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576-04145-13

Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Transportation, Tourism, and  
Economic Development)

A bill to be entitled

An act relating to the Economic Gardening Technical  
Assistance Program; amending s. 288.1082, F.S.;  
expanding the Economic Gardening Technical Assistance  
Pilot Program into a statewide program; requiring the  
Department of Economic Opportunity to contract with  
the Florida Economic Gardening Institute at the  
University of Central Florida to administer the  
program; revising and providing eligibility  
requirements for the program; providing definitions;  
amending s. 288.1081, F.S.; conforming a reference to  
the Economic Gardening Technical Assistance Pilot  
Program to changes made by the act; providing an  
effective date.

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

Section 1. Section 288.1082, Florida Statutes, is amended  
to read:

288.1082 Economic Gardening Technical Assistance ~~Pilot~~  
Program.—

(1) There is created within the department the Economic  
Gardening Technical Assistance ~~Pilot~~ Program. The purpose of the  
~~pilot~~ program is to stimulate investment in Florida's economy by  
providing technical assistance for expanding businesses in the  
state.



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27           (2) The department shall contract with the Florida Economic  
28 Gardening Institute at the University of Central Florida ~~one or~~  
29 ~~more entities~~ to administer the pilot program under this  
30 section. ~~The department shall award each contract in accordance~~  
31 ~~with the competitive bidding requirements in s. 287.057 to an~~  
32 ~~entity that demonstrates the ability to implement the pilot~~  
33 ~~program on a statewide basis, has an outreach plan, and has the~~  
34 ~~ability to provide counseling services, access to technology and~~  
35 ~~information, marketing services and advice, business management~~  
36 ~~support, and other similar services. In selecting these~~  
37 ~~entities, the department also must consider whether the entities~~  
38 ~~will qualify for matching funds to provide the technical~~  
39 ~~assistance.~~

40           (3) The Florida Economic Gardening Institute ~~A contracted~~  
41 ~~entity administering the pilot program~~ shall provide technical  
42 assistance for eligible businesses which includes, but is not  
43 limited to:

44           (a) Access to free or affordable information services and  
45 consulting services, including information on markets,  
46 customers, and competitors, such as business databases,  
47 geographic information systems, and search engine marketing.

48           (b) Development of business connections, including  
49 interaction and exchange among business owners and resource  
50 providers, such as trade associations, think tanks, academic  
51 institutions, business roundtables, peer-to-peer learning  
52 sessions, and mentoring programs.

53           (4) (a) To be eligible for assistance under the pilot  
54 program, a business must:

55           1. Be a for-profit, privately held, investment-grade



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56 business. ~~that~~

57 2. Have employed ~~employs~~ at least 10 persons but not more  
58 than 99 ~~50~~ persons at the end of the preceding fiscal year., ~~has~~  
59 ~~maintained its principal place of business in the state for at~~  
60 ~~least the previous 2 years,~~

61 3. Have generated ~~generates~~ at least \$1 million but not  
62 more than \$50 ~~\$25~~ million in annual revenue during the preceding  
63 fiscal year., ~~qualifies for the tax refund program for qualified~~  
64 ~~target industry businesses under s. 288.106, and,~~

65 4. During 2 ~~3~~ of the previous 6 ~~5~~ years, have ~~has~~ increased  
66 either ~~both~~ its number of full-time equivalent employees in this  
67 state or ~~and~~ its gross revenues.

68 5. Generate a minimum of 51 percent of its revenue outside  
69 the state, be located in a "rural community" as defined in s.  
70 288.0656, or be classified within a qualifying NAICS code.

71 (b) As used in this section, the term:

72 1. "NAICS" means those classifications contained in the  
73 North American Industry Classification System, as published in  
74 2012 by the Office of Management and Budget, Executive Office of  
75 the President.

76 2. "Qualifying NAICS code" means any NAICS code within any  
77 of the following NAICS sectors: 31-33, Manufacturing; 42,  
78 Wholesale Trade; 51, Information; 52, Finance and Insurance; 54,  
79 Professional, Scientific, and Technical Services; 55, Management  
80 of Companies and Enterprises; or 56, Administrative and Support  
81 and Waste Management and Remediation Services.

82 (c) ~~(b)~~ The Florida Economic Gardening Institute A  
83 contracted entity administering the pilot program, in selecting  
84 the eligible businesses to receive assistance, shall choose



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85 businesses in more than one industry cluster and, to the maximum  
86 extent practicable, shall choose businesses that are  
87 geographically distributed throughout Florida or are in  
88 partnership with businesses that are geographically distributed  
89 throughout Florida.

