 25 ~~75~~ new full-time equivalent jobs. Such investment
1949 and employment must be achieved in a period not to exceed 3
1950 years after the date the business is certified as a qualified
1951 high-impact business.

1952 (g) "Jobs" means full-time equivalent positions, including,
1953 but not limited to, positions obtained from a temporary
1954 employment agency or employee leasing company or through a union
1955 agreement or coemployment under a professional employer
1956 organization agreement, that result ~~as that term is consistent~~
1957 ~~with terms used by the Agency for Workforce Innovation and the~~
1958 ~~United States Department of Labor for purposes of unemployment~~
1959 ~~compensation tax administration and employment estimation,~~
1960 ~~resulting~~ directly from a project in this state. The term does
1961 not include temporary construction jobs involved in the
1962 construction of the project facility.

1963 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
1964 AMOUNTS.—

1965 (b) The office may, in consultation with Enterprise
1966 Florida, Inc., negotiate qualified high-impact business
1967 performance grant awards for any single qualified high-impact
1968 business. In negotiating such awards, the office shall consider
1969 the following guidelines in conjunction with other relevant
1970 applicant impact and cost information and analysis as required
1971 in subsection (5). A qualified high-impact business making a
1972 cumulative investment of \$50 million and creating 50 jobs may be

20101752e2

1973 eligible for a total qualified high-impact business performance
1974 grant of \$500,000 to \$1 million. A qualified high-impact
1975 business making a cumulative investment of \$100 million and
1976 creating 100 jobs may be eligible for a total qualified high-
1977 impact business performance grant of \$1 million to \$2 million. A
1978 qualified high-impact business making a cumulative investment of
1979 \$800 million and creating 800 jobs may be eligible for a
1980 qualified high-impact business performance grant of \$10 million
1981 to \$12 million. A qualified high-impact business engaged in
1982 research and development making a cumulative investment of \$25
1983 million and creating 25 jobs may be eligible for a total
1984 qualified high-impact business performance grant of \$700,000 to
1985 \$1 million. A qualified high-impact business~~7~~ engaged in
1986 research and development~~7~~ making a cumulative investment of \$75
1987 million~~7~~ and creating 75 jobs may be eligible for a total
1988 qualified high-impact business performance grant of \$2 million
1989 to \$3 million. A qualified high-impact business~~7~~ engaged in
1990 research and development~~7~~ making a cumulative investment of \$150
1991 million~~7~~ and creating 150 jobs may be eligible for a qualified
1992 high-impact business performance grant of \$3.5 million to \$4.5
1993 million.

1994 (6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

1995 (a) Enterprise Florida, Inc., shall, by January 1, of every
1996 third year, beginning January 1, 2011, at its discretion~~7~~
1997 initiate the process of reviewing and, if appropriate, selecting
1998 a new high-impact sector for designation or recommending the
1999 deactivation of a designated high-impact sector. The process of
2000 reviewing designated high-impact sectors or recommending the
2001 deactivation of a designated high-impact sector shall be in

20101752e2

2002 consultation with the office, economic development
2003 organizations, the State University System, local governments,
2004 employee and employer organizations, market analysts, and
2005 economists.

2006 Section 21. Section 288.1083, Florida Statutes, is created
2007 to read:

2008 288.1083 Manufacturing and Spaceport Investment Incentive
2009 Program.—

2010 (1) The Manufacturing and Spaceport Investment Incentive
2011 Program is created within the Office of Tourism, Trade, and
2012 Economic Development. The purpose of the program is to encourage
2013 capital investment and job creation in manufacturing and
2014 spaceport activities in this state.

2015 (2) As used in this section, the term:

2016 (a) "Base year purchases" means the total cost of eligible
2017 equipment purchased and placed into service in this state by an
2018 eligible entity in its tax year that began in 2008.

2019 (b) "Department" means the Department of Revenue.

2020 (c) "Eligible entity" means an entity that manufactures,
2021 processes, compounds, or produces items for sale of tangible
2022 personal property or engages in spaceport activities. The term
2023 also includes an entity that engages in phosphate or other solid
2024 minerals severance, mining, or processing operations. The term
2025 does not include electric utility companies, communications
2026 companies, oil or gas exploration or production operations,
2027 publishing firms that do not export at least 50 percent of their
2028 finished product out of the state, any firm subject to
2029 regulation by the Division of Hotels and Restaurants of the
2030 Department of Business and Professional Regulation, or any firm

20101752e2

2031 that does not manufacture, process, compound, or produce for
2032 sale items of tangible personal property or that does not use
2033 such machinery and equipment in spaceport activities.

2034 (d) "Eligible equipment" means tangible personal property
2035 or other property that has a depreciable life of 3 years or more
2036 and that is used as an integral part in the manufacturing,
2037 processing, compounding, or production of tangible personal
2038 property for sale or is exclusively used in spaceport
2039 activities, and that is located and placed into service in this
2040 state. A building and its structural components are not eligible
2041 equipment unless the building or structural component is so
2042 closely related to the industrial machinery and equipment that
2043 it houses or supports that the building or structural component
2044 can be expected to be replaced when the machinery and equipment
2045 are replaced. Heating and air-conditioning systems are not
2046 eligible equipment unless the sole justification for their
2047 installation is to meet the requirements of the production
2048 process, even though the system may provide incidental comfort
2049 to employees or serve, to an insubstantial degree, nonproduction
2050 activities. The term includes parts and accessories only to the
2051 extent that the exemption of such parts and accessories is
2052 consistent with the provisions of this paragraph.

2053 (e) "Eligible equipment purchases" means the cost of
2054 eligible equipment purchased and placed into service in this
2055 state in a given state fiscal year by an eligible entity in
2056 excess of the entity's base year purchases.

2057 (f) "Office" means the Office of Tourism, Trade, and
2058 Economic Development.

2059 (g) "Refund" means a payment to an eligible entity for the

20101752e2

2060 amount of state sales and use tax actually paid on eligible
2061 equipment purchases.

2062 (3) Beginning July 1, 2010, and ending June 30, 2011, and
2063 beginning July 1, 2011, and ending June 30, 2012, sales and use
2064 tax paid in this state on eligible equipment purchases may
2065 qualify for a refund as provided in this section. The total
2066 amount of refunds that may be allocated by the office to all
2067 applicants during the period beginning July 1, 2010, and ending
2068 June 30, 2011, is \$19 million. The total amount of tax refunds
2069 that may be allocated to all applicants during the period
2070 beginning July 1, 2011, and ending June 30, 2012, is \$24
2071 million. An applicant may not be allocated more than \$50,000 in
2072 refunds under this section for a single year. Preliminary refund
2073 allocations that are revoked or voluntarily surrendered shall be
2074 immediately available for reallocation.

2075 (4) To receive a refund, a business entity must first apply
2076 to the office for a tax refund allocation. The entity shall
2077 provide such information in the application as reasonably
2078 required by the office. Further, the business entity shall
2079 provide such information as is required by the office to
2080 establish the cost incurred and actual sales and use tax paid to
2081 purchase eligible equipment located and placed into service in
2082 this state during its taxable year that began in 2008.

2083 (a) Within 30 days after the office receives an application
2084 for a refund, the office shall approve or disapprove the
2085 application.

2086 (b) Refund allocations made during the 2010-2011 fiscal
2087 year shall be awarded in the same order in which applications
2088 are received. Eligible entities may apply to the office

20101752e2

2089 beginning July 1, 2010 for refunds attributable to eligible
2090 equipment purchases made during the 2010-2011 fiscal year. For
2091 the 2010-2011 fiscal year, the office shall allocate the maximum
2092 amount of \$50,000 per entity until the entire \$19 million
2093 available for refund in state fiscal year 2010-2011 has been
2094 allocated. If the total amount available for allocation during
2095 the 2010-2011 fiscal year is allocated, the office shall
2096 continue taking applications. Each applicant shall be informed
2097 of its place in the queue and whether the applicant received an
2098 allocation of the eligible funds.

2099 (c) Refund allocations made during the 2011-2012 fiscal
2100 year shall first be given to any applicants remaining in the
2101 queue from the prior fiscal year. The office shall allocate the
2102 maximum amount of \$50,000 per entity, first to those applicants
2103 that remained in the queue from 2010-2011 for eligible purchases
2104 in 2010-2011, then to applicants for 2011-2012 in the order
2105 applications are received for eligible purchases in 2011-2012.
2106 The office shall allocate the maximum amount of \$50,000 per
2107 entity until the entire \$24 million available to be allocated
2108 for refund in the 2011-2012 fiscal year is allocated. If the
2109 total amount available for refund in 2011-2012 has been
2110 allocated, the office shall continue to accept applications from
2111 eligible entities in the 2011-2012 fiscal year for refunds
2112 attributable to eligible equipment purchases made during the
2113 2011-2012 fiscal year. Refund allocations made during the 2011-
2114 2012 fiscal year shall be awarded in the same order in which
2115 applications are received. Upon submitting an application, each
2116 applicant shall be informed of its place in the queue and
2117 whether the applicant has received an allocation of the eligible

20101752e2

2118 funds.

2119 (5) Upon completion of eligible equipment purchases, a
2120 business entity that received a refund allocation from the
2121 office must apply to the office for certification of a refund.
2122 For eligible equipment purchases made during the 2010-2011
2123 fiscal year, the application for certification must be made no
2124 later than September 1, 2011. For eligible equipment purchases
2125 made during the 2011-2012 fiscal year, the application for
2126 certification must be made no later than September 1, 2012. The
2127 application shall provide such documentation as is reasonably
2128 required by the office to calculate the refund amount including
2129 documentation necessary to confirm the cost of eligible
2130 equipment purchases supporting the claim of the sales and use
2131 tax paid thereon. Further, the business entity shall provide
2132 such documentation as required by the office to establish the
2133 entity's base year purchases. If, upon reviewing the
2134 application, the office determines that eligible equipment
2135 purchases did not occur, that the amount of tax claimed to have
2136 been paid or remitted on the eligible equipment purchases is not
2137 supported by the documentation provided, or that the information
2138 provided to the office was otherwise inaccurate, the amount of
2139 the refund allocation not substantiated shall not be certified.
2140 Otherwise, the office shall determine and certify the amount of
2141 the refund to the eligible entity and to the department within
2142 30 days after the office receives the application for
2143 certification.

2144 (6) Upon certification of a refund for an eligible entity,
2145 the entity shall apply to the department within 30 days for
2146 payment of the certified amount as a refund on a form prescribed

20101752e2

2147 by the department. The department may request documentation in
2148 support of the application and adopt emergency rules to
2149 administer the refund application process.

2150 (7) For each of the 2010-2011 and 2011-2012 fiscal years,
2151 if the amount certified is less than the amount allocated,
2152 additional applicants shall be eligible to receive refund
2153 allocations in the order that applications are received for that
2154 year.

2155 (8) An entity may receive refunds in each of the two years
2156 but only to the extent that the entity has eligible equipment
2157 purchases in each year. In no event may refunds for eligible
2158 equipment purchases made during 2010-11 result in more than
2159 \$50,000 of refunds per entity.

2160 (9) The office shall adopt emergency rules governing
2161 applications for, issuance of, and procedures for allocation and
2162 certification and may establish guidelines as to the requisites
2163 for an demonstrating base year purchases and eligible equipment
2164 purchases.

2165 (10) This section is repealed July 1, 2013.

2166 Section 22. Subsection (3) of section 288.1088, Florida
2167 Statutes, is amended, and subsections (4) and (5) are added to
2168 that section, to read:

2169 288.1088 Quick Action Closing Fund.—

2170 (3) (a) Enterprise Florida, Inc., shall review applications
2171 pursuant to s. 288.061 and determine the eligibility of each
2172 project consistent with the criteria in subsection (2).

2173 Enterprise Florida, Inc., in consultation with the Office of
2174 Tourism, Trade, and Economic Development, may waive these
2175 criteria based on extraordinary circumstances or in rural areas

20101752e2

2176 of critical economic concern if the project would significantly
2177 benefit the local or regional economy.

2178 (b) Enterprise Florida, Inc., shall evaluate individual
2179 proposals for high-impact business facilities and forward
2180 recommendations regarding the use of moneys in the fund for such
2181 facilities to the director of the Office of Tourism, Trade, and
2182 Economic Development. Such evaluation and recommendation must
2183 include, but need not be limited to:

2184 1. A description of the type of facility or infrastructure,
2185 its operations, and the associated product or service associated
2186 with the facility.

2187 2. The number of full-time-equivalent jobs that will be
2188 created by the facility and the total estimated average annual
2189 wages of those jobs or, in the case of privately developed rural
2190 infrastructure, the types of business activities and jobs
2191 stimulated by the investment.

2192 3. The cumulative amount of investment to be dedicated to
2193 the facility within a specified period.

2194 4. A statement of any special impacts the facility is
2195 expected to stimulate in a particular business sector in the
2196 state or regional economy or in the state's universities and
2197 community colleges.

2198 5. A statement of the role the incentive is expected to
2199 play in the decision of the applicant business to locate or
2200 expand in this state or for the private investor to provide
2201 critical rural infrastructure.

2202 6. A report evaluating the quality and value of the company
2203 submitting a proposal. The report must include:

2204 a. A financial analysis of the company, including an

20101752e2

2205 evaluation of the company's short-term liquidity ratio as
2206 measured by its assets to liability, the company's profitability
2207 ratio, and the company's long-term solvency as measured by its
2208 debt-to-equity ratio;

2209 b. The historical market performance of the company;

2210 c. A review of any independent evaluations of the company;

2211 d. A review of the latest audit of the company's financial
2212 statement and the related auditor's management letter; and

2213 e. A review of any other types of audits that are related
2214 to the internal and management controls of the company.

2215 (c) ~~(b)~~ Within 22 calendar days after receiving the
2216 evaluation and recommendation from Enterprise Florida, Inc., the
2217 director of the Office of Tourism, Trade, and Economic
2218 Development shall recommend to the Governor approval or
2219 disapproval of a project for receipt of funds from the Quick
2220 Action Closing Fund. In recommending a project, the director
2221 shall include proposed performance conditions that the project
2222 must meet to obtain incentive funds. The Governor shall provide
2223 the evaluation of projects recommended for approval to the
2224 President of the Senate and the Speaker of the House of
2225 Representatives and consult with the President of the Senate and
2226 the Speaker of the House of Representatives before giving final
2227 approval for a project. At least 14 days before releasing funds
2228 for a project, the Executive Office of the Governor shall
2229 recommend approval of the ~~a~~ project and the release of funds by
2230 delivering notice of such action pursuant to the legislative
2231 consultation and review requirements set forth in s. 216.177.
2232 The recommendation must include proposed performance conditions
2233 that the project must meet in order to obtain funds. If the

20101752e2

2234 chair or vice-chair of the Legislative Budget Commission or the
2235 President of the Senate or the Speaker of the House of
2236 Representatives timely advises the Executive Office of the
2237 Governor, in writing, that such action or proposed action
2238 exceeds the delegated authority of the Executive Office of the
2239 Governor or is contrary to legislative policy or intent, the
2240 Executive Office of the Governor shall void the release of funds
2241 and instruct the Office of Tourism, Trade, and Economic
2242 Development to immediately change such action or proposed action
2243 until the Legislative Budget Commission or the Legislature
2244 addresses the issue. Notwithstanding such requirement, any
2245 project exceeding \$2,000,000 must be approved by the Legislative
2246 Budget Commission prior to the funds being released.

2247 (d)~~(e)~~ Upon the approval of the Governor, the director of
2248 the Office of Tourism, Trade, and Economic Development and the
2249 business shall enter into a contract that sets forth the
2250 conditions for payment of moneys from the fund. The contract
2251 must include the total amount of funds awarded; the performance
2252 conditions that must be met to obtain the award, including, but
2253 not limited to, net new employment in the state, average salary,
2254 and total capital investment; demonstrate a baseline of current
2255 service and a measure of enhanced capability; the methodology
2256 for validating performance; the schedule of payments from the
2257 fund; and sanctions for failure to meet performance conditions.
2258 The contract must provide that payment of moneys from the fund
2259 is contingent upon sufficient appropriation of funds by the
2260 Legislature ~~and upon sufficient release of appropriated funds by~~
2261 ~~the Legislative Budget Commission.~~

2262 (e)~~(d)~~ Enterprise Florida, Inc., shall validate contractor

20101752e2

2263 performance. Such validation shall be reported within 6 months
2264 after completion of the contract to the Governor, President of
2265 the Senate, and the Speaker of the House of Representatives.

2266 (4) (a) A Quick Action Closing Fund business that, pursuant
2267 to its contract, submits reports to the Office of Tourism,
2268 Trade, and Economic Development on or after January 1, 2010, but
2269 no later than June 30, 2011, on the status of the business's
2270 compliance with the performance conditions of its contract may
2271 submit a written request to the Office of Tourism, Trade, and
2272 Economic Development for renegotiation of the contract. The
2273 request must provide quantitative evidence demonstrating how the
2274 business has materially complied with the terms of the contract
2275 or how negative economic conditions in the business's industry
2276 have prevented the business from complying with the terms and
2277 conditions of the contract. The request must also include
2278 proposed adjusted performance conditions.

2279 (b) Within 45 days after receiving a Quick Action Closing
2280 Fund business's request to renegotiate its contract, the
2281 director of the Office of Tourism, Trade, and Economic
2282 Development must provide written notice to the business of
2283 whether the request for renegotiation is granted or denied. In
2284 making such a determination, the director shall consider the
2285 extent to which the business materially complied with the terms
2286 of the contract, the extent to which negative economic
2287 conditions in the business's industry occurred in the state, the
2288 proposed adjusted performance conditions, and the business's
2289 efforts to comply with the contract.

2290 (c) Under no circumstances is the director of the Office of
2291 Tourism, Trade, and Economic Development required or obligated

20101752e2

2292 to grant a business' request to renegotiate its agreement.

