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1  
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

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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

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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

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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

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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

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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

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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

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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,



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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

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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,

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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

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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

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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

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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

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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

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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



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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

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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

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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,

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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

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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

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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

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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.~~

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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



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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

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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.

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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

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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

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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

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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

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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

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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:



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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

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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

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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.

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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

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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.—*

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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

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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

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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,



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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

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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

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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

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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

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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:

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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

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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

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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



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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

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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

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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.

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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.—

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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

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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

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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

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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



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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

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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~~

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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

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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

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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

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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~~ 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.

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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,

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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.



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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~~

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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:

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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

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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

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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,  
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

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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

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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

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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



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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

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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

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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

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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

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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

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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

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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

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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:



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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

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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

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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

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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.

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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

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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

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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~~

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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)(c)~~  
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)(c) 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.~~

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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

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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

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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,

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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.

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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.  
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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).

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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

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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



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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

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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.

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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

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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

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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

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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

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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

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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



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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

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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

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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

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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

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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

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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.

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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

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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



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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

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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

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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 servicing 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

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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.

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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

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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

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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

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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



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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

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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

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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

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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~~

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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."~~

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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

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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

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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~~



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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 ~~c. 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.~~

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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~~

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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~~

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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~~

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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

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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

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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

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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



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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,

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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

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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

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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

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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,

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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

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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.

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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



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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-

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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:

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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

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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

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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

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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-

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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

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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



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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

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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

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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

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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

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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.

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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:

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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.

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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



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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

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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.