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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/22/2015	.	
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	.	
	.	

The Committee on Appropriations (Latvala) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (8) of section 163.340, Florida
Statutes, is amended to read:

163.340 Definitions.—The following terms, wherever used or
referred to in this part, have the following meanings:

(8) "Blighted area" means an area in which there are a
substantial number of deteriorated~~7~~ or deteriorating



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11 structures;† in which conditions, as indicated by government-
12 maintained statistics or other studies, endanger life or
13 property or are leading to economic distress; ~~or endanger life~~
14 ~~or property,~~ and in which two or more of the following factors
15 are present:

16 (a) Predominance of defective or inadequate street layout,
17 parking facilities, roadways, bridges, or public transportation
18 facilities.†

19 (b) Aggregate assessed values of real property in the area
20 for ad valorem tax purposes have failed to show any appreciable
21 increase over the 5 years prior to the finding of such
22 conditions.†

23 (c) Faulty lot layout in relation to size, adequacy,
24 accessibility, or usefulness.†

25 (d) Unsanitary or unsafe conditions.†

26 (e) Deterioration of site or other improvements.†

27 (f) Inadequate and outdated building density patterns.†

28 (g) Falling lease rates per square foot of office,
29 commercial, or industrial space compared to the remainder of the
30 county or municipality.†

31 (h) Tax or special assessment delinquency exceeding the
32 fair value of the land.†

33 (i) Residential and commercial vacancy rates higher in the
34 area than in the remainder of the county or municipality.†

35 (j) Incidence of crime in the area higher than in the
36 remainder of the county or municipality.†

37 (k) Fire and emergency medical service calls to the area
38 proportionately higher than in the remainder of the county or
39 municipality.†



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40 (1) A greater number of violations of the Florida Building
41 Code in the area than the number of violations recorded in the
42 remainder of the county or municipality.~~†~~

43 (m) Diversity of ownership or defective or unusual
44 conditions of title which prevent the free alienability of land
45 within the deteriorated or hazardous area.~~†~~~~or~~

46 (n) Governmentally owned property with adverse
47 environmental conditions caused by a public or private entity.

48 (o) A substantial number or percentage of properties
49 damaged by sinkhole activity which have not been adequately
50 repaired or stabilized.

51
52 However, the term "blighted area" also means any area in which
53 at least one of the factors identified in paragraphs (a) through
54 (o) is ~~(n)~~~~are~~ present and all taxing authorities subject to s.
55 163.387(2) (a) agree, either by interlocal agreement ~~or~~
56 ~~agreements~~ with the agency or by resolution, that the area is
57 blighted. Such agreement or resolution must be limited to a
58 determination shall only determine that the area is blighted.
59 For purposes of qualifying for the tax credits authorized in
60 chapter 220, "blighted area" means an area as defined in this
61 subsection.

62 Section 2. Subsection (3) of section 163.524, Florida
63 Statutes, is amended to read:

64 163.524 Neighborhood Preservation and Enhancement Program;
65 participation; creation of Neighborhood Preservation and
66 Enhancement Districts; creation of Neighborhood Councils and
67 Neighborhood Enhancement Plans.—

68 (3) After the boundaries and size of the Neighborhood



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69 Preservation and Enhancement District have been defined, the
70 local government shall pass an ordinance authorizing the
71 creation of the Neighborhood Preservation and Enhancement
72 District. The ordinance shall contain a finding that the
73 boundaries of the Neighborhood Preservation and Enhancement
74 District comply with ~~meet the provisions of~~ s. 163.340(7) or s.
75 163.340(8)(a)-(o) ~~(8)(a)-(n)~~ or do not contain properties that
76 are protected by deed restrictions. Such ordinance may be
77 amended or repealed in the same manner as other local
78 ordinances.

79 Section 3. Effective October 1, 2015, paragraph (q) of
80 subsection (5) of section 212.08, Florida Statutes, is amended
81 to read:

82 212.08 Sales, rental, use, consumption, distribution, and
83 storage tax; specified exemptions.—The sale at retail, the
84 rental, the use, the consumption, the distribution, and the
85 storage to be used or consumed in this state of the following
86 are hereby specifically exempt from the tax imposed by this
87 chapter.

88 (5) EXEMPTIONS; ACCOUNT OF USE.—

89 (q) *Entertainment industry tax credit; authorization;*
90 *eligibility for credits.*—The credits against the state sales tax
91 authorized pursuant to s. 288.1254 shall be deducted from any
92 sales and use tax remitted by the dealer to the department by
93 electronic funds transfer and may only be deducted on a sales
94 and use tax return initiated through electronic data
95 interchange. The dealer shall separately state the credit on the
96 electronic return. The net amount of tax due and payable must be
97 remitted by electronic funds transfer. If the credit for the



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98 qualified expenditures is larger than the amount owed on the
99 sales and use tax return that is eligible for the credit, the
100 unused amount of the credit may be carried forward to a
101 succeeding reporting period as provided in s. 288.1254(4)(d) ~~s.~~
102 ~~288.1254(4)(e)~~. A dealer may only obtain a credit using the
103 method described in this paragraph ~~subparagraph~~. A dealer is not
104 authorized to obtain a credit by applying for a refund.

105 Section 4. Paragraph (d) of subsection (6) of section
106 212.20, Florida Statutes, is amended to read:

107 212.20 Funds collected, disposition; additional powers of
108 department; operational expense; refund of taxes adjudicated
109 unconstitutionally collected.—

110 (6) Distribution of all proceeds under this chapter and ss.
111 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

121 2. After the distribution under subparagraph 1., 8.8854
122 percent of the amount remitted by a sales tax dealer located
123 within a participating county pursuant to s. 218.61 shall be
124 transferred into the Local Government Half-cent Sales Tax
125 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
126 transferred shall be reduced by 0.1 percent, and the department



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127 shall distribute this amount to the Public Employees Relations
128 Commission Trust Fund less \$5,000 each month, which shall be
129 added to the amount calculated in subparagraph 3. and
130 distributed accordingly.

