

HB 905

2011

1 A bill to be entitled
2 An act relating to the tax refund program for qualified
3 target industry businesses; amending s. 288.106, F.S.;
4 defining and revising terms; revising eligibility of
5 qualified target industry businesses for tax refunds;
6 authorizing tax refunds for certain businesses that make
7 capital investments in a project; revising application
8 requirements and qualifications for review of applications
9 by the Office of Tourism, Trade, and Economic Development;
10 reenacting ss. 159.803(11), 212.098(1)(a), and
11 220.1896(1)(a), F.S., relating to definitions with respect
12 to eligible projects for private activity bonds in the
13 Florida First Business allocation pool and eligible
14 businesses for the Rural Job Tax Credit Program and Jobs
15 for the Unemployed Tax Credit Program, to incorporate
16 changes made by the act in references thereto; amending s.
17 220.191, F.S.; conforming a cross-reference; reenacting
18 ss. 288.107(1)(e) and (h), 288.1089(4)(c), and 380.0657(1)
19 and (5), F.S., relating to definitions with respect to
20 eligible businesses and projects for brownfield
21 redevelopment bonus refunds, qualifications for review of
22 applications for the Innovation Incentive Program, and
23 economic development projects eligible for an expedited
24 permitting process, to incorporate changes made by the act
25 in references thereto; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Subsection (2), paragraph (b) of subsection
 30 (3), and paragraphs (a) and (b) of subsection (4) of section
 31 288.106, Florida Statutes, are amended to read:

32 288.106 Tax refund program for qualified target industry
 33 businesses.—

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

35 (a) "Account" means the Economic Development Incentives
 36 Account within the Economic Development Trust Fund established
 37 under s. 288.095.

38 (b) "Authorized local economic development agency" means a
 39 public or private entity, including an entity defined in s.
 40 288.075, authorized by a county or municipality to promote the
 41 general business or industrial interests of that county or
 42 municipality.

43 (c) "Average private sector wage in the area" means the
 44 statewide private sector average wage or the average of all
 45 private sector wages and salaries in the county or in the
 46 standard metropolitan area in which the business is located.

47 (d) "Business" means an employing unit, as defined in s.
 48 443.036, that is registered for unemployment compensation
 49 purposes with the state agency providing unemployment tax
 50 collection services under contract with the Agency for Workforce
 51 Innovation through an interagency agreement pursuant to s.
 52 443.1316, or a subcategory or division of an employing unit that
 53 is accepted by the state agency providing unemployment tax
 54 collection services as a reporting unit.

55 (e) "Capital investment" includes real or personal
 56 property.

57 (f)~~(e)~~ "Corporate headquarters business" means an
 58 international, national, or regional headquarters office of a
 59 multinational or multistate business enterprise or national
 60 trade association, whether separate from or connected with other
 61 facilities used by such business.

62 (g)~~(f)~~ "Director" means the Director of the Office of
 63 Tourism, Trade, and Economic Development.

64 (h)~~(g)~~ "Enterprise zone" means an area designated as an
 65 enterprise zone pursuant to s. 290.0065.

66 (i)~~(h)~~ "Expansion of an existing business" means the
 67 expansion of an existing Florida business by or through
 68 additions to real and personal property, resulting in a net
 69 increase in employment of not less than 10 percent at such
 70 business or a net increase of capital investment in the business
 71 of not less than 10 percent.

72 (j)~~(i)~~ "Fiscal year" means the fiscal year of the state.

73 (k)~~(j)~~ "Jobs" means full-time equivalent positions,
 74 including, but not limited to, positions obtained from a
 75 temporary employment agency or employee leasing company or
 76 through a union agreement or coemployment under a professional
 77 employer organization agreement, that result directly from a
 78 project in this state. The term does not include temporary
 79 construction jobs involved with the construction of facilities
 80 for the project or any jobs previously included in any
 81 application for tax refunds under s. 288.1045 or this section.

82 (l)~~(k)~~ "Local financial support" means funding from local
 83 sources, public or private, that is paid to the Economic
 84 Development Trust Fund and that is equal to 20 percent of the

85 annual tax refund for a qualified target industry business. A
 86 qualified target industry business may not provide, directly or
 87 indirectly, more than 5 percent of such funding in any fiscal
 88 year. The sources of such funding may not include, directly or
 89 indirectly, state funds appropriated from the General Revenue
 90 Fund or any state trust fund, excluding tax revenues shared with
 91 local governments pursuant to law.