2293 (d) Upon granting a business's request to renegotiate, the
2294 Office of Tourism, Trade, and Economic Development, together
2295 with Enterprise Florida, Inc., shall determine the economic
2296 impact of the adjusted performance conditions and notify the
2297 business of any waiver of specified performance conditions and
2298 any adjusted award amount associated with the proposed adjusted
2299 performance conditions. The Quick Action Closing Fund business
2300 must renegotiate its contract with the Office of Tourism, Trade,
2301 and Economic Development in accordance with any waiver granted
2302 or for the adjusted amount and agree to return the difference
2303 between the original Quick Action Closing Fund award and the
2304 adjusted award without interest or penalties. When renegotiating
2305 a contract with a Quick Action Closing Fund business, the Office
2306 of Tourism, Trade, and Economic Development may extend the
2307 duration of the contract for a period not to exceed 2 years. The
2308 Office of Tourism, Trade, and Economic Development shall notify
2309 the President of the Senate and the Speaker of the House of
2310 Representatives upon completion of any contract renegotiation.
2311 Any funds returned pursuant to this paragraph shall be
2312 reappropriated to the Office of Tourism, Trade, and Economic
2313 Development for the Quick Action Closing Fund.

2314 (e) This subsection expires June 30, 2011.

2315 (5) Funds appropriated by the Legislature for purposes of
2316 implementing this section shall be placed in reserve and may
2317 only be released pursuant to the legislative consultation and
2318 review requirements set forth in this section.

2319 Section 23. Paragraph (k) of subsection (2) of section
2320 288.1089, Florida Statutes, is amended to read:

20101752e2

2321 288.1089 Innovation Incentive Program.—

2322 (2) As used in this section, the term:

2323 (k) "Jobs" means full-time equivalent positions, including,
2324 but not limited to, positions obtained from a temporary
2325 employment agency or employee leasing company or through a union
2326 agreement or coemployment under a professional employer
2327 organization agreement, that result ~~as that term is consistent~~
2328 ~~with terms used by the Agency for Workforce Innovation and the~~
2329 ~~United States Department of Labor for purposes of unemployment~~
2330 ~~compensation tax administration and employment estimation,~~
2331 ~~resulting~~ directly from a project in this state. The term does
2332 not include temporary construction jobs.

2333 Section 24. Effective July 1, 2010, section 288.125,
2334 Florida Statutes, is amended to read:

2335 288.125 Definition of "entertainment industry".—For the
2336 purposes of ss. 288.1251-288.1258, the term "entertainment
2337 industry" means those persons or entities engaged in the
2338 operation of motion picture or television studios or recording
2339 studios; those persons or entities engaged in the preproduction,
2340 production, or postproduction of motion pictures, made-for-
2341 television movies, television programming, digital media
2342 projects, commercial advertising, music videos, or sound
2343 recordings; and those persons or entities providing products or
2344 services directly related to the preproduction, production, or
2345 postproduction of motion pictures, made-for-television movies,
2346 television programming, digital media projects, commercial
2347 advertising, music videos, or sound recordings, including, but
2348 not limited to, the broadcast industry.

2349 Section 25. Effective July 1, 2010, paragraph (b) of

20101752e2

2350 subsection (1) and paragraph (a) of subsection (2) of section
2351 288.1251, Florida Statutes, are amended to read:

2352 288.1251 Promotion and development of entertainment
2353 industry; Office of Film and Entertainment; creation; purpose;
2354 powers and duties.—

2355 (1) CREATION.—

2356 (b) The Office of Tourism, Trade, and Economic Development
2357 shall conduct a national search for a qualified person to fill
2358 the position of Commissioner of Film and Entertainment, when the
2359 position is vacant. ~~and The Executive Director of the Office of~~
2360 ~~Tourism, Trade, and Economic Development~~ has the responsibility
2361 to ~~shall~~ hire the commissioner ~~of Film and Entertainment.~~

2362 Qualifications for the commissioner ~~Guidelines for selection of~~
2363 ~~the Commissioner of Film and Entertainment~~ shall include, but
2364 are not be limited to, ~~the Commissioner of Film and~~
2365 ~~Entertainment~~ having the following:

2366 1. A working knowledge of the equipment, personnel,
2367 financial, and day-to-day production operations of the
2368 industries to be served by the Office of Film and Entertainment;

2369 2. Marketing and promotion experience related to the film
2370 and entertainment industries to be served ~~by the office;~~

2371 3. Experience working with a variety of individuals
2372 representing large and small entertainment-related businesses,
2373 industry associations, local community entertainment industry
2374 liaisons, and labor organizations; and

2375 4. Experience working with a variety of state and local
2376 governmental agencies.

2377 (2) POWERS AND DUTIES.—

2378 (a) The Office of Film and Entertainment, in performance of

20101752e2

2379 its duties, shall:

2380 1. In consultation with the Florida Film and Entertainment
2381 Advisory Council, update the ~~develop and implement a 5-year~~
2382 strategic plan every 5 years to guide the activities of the
2383 Office of Film and Entertainment in the areas of entertainment
2384 industry development, marketing, promotion, liaison services,
2385 field office administration, and information. The plan, ~~to be~~
2386 ~~developed by no later than June 30, 2000,~~ shall:

2387 a. Be annual in construction and ongoing in nature.

2388 b. Include recommendations relating to the organizational
2389 structure of the office.

2390 c. Include an annual budget projection for the office for
2391 each year of the plan.

2392 d. Include an operational model for the office to use in
2393 implementing programs for rural and urban areas designed to:

2394 (I) Develop and promote the state's entertainment industry.

2395 (II) Have the office serve as a liaison between the
2396 entertainment industry and other state and local governmental
2397 agencies, local film commissions, and labor organizations.

2398 (III) Gather statistical information related to the state's
2399 entertainment industry.

2400 (IV) Provide information and service to businesses,
2401 communities, organizations, and individuals engaged in
2402 entertainment industry activities.

2403 (V) Administer field offices outside the state and
2404 coordinate with regional offices maintained by counties and
2405 regions of the state, as described in sub-sub-subparagraph (II),
2406 as necessary.

2407 e. Include performance standards and measurable outcomes

20101752e2

2408 for the programs to be implemented by the office.

2409 f. Include an assessment of, and make recommendations on,
2410 the feasibility of creating an alternative public-private
2411 partnership for the purpose of contracting with such a
2412 partnership for the administration of the state's entertainment
2413 industry promotion, development, marketing, and service
2414 programs.

2415 2. Develop, market, and facilitate a ~~smooth~~ working
2416 relationship between state agencies and local governments in
2417 cooperation with local film commission offices for out-of-state
2418 and indigenous entertainment industry production entities.

2419 3. Implement a structured methodology prescribed for
2420 coordinating activities of local offices with each other and the
2421 commissioner's office.

2422 4. Represent the state's indigenous entertainment industry
2423 to key decisionmakers within the national and international
2424 entertainment industry, and to state and local officials.

2425 5. Prepare an inventory and analysis of the state's
2426 entertainment industry, including, but not limited to,
2427 information on crew, related businesses, support services, job
2428 creation, talent, and economic impact and coordinate with local
2429 offices to develop an information tool for common use.

2430 ~~6. Represent key decisionmakers within the national and
2431 international entertainment industry to the indigenous
2432 entertainment industry and to state and local officials.~~

2433 ~~7. Serve as liaison between entertainment industry
2434 producers and labor organizations.~~

2435 6.8. Identify, solicit, and recruit entertainment
2436 production opportunities for the state.

20101752e2

2437 ~~7.9.~~ Assist rural communities and other small communities
2438 in the state in developing the expertise and capacity necessary
2439 for such communities to develop, market, promote, and provide
2440 services to the state's entertainment industry.

2441 Section 26. Effective July 1, 2010, subsection (3) of
2442 section 288.1252, Florida Statutes, is amended to read:

2443 288.1252 Florida Film and Entertainment Advisory Council;
2444 creation; purpose; membership; powers and duties.—

2445 (3) MEMBERSHIP.—

2446 (a) The council shall consist of 17 members, seven to be
2447 appointed by the Governor, five to be appointed by the President
2448 of the Senate, and five to be appointed by the Speaker of the
2449 House of Representatives, ~~with the initial appointments being~~
2450 ~~made no later than August 1, 1999.~~

2451 (b) When making appointments to the council, the Governor,
2452 the President of the Senate, and the Speaker of the House of
2453 Representatives shall appoint persons who are residents of the
2454 state and who are highly knowledgeable of, active in, and
2455 recognized leaders in Florida's motion picture, television,
2456 video, sound recording, or other entertainment industries. These
2457 persons shall include, but not be limited to, representatives of
2458 local film commissions, representatives of entertainment
2459 associations, a representative of the broadcast industry,
2460 representatives of labor organizations in the entertainment
2461 industry, and board chairs, presidents, chief executive
2462 officers, chief operating officers, or persons of comparable
2463 executive position or stature of leading or otherwise important
2464 entertainment industry businesses and offices. Council members
2465 shall be appointed in such a manner as to equitably represent

20101752e2

2466 the broadest spectrum of the entertainment industry and
2467 geographic areas of the state.

2468 (c) Council members shall serve for 4-year terms, ~~except~~
2469 ~~that the initial terms shall be staggered:~~

2470 ~~1. The Governor shall appoint one member for a 1-year term,~~
2471 ~~two members for 2-year terms, two members for 3-year terms, and~~
2472 ~~two members for 4-year terms.~~

2473 ~~2. The President of the Senate shall appoint one member for~~
2474 ~~a 1-year term, one member for a 2-year term, two members for 3-~~
2475 ~~year terms, and one member for a 4-year term.~~

2476 ~~3. The Speaker of the House of Representatives shall~~
2477 ~~appoint one member for a 1-year term, one member for a 2-year~~
2478 ~~term, two members for 3-year terms, and one member for a 4-year~~
2479 ~~term.~~

2480 (d) Subsequent appointments shall be made by the official
2481 who appointed the council member whose expired term is to be
2482 filled.

2483 (e) ~~The Commissioner of Film and Entertainment,~~ A
2484 representative of Enterprise Florida, Inc., a representative of
2485 Workforce Florida, Inc., and a representative of Visit Florida
2486 ~~the Florida Tourism Industry Marketing Corporation~~ shall serve
2487 as ex officio, nonvoting members of the council, and shall be in
2488 addition to the 17 appointed members of the council.

2489 (f) Absence from three consecutive meetings shall result in
2490 automatic removal from the council.

2491 (g) A vacancy on the council shall be filled for the
2492 remainder of the unexpired term by the official who appointed
2493 the vacating member.

2494 (h) No more than one member of the council may be an

20101752e2

2495 employee of any one company, organization, or association.

2496 (i) Any member shall be eligible for reappointment but may
2497 not serve more than two consecutive terms.

2498 Section 27. Effective July 1, 2010, subsections (1), (2),
2499 and (5) of section 288.1253, Florida Statutes, are amended to
2500 read:

2501 288.1253 Travel and entertainment expenses.-

2502 (1) As used in this section, the term:-

2503 ~~(a) "Business client" means any person, other than a state~~
2504 ~~official or state employee, who receives the services of~~
2505 ~~representatives of the Office of Film and Entertainment in~~
2506 ~~connection with the performance of its statutory duties,~~
2507 ~~including persons or representatives of entertainment industry~~
2508 ~~companies considering location, relocation, or expansion of an~~
2509 ~~entertainment industry business within the state.~~

2510 ~~(b) "Entertainment expenses" means the actual, necessary,~~
2511 ~~and reasonable costs of providing hospitality for business~~
2512 ~~clients or guests, which costs are defined and prescribed by~~
2513 ~~rules adopted by the Office of Tourism, Trade, and Economic~~
2514 ~~Development, subject to approval by the Chief Financial Officer.~~

2515 ~~(c) "Guest" means a person, other than a state official or~~
2516 ~~state employee, authorized by the Office of Tourism, Trade, and~~
2517 ~~Economic Development to receive the hospitality of the Office of~~
2518 ~~Film and Entertainment in connection with the performance of its~~
2519 ~~statutory duties.~~

2520 ~~(d) "travel expenses" means the actual, necessary, and~~
2521 ~~reasonable costs of transportation, meals, lodging, and~~
2522 ~~incidental expenses normally incurred by an employee of the~~
2523 ~~Office of Film and Entertainment a traveler, which costs are~~

20101752e2

2524 defined and prescribed by rules adopted by the Office of
2525 Tourism, Trade, and Economic Development, subject to approval by
2526 the Chief Financial Officer.

2527 (2) Notwithstanding the provisions of s. 112.061, the
2528 Office of Tourism, Trade, and Economic Development shall adopt
2529 rules by which it may make expenditures by ~~advancement or~~
2530 ~~reimbursement, or a combination thereof,~~ to:

2531 ~~(a) the Governor, the Lieutenant Governor, security staff~~
2532 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2533 ~~and Entertainment, or staff of the Office of Film and~~
2534 ~~Entertainment for travel expenses or entertainment expenses~~
2535 ~~incurred by such individuals solely and exclusively in~~
2536 ~~connection with the performance of the statutory duties of the~~
2537 ~~Office of Film and Entertainment.~~

2538 ~~(b) The Governor, the Lieutenant Governor, security staff~~
2539 ~~of the Governor or Lieutenant Governor, the Commissioner of Film~~
2540 ~~and Entertainment, or staff of the Office of Film and~~
2541 ~~Entertainment for travel expenses or entertainment expenses~~
2542 ~~incurred by such individuals on behalf of guests, business~~
2543 ~~clients, or authorized persons as defined in s. 112.061(2)(e)~~
2544 ~~solely and exclusively in connection with the performance of the~~
2545 ~~statutory duties of the Office of Film and Entertainment.~~

2546 ~~(c) Third party vendors for the travel or entertainment~~
2547 ~~expenses of guests, business clients, or authorized persons as~~
2548 ~~defined in s. 112.061(2)(e) incurred solely and exclusively~~
2549 ~~while such persons are participating in activities or events~~
2550 ~~carried out by the Office of Film and Entertainment in~~
2551 ~~connection with that office's statutory duties.~~

2552

20101752e2

2553 The rules are ~~shall be~~ subject to approval by the Chief
2554 Financial Officer before adoption ~~prior to promulgation~~. The
2555 rules shall require the submission of paid receipts, or other
2556 proof of expenditure prescribed by the Chief Financial Officer,
2557 with any claim for reimbursement ~~and shall require, as a~~
2558 ~~condition for any advancement of funds, an agreement to submit~~
2559 ~~paid receipts or other proof of expenditure and to refund any~~
2560 ~~unused portion of the advancement within 15 days after the~~
2561 ~~expense is incurred or, if the advancement is made in connection~~
2562 ~~with travel, within 10 working days after the traveler's return~~
2563 ~~to headquarters. However, with respect to an advancement of~~
2564 ~~funds made solely for travel expenses, the rules may allow paid~~
2565 ~~receipts or other proof of expenditure to be submitted, and any~~
2566 ~~unused portion of the advancement to be refunded, within 10~~
2567 ~~working days after the traveler's return to headquarters.~~
2568 ~~Operational or promotional advancements, as defined in s.~~
2569 ~~288.35(4), obtained pursuant to this section shall not be~~
2570 ~~commingled with any other state funds.~~

2571 (5) Any claim submitted under this section is ~~shall~~ not be
2572 required to be sworn to before a notary public or other officer
2573 authorized to administer oaths, but any claim authorized or
2574 required to be made under any provision of this section shall
2575 contain a statement that the expenses were actually incurred as
2576 necessary travel or entertainment expenses in the performance of
2577 official duties of the Office of Film and Entertainment and
2578 shall be verified by written declaration that it is true and
2579 correct as to every material matter. Any person who willfully
2580 makes and subscribes to any claim which he or she does not
2581 believe to be true and correct as to every material matter or

20101752e2

2582 who willfully aids or assists in, procures, or counsels or
2583 advises with respect to, the preparation or presentation of a
2584 claim pursuant to this section that is fraudulent or false as to
2585 any material matter, whether ~~or not~~ such falsity or fraud is
2586 with the knowledge or consent of the person authorized or
2587 required to present the claim, commits a misdemeanor of the
2588 second degree, punishable as provided in s. 775.082 or s.
2589 775.083. Whoever receives a ~~an advancement or~~ reimbursement by
2590 means of a false claim is civilly liable, in the amount of the
2591 overpayment, for the reimbursement of the public fund from which
2592 the claim was paid.

2593 Section 28. Effective July 1, 2010, section 288.1254,
2594 Florida Statutes, is amended to read:

2595 (Substantial rewording of section. See
2596 s. 288.1254, F.S., for present text.)

2597 288.1254 Entertainment industry financial incentive
2598 program.-

2599 (1) DEFINITIONS.-As used in this section, the term:

2600 (a) "Certified production" means a qualified production
2601 that has tax credits allocated to it by the Office of Tourism,
2602 Trade, and Economic Development based on the production's
2603 estimated qualified expenditures, up to the production's maximum
2604 certified amount of tax credits, by the Office of Tourism,
2605 Trade, and Economic Development. The term does not include a
2606 production if its first day of principal photography or project
2607 start date in this state occurs before the production is
2608 certified by the Office of Tourism, Trade, and Economic
2609 Development, unless the production spans more than one fiscal
2610 year, was a certified production on its first day of principal

20101752e2

2611 photography or project start date in this state, and submits an
2612 application for continuing the same production for the
2613 subsequent fiscal year.

2614 (b) "Digital media project" means a production of
2615 interactive entertainment that is produced for distribution in
2616 commercial or educational markets. The term includes a video
2617 game or production intended for Internet or wireless
2618 distribution. The term does not include a production deemed by
2619 the Office of Film and Entertainment to contain obscene content
2620 as defined in s. 847.001(10).

2621 (c) "High-impact television series" means a production
2622 created to run multiple production seasons and having an
2623 estimated order of at least seven episodes per season and
2624 qualified expenditures of at least \$625,000 per episode.