131 3. After the distribution under subparagraphs 1. and 2.,
132 0.0956 percent shall be transferred to the Local Government
133 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
134 to s. 218.65.

135 4. After the distributions under subparagraphs 1., 2., and
136 3., 2.0603 percent of the available proceeds shall be
137 transferred monthly to the Revenue Sharing Trust Fund for
138 Counties pursuant to s. 218.215.

139 5. After the distributions under subparagraphs 1., 2., and
140 3., 1.3517 percent of the available proceeds shall be
141 transferred monthly to the Revenue Sharing Trust Fund for
142 Municipalities pursuant to s. 218.215. If the total revenue to
143 be distributed pursuant to this subparagraph is at least as
144 great as the amount due from the Revenue Sharing Trust Fund for
145 Municipalities and the former Municipal Financial Assistance
146 Trust Fund in state fiscal year 1999-2000, no municipality shall
147 receive less than the amount due from the Revenue Sharing Trust
148 Fund for Municipalities and the former Municipal Financial
149 Assistance Trust Fund in state fiscal year 1999-2000. If the
150 total proceeds to be distributed are less than the amount
151 received in combination from the Revenue Sharing Trust Fund for
152 Municipalities and the former Municipal Financial Assistance
153 Trust Fund in state fiscal year 1999-2000, each municipality
154 shall receive an amount proportionate to the amount it was due
155 in state fiscal year 1999-2000.



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156 6. Of the remaining proceeds:

157 a. In each fiscal year, the sum of \$29,915,500 shall be
158 divided into as many equal parts as there are counties in the
159 state, and one part shall be distributed to each county. The
160 distribution among the several counties must begin each fiscal
161 year on or before January 5th and continue monthly for a total
162 of 4 months. If a local or special law required that any moneys
163 accruing to a county in fiscal year 1999-2000 under the then-
164 existing provisions of s. 550.135 be paid directly to the
165 district school board, special district, or a municipal
166 government, such payment must continue until the local or
167 special law is amended or repealed. The state covenants with
168 holders of bonds or other instruments of indebtedness issued by
169 local governments, special districts, or district school boards
170 before July 1, 2000, that it is not the intent of this
171 subparagraph to adversely affect the rights of those holders or
172 relieve local governments, special districts, or district school
173 boards of the duty to meet their obligations as a result of
174 previous pledges or assignments or trusts entered into which
175 obligated funds received from the distribution to county
176 governments under then-existing s. 550.135. This distribution
177 specifically is in lieu of funds distributed under s. 550.135
178 before July 1, 2000.

179 b. The department shall distribute \$166,667 monthly to each
180 applicant certified as a facility for a new or retained
181 professional sports franchise pursuant to s. 288.1162. Up to
182 \$41,667 shall be distributed monthly by the department to each
183 certified applicant as defined in s. 288.11621 for a facility
184 for a spring training franchise. However, not more than \$416,670



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185 may be distributed monthly in the aggregate to all certified
186 applicants for facilities for spring training franchises.
187 Distributions begin 60 days after such certification and
188 continue for not more than 30 years, except as otherwise
189 provided in s. 288.11621. A certified applicant identified in
190 this sub-subparagraph may not receive more in distributions than
191 expended by the applicant for the public purposes provided in s.
192 288.1162(5) or s. 288.11621(3).

193 c. Beginning 30 days after notice by the Department of
194 Economic Opportunity to the Department of Revenue that an
195 applicant has been certified as the professional golf hall of
196 fame pursuant to s. 288.1168 and is open to the public, \$166,667
197 shall be distributed monthly, for up to 300 months, to the
198 applicant.

199 d. Beginning 30 days after notice by the Department of
200 Economic Opportunity to the Department of Revenue that the
201 applicant has been certified as the International Game Fish
202 Association World Center facility ~~pursuant to s. 288.1169~~, and
203 the facility is open to the public, \$83,333 shall be distributed
204 monthly, for up to 168 months, to the applicant. This
205 distribution is subject to reduction ~~pursuant to s. 288.1169~~. A
206 lump sum payment of \$999,996 shall be made after certification
207 and before July 1, 2000.

208 e. The department shall distribute up to \$83,333 monthly to
209 each certified applicant as defined in s. 288.11631 for a
210 facility used by a single spring training franchise, or up to
211 \$166,667 monthly to each certified applicant as defined in s.
212 288.11631 for a facility used by more than one spring training
213 franchise. Monthly distributions begin 60 days after such



214 certification or July 1, 2016, whichever is later, and continue
215 for not more than 20 years to each certified applicant as
216 defined in s. 288.11631 for a facility used by a single spring
217 training franchise or not more than 25 years to each certified
218 applicant as defined in s. 288.11631 for a facility used by more
219 than one spring training franchise. A certified applicant
220 identified in this sub-subparagraph may not receive more in
221 distributions than expended by the applicant for the public
222 purposes provided in s. 288.11631(3).

223 f. Beginning 45 days after notice by the Department of
224 Economic Opportunity to the Department of Revenue that an
225 applicant has been approved by the Legislature and certified by
226 the Department of Economic Opportunity under s. 288.11625 or
227 upon a date specified by the Department of Economic Opportunity
228 as provided under s. 288.11625(6)(d), the department shall
229 distribute each month an amount equal to one-twelfth of the
230 annual distribution amount certified by the Department of
231 Economic Opportunity for the applicant. The department may not
232 distribute more than \$7 million in the 2014-2015 fiscal year or
233 more than \$13 million annually thereafter under this sub-
234 subparagraph.

235 7. All other proceeds must remain in the General Revenue
236 Fund.

237 Section 5. Effective October 1, 2015, subsection (3) of
238 section 220.1899, Florida Statutes, is amended to read:

239 220.1899 Entertainment industry tax credit.—

240 (3) To the extent that the amount of a tax credit exceeds
241 the amount due on a return, the balance of the credit may be
242 carried forward to a succeeding taxable year pursuant to s.



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243 288.1254(4)(d) ~~s. 288.1254(4)(e)~~.