92 (m)~~(l)~~ "Local financial support exemption option" means
 93 the option to exercise an exemption from the local financial
 94 support requirement available to any applicant whose project is
 95 located in a brownfield area, a rural city, or a rural
 96 community. Any applicant that exercises this option is not
 97 eligible for more than 80 percent of the total tax refunds
 98 allowed such applicant under this section.

99 (n) "NAICS code" means the corresponding industry code of
 100 the North American Industry Classification System published by
 101 the United States Office of Management and Budget, Executive
 102 Office of the President.

103 (o)~~(m)~~ "New business" means a business that applies for a
 104 tax refund under this section before beginning operations in
 105 this state and that is a legal entity separate from any other
 106 commercial or industrial operations owned by the same business.

107 (p)~~(n)~~ "Office" means the Office of Tourism, Trade, and
 108 Economic Development.

109 (q)~~(o)~~ "Project" means the creation of a new business or
 110 expansion of an existing business.

111 (r)~~(p)~~ "Qualified target industry business" means a target
 112 industry business approved by the office to be eligible for tax

113 refunds under this section.

114 (s)~~(q)~~ "Return on investment" means the gain in state
 115 revenues as a percentage of the state's investment. The state's
 116 investment includes state grants, tax exemptions, tax refunds,
 117 tax credits, and other state incentives.

118 (t)~~(r)~~ "Rural city" means a city having a population of
 119 10,000 or fewer, or a city having a population of greater than
 120 10,000 but fewer than 20,000 that has been determined by the
 121 office to have economic characteristics such as, but not limited
 122 to, a significant percentage of residents on public assistance,
 123 a significant percentage of residents with income below the
 124 poverty level, or a significant percentage of the city's
 125 employment base in agriculture-related industries.

126 (u)~~(s)~~ "Rural community" means:

- 127 1. A county having a population of 75,000 or fewer.
- 128 2. A county having a population of 125,000 or fewer that
 129 is contiguous to a county having a population of 75,000 or
 130 fewer.
- 131 3. A municipality within a county described in
 132 subparagraph 1. or subparagraph 2.

133
 134 For purposes of this paragraph, population shall be determined
 135 in accordance with the most recent official estimate pursuant to
 136 s. 186.901.

137 (v)~~(t)~~ "Target industry business" means a corporate
 138 headquarters business or any business that is engaged in one of
 139 the target industries identified pursuant to the following
 140 criteria developed by the office in consultation with Enterprise

141 Florida, Inc.:

142 1. Future growth.—Industry forecasts should indicate
143 strong expectation for future growth in both employment and
144 output, according to the most recent available data. Special
145 consideration should be given to businesses that export goods
146 to, or provide services in, international markets, ~~and~~
147 businesses that replace domestic and international imports of
148 goods or services, and businesses within NAICS code 31, 32, or
149 33.

150 2. Stability.—The industry should not be subject to
151 periodic layoffs, whether due to seasonality or sensitivity to
152 volatile economic variables such as weather. The industry should
153 also be relatively resistant to recession, so that the demand
154 for products of this industry is not typically subject to
155 decline during an economic downturn.

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

158 4. Market and resource independent.—The location of
159 industry businesses should not be dependent on Florida markets
160 or resources as indicated by industry analysis, except for
161 businesses in the renewable energy industry.

162 5. Industrial base diversification and strengthening.—The
163 industry should contribute toward expanding or diversifying the
164 state's or area's economic base, as indicated by analysis of
165 employment and output shares compared to national and regional
166 trends. Special consideration should be given to industries that
167 strengthen regional economies by adding value to basic products
168 or building regional industrial clusters as indicated by

HB 905

2011

169 industry analysis. Special consideration should also be given to
170 the development of strong industrial clusters that include
171 defense and homeland security businesses.

172 6. Economic benefits.—The industry is expected to have
173 strong positive impacts on or benefits to the state or regional
174 economies.