2625 (d) "Off-season certified production" means a feature film,
2626 independent film, or television series or pilot which films 75
2627 percent or more of its principal photography days from June 1
2628 through November 30.

2629 (e) "Principal photography" means the filming of major or
2630 significant components of the qualified production which involve
2631 lead actors.

2632 (f) "Production" means a theatrical or direct-to-video
2633 motion picture; a made-for-television motion picture; visual
2634 effects or digital animation sequences produced in conjunction
2635 with a motion picture; a commercial; a music video; an
2636 industrial or educational film; an infomercial; a documentary
2637 film; a television pilot program; a presentation for a
2638 television pilot program; a television series, including, but
2639 not limited to, a drama, a reality show, a comedy, a soap opera,

20101752e2

2640 a telenovela, a game show, an awards show, or a miniseries
2641 production; or a digital media project by the entertainment
2642 industry. One season of a television series is considered one
2643 production. The term does not include a weather or market
2644 program; a sporting event; a sports show; a gala; a production
2645 that solicits funds; a home shopping program; a political
2646 program; a political documentary; political advertising; a
2647 gambling-related project or production; a concert production; or
2648 a local, regional, or Internet-distributed-only news show,
2649 current-events show, pornographic production, or current-affairs
2650 show. A production may be produced on or by film, tape, or
2651 otherwise by means of a motion picture camera; electronic camera
2652 or device; tape device; computer; any combination of the
2653 foregoing; or any other means, method, or device.

2654 (g) "Production expenditures" means the costs of tangible
2655 and intangible property used for, and services performed
2656 primarily and customarily in, production, including
2657 preproduction and postproduction, but excluding costs for
2658 development, marketing, and distribution. The term includes, but
2659 is not limited to:

2660 1. Wages, salaries, or other compensation paid to legal
2661 residents of this state, including amounts paid through payroll
2662 service companies, for technical and production crews,
2663 directors, producers, and performers.

2664 2. Net expenditures for sound stages, backlots, production
2665 editing, digital effects, sound recordings, sets, and set
2666 construction.

2667 3. Net expenditures for rental equipment, including, but
2668 not limited to, cameras and grip or electrical equipment.

20101752e2

2669 4. Up to \$300,000 of the costs of newly purchased computer
2670 software and hardware unique to the project, including servers,
2671 data processing, and visualization technologies, which are
2672 located in and used exclusively in the state for the production
2673 of digital media.

2674 5. Expenditures for meals, travel, and accommodations. For
2675 purposes of this paragraph, the term "net expenditures" means
2676 the actual amount of money a qualified production spent for
2677 equipment or other tangible personal property, after subtracting
2678 any consideration received for reselling or transferring the
2679 item after the qualified production ends, if applicable.

2680 (h) "Qualified expenditures" means production expenditures
2681 incurred in this state by a qualified production for:

2682 1. Goods purchased or leased from, or services, including,
2683 but not limited to, insurance costs and bonding, payroll
2684 services, and legal fees, which are provided by, a vendor or
2685 supplier in this state that is registered with the Department of
2686 State or the Department of Revenue, has a physical location in
2687 this state, and employs one or more legal residents of this
2688 state. When services are provided by the vendor or supplier
2689 include personal services or labor, only personal services or
2690 labor provided by residents of this state, evidenced by the
2691 required documentation of residency in this state, qualify.

2692 2. Payments to legal residents of this state in the form of
2693 salary, wages, or other compensation up to a maximum of \$400,000
2694 per resident unless otherwise specified in subsection (4). A
2695 completed declaration of residency in this state must accompany
2696 the documentation submitted to the office for reimbursement.
2697

20101752e2

2698 For a qualified production involving an event, such as an awards
2699 show, the term does not include expenditures solely associated
2700 with the event itself and not directly required by the
2701 production. The term does not include expenditures incurred
2702 before certification, with the exception of those incurred for a
2703 commercial, a music video, or the pickup of additional episodes
2704 of a high-impact television series within a single season. Under
2705 no circumstances may the qualified production include in the
2706 calculation for qualified expenditures the original purchase
2707 price for equipment or other tangible property that is later
2708 sold or transferred by the qualified production for
2709 consideration. In such cases, the qualified expenditure is the
2710 net of the original purchase price minus the consideration
2711 received upon sale or transfer.

2712 (i) "Qualified production" means a production in this state
2713 meeting the requirements of this section. The term does not
2714 include a production:

2715 1. In which, for the first 2 years of the incentive
2716 program, less than 50 percent, and thereafter, less than 60
2717 percent, of the positions that make up its production cast and
2718 below-the-line production crew, or, in the case of digital media
2719 projects, less than 75 percent of such positions, are filled by
2720 legal residents of this state, whose residency is demonstrated
2721 by a valid Florida driver's license or other state-issued
2722 identification confirming residency, or students enrolled full-
2723 time in a film-and-entertainment-related course of study at an
2724 institution of higher education in this state; or

2725 2. That is deemed by the Office of Film and Entertainment
2726 to contain obscene content as defined in s. 847.001(10).

20101752e2

2727 (j) "Qualified production company" means a corporation,
2728 limited liability company, partnership, or other legal entity
2729 engaged in one or more productions in this state.

2730 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2731 industry financial incentive program is created within the
2732 Office of Film and Entertainment. The purpose of this program is
2733 to encourage the use of this state as a site for filming, for
2734 the digital production of films, and to develop and sustain the
2735 workforce and infrastructure for film, digital media, and
2736 entertainment production.

2737 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2738 (a) Program application.—A qualified production company
2739 producing a qualified production in this state may submit a
2740 program application to the Office of Film and Entertainment for
2741 the purpose of determining qualification for an award of tax
2742 credits authorized by this section no earlier than 180 days
2743 before the first day of principal photography or project start
2744 date in this state. The applicant shall provide the Office of
2745 Film and Entertainment with information required to determine
2746 whether the production is a qualified production and to
2747 determine the qualified expenditures and other information
2748 necessary for the office to determine eligibility for the tax
2749 credit.

2750 (b) Required documentation.—The Office of Film and
2751 Entertainment shall develop an application form for qualifying
2752 an applicant as a qualified production. The form must include,
2753 but need not be limited to, production-related information
2754 concerning employment of residents in this state, a detailed
2755 budget of planned qualified expenditures, and the applicant's

20101752e2

2756 signed affirmation that the information on the form has been
2757 verified and is correct. The Office of Film and Entertainment
2758 and local film commissions shall distribute the form.

2759 (c) Application process.—The Office of Film and
2760 Entertainment shall establish a process by which an application
2761 is accepted and reviewed and by which tax credit eligibility and
2762 award amount are determined. The Office of Film and
2763 Entertainment may request assistance from a duly appointed local
2764 film commission in determining compliance with this section.

2765 (d) Certification.—The Office of Film and Entertainment
2766 shall review the application within 15 business days after
2767 receipt. Upon its determination that the application contains
2768 all the information required by this subsection and meets the
2769 criteria set out in this section, the Office of Film and
2770 Entertainment shall qualify the applicant and recommend to the
2771 Office of Tourism, Trade, and Economic Development that the
2772 applicant be certified for the maximum tax credit award amount.
2773 Within 5 business days after receipt of the recommendation, the
2774 Office of Tourism, Trade, and Economic Development shall reject
2775 the recommendation or certify the maximum recommended tax credit
2776 award, if any, to the applicant and to the executive director of
2777 the Department of Revenue.

2778 (e) Grounds for denial.—The Office of Film and
2779 Entertainment shall deny an application if it determines that
2780 the application is not complete or the production or application
2781 does not meet the requirements of this section.

2782 (f) Verification of actual qualified expenditures.—

2783 1. The Office of Film and Entertainment shall develop a
2784 process to verify the actual qualified expenditures of a

20101752e2

2785 certified production. The process must require:

2786 a. A certified production to submit, in a timely manner
2787 after production ends in this state and after making all of its
2788 qualified expenditures in this state, data substantiating each
2789 qualified expenditure, including documentation on the net
2790 expenditure on equipment and other tangible personal property by
2791 the qualified production, to an independent certified public
2792 accountant licensed in this state;

2793 b. Such accountant to conduct a compliance audit, at the
2794 certified production's expense, to substantiate each qualified
2795 expenditure and submit the results as a report, along with the
2796 required substantiating data, to the Office of Film and
2797 Entertainment; and

2798 c. The Office of Film and Entertainment to review the
2799 accountant's submittal and report to the Office of Tourism,
2800 Trade, and Economic Development the final verified amount of
2801 actual qualified expenditures made by the certified production.

2802 2. The Office of Tourism, Trade, and Economic Development
2803 shall determine and approve the final tax credit award amount to
2804 each certified applicant based on the final verified amount of
2805 actual qualified expenditures and shall notify the executive
2806 director of the Department of Revenue in writing that the
2807 certified production has met the requirements of the incentive
2808 program and of the final amount of the tax credit award. The
2809 final tax credit award amount may not exceed the maximum tax
2810 credit award amount certified under paragraph (d).

2811 (g) Promoting Florida.—The Office of Film and Entertainment
2812 shall ensure that, as a condition of receiving a tax credit
2813 under this section, marketing materials promoting this state as

20101752e2

2814 a tourist destination or film and entertainment production
2815 destination are included, when appropriate, at no cost to the
2816 state, which must, at a minimum, include placement of a "Filmed
2817 in Florida" or "Produced in Florida" logo in the end credits.
2818 The placement of a "Filmed in Florida" or "Produced in Florida"
2819 logo on all packaging material and hard media is also required,
2820 unless such placement is prohibited by licensing or other
2821 contractual obligations. The size and placement of such logo
2822 shall be commensurate to other logos used. If no logos are used,
2823 the statement "Filmed in Florida using Florida's Entertainment
2824 Industry Financial Incentive," or a similar statement approved
2825 by the Office of Film and Entertainment, shall be used. The
2826 Office of Film and Entertainment shall provide a logo and supply
2827 it for the purposes specified in this paragraph. A 30-second
2828 "Visit Florida" promotional video must also be included on all
2829 optical disc formats of a film, unless such placement is
2830 prohibited by licensing or other contractual obligations. The
2831 30-second promotional video shall be approved and provided by
2832 the Florida Tourism Industry Marketing Corporation in
2833 consultation with the Commissioner of Film and Entertainment.

2834 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2835 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2836 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2837 ACQUISITIONS.—

2838 (a) Priority for tax credit award.—The priority of a
2839 qualified production for tax credit awards must be determined on
2840 a first-come, first-served basis within its appropriate queue.
2841 Each qualified production must be placed into the appropriate
2842 queue and is subject to the requirements of that queue.

20101752e2

2843 (b) Tax credit eligibility.-
2844 1. General production queue.-Ninety-four percent of tax
2845 credits authorized pursuant to subsection (6) in any state
2846 fiscal year must be dedicated to the general production queue.
2847 The general production queue consists of all qualified
2848 productions other than those eligible for the commercial and
2849 music video queue or the independent and emerging media
2850 production queue. A qualified production that demonstrates a
2851 minimum of \$625,000 in qualified expenditures is eligible for
2852 tax credits equal to 20 percent of its actual qualified
2853 expenditures, up to a maximum of \$8 million. A qualified
2854 production that incurs qualified expenditures during multiple
2855 state fiscal years may combine those expenditures to satisfy the
2856 \$625,000 minimum threshold.

2857 a. An off-season certified production that is a feature
2858 film, independent film, or television series or pilot is
2859 eligible for an additional 5-percent tax credit on actual
2860 qualified expenditures. An off-season certified production that
2861 does not complete 75 percent of principal photography due to a
2862 disruption caused by a hurricane or tropical storm may not be
2863 disqualified from eligibility for the additional 5-percent
2864 credit as a result of the disruption.

2865 b. A qualified high-impact television series shall be
2866 allowed first position in this queue for tax credit awards not
2867 yet certified.

2868 2. Commercial and music video queue.-Three percent of tax
2869 credits authorized pursuant to subsection (6) in any state
2870 fiscal year must be dedicated to the commercial and music video
2871 queue. A qualified production company that produces national or

20101752e2

2872 regional commercials or music videos may be eligible for a tax
2873 credit award if it demonstrates a minimum of \$100,000 in
2874 qualified expenditures per national or regional commercial or
2875 music video and exceeds a combined threshold of \$500,000 after
2876 combining actual qualified expenditures from qualified
2877 commercials and music videos during a single state fiscal year.
2878 After a qualified production company that produces commercials,
2879 music videos, or both reaches the threshold of \$500,000, it is
2880 eligible to apply for certification for a tax credit award. The
2881 maximum credit award shall be equal to 20 percent of its actual
2882 qualified expenditures up to a maximum of \$500,000. If there is
2883 a surplus at the end of a fiscal year after the Office of Film
2884 and Entertainment certifies and determines the tax credits for
2885 all qualified commercial and video projects, such surplus tax
2886 credits shall be carried forward to the following fiscal year
2887 and be available to any eligible qualified productions under the
2888 general production queue.

2889 3. Independent and emerging media production queue.—Three
2890 percent of tax credits authorized pursuant to subsection (6) in
2891 any state fiscal year must be dedicated to the independent and
2892 emerging media production queue. This queue is intended to
2893 encourage Florida independent film and emerging media
2894 production. Any qualified production, excluding commercials,
2895 infomercials, or music videos, that demonstrates at least
2896 \$100,000, but not more than \$625,000, in total qualified
2897 expenditures is eligible for tax credits equal to 20 percent of
2898 its actual qualified expenditures. If a surplus exists at the
2899 end of a fiscal year after the Office of Film and Entertainment
2900 certifies and determines the tax credits for all qualified

20101752e2

2901 independent and emerging media production projects, such surplus
2902 tax credits shall be carried forward to the following fiscal
2903 year and be available to any eligible qualified productions
2904 under the general production queue.

2905 4. Family-friendly productions.—A certified theatrical or
2906 direct-to-video motion picture production or video game
2907 determined by the Commissioner of Film and Entertainment, with
2908 the advice of the Florida Film and Entertainment Advisory
2909 Council, to be family-friendly, based on the review of the
2910 script and the review of the final release version, is eligible
2911 for an additional tax credit equal to 5 percent of its actual
2912 qualified expenditures. Family-friendly productions are those
2913 that have cross-generational appeal; would be considered
2914 suitable for viewing by children age 5 or older; are appropriate
2915 in theme, content, and language for a broad family audience;
2916 embody a responsible resolution of issues; and do not exhibit or
2917 imply any act of smoking, sex, nudity, or vulgar or profane
2918 language.

2919 (c) Withdrawal of tax credit eligibility.—A qualified or
2920 certified production must continue on a reasonable schedule,
2921 which includes beginning principal photography or the production
2922 project in this state no more than 45 calendar days before or
2923 after the principal photography or project start date provided
2924 in the production's program application. The Office of Tourism,
2925 Trade, and Economic Development shall withdraw the eligibility
2926 of a qualified or certified production that does not continue on
2927 a reasonable schedule.

2928 (d) Election and distribution of tax credits.—

2929 1. A certified production company receiving a tax credit

20101752e2

2930 award under this section shall, at the time the credit is
2931 awarded by the Office of Tourism, Trade, and Economic
2932 Development after production is completed and all requirements
2933 to receive a credit award have been met, make an irrevocable
2934 election to apply the credit against taxes due under chapter
2935 220, against state taxes collected or accrued under chapter 212,
2936 or against a stated combination of the two taxes. The election
2937 is binding upon any distributee, successor, transferee, or
2938 purchaser. The Office of Tourism, Trade, and Economic
2939 Development shall notify the Department of Revenue of any
2940 election made pursuant to this paragraph.

2941 2. A qualified production company is eligible for tax
2942 credits against its sales and use tax liabilities and corporate
2943 income tax liabilities as provided in this section. However, tax
2944 credits awarded under this section may not be claimed against
2945 sales and use tax liabilities or corporate income tax
2946 liabilities for any tax period beginning before July 1, 2011,
2947 regardless of when the credits are applied for or awarded.

2948 (e) Tax credit carryforward.—If the certified production
2949 company cannot use the entire tax credit in the taxable year or
2950 reporting period in which the credit is awarded, any excess
2951 amount may be carried forward to a succeeding taxable year or
2952 reporting period. A tax credit applied against taxes imposed
2953 under chapter 212 may be carried forward for a maximum of 5
2954 years after the date the credit is awarded. A tax credit applied
2955 against taxes imposed under chapter 220 may be carried forward
2956 for a maximum of 5 years after the date the credit is awarded,
2957 after which the credit expires and may not be used.

2958 (f) Consolidated returns.—A certified production company

20101752e2

2959 that files a Florida consolidated return as a member of an
2960 affiliated group under s. 220.131(1) may be allowed the credit
2961 on a consolidated return basis up to the amount of the tax
2962 imposed upon the consolidated group under chapter 220.

2963 (g) Partnership and noncorporate distributions.—A qualified
2964 production company that is not a corporation as defined in s.
2965 220.03 may elect to distribute tax credits awarded under this
2966 section to its partners or members in proportion to their
2967 respective distributive income or loss in the taxable year in
2968 which the tax credits were awarded.

2969 (h) Mergers or acquisitions.—Tax credits available under
2970 this section to a certified production company may succeed to a
2971 surviving or acquiring entity subject to the same conditions and
2972 limitations as described in this section; however, they may not
2973 be transferred again by the surviving or acquiring entity.

2974 (5) TRANSFER OF TAX CREDITS.—

2975 (a) Authorization.—Upon application to the Office of Film
2976 and Entertainment and approval by the Office of Tourism, Trade,
2977 and Economic Development, a certified production company, or a
2978 partner or member that has received a distribution under
2979 paragraph (4) (g), may elect to transfer, in whole or in part,
2980 any unused credit amount granted under this section. An election
2981 to transfer any unused tax credit amount under chapter 212 or
2982 chapter 220 must be made no later than 5 years after the date
2983 the credit is awarded, after which period the credit expires and
2984 may not be used. The Office of Tourism, Trade, and Economic
2985 Development shall notify the Department of Revenue of the
2986 election and transfer.