244 Section 6. Paragraph (b) of subsection (1) of section
245 220.191, Florida Statutes, is amended to read:

246 220.191 Capital investment tax credit.—

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

248 (b) "Cumulative capital investment" means the total capital
249 investment in land, buildings, and equipment made in connection
250 with a qualifying project during the period from the beginning
251 of construction of the project to the commencement of
252 operations. The term does not include any state or local funds,
253 including funds appropriated to public or private entities, used
254 for capital investment.

255 Section 7. Paragraphs (b) and (e) of subsection (2) of
256 section 288.0001, Florida Statutes, is amended to read:

257 288.0001 Economic Development Programs Evaluation.—The
258 Office of Economic and Demographic Research and the Office of
259 Program Policy Analysis and Government Accountability (OPPAGA)
260 shall develop and present to the Governor, the President of the
261 Senate, the Speaker of the House of Representatives, and the
262 chairs of the legislative appropriations committees the Economic
263 Development Programs Evaluation.

264 (2) The Office of Economic and Demographic Research and
265 OPPAGA shall provide a detailed analysis of economic development
266 programs as provided in the following schedule:

267 (b) By January 1, 2015, and every 3 years thereafter, an
268 analysis of the following:

269 1. The entertainment industry financial incentive program
270 established under s. 288.1254.

271 2. The entertainment industry sales tax exemption program



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272 established under s. 288.1258.

273 3. VISIT Florida and its programs established or funded
274 under ss. 288.122, 288.1226, 288.12265, and 288.124.

275 4. The Florida Sports Foundation and related programs
276 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
277 288.1168, ~~288.1169~~, and 288.1171.

278 (e) Beginning January 1, 2018, and every 3 years
279 thereafter, an analysis of the Sports Development Program
280 established under s. 288.11625 and the retention of Major League
281 Baseball spring training baseball franchises under s. 288.11631.

282 Section 8. Subsection (1) of section 288.005, Florida
283 Statutes, is amended to read:

284 288.005 Definitions.—As used in this chapter, the term:

285 (1) "Economic benefits" means the direct, indirect, and
286 induced gains in state revenues as a percentage of the state's
287 investment. The state's investment includes all state funds
288 spent or forgone to benefit the business, including state funds
289 appropriated to public and private entities, state grants, tax
290 exemptions, tax refunds, tax credits, and other state
291 incentives.

292 Section 9. Section 288.061, Florida Statutes, is amended to
293 read:

294 288.061 Economic development incentive application
295 process.—

296 (1) Beginning January 1, 2016, the department shall
297 prescribe a form upon which an application for an incentive must
298 be made. At a minimum, the incentive application must include
299 all of the following:

300 (a) The applicant's federal employer identification number,



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301 reemployment assistance account number, and state sales tax
302 registration number. If such numbers are not available at the
303 time of application, they must be submitted to the department in
304 writing before the disbursement of any economic incentive
305 payments or the grant of any tax credits or refunds.

306 (b) The applicant's signature.

307 (c) The location in this state at which the project is or
308 will be located.

309 (d) The anticipated commencement date of the project.

310 (e) A description of the type of business activity,
311 product, or research and development undertaken by the
312 applicant, including the six-digit North American Industry
313 Classification System code for all activities included in the
314 project.

315 (f) An attestation verifying that the information provided
316 on the application is true and accurate.

317 (2)(1) Upon receiving a submitted economic development
318 incentive application, the Division of Strategic Business
319 Development of the department of ~~Economic Opportunity~~ and
320 designated staff of Enterprise Florida, Inc., shall review the
321 application to ensure that the application is complete, whether
322 and what type of state and local permits may be necessary for
323 the applicant's project, whether it is possible to waive such
324 permits, and what state incentives and amounts of such
325 incentives may be available to the applicant. The department
326 shall recommend to the executive director to approve or
327 disapprove an applicant business. If review of the application
328 demonstrates that the application is incomplete, the executive
329 director shall notify the applicant business within the first 5



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330 business days after receiving the application.

331 ~~(3)(2) Beginning July 1, 2013,~~ The department shall review
332 and evaluate each economic development incentive application for
333 the economic benefits of the proposed award of state incentives
334 proposed for the project. The term "economic benefits" has the
335 same meaning as in s. 288.005. The Office of Economic and
336 Demographic Research shall establish the methodology and model
337 used to calculate the economic benefits, including guidelines
338 for the appropriate application of the department's internal
339 model. For purposes of this requirement, an amended definition
340 of the term "economic benefits" may be developed by the Office
341 of Economic and Demographic Research. However, the amended
342 definition must reflect the requirement of s. 288.005 that the
343 state's investment include all state funds spent or forgone to
344 benefit the business, including state funds appropriated to
345 public and private entities but excluding state funds spent for
346 economic development transportation projects under s. 339.2821,
347 to the extent that those funds should reasonably be known to the
348 department at the time of approval. In the department's
349 evaluation of an economic development incentive application, the
350 department may not attribute to the business any capital
351 investment made by the business using state funds. However, the
352 evaluation must account for all capital investment related to
353 the project.

354 (4) The department's evaluation of the application must
355 also include all of the following:

356 (a) A financial analysis of the company, including
357 information regarding liens and pending or ongoing litigation,
358 credit ratings, and regulatory filings.



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359 (b) A review of any independent evaluations of the company.

360 (c) A review of the historical market performance of the
361 company.

362 (d) A review of the latest audit of the company's financial
363 statement and the related auditor management letter.

364 (e) A review of any other audits that are related to the
365 internal controls or management of the company.

366 (f) A review of performance in connection with past
367 incentives.

368 (g) Any other review deemed necessary by the department.

369 (5) (a) ~~(3)~~ Except as provided in paragraph (b), within 10
370 business days after the department receives a complete ~~the~~
371 ~~submitted~~ economic development incentive application, the
372 executive director shall approve or disapprove the application
373 and issue a letter of certification to the applicant which
374 includes a justification of that decision, unless the business
375 requests an extension of ~~that~~ time. For purposes of this
376 paragraph, the term "project" means a project that will receive
377 funds under any one of the following programs:

378 1. The Local Government Distressed Area Matching Grant
379 Program established by s. 288.0659.