175
176 The term does not include any business engaged in retail
177 industry activities; any electrical utility company; any
178 phosphate or other solid minerals severance, mining, or
179 processing operation; any oil or gas exploration or production
180 operation; or any business subject to regulation by the Division
181 of Hotels and Restaurants of the Department of Business and
182 Professional Regulation. Any business within NAICS code 5611 or
183 5614, office administrative services and business support
184 services, respectively, may be considered a target industry
185 business only after the local governing body and Enterprise
186 Florida, Inc., make a determination that the community where the
187 business may locate has conditions affecting the fiscal and
188 economic viability of the local community or area, including but
189 not limited to, factors such as low per capita income, high
190 unemployment, high underemployment, and a lack of year-round
191 stable employment opportunities, and such conditions may be
192 improved by the location of such a business to the community. By
193 January 1 of every 3rd year, beginning January 1, 2011, the
194 office, in consultation with Enterprise Florida, Inc., economic
195 development organizations, the State University System, local
196 governments, employee and employer organizations, market

197 analysts, and economists, shall review and, as appropriate,
 198 revise the list of such target industries and submit the list to
 199 the Governor, the President of the Senate, and the Speaker of
 200 the House of Representatives.

201 (w)~~(u)~~ "Taxable year" means taxable year as defined in s.
 202 220.03(1)(y).

203 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

204 (b)1. Upon approval by the office, a qualified target
 205 industry business shall be allowed tax refund payments equal to
 206 \$3,000 multiplied by the number of jobs specified in the tax
 207 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 208 multiplied by the number of jobs if the project is located in a
 209 rural community or an enterprise zone.

210 2. A qualified target industry business shall be allowed
 211 additional tax refund payments equal to \$1,000 multiplied by the
 212 number of jobs specified in the tax refund agreement under
 213 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 214 at least 150 percent of the average private sector wage in the
 215 area, or equal to \$2,000 multiplied by the number of jobs if
 216 such jobs pay an annual average wage of at least 200 percent of
 217 the average private sector wage in the area.

218 3. A qualified target industry business shall be allowed
 219 tax refund payments in addition to the other payments authorized
 220 in this paragraph equal to \$1,000 multiplied by the number of
 221 jobs specified in the tax refund agreement under subparagraph
 222 (5)(a)1. if the local financial support is equal to that of the
 223 state's incentive award under subparagraph 1.

224 4. A qualified target industry business within NAICS code

225 31, 32, or 33 shall be allowed tax refund payments equal to
 226 \$3,000 for every \$30,000 of capital investment made in a
 227 project, not to exceed an aggregate total of \$500,000 of such
 228 payments for the project under this subparagraph.

229 ~~5.4.~~ In addition to the other tax refund payments
 230 authorized in this paragraph, a qualified target industry
 231 business shall be allowed a tax refund payment equal to \$2,000
 232 multiplied by the number of jobs specified in the tax refund
 233 agreement under subparagraph (5) (a)1. if the business:

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

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

244 (4) APPLICATION AND APPROVAL PROCESS.—

245 (a) To apply for certification as a qualified target
 246 industry business under this section, the business must file an
 247 application with the office before the business decides to
 248 locate in this state or before the business decides to expand
 249 its existing operations in this state. The application must
 250 include, but need not be limited to, the following information:

251 1. The applicant's federal employer identification number
 252 and, if applicable, state sales tax registration number.

253 2. The proposed permanent location of the applicant's
254 facility in this state at which the project is to be located.

255 3. A description of the type of business activity or
256 product covered by the project, including a minimum of a five-
257 digit NAICS code for all activities included in the project. ~~As
258 used in this paragraph, "NAICS" means those classifications
259 contained in the North American Industry Classification System,
260 as published in 2007 by the Office of Management and Budget,
261 Executive Office of the President, and updated periodically.~~

262 4. The proposed number of net new full-time equivalent
263 Florida jobs at the qualified target industry business as of
264 December 31 of each year included in the project and the average
265 wage of those jobs. If more than one type of business activity
266 or product is included in the project, the number of jobs and
267 average wage for those jobs must be separately stated for each
268 type of business activity or product.

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

271 6. The proposed amount of capital investment to be made
272 each year until the project's completion.

273 ~~7.6.~~ The anticipated commencement date of the project.

274 ~~8.7.~~ A brief statement explaining the role that the
275 estimated tax refunds to be requested will play in the decision
276 of the applicant to locate or expand in this state.

277 ~~9.8.~~ An estimate of the proportion of the sales resulting
278 from the project that will be made outside this state.