2987 (b) Number of transfers permitted.—A certified production

20101752e2

2988 company that elects to apply a credit amount against taxes
2989 remitted under chapter 212 is permitted a one-time transfer of
2990 unused credits to one transferee. A certified production company
2991 that elects to apply a credit amount against taxes due under
2992 chapter 220 is permitted a one-time transfer of unused credits
2993 to no more than four transferees, and such transfers must occur
2994 in the same taxable year.

2995 (c) Transferee rights and limitations.—The transferee is
2996 subject to the same rights and limitations as the certified
2997 production company awarded the tax credit, except that the
2998 transferee may not sell or otherwise transfer the tax credit.

2999 (6) RELINQUISHMENT OF TAX CREDITS.—

3000 (a) Beginning July 1, 2011, a certified production company,
3001 or any person who has acquired a tax credit from a certified
3002 production company pursuant to subsections (4) and (5), may
3003 elect to relinquish the tax credit to the Department of Revenue
3004 in exchange for 90 percent of the amount of the relinquished tax
3005 credit.

3006 (b) The Department of Revenue may approve payments to
3007 persons relinquishing tax credits pursuant to this subsection.

3008 (c) Subject to legislative appropriation, the Department of
3009 Revenue shall request the Chief Financial Officer to issue
3010 warrants to persons relinquishing tax credits. Payments under
3011 this subsection shall be made from the funds from which the
3012 proceeds from the taxes against which the tax credits could have
3013 been applied pursuant to the irrevocable election made by the
3014 certified production company under subsection (4) are deposited.

3015 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

3016 (a) The aggregate amount of the tax credits that may be

20101752e2

3017 certified pursuant to paragraph (3) (d) may not exceed:

3018 1. For fiscal year 2010-2011, \$53.5 million.

3019 2. For fiscal year 2011-2012, \$74.5 million.

3020 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
3021 \$38 million per fiscal year.

3022 (b) Any portion of the maximum amount of tax credits
3023 established per fiscal year in paragraph (a) that is not
3024 certified as of the end of a fiscal year shall be carried
3025 forward and made available for certification during the
3026 following two fiscal years in addition to the amounts available
3027 for certification under paragraph (a) for those fiscal years.

3028 (c) Upon approval of the final tax credit award amount
3029 pursuant to subparagraph (3) (f)2., an amount equal to the
3030 difference between the maximum tax credit award amount
3031 previously certified under paragraph (3) (d) and the approved
3032 final tax credit award amount shall immediately be available for
3033 recertification during the current and following fiscal years in
3034 addition to the amounts available for certification under
3035 paragraph (a) for those fiscal years.

3036 (d) If, during a fiscal year, the total amount of credits
3037 applied for, pursuant to paragraph (3) (a), exceeds the amount of
3038 credits available for certification in that fiscal year, such
3039 excess shall be treated as having been applied for on the first
3040 day of the next fiscal year in which credits remain available
3041 for certification.

3042 (8) RULES, POLICIES, AND PROCEDURES.—

3043 (a) The Office of Tourism, Trade, and Economic Development
3044 may adopt rules pursuant to ss. 120.536(1) and 120.54 and
3045 develop policies and procedures to implement and administer this

20101752e2

3046 section, including, but not limited to, rules specifying
3047 requirements for the application and approval process, records
3048 required for substantiation for tax credits, procedures for
3049 making the election in paragraph (4) (d), the manner and form of
3050 documentation required to claim tax credits awarded or
3051 transferred under this section, and marketing requirements for
3052 tax credit recipients.

3053 (b) The Department of Revenue may adopt rules pursuant to
3054 ss. 120.536(1) and 120.54 to administer this section, including
3055 rules governing the examination and audit procedures required to
3056 administer this section and the manner and form of documentation
3057 required to claim tax credits awarded, transferred, or
3058 relinquished under this section.

3059 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
3060 CREDITS; FRAUDULENT CLAIMS.—

3061 (a) Audit authority.—The Department of Revenue may conduct
3062 examinations and audits as provided in s. 213.34 to verify that
3063 tax credits under this section are received, transferred, and
3064 applied according to the requirements of this section. If the
3065 Department of Revenue determines that tax credits are not
3066 received, transferred, or applied as required by this section,
3067 it may, in addition to the remedies provided in this subsection,
3068 pursue recovery of such funds pursuant to the laws and rules
3069 governing the assessment of taxes.

3070 (b) Revocation of tax credits.—The Office of Tourism,
3071 Trade, and Economic Development may revoke or modify any written
3072 decision qualifying, certifying, or otherwise granting
3073 eligibility for tax credits under this section if it is
3074 discovered that the tax credit applicant submitted any false

20101752e2

3075 statement, representation, or certification in any application,
3076 record, report, plan, or other document filed in an attempt to
3077 receive tax credits under this section. The Office of Tourism,
3078 Trade, and Economic Development shall immediately notify the
3079 Department of Revenue of any revoked or modified orders
3080 affecting previously granted tax credits. Additionally, the
3081 applicant must notify the Department of Revenue of any change in
3082 its tax credit claimed.

3083 (c) Forfeiture of tax credits.—A determination by the
3084 Department of Revenue, as a result of an audit pursuant to
3085 paragraph (a) or from information received from the Office of
3086 Film and Entertainment, that an applicant received tax credits
3087 pursuant to this section to which the applicant was not entitled
3088 is grounds for forfeiture of previously claimed and received tax
3089 credits. The applicant is responsible for returning forfeited
3090 tax credits to the Department of Revenue, and such funds shall
3091 be paid into the General Revenue Fund of the state. Tax credits
3092 purchased in good faith are not subject to forfeiture unless the
3093 transferee submitted fraudulent information in the purchase or
3094 failed to meet the requirements in subsection (5).

3095 (d) Fraudulent claims.—Any applicant that submits
3096 fraudulent information under this section is liable for
3097 reimbursement of the reasonable costs and fees associated with
3098 the review, processing, investigation, and prosecution of the
3099 fraudulent claim. An applicant that obtains a credit payment
3100 under this section through a claim that is fraudulent is liable
3101 for reimbursement of the credit amount plus a penalty in an
3102 amount double the credit amount. The penalty is in addition to
3103 any criminal penalty to which the applicant is liable for the

20101752e2

3104 same acts. The applicant is also liable for costs and fees
3105 incurred by the state in investigating and prosecuting the
3106 fraudulent claim.

3107 (10) ANNUAL REPORT.—Each October 1, the Office of Film and
3108 Entertainment shall provide an annual report for the previous
3109 fiscal year to the Governor, the President of the Senate, and
3110 the Speaker of the House of Representatives which outlines the
3111 return on investment and economic benefits to the state.

3112 (11) REPEAL.—This section is repealed July 1, 2015, except
3113 that:

3114 (a) Tax credits certified under paragraph (3) (d) before
3115 July 1, 2015, may be awarded under paragraph (3) (f) on or after
3116 July 1, 2015, if the other requirements of this section are met.

3117 (b) Tax credits carried forward under paragraph (4) (e)
3118 remain valid for the period specified.

3119 (c) Subsections (5), (8) and (9) shall remain in effect
3120 until July 1, 2020.

3121 Section 29. Effective July 1, 2010, subsection (5) of
3122 section 288.1258, Florida Statutes, is amended to read:

3123 288.1258 Entertainment industry qualified production
3124 companies; application procedure; categories; duties of the
3125 Department of Revenue; records and reports.—

3126 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3127 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
3128 and Entertainment shall keep annual records from the information
3129 provided on taxpayer applications for tax exemption certificates
3130 beginning January 1, 2001. These records shall reflect a ratio
3131 ~~percentage comparison~~ of the annual amount of ~~funds exempted~~
3132 sales and use tax exemptions under this section and incentives

20101752e2

3133 awarded pursuant to s. 288.1254 to the estimated amount of funds
3134 expended by certified productions, including productions that
3135 received incentives pursuant to s. 288.1254 in relation to
3136 entertainment industry products. These records also shall
3137 reflect a separate ratio of the annual amount of sales and use
3138 tax exemptions under this section, plus the incentives awarded
3139 pursuant to s. 288.1254 to the estimated amount of funds
3140 expended by certified productions. In addition, the office shall
3141 maintain data showing annual growth in Florida-based
3142 entertainment industry companies and entertainment industry
3143 employment and wages. The Office of Film and Entertainment shall
3144 report this information to the Legislature ~~by~~ no later than
3145 December 1 of each year.

3146 Section 30. Effective July 1, 2010, section 288.9552,
3147 Florida Statutes, is created to read:

3148 288.9552 Florida Research Commercialization Matching Grant
3149 Program.—

3150 (1) PURPOSE; GOALS AND OBJECTIVES; CREATION OF PROGRAM.—

3151 (a) The purpose of the Florida Research Commercialization
3152 Matching Grant Program is to increase the amount of federal
3153 funding to this state which will produce the kind of distinctive
3154 technologies that drive today's knowledge-based economy. By
3155 leveraging federal, state, and private-sector resources, the
3156 Legislature intends that the program accelerate the innovation
3157 process and more efficiently transform research results into
3158 products in the marketplace.

3159 (b) The matching grant program is specifically intended to
3160 be a catalyst for small or startup companies that can take
3161 advantage of federal and state grant funding in order to

20101752e2

3162 accelerate their growth and market penetration by helping them
3163 to overcome the funding gap faced by many small companies that
3164 are based in this state. Specific goals and objectives of the
3165 program include:

3166 1. Increasing the amount of federal research moneys
3167 received by small businesses in this state through Phase I and
3168 Phase II awards from the Small Business Innovation Research
3169 Program and the Small Business Technology Transfer Program of
3170 the Office of Technology of the United States Small Business
3171 Administration.

3172 2. Accelerating the entry of new technology-based products
3173 into the marketplace.

3174 3. Producing additional technology-based jobs for the
3175 state.

3176 4. Providing leveraged resources to increase the
3177 effectiveness and success of applicants' projects.

3178 5. Speeding commercialization of promising technologies.

3179 6. Encouraging the establishment and growth of high-
3180 quality, advanced technology firms in the state.

3181 7. Accelerating the rate of investment and enhancing the
3182 state's investment infrastructure.

3183 (c) The Florida Research Commercialization Matching Grant
3184 Program is created for the purpose of accomplishing the goals
3185 and objectives specified in this section.

3186 (2) ADMINISTRATION.—The Florida Institute for the
3187 Commercialization of Public Research shall develop programmatic
3188 policy, ensure statewide applicability of the matching grant
3189 program, establish criteria for grant awards, approve grant
3190 awards, and annually report on program progress and results.

20101752e2

3191 (3) GENERAL ELIGIBILITY GUIDELINES.—A qualified applicant
3192 for a Phase I or Phase II grant must:

3193 (a) Be a business entity that is registered with the
3194 Secretary of State to operate in this state. The qualified
3195 applicant must also have its primary office and a majority of
3196 its employees domiciled in this state, and its principal
3197 research activities must be conducted in the state.

3198 (b) Be a small company for which a state matching grant is
3199 necessary for project development and implementation.

3200 (c) Use federal, local, and private resources to the
3201 maximum extent possible. Total project funding shall demonstrate
3202 that:

3203 1. Private-sector investments offset the total cost of the
3204 project.

3205 2. Not more than 25 percent of the project's total funding
3206 is provided by the state grant.

3207 (d) Conduct the project funded by the matching grant
3208 program in this state.

3209 (4) PHASE-SPECIFIC APPLICATION GUIDELINES.—

3210 (a) A successful applicant for a grant must meet the
3211 requirements of this section and be approved by the institute.
3212 An application for a grant must be made on an application form
3213 prescribed by the institute. An applicant shall provide all
3214 information that the institute finds necessary to make the
3215 determinations required by this section.

3216 (b) All applications for a grant fund must include the
3217 following:

3218 1. A fully elaborated technical research or business plan,
3219 whichever applies, that is appropriate for review by outside

20101752e2

3220 experts as provided in this section.

3221 2. A detailed financial analysis that includes the
3222 commitment of resources by other entities that will be involved
3223 in the project.

3224 3. A statement of the economic development potential of the
3225 project, such as:

3226 a. A statement of the way in which grant support will lead
3227 to significantly increased funding from federal or private
3228 sources and from private sector research partners.

3229 b. A projection of the jobs to be created.

3230 c. The identity, qualifications, and obligations of the
3231 applicant.

3232 d. Any other information that the Institute considers
3233 appropriate.

3234 (c)1. An application for a grant fund submitted by an
3235 academic researcher must be made through the office of the
3236 president of the researcher's academic institution with the
3237 express endorsement of the institution's president.

3238 2. An application for a grant submitted by a private
3239 researcher must be made through the office of the highest
3240 ranking officer of the researcher's institution with the express
3241 endorsement of the institution.

3242 3. Any other application must be made through the office of
3243 the highest ranking officer of the entity submitting the
3244 application. In the case of an application for a grant that is
3245 submitted jointly by one or more researchers or entities, the
3246 application must be endorsed by each institution or entity.

3247 (d) A Phase I state grant may not be awarded unless the
3248 applicant has received a federal Phase I award. An entity may

20101752e2

3249 receive no more than five Phase I state grants.

3250 (e) A qualified applicant for a Phase II state grant must
3251 have received an invitation to submit an application for a
3252 federal Phase II award or must have received a federal Phase II
3253 award. If a federal Phase II award has already been issued, the
3254 end date of the federal award must be identified and
3255 justification must be provided as to how the state funds will
3256 enhance the existing federal award. A Phase II state grant may
3257 not be awarded unless the applicant has received a federal Phase
3258 II award.

3259 (5) PHASE I PEER REVIEW GUIDELINES.-In making a
3260 determination on a proposal intended to obtain Phase I federal
3261 funding, the institute shall be advised by a peer review panel
3262 and shall consider the following factors in evaluating the
3263 proposal:

3264 (a) The scientific merit of the proposal.

3265 (b) The predicted future success of federal funding for the
3266 proposal.

3267 (c) The ability of the researcher to attract merit based
3268 scientific funding of research.

3269 (d) The extent to which the proposal evidences
3270 interdisciplinary or inter-institutional collaboration among two
3271 or more postsecondary educational institutions or private sector
3272 partners in this state, as well as cost sharing and partnership
3273 support from the business community.

3274 (e) The peer review panel shall be chosen by and report to
3275 the institute. In determining the composition and duties of a
3276 peer review panel, the institute shall consider the National
3277 Institutes of Health and the National Science Foundation peer

20101752e2

3278 review processes as models. The members of the panel must have
3279 extensive experience in federal research funding. A panel member
3280 may not have a relationship with any private entity or
3281 postsecondary educational institution in the state that would
3282 constitute a conflict of interest for the panel member. The
3283 members of a panel shall serve without compensation and are not
3284 entitled to per diem and travel expenses while in the
3285 performance of their duties.

3286 (f) A grant for a Phase I award may not be approved by the
3287 Institute unless the proposal has received a positive
3288 recommendation from a peer review panel described in this
3289 section.

3290 (6) PHASE II REVIEW GUIDELINES.-In making a determination
3291 on an application for a Phase II grant, the institute shall
3292 consult with experts as necessary to analyze the likelihood of
3293 success of the proposal and the relative merit of the proposal.

3294 (7) PROGRAM ADMINISTRATOR; RESPONSIBILITIES.-The Florida
3295 Institute for the Commercialization of Public Research shall
3296 serve as program administrator. The institute may contract for
3297 the performance of a technology review and related functions
3298 with a third party. Not more than 5 percent of a legislative
3299 appropriation made for the purposes of implementing this program
3300 may be used for administering this program. The responsibilities
3301 of the Institute as the program administrator include, but are
3302 not limited to:

3303 (a) Coordinating and supporting the grant review, approval,
3304 and contracting activities.

3305 (b) Administering the grant-selection process, including,
3306 but not limited to, issuing open-call requests for grant

20101752e2

3307 applications and receiving, reviewing, and processing grant
3308 applications, and awarding grants to selected qualified
3309 applicants.

3310 (c) Entering into a contract with each grant recipient and
3311 serving as the grant contract manager.

3312 (d) Reporting program progress and results.

3313 (e) Establishing a mechanism by which information regarding
3314 grant projects may be made available to facilitate additional
3315 investment by individual investors, investment for early start-
3316 up costs, or venture capital investment.

3317 (8) APPLICATION REVIEW.—An application for a matching grant
3318 award must be reviewed and approved or denied within 45 days
3319 after receipt.

3320 (9) AWARDS.—The matching grant program may make a one-time
3321 award of up to \$50,000 per project for a Phase I grant to a
3322 qualified applicant and up to \$250,000 per project for a Phase
3323 II grant to a qualified applicant. Grant funds shall be released
3324 upon completion of all contract requirements.

3325 (10) REPORTING.—Beginning December 1, 2011, and annually
3326 thereafter, the institute shall transmit a report relating to
3327 the grants awarded under the program to the Governor, the
3328 President of the Senate, and the Speaker of the House of
3329 Representatives for the previous fiscal year.

3330 (11) EXPIRATION.—This section expires July 1, 2013, unless
3331 reviewed and reenacted by the Legislature prior to that date.

3332 Section 31. Effective July 1, 2010, subsections (7) through
3333 (12) of section 288.9625, Florida Statutes, are amended to read:

3334 288.9625 Institute for the Commercialization of Public
3335 Research.—There is established the Institute for the

20101752e2

3336 Commercialization of Public Research.

3337 ~~(7) Enterprise Florida, Inc., shall issue a request for~~
3338 ~~proposals to state universities requesting proposals to fulfill~~
3339 ~~the purposes of the institute as described in this section and~~
3340 ~~provide for its physical location in a major metropolitan area~~
3341 ~~in the southern part of the state having extensive commercial~~
3342 ~~air service to facilitate access by venture capital providers.~~
3343 ~~Enterprise Florida, Inc., shall review the proposals in a~~
3344 ~~committee appointed by its board of directors which shall make a~~
3345 ~~recommendation for final selection. Final approval of the~~
3346 ~~selected proposal must be by the board of directors of~~
3347 ~~Enterprise Florida, Inc., at one of its duly noticed meetings.~~

3348 (7)~~(8)~~(a) To be eligible for assistance, the company or
3349 organization attempting to commercialize its product must be
3350 accepted by the institute before receiving the institute's
3351 assistance.