380 2. The qualified defense contractor and space flight
381 business tax refund program established under s. 288.1045.

382 3. The qualified target industry business tax refund
383 authorized under s. 288.106.

384 4. The brownfield redevelopment bonus refund established
385 under s. 288.107.

386 (b) Within 10 business days after the department receives a
387 complete economic development incentive application for a



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388 project identified in paragraph (d), the executive director
389 shall recommend to the Governor approval or disapproval of the
390 application. The recommendation must include a justification for
391 the recommendation and the proposed performance conditions that
392 the project must meet to obtain incentive funds.

393 1. The Governor may approve a project without consulting
394 the Legislature for a project that requires less than \$2 million
395 in funding.

396 2. Except as provided in subparagraph 4., for any project
397 that requires funding in the amount of at least \$2 million and
398 up to \$7.5 million, the Governor shall provide a written
399 description and evaluation of the project to the chair and vice
400 chair of the Legislative Budget Commission at least 10 days
401 before giving final approval for the project. The recommendation
402 must include proposed payment and performance conditions that
403 the project must meet in order to obtain incentive funds and to
404 avoid sanctions. If the chair or vice chair of the Legislative
405 Budget Commission, the President of the Senate, or the Speaker
406 of the House of Representatives advises the Governor, in
407 writing, that his or her planned or proposed action exceeds the
408 delegated authority of the Governor or is contrary to
409 legislative policy or intent, the Governor shall instruct the
410 department to immediately suspend any action planned or proposed
411 until the Legislative Budget Commission or the Legislature makes
412 a determination on the project.

413 3. Any project that requires funding in the amount of \$7.5
414 million or greater must be approved by the Legislative Budget
415 Commission before final approval by the Governor.

416 4. Any project that requires funding in the amount of \$5



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417 million or greater and that provides a waiver of program
418 requirements must be approved by the Legislative Budget
419 Commission prior to final approval by the Governor.

420 5. Under subparagraphs 3. and 4., the project is deemed
421 approved by the Legislative Budget Commission if a meeting of
422 the Legislative Budget Commission is not held or if the project
423 is not objected to as provided for in this subsection within 30
424 calendar days after the date the Office of Policy and Budget in
425 the Executive Office of the Governor submits the written
426 description and evaluation of the project and the department's
427 recommendation, including proposed payment and performance
428 conditions, to the chair and vice chair of the Legislative
429 Budget Commission.

430 6. For purposes of this paragraph, the term "project" means
431 a project that will receive funds under any one of the following
432 programs:

433 1. High-impact business performance grants established
434 under s. 288.108.

435 2. The Quick Action Closing Fund established under s.
436 288.1088.

437 3. The Innovation Incentive Program created by s. 288.1089.

438 (c) Upon approval of a project under paragraph (a) or (b),
439 the department shall issue a letter certifying the applicant as
440 qualified for an award.

441 (6) (a) Upon certification, the department and the applicant
442 shall enter into an agreement or contract. The ~~contract or~~
443 agreement or contract with the applicant must specify the total
444 amount of the award, the performance conditions that must be met
445 to obtain the award, the schedule for payment, and sanctions



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446 that would apply for failure to meet performance conditions. Any
447 agreement or contract with the applicant must require that the
448 applicant use the workforce information systems implemented
449 under s. 445.011 to advertise job openings created as a result
450 of the state incentive agreement or contract. Any agreement or
451 contract that requires capital investment to be made by the
452 business must also require that such investment remain in this
453 state for the duration of the agreement or contract. The
454 department may enter into one agreement or contract covering all
455 of the state incentives that are being provided to the
456 applicant. The agreement or contract must provide that release
457 of funds is contingent upon sufficient appropriation of funds by
458 the Legislature.

459 (b) The duration of an agreement or contract may not exceed
460 10 years. However, the department may enter into a successive
461 agreement or contract for a specific project to extend the
462 initial 10-year term, provided that each successive agreement or
463 contract is contingent upon the successful completion of the
464 previous agreement or contract. This paragraph does not apply to
465 a project under s. 220.191 or s. 288.1089.

466 (c) The release of funds for the incentive or incentives
467 awarded to the applicant depends upon the statutory requirements
468 of the particular incentive program.

469 ~~(7)-(4)~~ The department shall validate contractor performance
470 and report such validation in the annual incentives report
471 required under s. 288.907.

472 ~~(8)-(5)~~(a) The executive director may not approve an
473 economic development incentive application unless the
474 application includes a signed written declaration by the



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475 applicant which states that the applicant has read the
476 information in the application and that the information is true,
477 correct, and complete to the best of the applicant's knowledge
478 and belief.

479 (b) After an economic development incentive application is
480 approved, the awardee shall provide, in each year that the
481 department is required to validate contractor performance, a
482 signed written declaration. The written declaration must state
483 that the awardee has reviewed the information and that the
484 information is true, correct, and complete to the best of the
485 awardee's knowledge and belief.

486 (9) The department shall provide notice, including a
487 written description and evaluation, to the Legislature of any
488 proposed amendment to an agreement or contract that reduces the
489 projected economic benefits calculated at the time the agreement
490 or contract was executed by 0.50 or more or changes any
491 performance conditions or other statutorily required criteria.
492 In order to provide an opportunity for review, at least 3
493 business days before signing an amendment to an agreement or
494 contract, the department shall provide notice of the proposed
495 change to the chair and vice chair of the Legislative Budget
496 Commission, the President of the Senate, and the Speaker of the
497 House of Representatives. However, a proposed amendment to an
498 agreement or contract is subject to the 10-day notice and
499 objection procedures specified in this section if the proposed
500 amendment reduces the projected economic benefits calculated at
501 the time the agreement or contract was executed to result in an
502 economic benefit ratio below a statutorily required level for
503 receipt of funds or, if already below the statutorily required



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504 level, by 0.50 or more. Any such amended agreement or contract
505 must also provide for a proportionate reduction in the award
506 amount. If the chair or vice chair of the Legislative Budget
507 Commission, the President of the Senate, or the Speaker of the
508 House of Representatives timely advises the Governor, in
509 writing, that such action or proposed action exceeds the
510 delegated authority of the Governor or is contrary to
511 legislative policy or intent, the Governor shall instruct the
512 department to immediately suspend any action proposed or taken
513 until the Legislative Budget Commission or the Legislature makes
514 a determination on the project.