279 ~~10.9.~~ An estimate of the proportion of the cost of the
280 machinery and equipment, and any other resources necessary in

HB 905

2011

281 the development of its product or service, to be used by the
282 business in its Florida operations which will be purchased
283 outside this state.

284 ~~11.10.~~ A resolution adopted by the governing board of the
285 county or municipality in which the project will be located,
286 which resolution recommends that the project be approved as a
287 qualified target industry business and specifies that the
288 commitments of local financial support necessary for the target
289 industry business exist. Before the passage of such resolution,
290 the office may also accept an official letter from an authorized
291 local economic development agency that endorses the proposed
292 target industry project and pledges that sources of local
293 financial support for such project exist. For the purposes of
294 making pledges of local financial support under this
295 subparagraph, the authorized local economic development agency
296 shall be officially designated by the passage of a one-time
297 resolution by the local governing board.

298 ~~12.11.~~ Any additional information requested by the office.

299 (b) To qualify for review by the office, the application
300 of a target industry business must propose a capital investment
301 in the project of at least \$500,000 or, at a minimum, establish
302 the following to the satisfaction of the office:

303 1.a. The jobs proposed to be created under the
304 application, pursuant to subparagraph (a)4., must pay an
305 estimated annual average wage equaling at least 115 percent of
306 the average private sector wage in the area where the business
307 is to be located or the statewide private sector average wage.
308 The governing board of the county where the qualified target

HB 905

2011

309 industry business is to be located shall notify the office and
310 Enterprise Florida, Inc., which calculation of the average
311 private sector wage in the area must be used as the basis for
312 the business's wage commitment. In determining the average
313 annual wage, the office shall include only new proposed jobs,
314 and wages for existing jobs shall be excluded from this
315 calculation.

316 b. The office may waive the average wage requirement at
317 the request of the local governing body recommending the project
318 and Enterprise Florida, Inc. The office may waive the wage
319 requirement for a project located in a brownfield area
320 designated under s. 376.80, in a rural city, in a rural
321 community, in an enterprise zone, or for a manufacturing project
322 at any location in the state if the jobs proposed to be created
323 pay an estimated annual average wage equaling at least 100
324 percent of the average private sector wage in the area where the
325 business is to be located, only if the merits of the individual
326 project or the specific circumstances in the community in
327 relationship to the project warrant such action. If the local
328 governing body and Enterprise Florida, Inc., make such a
329 recommendation, it must be transmitted in writing, and the
330 specific justification for the waiver recommendation must be
331 explained. If the office elects to waive the wage requirement,
332 the waiver must be stated in writing, and the reasons for
333 granting the waiver must be explained.

334 2. The target industry business's project must result in
335 the creation of at least 10 jobs at the project and, in the case
336 of an expansion of an existing business, must result in a net

337 increase in employment of at least 10 percent at the business.
 338 At the request of the local governing body recommending the
 339 project and Enterprise Florida, Inc., the office may waive this
 340 requirement for a business in a rural community or enterprise
 341 zone if the merits of the individual project or the specific
 342 circumstances in the community in relationship to the project
 343 warrant such action. If the local governing body and Enterprise
 344 Florida, Inc., make such a request, the request must be
 345 transmitted in writing, and the specific justification for the
 346 request must be explained. If the office elects to grant the
 347 request, the grant must be stated in writing, and the reason for
 348 granting the request must be explained.

349 3. The business activity or product for the applicant's
 350 project must be within an industry identified by the office as a
 351 target industry business that contributes to the economic growth
 352 of the state and the area in which the business is located, that
 353 produces a higher standard of living for residents of this state
 354 in the new global economy, or that can be shown to make an
 355 equivalent contribution to the area's and state's economic
 356 progress.

357 Section 2. For the purpose of incorporating the amendment
 358 made by this act to section 288.106, Florida Statutes, in a
 359 reference thereto, subsection (11) of section 159.803, Florida
 360 Statutes, is reenacted to read:

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

362 (11) "Florida First Business project" means any project
 363 which is certified by the Office of Tourism, Trade, and Economic
 364 Development as eligible to receive an allocation from the

365 Florida First Business allocation pool established pursuant to
 366 s. 159.8083. The Office of Tourism, Trade, and Economic
 367 Development may certify those projects meeting the criteria set
 368 forth in s. 288.106(4)(b) or any project providing a substantial
 369 economic benefit to this state.