3352 (b) The institute shall receive recommendations from any
3353 publicly supported organization that a company that is
3354 commercializing the research, technology, or patents from a
3355 qualifying publicly supported organization should be accepted
3356 into the institute.

3357 (c) The institute shall thereafter review the business
3358 plans and technology information of each such recommended
3359 company. If accepted, the institute shall mentor the company,
3360 develop marketing information on the company, and use its
3361 resources to attract capital investment into the company, as
3362 well as bring other resources to the company which may foster
3363 its effective management, growth, capitalization, technology
3364 protection, or marketing or business success.

20101752e2

- 3365 ~~(8)~~~~(9)~~ The institute shall:
- 3366 (a) Maintain a centralized location to showcase companies
3367 and their technologies and products;
- 3368 (b) Develop an efficient process to inventory and publicize
3369 companies and products that have been accepted by the institute
3370 for commercialization;
- 3371 (c) Routinely communicate with private investors and
3372 venture capital organizations regarding the investment
3373 opportunities in its showcased companies;
- 3374 (d) Facilitate meetings between prospective investors and
3375 eligible organizations in the institute;
- 3376 (e) Hire full-time staff who understand relevant
3377 technologies needed to market companies to the angel investors
3378 and venture capital investment community; and
- 3379 (f) Develop cooperative relationships with publicly
3380 supported organizations all of which work together to provide
3381 resources or special knowledge that is likely to be helpful to
3382 institute companies.
- 3383 (g) Administer the Florida Research Commercialization
3384 Matching Grant Program created in s. 288.9552.
- 3385 ~~(9)~~~~(10)~~ The institute shall not develop or accrue any
3386 ownership, royalty, patent, or other such rights over or
3387 interest in companies or products in the institute and shall
3388 maintain the secrecy of proprietary information.
- 3389 ~~(10)~~~~(11)~~ The institute shall not charge for services
3390 rendered to state universities and affiliated organizations,
3391 community colleges, or state agencies.
- 3392 ~~(11)~~~~(12)~~ By December 1 of each year, the institute shall
3393 issue an annual report concerning its activities to the

20101752e2

3394 Governor, the President of the Senate, and the Speaker of the
3395 House of Representatives. The report shall include the
3396 following:

3397 (a) Information on any assistance and activities provided
3398 by the institute to assist publicly supported universities,
3399 colleges, research institutes, and other publicly supported
3400 organizations in the state.

3401 (b) A description of the benefits to this state resulting
3402 from the institute, including the number of businesses created,
3403 associated industries started, the number of jobs created, and
3404 the growth of related projects.

3405 (c) Independently audited financial statements, including
3406 statements that show receipts and expenditures during the
3407 preceding fiscal year for personnel, administration, and
3408 operational costs of the institute.

3409 Section 32. Paragraph (f) of subsection (2) of section
3410 14.2015, Florida Statutes, is amended to read:

3411 14.2015 Office of Tourism, Trade, and Economic Development;
3412 creation; powers and duties.—

3413 (2) The purpose of the Office of Tourism, Trade, and
3414 Economic Development is to assist the Governor in working with
3415 the Legislature, state agencies, business leaders, and economic
3416 development professionals to formulate and implement coherent
3417 and consistent policies and strategies designed to provide
3418 economic opportunities for all Floridians. To accomplish such
3419 purposes, the Office of Tourism, Trade, and Economic Development
3420 shall:

3421 (f)1. Administer the Florida Enterprise Zone Act under ss.
3422 290.001-290.016, the community contribution tax credit program

20101752e2

3423 under ss. 220.183 and 624.5105, the tax refund program for
3424 qualified target industry businesses under s. 288.106, the tax-
3425 refund program for qualified defense contractors and space
3426 flight business contractors under s. 288.1045, contracts for
3427 transportation projects under s. 288.063, the sports franchise
3428 facility programs ~~program~~ under ss. 288.1162 and 288.11621 ~~s.~~
3429 ~~288.1162~~, the professional golf hall of fame facility program
3430 under s. 288.1168, the expedited permitting process under s.
3431 403.973, the Rural Community Development Revolving Loan Fund
3432 under s. 288.065, the Regional Rural Development Grants Program
3433 under s. 288.018, the Certified Capital Company Act under s.
3434 288.99, the Florida State Rural Development Council, the Rural
3435 Economic Development Initiative, and other programs that are
3436 specifically assigned to the office by law, by the
3437 appropriations process, or by the Governor. Notwithstanding any
3438 other provisions of law, the office may expend interest earned
3439 from the investment of program funds deposited in the Grants and
3440 Donations Trust Fund to contract for the administration of the
3441 programs, or portions of the programs, enumerated in this
3442 paragraph or assigned to the office by law, by the
3443 appropriations process, or by the Governor. Such expenditures
3444 shall be subject to review under chapter 216.

3445 2. The office may enter into contracts in connection with
3446 the fulfillment of its duties concerning the Florida First
3447 Business Bond Pool under chapter 159, tax incentives under
3448 chapters 212 and 220, tax incentives under the Certified Capital
3449 Company Act in chapter 288, foreign offices under chapter 288,
3450 the Enterprise Zone program under chapter 290, the Seaport
3451 Employment Training program under chapter 311, the Florida

20101752e2

3452 Professional Sports Team License Plates under chapter 320,
3453 Spaceport Florida under chapter 331, Expedited Permitting under
3454 chapter 403, and in carrying out other functions that are
3455 specifically assigned to the office by law, by the
3456 appropriations process, or by the Governor.

3457 Section 33. Paragraph (d) of subsection (6) of section
3458 212.20, Florida Statutes, is amended to read:

3459 212.20 Funds collected, disposition; additional powers of
3460 department; operational expense; refund of taxes adjudicated
3461 unconstitutionally collected.—

3462 (6) Distribution of all proceeds under this chapter and s.
3463 202.18(1)(b) and (2)(b) shall be as follows:

3464 (d) The proceeds of all other taxes and fees imposed
3465 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
3466 and (2)(b) shall be distributed as follows:

3467 1. In any fiscal year, the greater of \$500 million, minus
3468 an amount equal to 4.6 percent of the proceeds of the taxes
3469 collected pursuant to chapter 201, or 5.2 percent of all other
3470 taxes and fees imposed pursuant to this chapter or remitted
3471 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
3472 monthly installments into the General Revenue Fund.

3473 2. After the distribution under subparagraph 1., 8.814
3474 percent of the amount remitted by a sales tax dealer located
3475 within a participating county pursuant to s. 218.61 shall be
3476 transferred into the Local Government Half-cent Sales Tax
3477 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
3478 transferred shall be reduced by 0.1 percent, and the department
3479 shall distribute this amount to the Public Employees Relations
3480 Commission Trust Fund less \$5,000 each month, which shall be

20101752e2

3481 added to the amount calculated in subparagraph 3. and
3482 distributed accordingly.

3483 3. After the distribution under subparagraphs 1. and 2.,
3484 0.095 percent shall be transferred to the Local Government Half-
3485 cent Sales Tax Clearing Trust Fund and distributed pursuant to
3486 s. 218.65.

3487 4. After the distributions under subparagraphs 1., 2., and
3488 3., 2.0440 percent of the available proceeds shall be
3489 transferred monthly to the Revenue Sharing Trust Fund for
3490 Counties pursuant to s. 218.215.

3491 5. After the distributions under subparagraphs 1., 2., and
3492 3., 1.3409 percent of the available proceeds shall be
3493 transferred monthly to the Revenue Sharing Trust Fund for
3494 Municipalities pursuant to s. 218.215. If the total revenue to
3495 be distributed pursuant to this subparagraph is at least as
3496 great as the amount due from the Revenue Sharing Trust Fund for
3497 Municipalities and the former Municipal Financial Assistance
3498 Trust Fund in state fiscal year 1999-2000, no municipality shall
3499 receive less than the amount due from the Revenue Sharing Trust
3500 Fund for Municipalities and the former Municipal Financial
3501 Assistance Trust Fund in state fiscal year 1999-2000. If the
3502 total proceeds to be distributed are less than the amount
3503 received in combination from the Revenue Sharing Trust Fund for
3504 Municipalities and the former Municipal Financial Assistance
3505 Trust Fund in state fiscal year 1999-2000, each municipality
3506 shall receive an amount proportionate to the amount it was due
3507 in state fiscal year 1999-2000.

3508 6. Of the remaining proceeds:

3509 a. In each fiscal year, the sum of \$29,915,500 shall be

20101752e2

3510 divided into as many equal parts as there are counties in the
3511 state, and one part shall be distributed to each county. The
3512 distribution among the several counties must begin each fiscal
3513 year on or before January 5th and continue monthly for a total
3514 of 4 months. If a local or special law required that any moneys
3515 accruing to a county in fiscal year 1999-2000 under the then-
3516 existing provisions of s. 550.135 be paid directly to the
3517 district school board, special district, or a municipal
3518 government, such payment must continue until the local or
3519 special law is amended or repealed. The state covenants with
3520 holders of bonds or other instruments of indebtedness issued by
3521 local governments, special districts, or district school boards
3522 before July 1, 2000, that it is not the intent of this
3523 subparagraph to adversely affect the rights of those holders or
3524 relieve local governments, special districts, or district school
3525 boards of the duty to meet their obligations as a result of
3526 previous pledges or assignments or trusts entered into which
3527 obligated funds received from the distribution to county
3528 governments under then-existing s. 550.135. This distribution
3529 specifically is in lieu of funds distributed under s. 550.135
3530 before July 1, 2000.

3531 b. The department shall distribute \$166,667 monthly
3532 pursuant to s. 288.1162 to each applicant ~~that has been~~
3533 certified as a facility for a new or retained professional
3534 sports franchise ~~"facility for a new professional sports~~
3535 ~~franchise" or a "facility for a retained professional sports~~
3536 ~~franchise"~~ pursuant to s. 288.1162. Up to \$41,667 shall be
3537 distributed monthly by the department to each certified
3538 applicant as defined in s. 288.11621 for a facility for a spring

20101752e2

3539 training franchise. ~~that has been certified as a "facility for a~~
3540 ~~retained spring training franchise" pursuant to s. 288.1162;~~
3541 However, not more than \$416,670 may be distributed monthly in
3542 the aggregate to all certified applicants for facilities for a
3543 ~~retained~~ spring training franchises ~~franchise~~. Distributions
3544 ~~must~~ begin 60 days after ~~following~~ such certification and ~~shall~~
3545 continue for not more than 30 years, except as otherwise
3546 provided in s. 288.11621. A certified applicant identified in
3547 this sub-subparagraph may not ~~This paragraph may not be~~
3548 ~~construed to allow an applicant certified pursuant to s.~~
3549 ~~288.1162 to~~ receive more in distributions than ~~actually~~ expended
3550 by the applicant for the public purposes provided for in s.
3551 288.1162(5) or s. 288.11621(3) ~~s. 288.1162(6).~~

3552 c. Beginning 30 days after notice by the Office of Tourism,
3553 Trade, and Economic Development to the Department of Revenue
3554 that an applicant has been certified as the professional golf
3555 hall of fame pursuant to s. 288.1168 and is open to the public,
3556 \$166,667 shall be distributed monthly, for up to 300 months, to
3557 the applicant.

3558 d. Beginning 30 days after notice by the Office of Tourism,
3559 Trade, and Economic Development to the Department of Revenue
3560 that the applicant has been certified as the International Game
3561 Fish Association World Center facility pursuant to s. 288.1169,
3562 and the facility is open to the public, \$83,333 shall be
3563 distributed monthly, for up to 168 months, to the applicant.
3564 This distribution is subject to reduction pursuant to s.
3565 288.1169. A lump sum payment of \$999,996 shall be made, after
3566 certification and before July 1, 2000.

3567 7. All other proceeds must remain in the General Revenue

20101752e2

3568 Fund.

3569 Section 34. Section 218.64, Florida Statutes, is amended to
3570 read:

3571 218.64 Local government half-cent sales tax; uses;
3572 limitations.—

3573 (1) The proportion of the local government half-cent sales
3574 tax received by a county government based on two-thirds of the
3575 incorporated area population shall be deemed countywide revenues
3576 and shall be expended only for countywide tax relief or
3577 countywide programs. The remaining county government portion
3578 shall be deemed county revenues derived on behalf of the
3579 unincorporated area but may be expended on a countywide basis.

3580 (2) Municipalities shall expend their portions of the local
3581 government half-cent sales tax only for municipality-wide
3582 programs or for municipality-wide property tax or municipal
3583 utility tax relief. All utility tax rate reductions afforded by
3584 participation in the local government half-cent sales tax shall
3585 be applied uniformly across all types of taxed utility services.

3586 (3) Subject to ordinances enacted by the majority of the
3587 members of the county governing authority and by the majority of
3588 the members of the governing authorities of municipalities
3589 representing at least 50 percent of the municipal population of
3590 such county, counties may use up to \$2 million annually of the
3591 local government half-cent sales tax allocated to that county
3592 for funding for any of the following applicants:

3593 (a) A certified applicant as a facility for a new or
3594 retained professional sports franchise under ~~"facility for a new~~
3595 ~~professional sports franchise,"~~ a ~~"facility for a retained~~
3596 ~~professional sports franchise,"~~ or a ~~"facility for a retained~~

20101752e2

3597 ~~spring training franchise," as provided for in s. 288.1162 or a~~
3598 certified applicant as defined in s. 288.11621 for a facility
3599 for a spring training franchise. It is the Legislature's intent
3600 that the provisions of s. 288.1162, including, but not limited
3601 to, the evaluation process by the Office of Tourism, Trade, and
3602 Economic Development except for the limitation on the number of
3603 certified applicants or facilities as provided in that section
3604 and the restrictions set forth in s. 288.1162(8) ~~s. 288.1162(9)~~,
3605 shall apply to an applicant's facility to be funded by local
3606 government as provided in this subsection.

3607 (b) A certified applicant as a "motorsport entertainment
3608 complex," as provided for in s. 288.1171. Funding for each
3609 franchise or motorsport complex shall begin 60 days after
3610 certification and shall continue for not more than 30 years.

3611 (4) A local government is authorized to pledge proceeds of
3612 the local government half-cent sales tax for the payment of
3613 principal and interest on any capital project.

3614 Section 35. Section 288.1162, Florida Statutes, is amended
3615 to read:

3616 288.1162 Professional sports franchises; ~~spring training~~
3617 ~~franchises;~~ duties.—

3618 (1) The Office of Tourism, Trade, and Economic Development
3619 shall serve as the state agency for screening applicants for
3620 state funding under ~~pursuant to~~ s. 212.20 and for certifying an
3621 applicant as a facility for a new or retained professional
3622 sports franchise. ~~"facility for a new professional sports~~
3623 ~~franchise," a "facility for a retained professional sports~~
3624 ~~franchise," or a "facility for a retained spring training~~
3625 ~~franchise."~~

20101752e2

3626 (2) The Office of Tourism, Trade, and Economic Development
3627 shall develop rules for the receipt and processing of
3628 applications for funding under ~~pursuant to~~ s. 212.20.

3629 (3) As used in this section, the term:

3630 (a) "New professional sports franchise" means a
3631 professional sports franchise that was ~~is~~ not based in this
3632 state before ~~prior to~~ April 1, 1987.

3633 (b) "Retained professional sports franchise" means a
3634 professional sports franchise that has had a league-authorized
3635 location in this state on or before December 31, 1976, and has
3636 continuously remained at that location, and has never been
3637 located at a facility that has been previously certified under
3638 any provision of this section.

3639 (4) Before ~~Prior to~~ certifying an applicant as a facility
3640 for a new or retained professional sports franchise, ~~"facility~~
3641 ~~for a new professional sports franchise" or a "facility for a~~
3642 ~~retained professional sports franchise,"~~ the Office of Tourism,
3643 Trade, and Economic Development must determine that:

3644 (a) A "unit of local government" as defined in s. 218.369
3645 is responsible for the construction, management, or operation of
3646 the professional sports franchise facility or holds title to the
3647 property on which the professional sports franchise facility is
3648 located.

3649 (b) The applicant has a verified copy of a signed agreement
3650 with a new professional sports franchise for the use of the
3651 facility for a term of at least 10 years, or in the case of a
3652 retained professional sports franchise, an agreement for use of
3653 the facility for a term of at least 20 years.

3654 (c) The applicant has a verified copy of the approval from

20101752e2

3655 the governing authority of the league in which the new
3656 professional sports franchise exists authorizing the location of
3657 the professional sports franchise in this state after April 1,
3658 1987, or in the case of a retained professional sports
3659 franchise, verified evidence that it has had a league-authorized
3660 location in this state on or before December 31, 1976. As used
3661 in this section, the term "league" means the National League or
3662 the American League of Major League Baseball, the National
3663 Basketball Association, the National Football League, or the
3664 National Hockey League.

3665 (d) The applicant has projections, verified by the Office
3666 of Tourism, Trade, and Economic Development, which demonstrate
3667 that the new or retained professional sports franchise will
3668 attract a paid attendance of more than 300,000 annually.

3669 (e) The applicant has an independent analysis or study,
3670 verified by the Office of Tourism, Trade, and Economic
3671 Development, which demonstrates that the amount of the revenues
3672 generated by the taxes imposed under chapter 212 with respect to
3673 the use and operation of the professional sports franchise
3674 facility will equal or exceed \$2 million annually.