515 (10) (a) The department is authorized to execute contracts
516 and agreements that obligate the state to make payments from
517 appropriations in the current or a future fiscal year for
518 incentive programs specified in this paragraph. The total amount
519 of actual or projected funds approved for payment by the
520 department based on actual project performance and the schedule
521 of payments for each incentive contract or agreement may not
522 exceed a combined total of \$50 million in any fiscal year for
523 all of the following:

524 1. The Local Government Distressed Area Matching Grant
525 Program established under s. 288.0659.

526 2. The qualified defense contractor and space flight
527 business tax refund program established under s. 288.1045.

528 3. The qualified target industry businesses tax refund
529 program established under s. 288.106.

530 4. The brownfield redevelopment bonus refund program
531 established under s. 288.107.

532 5. The high-impact business performance grant program



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533 established under s. 288.108.

534 6. The Quick Action Closing Fund projects established under
535 s. 288.1088, with the exception of those projects with funds
536 held in escrow as of June 30, 2015, which are being paid out of
537 the Quick Action Closing Fund Escrow Account under s. 288.10881.

538 7. The Innovation Incentive Program established under s.
539 288.1089.

540 (b) The funding limitation under paragraph (a) may only be
541 waived by the Legislature in the General Appropriations Act or
542 other legislation.

543 (c) The department shall provide notice, including an
544 updated description and evaluation, to the Legislature upon the
545 final execution of each contract or agreement.

546 (d) By January 2 of each year, the department shall provide
547 to the Legislature a list of projected payments for the
548 following fiscal year and, by March 1 of each year, the
549 department shall provide to the Legislature a list of claims
550 actually filed for payment in the following fiscal year. The
551 department may not make a scheduled payment under a contract or
552 agreement for a given fiscal year until the department has
553 validated that the applicant has met the performance
554 requirements of the contract or agreement. Any funds
555 appropriated for scheduled payments in a fiscal year which are
556 unexpended by June 30 of that year shall revert in accordance
557 with s. 216.301 and may not be transferred to an escrow account.

558 (e) The Legislature shall annually appropriate in the
559 General Appropriations Act an amount estimated to be sufficient
560 to satisfy scheduled payments in the coming fiscal year. If the
561 amount appropriated by the Legislature proves insufficient to



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562 satisfy the scheduled payments, the department shall pay the
563 unfunded claims from the appropriation for the next fiscal year.
564 By March 1 of each year, the department shall notify the
565 legislative appropriations committees of any such anticipated
566 shortfall for the current fiscal year and of the amount it
567 estimates will be needed to pay claims during the next fiscal
568 year.

569 (11)(6) The department is authorized to adopt rules to
570 implement this section.

571 Section 10. Section 288.095, Florida Statutes, is amended
572 to read:

573 288.095 Economic Development Trust Fund.—

574 (1) The Economic Development Trust Fund is created within
575 the Department of Economic Opportunity. Moneys deposited into
576 the fund must be used only to support the authorized activities
577 and operations of the department. Moneys credited to the trust
578 fund consist of local financial support funds.

579 (2) There is created, within the Economic Development Trust
580 Fund, the Economic Development Incentives Account. The Economic
581 Development Incentives Account consists of moneys transferred
582 from local governments as local financial support ~~appropriated~~
583 ~~to the account~~ for purposes of the tax incentives programs
584 authorized under ss. 288.1045, ~~and~~ 288.106, and 288.107 local
585 ~~financial support provided under ss. 288.1045 and 288.106.~~
586 Moneys in the Economic Development Incentives Account may be
587 used only to pay tax refunds and make other payments authorized
588 under s. 288.1045, s. 288.106, or s. 288.107, and may only be
589 expended pursuant to legislative appropriation or an approved
590 amendment to the department's operating budget pursuant to



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591 chapter 216. Notwithstanding s. 216.301, and pursuant to s.
592 216.351, any balance in the account at the end of a fiscal year
593 remains in the account and is available for carrying out the
594 purposes of the account shall be subject to the provisions of s.
595 216.301(1) (a).

596 ~~(3) (a) The department may approve applications for~~
597 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
598 ~~the total state share of tax refund payments may not exceed \$35~~
599 ~~million.~~

600 ~~(b) The total amount of tax refund claims approved for~~
601 ~~payment by the department based on actual project performance~~
602 ~~may not exceed the amount appropriated to the Economic~~
603 ~~Development Incentives Account for such purposes for the fiscal~~
604 ~~year. Claims for tax refunds under ss. 288.1045 and 288.106~~
605 ~~shall be paid in the order the claims are approved by the~~
606 ~~department. In the event the Legislature does not appropriate an~~
607 ~~amount sufficient to satisfy the tax refunds under ss. 288.1045~~
608 ~~and 288.106 in a fiscal year, the department shall pay the tax~~
609 ~~refunds from the appropriation for the following fiscal year. By~~
610 ~~March 1 of each year, the department shall notify the~~
611 ~~legislative appropriations committees of the Senate and House of~~
612 ~~Representatives of any anticipated shortfall in the amount of~~
613 ~~funds needed to satisfy claims for tax refunds from the~~
614 ~~appropriation for the current fiscal year.~~

615 ~~(c) Moneys in the Economic Development Incentives Account~~
616 ~~may be used only to pay tax refunds and make other payments~~
617 ~~authorized under s. 288.1045, s. 288.106, or s. 288.107.~~

618 ~~(d) The department may adopt rules necessary to carry out~~
619 ~~the provisions of this subsection, including rules providing for~~



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620 the use of moneys in the Economic Development Incentives Account
621 and for the administration of the Economic Development
622 Incentives Account.