90 (5) (a) A business receiving assistance under the ~~pilot~~  
91 program must enter into an agreement with the Florida Economic  
92 Gardening Institute ~~contracted entity administering the program~~  
93 to establish the business's commitment to participate  
94 ~~participation~~ in the ~~pilot~~ program. The agreement must require,  
95 at a minimum, that the business:

96 1. Attend a minimum number of meetings between the business  
97 and the Florida Economic Gardening Institute ~~contracted entity~~  
98 ~~administering the pilot program~~.

99 2. Report job creation data in the manner prescribed by the  
100 Florida Economic Gardening Institute ~~contracted entity~~  
101 ~~administering the pilot program~~.

102 3. Provide financial data in the manner prescribed by the  
103 Florida Economic Gardening Institute ~~contracted entity~~  
104 ~~administering the program~~.

105 (b) The Florida Economic Gardening Institute ~~department or~~  
106 ~~the contracted entity administering the pilot program~~ may  
107 prescribe in the agreement additional reporting requirements  
108 that are necessary to track the progress of the business and  
109 monitor the business's implementation of the assistance. The  
110 institute ~~contracted entity~~ shall report the information to the  
111 department on a quarterly basis.

112 (6) The Florida Economic Gardening Institute ~~A contracted~~  
113 ~~entity administering the pilot program~~ is authorized to promote



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114 the general business interests or industrial interests of the  
115 state.

116 (7) The department shall review the progress of the Florida  
117 Economic Gardening Institute ~~contracted entity administering the~~  
118 ~~pilot program~~ at least once each 6 months and shall determine  
119 whether the institute ~~contracted entity~~ is meeting its  
120 contractual obligations for administering the ~~pilot~~ program. The  
121 department may terminate and rebid a contract if the institute  
122 ~~contracted entity~~ does not meet its contractual obligations.

123 (8) On December 31 of each year, the department shall  
124 submit a report to the Governor, the President of the Senate,  
125 and the Speaker of the House of Representatives which describes  
126 in detail the progress of the ~~pilot~~ program. The report must  
127 include, at a minimum, the number of businesses receiving  
128 assistance, the number of full-time equivalent jobs created as a  
129 result of the assistance, if any, the amount of wages paid to  
130 employees in the newly created jobs, and the locations and types  
131 of economic activity undertaken by the businesses.

132 (9) The department may adopt rules ~~under ss. 120.536(1) and~~  
133 ~~120.54~~ to administer this section.

134 Section 2. Paragraphs (a) and (b) of subsection (3) of  
135 section 288.1081, Florida Statutes, are amended to read:

136 288.1081 Economic Gardening Business Loan Pilot Program.—

137 (3) (a) To be eligible for a loan under the pilot program,  
138 an applicant must be a business eligible for assistance under  
139 the Economic Gardening Technical Assistance ~~Pilot~~ Program as  
140 provided in s. 288.1082(4) (a).

141 (b) A loan applicant must submit a written application to  
142 the loan administrator in the format prescribed by the loan



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143 administrator. The application must include:

144 1. The applicant's federal employer identification number,  
145 reemployment assistance account number, and sales or other tax  
146 registration number.

147 2. The street address of the applicant's principal place of  
148 business in this state.

149 3. A description of the type of economic activity, product,  
150 or research and development undertaken by the applicant,  
151 including the six-digit North American Industry Classification  
152 System code for each type of economic activity conducted by the  
153 applicant.

154 4. The applicant's annual revenue, number of employees,  
155 number of full-time equivalent employees, and other information  
156 necessary to verify the applicant's eligibility for the ~~pilot~~  
157 program under s. 288.1082(4) (a).

158 5. The projected investment in the business, if any, which  
159 the applicant proposes in conjunction with the loan.

160 6. The total investment in the business from all sources,  
161 if any, which the applicant proposes in conjunction with the  
162 loan.

163 7. The number of net new full-time equivalent jobs that, as  
164 a result of the loan, the applicant proposes to create in this  
165 state as of December 31 of each year and the average annual wage  
166 of the proposed jobs.

167 8. The total number of full-time equivalent employees the  
168 applicant currently employs in this state.

169 9. The date that the applicant anticipates it needs the  
170 loan.

171 10. A detailed explanation of why the loan is needed to



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172 assist the applicant in expanding jobs in the state.

173       11. A statement that all of the applicant's available  
174 corporate assets are pledged as collateral for the amount of the  
175 loan.

176       12. A statement that the applicant, upon receiving the  
177 loan, agrees not to seek additional long-term debt without prior  
178 approval of the loan administrator.

179       13. A statement that the loan is a joint obligation of the  
180 business and of each person who owns at least 20 percent of the  
181 business.

182       14. Any additional information requested by the department  
183 or the loan administrator.

184       Section 3. This act shall take effect July 1, 2013.