3675 (f) The municipality in which the facility for a new or
3676 retained professional sports franchise is located, or the county
3677 if the facility for a new or retained professional sports
3678 franchise is located in an unincorporated area, has certified by
3679 resolution after a public hearing that the application serves a
3680 public purpose.

3681 (g) The applicant has demonstrated that it has provided, is
3682 capable of providing, or has financial or other commitments to
3683 provide more than one-half of the costs incurred or related to

20101752e2

3684 the improvement and development of the facility.

3685 (h) An ~~No~~ applicant previously certified under any
3686 provision of this section who has received funding under such
3687 certification is not ~~shall be~~ eligible for an additional
3688 certification.

3689 ~~(5) (a) As used in this section, the term "retained spring~~
3690 ~~training franchise" means a spring training franchise that has~~
3691 ~~been based in this state prior to January 1, 2000.~~

3692 ~~(b) Prior to certifying an applicant as a "facility for a~~
3693 ~~retained spring training franchise," the Office of Tourism,~~
3694 ~~Trade, and Economic Development must determine that:~~

3695 1. ~~A "unit of local government" as defined in s. 218.369 is~~
3696 ~~responsible for the acquisition, construction, management, or~~
3697 ~~operation of the facility for a retained spring training~~
3698 ~~franchise or holds title to the property on which the facility~~
3699 ~~for a retained spring training franchise is located.~~

3700 2. ~~The applicant has a verified copy of a signed agreement~~
3701 ~~with a retained spring training franchise for the use of the~~
3702 ~~facility for a term of at least 15 years.~~

3703 3. ~~The applicant has a financial commitment to provide 50~~
3704 ~~percent or more of the funds required by an agreement for the~~
3705 ~~acquisition, construction, or renovation of the facility for a~~
3706 ~~retained spring training franchise. The agreement can be~~
3707 ~~contingent upon the awarding of funds under this section and~~
3708 ~~other conditions precedent to use by the spring training~~
3709 ~~franchise.~~

3710 4. ~~The applicant has projections, verified by the Office of~~
3711 ~~Tourism, Trade, and Economic Development, which demonstrate that~~
3712 ~~the facility for a retained spring training franchise will~~

20101752e2

3713 ~~attract a paid attendance of at least 50,000 annually.~~

3714 ~~5. The facility for a retained spring training franchise is~~
3715 ~~located in a county that is levying a tourist development tax~~
3716 ~~pursuant to s. 125.0104.~~

3717 ~~(c)1. The Office of Tourism, Trade, and Economic~~
3718 ~~Development shall competitively evaluate applications for~~
3719 ~~funding of a facility for a retained spring training franchise.~~
3720 ~~Applications must be submitted by October 1, 2000, with~~
3721 ~~certifications to be made by January 1, 2001. If the number of~~
3722 ~~applicants exceeds five and the aggregate funding request of all~~
3723 ~~applications exceeds \$208,335 per month, the office shall rank~~
3724 ~~the applications according to a selection criteria, certifying~~
3725 ~~the highest ranked proposals. The evaluation criteria shall~~
3726 ~~include, with priority given in descending order to the~~
3727 ~~following items:~~

3728 ~~a. The intended use of the funds by the applicant, with~~
3729 ~~priority given to the construction of a new facility.~~

3730 ~~b. The length of time that the existing franchise has been~~
3731 ~~located in the state, with priority given to retaining~~
3732 ~~franchises that have been in the same location the longest.~~

3733 ~~e. The length of time that a facility to be used by a~~
3734 ~~retained spring training franchise has been used by one or more~~
3735 ~~spring training franchises, with priority given to a facility~~
3736 ~~that has been in continuous use as a facility for spring~~
3737 ~~training the longest.~~

3738 ~~d. For those teams leasing a spring training facility from~~
3739 ~~a unit of local government, the remaining time on the lease for~~
3740 ~~facilities used by the spring training franchise, with priority~~
3741 ~~given to the shortest time period remaining on the lease.~~

20101752e2

3742 ~~e. The duration of the future use agreement with the~~
3743 ~~retained spring training franchise, with priority given to the~~
3744 ~~future use agreement having the longest duration.~~

3745 ~~f. The amount of the local match, with priority given to~~
3746 ~~the largest percentage of local match proposed.~~

3747 ~~g. The net increase of total active recreation space owned~~
3748 ~~by the applying unit of local government following the~~
3749 ~~acquisition of land for the spring training facility, with~~
3750 ~~priority given to the largest percentage increase of total~~
3751 ~~active recreation space.~~

3752 ~~h. The location of the facility in a brownfield, an~~
3753 ~~enterprise zone, a community redevelopment area, or other area~~
3754 ~~of targeted development or revitalization included in an Urban~~
3755 ~~Infill Redevelopment Plan, with priority given to facilities~~
3756 ~~located in these areas.~~

3757 ~~i. The projections on paid attendance attracted by the~~
3758 ~~facility and the proposed effect on the economy of the local~~
3759 ~~community, with priority given to the highest projected paid~~
3760 ~~attendance.~~

3761 ~~2. Beginning July 1, 2006, the Office of Tourism, Trade,~~
3762 ~~and Economic Development shall competitively evaluate~~
3763 ~~applications for funding of facilities for retained spring~~
3764 ~~training franchises in addition to those certified and funded~~
3765 ~~under subparagraph 1. An applicant that is a unit of government~~
3766 ~~that has an agreement for a retained spring training franchise~~
3767 ~~for 15 or more years which was entered into between July 1,~~
3768 ~~2003, and July 1, 2004, shall be eligible for funding.~~
3769 ~~Applications must be submitted by October 1, 2006, with~~
3770 ~~certifications to be made by January 1, 2007. The office shall~~

20101752e2

3771 ~~rank the applications according to selection criteria,~~
3772 ~~certifying no more than five proposals. The aggregate funding~~
3773 ~~request of all applicants certified shall not exceed an~~
3774 ~~aggregate funding request of \$208,335 per month. The evaluation~~
3775 ~~criteria shall include the following, with priority given in~~
3776 ~~descending order:~~

3777 ~~a. The intended use of the funds by the applicant for~~
3778 ~~acquisition or construction of a new facility.~~

3779 ~~b. The intended use of the funds by the applicant to~~
3780 ~~renovate a facility.~~

3781 ~~c. The length of time that a facility to be used by a~~
3782 ~~retained spring training franchise has been used by one or more~~
3783 ~~spring training franchises, with priority given to a facility~~
3784 ~~that has been in continuous use as a facility for spring~~
3785 ~~training the longest.~~

3786 ~~d. For those teams leasing a spring training facility from~~
3787 ~~a unit of local government, the remaining time on the lease for~~
3788 ~~facilities used by the spring training franchise, with priority~~
3789 ~~given to the shortest time period remaining on the lease. For~~
3790 ~~consideration under this subparagraph, the remaining time on the~~
3791 ~~lease shall not exceed 5 years, unless an agreement of 15 years~~
3792 ~~or more was entered into between July 1, 2003, and July 1, 2004.~~

3793 ~~e. The duration of the future use agreement with the~~
3794 ~~retained spring training franchise, with priority given to the~~
3795 ~~future-use agreement having the longest duration.~~

3796 ~~f. The amount of the local match, with priority given to~~
3797 ~~the largest percentage of local match proposed.~~

3798 ~~g. The net increase of total active recreation space owned~~
3799 ~~by the applying unit of local government following the~~

20101752e2

3800 ~~acquisition of land for the spring training facility, with~~
3801 ~~priority given to the largest percentage increase of total~~
3802 ~~active recreation space.~~

3803 ~~h. The location of the facility in a brownfield area, an~~
3804 ~~enterprise zone, a community redevelopment area, or another area~~
3805 ~~of targeted development or revitalization included in an urban~~
3806 ~~infill redevelopment plan, with priority given to facilities~~
3807 ~~located in those areas.~~

3808 ~~i. The projections on paid attendance attracted by the~~
3809 ~~facility and the proposed effect on the economy of the local~~
3810 ~~community, with priority given to the highest projected paid~~
3811 ~~attendance.~~

3812 ~~(d) Funds may not be expended to subsidize privately owned~~
3813 ~~and maintained facilities for use by the spring training~~
3814 ~~franchise. Funds may be used to relocate a retained spring~~
3815 ~~training franchise to another unit of local government only if~~
3816 ~~the existing unit of local government with the retained spring~~
3817 ~~training franchise agrees to the relocation.~~

3818 ~~(5)(6)~~ An applicant certified as a facility for a new or
3819 retained professional sports franchise ~~or a facility for a~~
3820 ~~retained professional sports franchise or as a facility for a~~
3821 ~~retained spring training franchise may use funds provided under~~
3822 ~~pursuant to~~ s. 212.20 only for the public purpose of paying for
3823 the acquisition, construction, reconstruction, or renovation of
3824 a facility for a new or retained professional sports franchise,
3825 ~~a facility for a retained professional sports franchise, or a~~
3826 ~~facility for a retained spring training franchise or to pay or~~
3827 ~~pledge for the payment of debt service on, or to fund debt~~
3828 ~~service reserve funds, arbitrage rebate obligations, or other~~

20101752e2

3829 amounts payable with respect to, bonds issued for the
3830 acquisition, construction, reconstruction, or renovation of such
3831 facility or for the reimbursement of such costs or the
3832 refinancing of bonds issued for such purposes.

3833 (6)~~(7)~~ (a) The Office of Tourism, Trade, and Economic
3834 Development shall notify the Department of Revenue of any
3835 facility certified as a facility for a new or retained
3836 professional sports franchise ~~or a facility for a retained~~
3837 ~~professional sports franchise or as a facility for a retained~~
3838 ~~spring training franchise~~. The Office of Tourism, Trade, and
3839 Economic Development shall certify no more than eight facilities
3840 as facilities for a new professional sports franchise or as
3841 facilities for a retained professional sports franchise,
3842 including in the ~~such~~ total any facilities certified by the
3843 former Department of Commerce before July 1, 1996. ~~The number of~~
3844 ~~facilities certified as a retained spring training franchise~~
3845 ~~shall be as provided in subsection (5)~~. The office may make no
3846 more than one certification for any facility. ~~The office may not~~
3847 ~~certify funding for less than the requested amount to any~~
3848 ~~applicant certified as a facility for a retained spring training~~
3849 ~~franchise~~.

3850 (b) The eighth certification of an applicant under this
3851 section as a facility for a new or retained professional sports
3852 franchise ~~or a facility for a retained professional sports~~
3853 ~~franchise~~ shall be for a franchise that is a member of the
3854 National Basketball Association, has been located within the
3855 state since 1987, and has not been previously certified. This
3856 paragraph is repealed July 1, 2010.

3857 (7)~~(8)~~ The Auditor General ~~Department of Revenue~~ may

20101752e2

3858 conduct audits ~~audit~~ as provided in s. 11.45 ~~s. 213.34~~ to verify
 3859 that the distributions under ~~pursuant to~~ this section are ~~have~~
 3860 ~~been~~ expended as required in this section. ~~Such information is~~
 3861 ~~subject to the confidentiality requirements of chapter 213.~~ If
 3862 the Auditor General ~~Department of Revenue~~ determines that the
 3863 distributions under ~~pursuant to~~ this section are ~~have~~ not ~~been~~
 3864 expended as required by this section, the Auditor General shall
 3865 notify the Department of Revenue, which ~~it~~ may pursue recovery
 3866 of the ~~such~~ funds under ~~pursuant to~~ the laws and rules governing
 3867 the assessment of taxes.

3868 (8) ~~(9)~~ An applicant is not qualified for certification
 3869 under this section if the franchise formed the basis for a
 3870 previous certification, unless the previous certification was
 3871 withdrawn by the facility or invalidated by the Office of
 3872 Tourism, Trade, and Economic Development or the former
 3873 Department of Commerce before any funds were distributed under
 3874 ~~pursuant to~~ s. 212.20. This subsection does not disqualify an
 3875 applicant if the previous certification occurred between May 23,
 3876 1993, and May 25, 1993; however, any funds to be distributed
 3877 under ~~pursuant to~~ s. 212.20 for the second certification shall
 3878 be offset by the amount distributed to the previous certified
 3879 facility. Distribution of funds for the second certification
 3880 shall not be made until all amounts payable for the first
 3881 certification are ~~have been~~ distributed.

3882 Section 36. Section 288.11621, Florida Statutes, is created
 3883 to read:

3884 288.11621 Spring training baseball franchises.—

3885 (1) DEFINITIONS.—As used in this section, the term:

3886 (a) "Agreement" means a certified, signed lease between an

20101752e2

3887 applicant that applies for certification on or after July 1,
3888 2010, and the spring training franchise for the use of a
3889 facility.

3890 (b) "Applicant" means a unit of local government as defined
3891 in s. 218.369, including local governments located in the same
3892 county that have partnered with a certified applicant before the
3893 effective date of this section or with an applicant for a new
3894 certification, for purposes of sharing in the responsibilities
3895 of a facility.

3896 (c) "Certified applicant" means a facility for a spring
3897 training franchise that was certified before July 1, 2010, under
3898 s. 288.1162(5), Florida Statutes 2009, or a unit of local
3899 government that is certified under this section.

3900 (d) "Facility" means a spring training stadium, playing
3901 fields, and appurtenances intended to support spring training
3902 activities.

3903 (e) "Local funds" and "local matching funds" mean funds
3904 provided by a county, municipality, or other local government.

3905 (f) "Office" means the Office of Tourism, Trade, and
3906 Economic Development.

3907 (2) CERTIFICATION PROCESS.—

3908 (a) Before certifying an applicant to receive state funding
3909 for a facility for a spring training franchise, the office must
3910 verify that:

3911 1. The applicant is responsible for the acquisition,
3912 construction, management, or operation of the facility for a
3913 spring training franchise or holds title to the property on
3914 which the facility for a spring training franchise is located.

3915 2. The applicant has a certified copy of a signed agreement

20101752e2

3916 with a spring training franchise for the use of the facility for
3917 a term of at least 20 years. The agreement also must require the
3918 franchise to reimburse the state for state funds expended by an
3919 applicant under this section if the franchise relocates before
3920 the agreement expires. The agreement may be contingent on an
3921 award of funds under this section and other conditions
3922 precedent.

3923 3. The applicant has made a financial commitment to provide
3924 50 percent or more of the funds required by an agreement for the
3925 acquisition, construction, or renovation of the facility for a
3926 spring training franchise. The commitment may be contingent upon
3927 an award of funds under this section and other conditions
3928 precedent.

3929 4. The applicant demonstrates that the facility for a
3930 spring training franchise will attract a paid attendance of at
3931 least 50,000 annually to the spring training games.

3932 5. The facility for a spring training franchise is located
3933 in a county that levies a tourist development tax under s.
3934 125.0104.

3935 (b) The office shall competitively evaluate applications
3936 for state funding of a facility for a spring training franchise.
3937 The total number of certifications may not exceed 10 at any
3938 time. The evaluation criteria must include, with priority given
3939 in descending order to, the following items:

3940 1. The anticipated effect on the economy of the local
3941 community where the spring training facility is to be built,
3942 including projections on paid attendance, local and state tax
3943 collections generated by spring training games, and direct and
3944 indirect job creation resulting from the spring training

20101752e2

3945 activities. Priority shall be given to applicants who can
3946 demonstrate the largest projected economic impact.

3947 2. The amount of the local matching funds committed to a
3948 facility relative to the amount of state funding sought, with
3949 priority given to applicants that commit the largest amount of
3950 local matching funds relative to the amount of state funding
3951 sought.

3952 3. The potential for the facility to serve multiple uses.

3953 4. The intended use of the funds by the applicant, with
3954 priority given to the funds being used to acquire a facility,
3955 construct a new facility, or renovate an existing facility.

3956 5. The length of time that a spring training franchise has
3957 been under an agreement to conduct spring training activities
3958 within an applicant's geographic location or jurisdiction, with
3959 priority given to applicants having agreements with the same
3960 franchise for the longest period of time.

3961 6. The length of time that an applicant's facility has been
3962 used by one or more spring training franchises, with priority
3963 given to applicants whose facilities have been in continuous use
3964 as facilities for spring training the longest.

3965 7. The term remaining on a lease between an applicant and a
3966 spring training franchise for a facility, with priority given to
3967 applicants having the shortest lease terms remaining.

3968 8. The length of time that a spring training franchise
3969 agrees to use an applicant's facility if an application is
3970 granted under this section, with priority given to applicants
3971 having agreements for the longest future use.

3972 9. The net increase of total active recreation space owned
3973 by the applicant after an acquisition of land for the facility,

20101752e2

3974 with priority given to applicants having the largest percentage
3975 increase of total active recreation space that will be available
3976 for public use.

3977 10. The location of the facility in a brownfield, an
3978 enterprise zone, a community redevelopment area, or other area
3979 of targeted development or revitalization included in an urban
3980 infill redevelopment plan, with priority given to applicants
3981 having facilities located in these areas.

3982 (c) Each applicant certified on or after July 1, 2010,
3983 shall enter into an agreement with the office that:

3984 1. Specifies the amount of the state incentive funding to
3985 be distributed.

3986 2. States the criteria that the certified applicant must
3987 meet in order to remain certified.

3988 3. States that the certified applicant is subject to
3989 decertification if the certified applicant fails to comply with
3990 this section or the agreement.

3991 4. States that the office may recover state incentive funds
3992 if the certified applicant is decertified.

3993 5. Specifies information that the certified applicant must
3994 report to the office.

3995 6. Includes any provision deemed prudent by the office.

3996 (3) USE OF FUNDS.—

3997 (a) A certified applicant may use funds provided under s.
3998 212.20(6)(d)6.b. only to:

3999 1. Serve the public purpose of acquiring, constructing,
4000 reconstructing, or renovating a facility for a spring training
4001 franchise.

4002 2. Pay or pledge for the payment of debt service on, or to

20101752e2

4003 fund debt service reserve funds, arbitrage rebate obligations,
4004 or other amounts payable with respect thereto, bonds issued for
4005 the acquisition, construction, reconstruction, or renovation of
4006 such facility, or for the reimbursement of such costs or the
4007 refinancing of bonds issued for such purposes.