623 Section 11. Paragraph (b) of subsection (1), paragraphs
624 (a), (c), (e), and (f) of subsection (2), paragraphs (e) and (h)
625 of subsection (3), paragraphs (a), (b), (d), and (e) of
626 subsection (5), and subsection (7) of section 288.1045, Florida
627 Statutes, are amended to read:

628 288.1045 Qualified defense contractor and space flight
629 business tax refund program.—

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

631 (b) "Average private sector wage in the area" means the
632 average of all private sector wages and salaries in the state,
633 the county, or in the standard metropolitan area in which the
634 business unit is located.

635 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

636 (a) There shall be allowed, ~~from the Economic Development~~
637 ~~Trust Fund,~~ a refund to a qualified applicant for the amount of
638 eligible taxes certified by the department which were paid by
639 such qualified applicant. The total amount of refunds for all
640 fiscal years for each qualified applicant shall be determined
641 pursuant to subsection (3). The annual amount of a refund to a
642 qualified applicant shall be determined pursuant to subsection
643 (5).

644 (c) ~~Contingent upon an annual appropriation by the~~
645 ~~Legislature,~~ The department may not approve ~~not~~ more in tax
646 refunds ~~than the amount appropriated to the Economic Development~~
647 ~~Trust Fund for tax refunds,~~ for a fiscal year than the amount
648 specified in s. 288.061 pursuant to subsection (5) and s.



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649 ~~288.095.~~

650 (e) After entering into a tax refund agreement pursuant to
651 subsection (4), a qualified applicant may:

652 1. Receive refunds ~~from the account~~ for corporate income
653 taxes due and paid pursuant to chapter 220 by that business
654 beginning with the first taxable year of the business which
655 begins after entering into the agreement.

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

658 a. Taxes on sales, use, and other transactions paid
659 pursuant to chapter 212.

660 b. Intangible personal property taxes paid pursuant to
661 chapter 199.

662 c. Excise taxes paid on documents pursuant to chapter 201.

663 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
664 June 1, 1996.

665 e. State communications services taxes administered under
666 chapter 202. This provision does not apply to the gross receipts
667 tax imposed under chapter 203 and administered under chapter 202
668 or the local communications services tax authorized under s.
669 202.19.

670

671 However, a qualified applicant may not receive a tax refund
672 pursuant to this section for any amount of credit, refund, or
673 exemption granted such contractor for any of such taxes. If a
674 refund for such taxes is provided by the department, which taxes
675 are subsequently adjusted by the application of any credit,
676 refund, or exemption granted to the qualified applicant other
677 than that provided in this section, the qualified applicant



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678 shall reimburse the department ~~Economic Development Trust Fund~~
679 for the amount of such credit, refund, or exemption. A qualified
680 applicant must notify and tender payment to the department
681 within 20 days after receiving a credit, refund, or exemption,
682 other than that provided in this section.

683 (f) Any qualified applicant who fraudulently claims this
684 refund is liable for repayment of the refund to the department
685 ~~Economic Development Trust Fund~~ plus a mandatory penalty of 200
686 percent of the tax refund which shall be deposited into the
687 General Revenue Fund. Any qualified applicant who fraudulently
688 claims this refund commits a felony of the third degree,
689 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

690 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
691 DETERMINATION.—

692 (e) To qualify for review by the department, the
693 application of an applicant must, at a minimum, establish the
694 following to the satisfaction of the department:

695 1. The jobs proposed to be provided under the application,
696 pursuant to subparagraph (b)6., subparagraph (c)6., or
697 subparagraph (j)6., must pay an estimated annual average wage
698 equaling at least 115 percent of the average private sector wage
699 in the area where the project is to be located.

700 2. The consolidation of a Department of Defense contract
701 must result in a net increase of at least 25 percent in the
702 number of jobs at the applicant's facilities in this state or
703 the addition of at least 80 jobs at the applicant's facilities
704 in this state.

705 3. The conversion of defense production jobs to nondefense
706 production jobs must result in net increases in nondefense



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707 employment at the applicant's facilities in this state.

708 4. The Department of Defense contract or the space flight
709 business contract cannot allow the business to include the costs
710 of relocation or retooling in its base as allowable costs under
711 a cost-plus, or similar, contract.

712 5. A business unit of the applicant must have derived not
713 less than 60 percent of its gross receipts in this state from
714 Department of Defense contracts or space flight business
715 contracts over the applicant's last fiscal year, and must have
716 derived not less than an average of 60 percent of its gross
717 receipts in this state from Department of Defense contracts or
718 space flight business contracts over the 5 years preceding the
719 date an application is submitted pursuant to this section. This
720 subparagraph does not apply to any application for certification
721 based on a contract for reuse of a defense-related facility.

722 6. The reuse of a defense-related facility must result in
723 the creation of at least 100 jobs at such facility.

724 7. A new space flight business contract or the
725 consolidation of a space flight business contract must result in
726 net increases in space flight business employment at the
727 applicant's facilities in this state.

728 (h) The department may not certify any applicant as a
729 qualified applicant when the value of tax refunds to be included
730 in that letter of certification exceeds the available amount of
731 authority to certify a new business in any fiscal year
732 ~~businesses~~ as determined pursuant to s. 288.061(10) ~~in s.~~
733 ~~288.095(3)~~. A letter of certification that approves an
734 application must specify the maximum amount of a tax refund that
735 is to be available to the contractor for each fiscal year and



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736 the total amount of tax refunds for all fiscal years.