370 Section 3. For the purpose of incorporating the amendment
 371 made by this act to section 288.106, Florida Statutes, in a
 372 reference thereto, paragraph (a) of subsection (1) of section
 373 212.098, Florida Statutes, is reenacted to read:

374 212.098 Rural Job Tax Credit Program.—

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

376 (a) "Eligible business" means any sole proprietorship,
 377 firm, partnership, or corporation that is located in a qualified
 378 county and is predominantly engaged in, or is headquarters for a
 379 business predominantly engaged in, activities usually provided
 380 for consideration by firms classified within the following
 381 standard industrial classifications: SIC 01-SIC 09 (agriculture,
 382 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422
 383 (public warehousing and storage); SIC 70 (hotels and other
 384 lodging places); SIC 7391 (research and development); SIC 781
 385 (motion picture production and allied services); SIC 7992
 386 (public golf courses); SIC 7996 (amusement parks); and a
 387 targeted industry eligible for the qualified target industry
 388 business tax refund under s. 288.106. A call center or similar
 389 customer service operation that services a multistate market or
 390 an international market is also an eligible business. In
 391 addition, the Office of Tourism, Trade, and Economic Development
 392 may, as part of its final budget request submitted pursuant to

HB 905

2011

393 s. 216.023, recommend additions to or deletions from the list of
394 standard industrial classifications used to determine an
395 eligible business, and the Legislature may implement such
396 recommendations. Excluded from eligible receipts are receipts
397 from retail sales, except such receipts for hotels and other
398 lodging places classified in SIC 70, public golf courses in SIC
399 7992, and amusement parks in SIC 7996. For purposes of this
400 paragraph, the term "predominantly" means that more than 50
401 percent of the business's gross receipts from all sources is
402 generated by those activities usually provided for consideration
403 by firms in the specified standard industrial classification.
404 The determination of whether the business is located in a
405 qualified county and the tier ranking of that county must be
406 based on the date of application for the credit under this
407 section. Commonly owned and controlled entities are to be
408 considered a single business entity.

409 Section 4. For the purpose of incorporating the amendment
410 made by this act to section 288.106, Florida Statutes, in a
411 reference thereto, paragraph (a) of subsection (1) of section
412 220.1896, Florida Statutes, is reenacted to read:

413 220.1896 Jobs for the Unemployed Tax Credit Program.—

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

415 (a) "Eligible business" means any target industry business
416 as defined in s. 288.106(2) which is subject to the tax imposed
417 by this chapter. The eligible business does not have to be
418 certified to receive the Qualified Target Industry Tax Refund
419 Incentive under s. 288.106 in order to receive the tax credit
420 available under this section.

421 Section 5. Paragraph (h) of subsection (1) of section
 422 220.191, Florida Statutes, is amended to read:

423 220.191 Capital investment tax credit.—

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

425 (h) "Qualifying project" means:

426 1. A new or expanding facility in this state which creates
 427 at least 100 new jobs in this state and is in one of the high-
 428 impact sectors identified by Enterprise Florida, Inc., and
 429 certified by the office pursuant to s. 288.108(6), including,
 430 but not limited to, aviation, aerospace, automotive, and silicon
 431 technology industries;

432 2. A new or expanded facility in this state which is
 433 engaged in a target industry designated pursuant to the
 434 procedure specified in s. 288.106(2) (v) ~~(t)~~ and which is induced
 435 by this credit to create or retain at least 1,000 jobs in this
 436 state, provided that at least 100 of those jobs are new, pay an
 437 annual average wage of at least 130 percent of the average
 438 private sector wage in the area as defined in s. 288.106(2), and
 439 make a cumulative capital investment of at least \$100 million
 440 after July 1, 2005. Jobs may be considered retained only if
 441 there is significant evidence that the loss of jobs is imminent.
 442 Notwithstanding subsection (2), annual credits against the tax
 443 imposed by this chapter shall not exceed 50 percent of the
 444 increased annual corporate income tax liability or the premium
 445 tax liability generated by or arising out of a project
 446 qualifying under this subparagraph. A facility that qualifies
 447 under this subparagraph for an annual credit against the tax
 448 imposed by this chapter may take the tax credit for a period not

449 to exceed 5 years; or

450 3. A new or expanded headquarters facility in this state
 451 which locates in an enterprise zone and brownfield area and is
 452 induced by this credit to create at least 1,500 jobs which on
 453 average pay at least 200 percent of the statewide average annual
 454 private sector wage, as published by the Agency for Workforce
 455 Innovation or its successor, and which new or expanded
 456 headquarters facility makes a cumulative capital investment in
 457 this state of at least \$250 million.