4008 3. Assist in the relocation of a spring training franchise
4009 from one unit of local government to another only if the
4010 governing board of the current host local government by a
4011 majority vote agrees to relocation.

4012 (b) State funds awarded to a certified applicant for a
4013 facility for a spring training franchise may not be used to
4014 subsidize facilities that are privately owned, maintained, and
4015 used only by a spring training franchise.

4016 (c) The Department of Revenue may not distribute funds to
4017 an applicant certified on or after July 1, 2010, until it
4018 receives notice from the office that the certified applicant has
4019 encumbered funds under subparagraph (a)2.

4020 (d)1. All certified applicants must place unexpended state
4021 funds received pursuant to s. 212.20(6)(d)6.b. in a trust fund
4022 or separate account for use only as authorized in this section.

4023 2. A certified applicant may request that the Department of
4024 Revenue suspend further distributions of state funds made
4025 available under s. 212.20(6)(d)6.b. for 12 months after
4026 expiration of an existing agreement with a spring training
4027 franchise to provide the certified applicant with an opportunity
4028 to enter into a new agreement with a spring training franchise,
4029 at which time the distributions shall resume.

4030 3. The expenditure of state funds distributed to an
4031 applicant certified before July 1, 2010, must begin within 48

20101752e2

4032 months after the initial receipt of the state funds. In
4033 addition, the construction of, or capital improvements to, a
4034 spring training facility must be completed within 24 months
4035 after the project's commencement.

4036 (4) ANNUAL REPORTS.—On or before September 1 of each year,
4037 a certified applicant shall submit to the office a report that
4038 includes, but is not limited to:

4039 (a) A copy of its most recent annual audit.

4040 (b) A detailed report on all local and state funds expended
4041 to date on the project being financed under this section.

4042 (c) A copy of the contract between the certified local
4043 governmental entity and the spring training team.

4044 (d) A cost-benefit analysis of the team's impact on the
4045 community.

4046 (e) Evidence that the certified applicant continues to meet
4047 the criteria in effect when the applicant was certified.

4048 (5) DECERTIFICATION.—

4049 (a) The office shall decertify a certified applicant upon
4050 the request of the certified applicant.

4051 (b) The office shall decertify a certified applicant if the
4052 certified applicant does not:

4053 1. Have a valid agreement with a spring training franchise;
4054 2. Satisfy its commitment to provide local matching funds
4055 to the facility; or

4056
4057 However, decertification proceedings against a local government
4058 certified before July 1, 2010, shall be delayed until 12 months
4059 after the expiration of the local government's existing
4060 agreement with a spring training franchise, and without a new

20101752e2

4061 agreement being signed, if the certified local government can
4062 demonstrate to the office that it is in active negotiations with
4063 a major league spring training franchise, other than the
4064 franchise that was the basis for the original certification.

4065 (c) A certified applicant has 60 days after it receives a
4066 notice of intent to decertify from the office to petition the
4067 office's director for review of the decertification. Within 45
4068 days after receipt of the request for review, the director must
4069 notify a certified applicant of the outcome of the review.

4070 (d) The office shall notify the Department of Revenue that
4071 a certified applicant is decertified within 10 days after the
4072 order of decertification becomes final. The Department of
4073 Revenue shall immediately stop the payment of any funds under
4074 this section that were not encumbered by the certified applicant
4075 under subparagraph (3) (a)2.

4076 (e) The office shall order a decertified applicant to repay
4077 all of the unencumbered state funds that the local government
4078 received under this section and any interest that accrued on
4079 those funds. The repayment must be made within 60 days after the
4080 decertification order becomes final. These funds shall be
4081 deposited into the General Revenue Fund.

4082 (f) A local government as defined in s. 218.369 may not be
4083 decertified if it has paid or pledged for the payment of debt
4084 service on, or to fund debt service reserve funds, arbitrage
4085 rebate obligations, or other amounts payable with respect
4086 thereto, bonds issued for the acquisition, construction,
4087 reconstruction, or renovation of the facility for which the
4088 local government was certified, or for the reimbursement of such
4089 costs or the refinancing of bonds issued for the acquisition,

20101752e2

4090 construction, reconstruction, or renovation of the facility for
4091 which the local government was certified, or for the
4092 reimbursement of such costs or the refinancing of bonds issued
4093 for such purpose. This subsection does not preclude or restrict
4094 the ability of a certified local government to refinance,
4095 refund, or defease such bonds.

4096 (6) ADDITIONAL CERTIFICATIONS.—If the office decertifies a
4097 unit of local government, the office may accept applications for
4098 an additional certification. A unit of local government may not
4099 be certified for more than one spring training franchise at any
4100 time.

4101 (7) STRATEGIC PLANNING.—

4102 (a) The office shall request assistance from the Florida
4103 Sports Foundation and the Florida Grapefruit League Association
4104 to develop a comprehensive strategic plan to:

4105 1. Finance spring training facilities.

4106 2. Monitor and oversee the use of state funds awarded to
4107 applicants.

4108 3. Identify the financial impact that spring training has
4109 on the state and ways in which to maintain or improve that
4110 impact.

4111 4. Identify opportunities to develop public-private
4112 partnerships to engage in marketing activities and advertise
4113 spring training baseball.

4114 5. Identify efforts made by other states to maintain or
4115 develop partnerships with baseball spring training teams.

4116 6. Develop recommendations for the Legislature to sustain
4117 or improve this state's spring training tradition.

4118 (b) The office shall submit a copy of the strategic plan to

20101752e2

4119 the Governor, the President of the Senate, and the Speaker of
4120 the House of Representatives by December 31, 2010.

4121 (8) RULEMAKING.—The office shall adopt rules to implement
4122 the certification, decertification, and decertification review
4123 processes required by this section.

4124 (9) AUDITS.—The Auditor General may conduct audits as
4125 provided in s. 11.45 to verify that the distributions under this
4126 section are expended as required in this section. If the Auditor
4127 General determines that the distributions under this section are
4128 not expended as required by this section, the Auditor General
4129 shall notify the Department of Revenue, which may pursue
4130 recovery of the funds under the laws and rules governing the
4131 assessment of taxes.

4132 Section 37. Subsection (1) of section 288.1229, Florida
4133 Statutes, is amended to read:

4134 288.1229 Promotion and development of sports-related
4135 industries and amateur athletics; direct-support organization;
4136 powers and duties.—

4137 (1) The Office of Tourism, Trade, and Economic Development
4138 may authorize a direct-support organization to assist the office
4139 in:

4140 (a) The promotion and development of the sports industry
4141 and related industries for the purpose of improving the economic
4142 presence of these industries in Florida.

4143 (b) The promotion of amateur athletic participation for the
4144 citizens of Florida and the promotion of Florida as a host for
4145 national and international amateur athletic competitions for the
4146 purpose of encouraging and increasing the direct and ancillary
4147 economic benefits of amateur athletic events and competitions.

20101752e2

4148 (c) The retention of professional sports franchises,
4149 including the spring training operations of Major League
4150 Baseball.

4151 Section 38. An agreement with a spring training franchise
4152 relocating from one local government to another local government
4153 shall be recognized as a valid agreement under this act if the
4154 Office of Tourism, Trade, and Economic Development approved the
4155 continuing release of funds to the local government to which the
4156 franchise relocated before the effective date of this act. The
4157 Legislature recognizes the validity of the agreement and
4158 acknowledges the authority of the Office of Tourism, Trade, and
4159 Economic Development to provide for the continuing release of
4160 funds to the local government under the terms of s. 288.1162,
4161 Florida Statutes, which were in effect before the effective date
4162 of this act.

4163 Section 39. Subsection (7) of section 288.9913, Florida
4164 Statutes, is amended to read:

4165 288.9913 Definitions.—As used in ss. 288.991-288.9922, the
4166 term:

4167 (7) "Qualified active low-income community business" means
4168 a corporation, including a nonprofit corporation, or partnership
4169 that complies with each of the following:

4170 (a)1. Derives at least 50 percent of its total gross income
4171 from the active conduct of business within any low-income
4172 community for any taxable year.†

4173 2. Uses at least 40 percent ~~a substantial portion~~ of its
4174 tangible property, whether owned or leased, within any low-
4175 income community for any taxable year, which percentage shall be
4176 the average value of the tangible property owned or leased and

20101752e2

4177 used within a low-income community by the corporation or
4178 partnership divided by the average value of the total tangible
4179 property owned or leased and used by the corporation or
4180 partnership during the taxable year. The value assigned to
4181 leased property by the corporation or partnership must be
4182 reasonable.†

4183 3. Performs at least 40 percent ~~a substantial portion~~ of
4184 its services through its employees in a low-income community for
4185 any taxable year, which percentage shall be the amount paid by
4186 the corporation or partnership for salaries, wages, and benefits
4187 to employees in a low-income community divided by the total
4188 amount paid by the corporation or partnership for salaries,
4189 wages, and benefits during the taxable year.†

4190 4. Attributes less than 5 percent of the average of the
4191 aggregate unadjusted bases of the property of the entity to
4192 collectibles, as defined in 26 U.S.C. s. 408(m)(2), other than
4193 collectibles that are held primarily for sale to customers in
4194 the ordinary course of the business for any taxable year.† ~~and~~

4195 5. Attributes less than 5 percent of the average of the
4196 aggregate unadjusted bases of the property of the entity to
4197 nonqualified financial property, as defined in 26 U.S.C. s.
4198 1397C(e), for any taxable year.

4199
4200 A corporation or partnership complies with subparagraph 1. if,
4201 as calculated in subparagraph 2., it uses at least 50 percent of
4202 its tangible property, whether owned or leased, within any low-
4203 income community for any taxable year or if, as calculated in
4204 subparagraph 3., the corporation or partnership performs at
4205 least 50 percent of its services through its employees in a low-

20101752e2

4206 income community for any taxable year.

4207 (b) Is reasonably expected by a qualified community
4208 development entity at the time of an investment to continue to
4209 satisfy the requirements of paragraphs (a), (c), and (d) for the
4210 duration of the investment.

4211 (c) Satisfies the requirements of paragraphs (a) and (b),
4212 but does not:

4213 1. Derive or project to derive 15 percent or more of its
4214 annual revenue from the rental or sale of real estate, unless
4215 the corporation or partnership derives such revenue from the
4216 rental of real estate and the primary lessee and user of such
4217 real estate is another qualified active low-income community
4218 business that is owned or controlled by, or that is under common
4219 ownership or control with, such corporation or partnership;

4220 2. Engage predominantly in the development or holding of
4221 intangibles for sale or license;

4222 3. Operate a private or commercial golf course, country
4223 club, massage parlor, hot tub facility, suntan facility,
4224 racetrack, gambling facility, or a store the principal business
4225 of which is the sale of alcoholic beverages for consumption off
4226 premises; or

4227 4. Engage principally in farming and owns or leases assets
4228 the sum of the aggregate unadjusted bases or the fair market
4229 value of which exceeds \$500,000.

4230 (d) Will create or retain jobs that pay an average wage of
4231 at least 115 percent of the federal poverty income guidelines
4232 for a family of four.

4233 Section 40. Subsection (2) of section 288.9920, Florida
4234 Statutes, is amended to read:

20101752e2

4235 288.9920 Recapture and penalties.—

4236 (2) The office shall provide notice to the qualified
4237 community development entity and the department of a proposed
4238 recapture of a tax credit. The entity shall have 6 months ~~90~~
4239 ~~days~~ following the receipt of the notice to cure a deficiency
4240 identified in the notice and avoid recapture. The office shall
4241 issue a final order of recapture if the entity fails to cure a
4242 deficiency within the 6-month ~~90-day~~ period. The final order of
4243 recapture shall be provided to the entity, the department, and a
4244 taxpayer otherwise authorized to claim the tax credit. Only one
4245 correction is permitted for each qualified equity investment
4246 during the 7-year credit period. Recaptured funds shall be
4247 deposited into the General Revenue Fund.

4248 Section 41. Effective July 1, 2010, section 373.441,
4249 Florida Statutes, is amended to read:

4250 373.441 Role of counties, municipalities, and local
4251 pollution control programs in permit processing; delegation.—

4252 (1) The department ~~in consultation with the water~~
4253 ~~management districts~~ shall, by December 1, 1994, adopt rules to
4254 guide the participation of counties, municipalities, and local
4255 pollution control programs in an efficient, streamlined
4256 permitting system. Such rules must ~~shall~~ seek to increase
4257 governmental efficiency, ~~shall~~ maintain environmental standards,
4258 and ~~shall~~ include consideration of ~~the following~~:

4259 (a) Provisions under which the environmental resource
4260 permit program are ~~shall be~~ delegated, upon approval of the
4261 department ~~and the appropriate water management districts,~~ only
4262 to a county, municipality, or local pollution control program
4263 that ~~which~~ has the financial, technical, and administrative

20101752e2

4264 capabilities and desire to implement and enforce the program;
4265 (b) Provisions under which a locally delegated permit
4266 program may have stricter environmental standards than state
4267 standards;
4268 (c) Provisions for identifying and reconciling any
4269 duplicative permitting by January 1, 1995;
4270 (d) Provisions for timely and cost-efficient notification
4271 by the reviewing agency of permit applications, and permit
4272 requirements, to counties, municipalities, local pollution
4273 control programs, the department, or water management districts,
4274 as appropriate;
4275 (e) Provisions for ensuring the consistency of permit
4276 applications with local comprehensive plans;
4277 (f) Provisions for the partial delegation of the
4278 environmental resource permit program to counties,
4279 municipalities, or local pollution control programs, and
4280 standards and criteria to be employed in the implementation of
4281 such delegation by counties, municipalities, and local pollution
4282 control programs;
4283 (g) Special provisions under which the environmental
4284 resource permit program may be delegated to counties having ~~with~~
4285 populations of 75,000 or fewer ~~less~~, or municipalities with, or
4286 local pollution control programs serving, populations of 50,000
4287 or fewer ~~less~~; and
4288 (h) Provisions for the applicability of chapter 120 to
4289 local government programs when the environmental resource permit
4290 program is delegated to counties, municipalities, or local
4291 pollution control programs; and
4292 (i) Provisions for a local government to petition the

20101752e2

4293 Governor and Cabinet for review of a request for a delegation of
4294 authority that is not approved or denied within 1 year after
4295 being initiated.

4296 (2) Any denial by the department of a local government's
4297 request for a delegation of authority must provide specific
4298 detail of those statutory or rule provisions that were not
4299 satisfied. Such detail shall also include specific actions that
4300 can be taken in order to allow for the delegation of authority.
4301 A local government, upon being denied a request for a delegation
4302 of authority, may petition the Governor and Cabinet for a review
4303 of the request. The Governor and Cabinet may reverse the
4304 decision of the department and may provide any necessary
4305 conditions to allow the delegation of authority to occur.

4306 (3) Delegation of authority shall be approved if the local
4307 government meets the requirements set forth in rule 62-344,
4308 Florida Administrative Code. This section does not require a
4309 local government to seek delegation of the environmental
4310 resource permit program.

4311 (4) ~~(2) Nothing in~~ This section ~~does not affect~~ ~~affects~~ or
4312 ~~modify~~ ~~modifies~~ land development regulations adopted by a local
4313 government to implement its comprehensive plan pursuant to
4314 chapter 163.

4315 (5) ~~(3)~~ The department shall review environmental resource
4316 permit applications for electrical distribution and transmission
4317 lines and other facilities related to the production,
4318 transmission, and distribution of electricity which are not
4319 certified under ss. 403.52-403.5365, the Florida Electric
4320 Transmission Line Siting Act, regulated under this part.

4321 Section 42. Effective July 1, 2010, subsection (41) is

20101752e2

4322 added to section 403.061, Florida Statutes, to read:

4323 403.061 Department; powers and duties.—The department shall
4324 have the power and the duty to control and prohibit pollution of
4325 air and water in accordance with the law and rules adopted and
4326 promulgated by it and, for this purpose, to:

4327 (41) Expand the use of online self-certification for
4328 appropriate exemptions and general permits issued by the
4329 department or the water management districts if such expansion
4330 is economically feasible. Notwithstanding any other provision of
4331 law, a local government may not specify the method or form for
4332 documenting that a project qualifies for an exemption or meets
4333 the requirements for a permit under chapter 161, chapter 253,
4334 chapter 373, or this chapter. This limitation of local
4335 government authority extends to Internet-based department
4336 programs that provide for self-certification.

4337
4338 The department shall implement such programs in conjunction with
4339 its other powers and duties and shall place special emphasis on
4340 reducing and eliminating contamination that presents a threat to
4341 humans, animals or plants, or to the environment.

4342 Section 43. Section 47 of chapter 2009-82, Laws of Florida,
4343 is amended to read:

4344 Section 47. In order to implement Specific Appropriation
4345 1570 of the 2009-2010 General Appropriations Act:

4346 (1) The intent of the Legislature is to ensure that
4347 residents of the state derive the maximum possible economic
4348 benefit from the federal first-time homebuyer tax credit created
4349 through The American Recovery and Reinvestment Act of 2009 by
4350 providing subordinate down payment assistance loans to first-

20101752e2

4351 time homebuyers for owner-occupied primary residences which can
4352 be repaid by the income tax refund the homebuyer is entitled to
4353 under the First Time Homebuyer Credit. The state program shall
4354 be called the "Florida Homebuyer Opportunity Program."

4355 (2) The Florida Housing Finance Corporation shall
4356 administer the Florida Homebuyer Opportunity Program to optimize
4357 eligibility for conventional, VA, USDA, FHA, and other loan
4358 programs through the State Housing Initiatives Partnership
4359 program in accordance with ss. 420.907-420.9079, Florida
4360 Statutes, and the provisions of this section.