737 (5) ANNUAL CLAIM FOR REFUND.—

738 (a) To be eligible to claim any scheduled tax refund,
739 qualified applicants who have entered into a written agreement
740 with the department pursuant to subsection (4) and who have
741 entered into a valid new Department of Defense contract, entered
742 into a valid new space flight business contract, commenced the
743 consolidation of a space flight business contract, commenced the
744 consolidation of a Department of Defense contract, commenced the
745 conversion of defense production jobs to nondefense production
746 jobs, or entered into a valid contract for reuse of a defense-
747 related facility must apply by January 31 of each fiscal year to
748 the department for tax refunds scheduled to be paid from the
749 appropriation for the fiscal year that begins on July 1
750 following the January 31 claims-submission date. The department
751 may, upon written request, grant up to a 60-day ~~30-day~~ extension
752 of the filing date. The application must include a notarized
753 signature of an officer of the applicant.

754 (b) The department shall verify claim for refund by the
755 ~~qualified applicant must include a copy of all receipts~~
756 ~~pertaining to~~ the payment of taxes for which a claim for refund
757 is sought, and data related to achieving each performance item
758 contained in the tax refund agreement pursuant to subsection
759 (4). The amount requested as a tax refund may not exceed the
760 amount for the relevant fiscal year in the written agreement
761 entered pursuant to subsection (4).

762 (d) The department, with assistance from the Department of
763 Revenue, shall, by June 30 following the scheduled date for
764 submitting the tax refund claim, specify by written order the



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765 approval or disapproval of the tax refund claim and, if
766 approved, the amount of the tax refund that is authorized to be
767 paid to the qualified applicant for the annual tax refund. The
768 department may grant up to a 60-day ~~an~~ extension of this date
769 upon the request of the qualified applicant for the purpose of
770 filing additional information in support of the claim.

771 (e) The total amount of tax refunds approved by the
772 department under this section in any fiscal year may not exceed
773 the amount authorized under s. 288.061(10) ~~s. 288.095(3)~~.

774 (7) EXPIRATION.—An applicant may not be certified as
775 qualified under this section after June 30, 2020 ~~2014~~. A tax
776 refund agreement existing on that date shall continue in effect
777 in accordance with its terms.

778 Section 12. Paragraphs (c), (k), and (q) of subsection (2),
779 paragraphs (a), (d), (e), and (g) of subsection (3), paragraphs
780 (b) and (e) of subsection (4), and paragraphs (a) and (d)
781 through (g) of subsection (6) of section 288.106, Florida
782 Statutes, are amended to read:

783 288.106 Tax refund program for qualified target industry
784 businesses.—

785 (2) DEFINITIONS.—As used in this section:

786 (c) "Average private sector wage in the area" means the
787 statewide private sector average wage or the average of all
788 private sector wages and salaries in the county or in the
789 standard metropolitan area in which the business is located.

790 (k) "Local financial support exemption option" means the
791 option to exercise an exemption from the local financial support
792 requirement available to an ~~any~~ applicant whose project is
793 located in a brownfield area, a rural city, or a rural



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794 community. ~~Any applicant that exercises this option is not~~
795 ~~eligible for more than 80 percent of the total tax refunds~~
796 ~~allowed such applicant under this section.~~

797 (q) "Target industry business" means a corporate
798 headquarters business or any business that is engaged in one of
799 the target industries identified pursuant to the following
800 criteria developed by the department in consultation with
801 Enterprise Florida, Inc.:

802 1. Future growth.—Industry forecasts should indicate strong
803 expectation for future growth in both employment and output,
804 according to the most recent available data. Special
805 consideration should be given to businesses that export goods
806 to, or provide services in, international markets and businesses
807 that replace domestic and international imports of goods or
808 services.

809 2. Stability.—The industry should not be subject to
810 periodic layoffs, whether due to seasonality or sensitivity to
811 volatile economic variables such as weather. The industry should
812 also be relatively resistant to recession, so that the demand
813 for products of this industry is not typically subject to
814 decline during an economic downturn.

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

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

821 5. Industrial base diversification and strengthening.—The
822 industry should contribute toward expanding or diversifying the



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823 state's or area's economic base, as indicated by analysis of
824 employment and output shares compared to national and regional
825 trends. Special consideration should be given to industries that
826 strengthen regional economies by adding value to basic products
827 or building regional industrial clusters as indicated by
828 industry analysis. Special consideration should also be given to
829 the development of strong industrial clusters that include
830 defense and homeland security businesses.

831 6. Positive economic impact.—The industry is expected to
832 have strong positive economic impacts on or benefits to the
833 state or regional economies. Special consideration should be
834 given to industries that facilitate the development of the state
835 as a hub for domestic and global trade and logistics.

836
837 The term does not include any business engaged in retail
838 industry activities; any electrical utility company as defined
839 in s. 366.02(2); any phosphate or other solid minerals
840 severance, mining, or processing operation; any oil or gas
841 exploration or production operation; or any business subject to
842 regulation by the Division of Hotels and Restaurants of the
843 Department of Business and Professional Regulation. Any business
844 within NAICS code 5611 or 5614, office administrative services
845 and business support services, respectively, or any business
846 within NAICS code 611310 which offers only baccalaureate or
847 higher degree programs that address health care workforce demand
848 may be considered a target industry business only after the
849 local governing body and Enterprise Florida, Inc., make a
850 determination that the community where the business may locate
851 has conditions affecting the fiscal and economic viability of



852 the local community or area, including but not limited to,
853 factors such as low per capita income, high unemployment, high
854 underemployment, and a lack of year-round stable employment
855 opportunities, and such conditions may be improved by the
856 location of such a business to the community. By January 1 of
857 every 3rd year, beginning January 1, 2011, the department, in
858 consultation with Enterprise Florida, Inc., economic development
859 organizations, the State University System, local governments,
860 employee and employer organizations, market analysts, and
861 economists, shall review and, as appropriate, revise the list of
862 such target industries and submit the list to the Governor, the
863 President of the Senate, and the Speaker of the House of
864 Representatives.

865 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

866 (a) There shall be allowed, ~~from the account,~~ a refund to a
867 qualified target industry business for the amount of eligible
868 taxes certified by the department that were paid by the
869 business. The total amount of refunds for all fiscal years for
870 each qualified target industry business must be determined
871 pursuant to subsection (4). The annual amount of a refund to a
872 qualified target industry business must be determined pursuant
873 to subsection (6).