458 Section 6. For the purpose of incorporating the amendment
 459 made by this act to section 288.106, Florida Statutes, in
 460 references thereto, paragraphs (e) and (h) of subsection (1) of
 461 section 288.107, Florida Statutes, are reenacted to read:

462 288.107 Brownfield redevelopment bonus refunds.—

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

464 (e) "Eligible business" means:

465 1. A qualified target industry business as defined in s.
 466 288.106(2); or

467 2. A business that can demonstrate a fixed capital
 468 investment of at least \$2 million in mixed-use business
 469 activities, including multiunit housing, commercial, retail, and
 470 industrial in brownfield areas, or at least \$500,000 in
 471 brownfield areas that do not require site cleanup, and that
 472 provides benefits to its employees.

473 (h) "Project" means the creation of a new business or the
 474 expansion of an existing business as defined in s. 288.106.

475 Section 7. For the purpose of incorporating the amendment
 476 made by this act to section 288.106, Florida Statutes, in a

477 reference thereto, paragraph (c) of subsection (4) of section
 478 288.1089, Florida Statutes, is reenacted to read:

479 288.1089 Innovation Incentive Program.—

480 (4) To qualify for review by the office, the applicant
 481 must, at a minimum, establish the following to the satisfaction
 482 of Enterprise Florida, Inc., and the office:

483 (c) An innovation business project in this state, other
 484 than a research and development project, must:

485 1.a. Result in the creation of at least 1,000 direct, new
 486 jobs at the business; or

487 b. Result in the creation of at least 500 direct, new jobs
 488 if the project is located in a rural area, a brownfield area, or
 489 an enterprise zone.

490 2. Have an activity or product that is within an industry
 491 that is designated as a target industry business under s.
 492 288.106 or a designated sector under s. 288.108.

493 3.a. Have a cumulative investment of at least \$500 million
 494 within a 5-year period; or

495 b. Have a cumulative investment that exceeds \$250 million
 496 within a 10-year period if the project is located in a rural
 497 area, brownfield area, or an enterprise zone.

498 4. Be provided with a one-to-one match from the local
 499 community. The match requirement may be reduced or waived in
 500 rural areas of critical economic concern or reduced in rural
 501 areas, brownfield areas, and enterprise zones.

502 Section 8. For the purpose of incorporating the amendment
 503 made by this act to section 288.106, Florida Statutes, in

504 references thereto, subsections (1) and (5) of section 380.0657,
 505 Florida Statutes, are reenacted to read:

506 380.0657 Expedited permitting process for economic
 507 development projects.—

508 (1) The Department of Environmental Protection and, as
 509 appropriate, the water management districts created under
 510 chapter 373 shall adopt programs to expedite the processing of
 511 wetland resource and environmental resource permits for economic
 512 development projects that have been identified by a municipality
 513 or county as meeting the definition of target industry
 514 businesses under s. 288.106, with the exception of those
 515 projects requiring approval by the Board of Trustees of the
 516 Internal Improvement Trust Fund.

517 (5) Notwithstanding the provisions of this section, permit
 518 applications for projects to be located in a charter county that
 519 has a population of 1.2 million or more and has entered into a
 520 delegation agreement with the Department of Environmental
 521 Protection or the applicable water management district to
 522 process environmental resource permits, wetland resource
 523 management permits, or surface water management permits pursuant
 524 to chapter 373 are eligible for expedited permitting under this
 525 section only upon designation by resolution of the charter
 526 county's governing board. Before the governing board decides
 527 that a project is eligible for expedited permitting, it may
 528 require the county's economic development agency, or such other
 529 agency that provides advice to the governing board on economic
 530 matters, to review and recommend whether the project meets the
 531 definition of a target industry business as defined in s.

HB 905

2011

532 288.106 and to identify the tangible benefits and impacts of the
533 project. The governing board's decision shall be made without
534 consideration of the project's geographic location within the
535 charter county. If the governing board designates the project as
536 a target industry business, the permit application for the
537 project shall be approved or denied within the timeframe
538 provided in subsection (4).

539 Section 9. This act shall take effect July 1, 2011.