4361 (3) Prior to December 1, 2009, or any later date
4362 established by the Internal Revenue Service for such purchases,
4363 counties and eligible municipalities receiving funds shall
4364 expend the funds appropriated under Specific Appropriation 1570A
4365 only to provide subordinate loans to prospective first-time
4366 homebuyers under the Florida Homebuyer Opportunity Program
4367 pursuant to this section, except that up to 10 percent of such
4368 funds may be used to cover administrative expenses of the
4369 counties and eligible municipalities to implement the Florida
4370 Homebuyer Opportunity Program, and not more than .25 percent may
4371 be used to compensate the Florida Housing Finance Corporation
4372 for the expenses associated with compliance monitoring. The
4373 funds appropriated under Specific Appropriation 1570A may not be
4374 used for any other program currently existing under ss. 420.907-
4375 420.9079, Florida Statutes. Thereafter, the funds shall be
4376 expended in accordance with ss. 420.907-420.9079, Florida
4377 Statutes.

4378 (4) Notwithstanding s. 420.9075, Florida Statutes, for
4379 purposes of the Florida Homebuyer Opportunity Program, the

20101752e2

4380 following exceptions shall apply:

4381 (a) The maximum income limit shall be an adjusted gross
4382 income of \$75,000 for single taxpayer households or \$150,000 for
4383 joint-filing taxpayer households, which is equal to that
4384 permitted by the American Recovery and Reinvestment Act of 2009;

4385 (b) There is no requirement to reserve 30 percent of the
4386 funds for awards to very-low-income persons or 30 percent of the
4387 funds for awards to low-income persons;

4388 (c) There is no requirement to expend 75 percent of funds
4389 for construction, rehabilitation, or emergency repair; and

4390 (d) The principal balance of the loans provided may not
4391 exceed 10 percent of the purchase price or \$8,000, whichever is
4392 less.

4393 (5) Funds shall be expended under a newly created strategy
4394 in the local housing assistance plan to implement the Florida
4395 Homebuyer Opportunity Program.

4396 (6) The homebuyer shall be expected to use their federal
4397 income tax refund to fully repay the loan. If the county or
4398 eligible municipality receives repayment from the homebuyer
4399 within 18 months after the closing date of the loan, the county
4400 or eligible municipality shall waive all interest charges. A
4401 homebuyer who fails to fully repay the loan within the earlier
4402 of 18 months or 10 days after the receipt of their federal
4403 income tax refund, shall be subject to repayment terms provided
4404 in the local housing assistance plan, including penalties for
4405 not using his or her refund for repayment. Penalties may not
4406 exceed 10 percent of the loan amount and shall be included in
4407 the loan agreement with the homebuyer.

4408 (7) All funds repaid to a county or eligible municipality

20101752e2

4409 shall be considered "program income" as defined in s.
4410 420.9071(24), Florida Statutes.

4411 (8) In order to maximize the effect of the funding, the
4412 counties and eligible municipalities are encouraged to work with
4413 private lenders to provide additional funds to support the
4414 initiative. However, in all instances, the counties and eligible
4415 municipalities shall make and hold the subordinate loan.

4416 (9) This section expires July 1, 2011 ~~2010~~.

4417 Section 44. The Office of Program Policy Analysis and
4418 Government Accountability shall review and evaluate the Florida
4419 Enterprise Zone Program in ss. 290.001-290.014, Florida
4420 Statutes, and submit a report of its findings and
4421 recommendations to the Governor, the President of the Senate,
4422 and the Speaker of the House of Representatives by January 11,
4423 2011. The review shall include, but need not be limited to: how
4424 the program has changed over the years since it was created;
4425 whether the program is effectively and efficiently addressing
4426 the issues that precipitated its creation; the direct and
4427 indirect costs of the program to the state and local governments
4428 that participate; whether the program's tax incentives are
4429 effectively designed to benefit economically distressed or high-
4430 poverty areas and their residents and business owners; and
4431 whether the application, review, and approval processes are
4432 transparent, effective, and efficient.

4433 Section 45. The Office of Program Policy Analysis and
4434 Government Accountability shall review and evaluate the
4435 effectiveness and viability of the Florida Research
4436 Commercialization Matching Grant Program in s. 288.9552, Florida
4437 Statutes. The office shall specifically evaluate the use of

20101752e2

4438 federal grants and private investment and the creation of new
4439 businesses and jobs. The office shall also recommend outcome
4440 measures for further evaluation of the program. The office shall
4441 submit a report of its findings and recommendations to the
4442 Governor, the President of the Senate, and the Speaker of the
4443 House of Representatives by November 1, 2011.

4444 Section 46. (1) Except as provided in subsection (4), a
4445 development order issued by a local government, a building
4446 permit, and any permit issued by the Department of Environmental
4447 Protection or by a water management district pursuant to part IV
4448 of chapter 373, Florida Statutes, which has an expiration date
4449 from September 1, 2008, through January 1, 2012, is extended and
4450 renewed for a period of 2 years after its previously scheduled
4451 date of expiration. This 2-year extension also applies to
4452 buildout dates, including any extension of a buildout date that
4453 was previously granted under s. 380.06(19)(c), Florida Statutes.
4454 This section does not prohibit conversion from the construction
4455 phase to the operation phase upon completion of construction.
4456 This extension is in addition to the 2-year permit extension
4457 provided under section 14 of chapter 2009-96, Laws of Florida.

4458 (2) The commencement and completion dates for any required
4459 mitigation associated with a phased construction project are
4460 extended so that mitigation takes place in the same timeframe
4461 relative to the phase as originally permitted.

4462 (3) The holder of a valid permit or other authorization
4463 that is eligible for the 2-year extension must notify the
4464 authorizing agency in writing by December 31, 2010, identifying
4465 the specific authorization for which the holder intends to use
4466 the extension and the anticipated timeframe for acting on the

20101752e2

4467 authorization.

4468 (4) The extension provided for in subsection (1) does not
4469 apply to:

4470 (a) A permit or other authorization under any programmatic
4471 or regional general permit issued by the Army Corps of
4472 Engineers.

4473 (b) A permit or other authorization held by an owner or
4474 operator determined to be in significant noncompliance with the
4475 conditions of the permit or authorization as established through
4476 the issuance of a warning letter or notice of violation, the
4477 initiation of formal enforcement, or other equivalent action by
4478 the authorizing agency.

4479 (c) A permit or other authorization, if granted an
4480 extension that would delay or prevent compliance with a court
4481 order.

4482 (5) Permits extended under this section shall continue to
4483 be governed by the rules in effect at the time the permit was
4484 issued, except if it is demonstrated that the rules in effect at
4485 the time the permit was issued would create an immediate threat
4486 to public safety or health. This provision applies to any
4487 modification of the plans, terms, and conditions of the permit
4488 which lessens the environmental impact, except that any such
4489 modification does not extend the time limit beyond 2 additional
4490 years.

4491 (6) This section does not impair the authority of a county
4492 or municipality to require the owner of a property that has
4493 notified the county or municipality of the owner's intent to
4494 receive the extension of time granted pursuant to this section
4495 to maintain and secure the property in a safe and sanitary

20101752e2

4496 condition in compliance with applicable laws and ordinances.

4497 Section 47. (1) The Legislature hereby reauthorizes:

4498 (a) Any exemption granted for any project for which an
4499 application for development approval has been approved or filed
4500 pursuant to s. 380.06, Florida Statutes, or for which a complete
4501 development application or rescission request has been approved
4502 or is pending, and the application or rescission process is
4503 continuing in good faith, within a development that is located
4504 within an area that qualified for an exemption under s. 380.06,
4505 Florida Statutes, as amended by chapter 2009-96, Laws of
4506 Florida.

4507 (b) Any 2-year extension authorized and timely applied for
4508 pursuant to section 14 of chapter 2009-96, Laws of Florida.

4509 (c) Any amendment to a local comprehensive plan adopted
4510 pursuant to s. 163.3184, Florida Statutes, as amended by chapter
4511 2009-96, Laws of Florida, and in effect pursuant to s. 163.3189,
4512 Florida Statutes, which authorizes and implements a
4513 transportation concurrency exception area pursuant to s.
4514 163.3180, Florida Statutes, as amended by chapter 2009-96, Laws
4515 of Florida.

4516 (2) Subsection (1) is intended to be remedial in nature and
4517 to reenact provisions of existing law. This section shall apply
4518 retroactively to all actions specified in subsection (1) and
4519 therefore to any such actions lawfully undertaken in accordance
4520 with chapter 2009-96, Laws of Florida.

4521 Section 48. The unexpended funds appropriated in Specific
4522 Appropriation 2649 of chapter 2008-152, Laws of Florida, for
4523 improvements to Launch Complex 36 on the 45th Space Wing
4524 property shall revert immediately and are reappropriated for

20101752e2

4525 state fiscal year 2010-2011 from the Economic Development
4526 Transportation Trust Fund for improvements to other launch
4527 complexes and space transportation facilities in order to
4528 attract new space vehicle testing and launch business to the
4529 state; to address intermodal requirements and impacts of the
4530 launch ranges, spaceports, and other space transportation
4531 facilities; to advance aerospace technology to meet the current
4532 and future needs of the United States commercial space
4533 transportation industry; and to assist in the development of
4534 joint-use facilities and technology that support aviation and
4535 aerospace operations, including high-altitude and suborbital
4536 flights and range technology development.

4537 Section 49. The installation of fuel tank upgrades to
4538 secondary containment systems shall be completed by the
4539 deadlines specified in rule 62-761.510, Florida Administrative
4540 Code, Table UST. For fuel service station facilities that have
4541 orders issued by the Department of Environmental Protection
4542 before July 1, 2010, granting an extension to the deadline, the
4543 deadline shall be extended to September 30, 2011. Such
4544 facilities must be in compliance with all other state and
4545 federal regulations pertaining to petroleum storage systems.

4546 Section 50. Preference to state residents.-

4547 (1) Each contract for construction that is funded by state
4548 funds must contain a provision requiring the contractor to give
4549 preference to the employment of state residents in the
4550 performance of the work on the project if state residents have
4551 substantially equal qualifications to those of nonresidents. A
4552 contract for construction funded by local funds may contain such
4553 a provision.

20101752e2

4554 (a) As used in this section, the term "substantially equal
4555 qualifications" means the qualifications of two or more persons
4556 among whom the employer cannot make a reasonable determination
4557 that the qualifications held by one person are better suited for
4558 the position than the qualifications held by the other person or
4559 persons.

4560 (b) A contractor required to employ state residents must
4561 contact the Agency for Workforce Innovation to post the
4562 contractor's employment needs in the state's job bank system.

4563 (2) No contract shall be let to any person refusing to
4564 execute an agreement containing the provisions required by this
4565 section. However, in work involving the expenditure of federal
4566 aid funds, this section may not be enforced in such a manner as
4567 to conflict with or be contrary to federal law prescribing a
4568 labor preference to honorably discharged soldiers, sailors, or
4569 marines, or prohibiting as unlawful any other preference or
4570 discrimination among the citizens of the United States.

4571 Section 51. The Legislature finds that this act fulfills an
4572 important state interest.

4573 Section 52. If any provision of this act or the application
4574 thereof to any person or circumstance is held invalid, the
4575 invalidity shall not affect other provisions or applications of
4576 the act which can be given effect without the invalid provision
4577 or application, and to this end the provisions of this act are
4578 declared severable.

4579 Section 53. Effective July 1, 2010, there is appropriated
4580 for state fiscal year 2010-2011 to the Office of Tourism, Trade,
4581 and Economic Development within the Executive Office of the
4582 Governor:

20101752e2

4583 (1) The sum of \$10 million in nonrecurring funds from the
4584 General Revenue Fund for Space Florida to address financing,
4585 business development, and infrastructure needs to assist in the
4586 continued development of the aerospace industry in this state
4587 and management of state-of-the-art facilities for space
4588 businesses that will create high-technology, high-wage-earning
4589 jobs.

4590 (2) The sum of \$3.2 million in nonrecurring funds from the
4591 General Revenue Fund exclusively for Space Florida to retrain
4592 workers as the result of the retirement of the Space Shuttle
4593 Program.

4594 (3) The sum of \$3 million in nonrecurring funds from the
4595 General Revenue Fund for the exclusive purpose of providing
4596 targeted-business-development support services and business
4597 recruitment through Space Florida. Activities and services may
4598 include, but are not limited to, securing federal programs and
4599 processes, identifying and securing new contract and grant
4600 opportunities for businesses in this state, assisting businesses
4601 in establishing operations, securing necessary qualifications
4602 and approvals, obtaining capital, and engaging company and
4603 federal officials to site new program elements including
4604 research, design, testing, and manufacturing work packages in
4605 this state. Emphasis will be placed on assisting small- to
4606 medium-sized businesses on a statewide basis. These funds may
4607 not be used for administrative or operational costs of Space
4608 Florida.

4609 (4) The sum of \$3 million in nonrecurring funds from the
4610 General Revenue Fund to provide local government distressed area
4611 matching grants pursuant to s. 288.0659, Florida Statutes.

20101752e2

4612 Notwithstanding s. 216.301, Florida Statutes, and pursuant to s.
4613 216.351, Florida Statutes, any funds remaining from this
4614 appropriation as of June 30, 2011, shall remain available for
4615 carrying out the purpose of s. 288.0659, Florida Statutes.

4616 (5) The sum of \$1 million in nonrecurring funds from the
4617 General Revenue Fund for the purposes of the Economic Gardening
4618 Technical Assistance Pilot Program pursuant to s. 288.1082,
4619 Florida Statutes, notwithstanding section 4 of chapter 2009-13,
4620 Laws of Florida.

4621 (6) The sum of \$2 million in nonrecurring funds from the
4622 General Revenue Fund for the purposes of the Defense
4623 Infrastructure Grant Program pursuant to s. 288.980(4), Florida
4624 Statutes.

4625 (7) The sums of \$94,250 in recurring funds and \$3,877 in
4626 nonrecurring funds from the General Revenue Fund and one
4627 additional full-time equivalent position and the associated
4628 salary rate of \$67,001 is authorized, for the purpose of
4629 administering the provisions of this act relating to the Office
4630 of Tourism, Trade, and Economic Development.

4631 (8) The sum of \$2.9 million in nonrecurring funds from the
4632 General Revenue Fund for the Florida Export Finance Corporation
4633 for the purpose of capitalizing a self-sustaining cash
4634 collateral fund to be available to lenders participating in the
4635 corporation's existing loan guarantee program. The cash
4636 collateral fund must complement the corporation's existing loan
4637 and loan guarantee programs and otherwise comply with the
4638 requirements of part V of chapter 288, Florida Statutes.

4639 (9) The sum of \$3.6 million in nonrecurring funds from the
4640 General Revenue Fund for Space Florida to address infrastructure

20101752e2

4641 projects to assist in the continued development of the aerospace
4642 industry in this state and management of state-of-the-art
4643 facilities for space businesses that will create high-
4644 technology, high-wage-earning jobs.

4645 Section 54. Effective July 1, 2010, for the 2010-2011 state
4646 fiscal year, there is appropriated to the Department of
4647 Environmental Protection the sum of \$1 million in nonrecurring
4648 funds from the General Revenue Fund for beach restoration.

4649 Section 55. (1) Effective July 1, 2010, for the 2010-2011
4650 state fiscal year, the sum of \$2 million in nonrecurring funds
4651 from the General Revenue Fund is appropriated to the Board of
4652 Governors of the State University System solely for the State
4653 University Research Commercialization Assistance Grant Program,
4654 pursuant to s. 1004.226(7), Florida Statutes. The Florida
4655 Technology, Research, and Scholarship Board shall solicit
4656 proposals in accordance with s. 1004.226(7)(b), Florida
4657 Statutes, no later than August 1, 2010, and shall grant awards
4658 no later than October 30, 2010.

4659 (2)(a) Effective July 1, 2010, there is appropriated for
4660 the 2010-2011 state fiscal year to the Office of Tourism, Trade,
4661 and Economic Development within the Executive Office of the
4662 Governor:

4663 1. The sum of \$1 million in nonrecurring funds from the
4664 General Revenue Fund for the purposes of the Economic Gardening
4665 Technical Assistance Pilot Program pursuant to section 288.1082,
4666 Florida Statutes, notwithstanding section 4 of Chapter 2009-13,
4667 Laws of Florida.

4668 2. The sum of \$2 million in nonrecurring funds from the
4669 General Revenue Fund for the purposes of the Defense

20101752e2

4670 Infrastructure Grant Program pursuant to s. 288.980(4), Florida
4671 Statutes.

4672 3. The sum of \$15 million in nonrecurring funds from the
4673 General Revenue Fund for the purposes of the Quick Action
4674 Closing Fund pursuant to section 288.1088, Florida Statutes.

4675 4. The sum of \$2 million in nonrecurring funds from the
4676 General Revenue Fund for the Florida Export Finance Corporation
4677 for the purpose of capitalizing a self-sustaining cash
4678 collateral fund to be available to lenders participating in the
4679 corporation's existing loan guarantee program. The cash
4680 collateral fund must complement the corporation's existing loan
4681 and loan guarantee programs and otherwise comply with the
4682 requirements of part V of chapter 288, Florida Statutes.

4683 (b) The funding provided in paragraph (a) is contingent
4684 upon the enactment of federal law which extends the enhanced
4685 Federal Medicaid Assistance Percentage rate, as provided under
4686 the American Reinvestment and Recovery Act (P.L. 111-5), from
4687 December 31, 2010, through June 30, 2011.

4688 Section 56. Effective July 1, 2010, the sum of \$3 million
4689 in nonrecurring funds from the General Revenue Fund is
4690 appropriated to the Institute for the Commercialization of
4691 Public Research solely for purposes of the Florida Research
4692 Commercialization Grant Program, pursuant to s. 288.9552,
4693 Florida Statutes, of which up to \$750,000 may be used for Phase
4694 I grants.

4695 Section 57. Except as otherwise expressly provided in this
4696 act, this act shall take effect upon becoming a law.

4697