874 (d) After entering into a tax refund agreement under
875 subsection (5), a qualified target industry business may:

876 1. Receive refunds ~~from the account~~ for the following taxes
877 due and paid by that business beginning with the first taxable
878 year of the business that begins after entering into the
879 agreement:

880 a. Corporate income taxes under chapter 220.



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881 b. Insurance premium tax under s. 624.509.
882 2. Receive refunds from ~~the account for~~ the following taxes
883 due and paid by that business after entering into the agreement:
884 a. Taxes on sales, use, and other transactions under
885 chapter 212.
886 b. Intangible personal property taxes under chapter 199.
887 c. Excise taxes on documents under chapter 201.
888 d. Ad valorem taxes paid, as defined in s. 220.03(1).
889 e. State communications services taxes administered under
890 chapter 202. This provision does not apply to the gross receipts
891 tax imposed under chapter 203 and administered under chapter 202
892 or the local communications services tax authorized under s.
893 202.19.
894 (e) However, a qualified target industry business may not
895 receive a refund under this section for any amount of credit,
896 refund, or exemption previously granted to that business for any
897 of the taxes listed in paragraph (d). If a refund for such taxes
898 is provided by the department, which taxes are subsequently
899 adjusted by the application of any credit, refund, or exemption
900 granted to the qualified target industry business other than as
901 provided in this section, the business shall reimburse the
902 department ~~account~~ for the amount of that credit, refund, or
903 exemption. A qualified target industry business shall notify and
904 tender payment to the department within 20 days after receiving
905 any credit, refund, or exemption other than one provided in this
906 section.
907 (g) A qualified target industry business that fraudulently
908 claims a refund under this section:
909 1. Is liable for repayment of the amount of the refund to



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910 the department ~~account~~, plus a mandatory penalty in the amount
911 of 200 percent of the tax refund which shall be deposited into
912 the General Revenue Fund.

913 2. Commits a felony of the third degree, punishable as
914 provided in s. 775.082, s. 775.083, or s. 775.084.

915 (4) APPLICATION AND APPROVAL PROCESS.—

916 (b) To qualify for review by the department, the
917 application of a target industry business must, at a minimum,
918 establish the following to the satisfaction of the department:

919 1.a. The jobs proposed to be created under the application,
920 pursuant to subparagraph (a)4., must pay an estimated annual
921 average wage equaling at least 115 percent of the average
922 private sector wage in the area where the business is to be
923 located ~~or the statewide private sector average wage~~. The
924 governing board of the local governmental entity providing the
925 local financial support of the jurisdiction where the qualified
926 target industry business is to be located shall notify the
927 department and Enterprise Florida, Inc., which calculation of
928 the average private sector wage in the area must be used as the
929 basis for the business's wage commitment. In determining the
930 average annual wage, the department shall include only new
931 proposed jobs, and wages for existing jobs shall be excluded
932 from this calculation.

933 b. The department may waive the average wage requirement at
934 the request of the local governing body recommending the project
935 and Enterprise Florida, Inc. The department may waive the wage
936 requirement for a project located in a brownfield area
937 designated under s. 376.80, in a rural city, in a rural
938 community, in an enterprise zone, or for a manufacturing project



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939 at any location in the state if the jobs proposed to be created
940 pay an estimated annual average wage equaling at least 100
941 percent of the average private sector wage in the area where the
942 business is to be located, only if the merits of the individual
943 project or the specific circumstances in the community in
944 relationship to the project warrant such action. If the local
945 governing body and Enterprise Florida, Inc., make such a
946 recommendation, it must be transmitted in writing with,~~and~~ the
947 specific justification for the waiver recommendation ~~must be~~
948 explained. If the department elects to waive the wage
949 requirement, the waiver must be stated in writing with,~~and~~ the
950 reasons for granting the waiver ~~must be~~ explained.

951 2. The target industry business's project must result in
952 the creation of at least 10 jobs at the project and, in the case
953 of an expansion of an existing business, must result in a net
954 increase in employment of at least 10 percent at the business.
955 At the request of the local governing body recommending the
956 project and Enterprise Florida, Inc., the department may waive
957 this requirement for a business in a rural community or
958 enterprise zone if the merits of the individual project or the
959 specific circumstances in the community in relationship to the
960 project warrant such action. If the local governing body and
961 Enterprise Florida, Inc., make such a request, the request must
962 be transmitted in writing with an explanation of,~~and~~ the
963 specific justification for the request ~~must be explained~~. If the
964 department elects to grant the request, the grant must be stated
965 in writing and explain,~~and~~ the reason for granting the request
966 ~~must be explained~~.

967 3. The business activity or product for the applicant's



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968 project must be within an industry identified by the department
969 as a target industry business that contributes to the economic
970 growth of the state and the area in which the business is
971 located, that produces a higher standard of living for residents
972 of this state in the new global economy, or that can be shown to
973 make an equivalent contribution to the area's and state's
974 economic progress.

975 (e) The department may not certify any target industry
976 business as a qualified target industry business if the value of
977 tax refunds to be included in that letter of certification
978 exceeds the available amount of authority to certify a new
979 business in any fiscal year ~~businesses~~ as determined pursuant to
980 s. 288.061(10) in s. 288.095(3). ~~However,~~ Except as provided in
981 paragraph (2)(k), if the commitments of local financial support
982 represent less than 20 percent of the eligible tax refund
983 payments, or to otherwise preserve the viability and fiscal
984 integrity of the program, the department may certify a qualified
985 target industry business to receive tax refund payments of less
986 than the allowable amounts specified in paragraph (3)(b). A
987 letter of certification that approves an application must
988 specify the maximum amount of tax refund that will be available
989 to the qualified industry business in each fiscal year and the
990 total amount of tax refunds that will be available to the
991 business for all fiscal years.

992 (6) ANNUAL CLAIM FOR REFUND.—

993 (a) To be eligible to claim any scheduled tax refund, a
994 qualified target industry business that has entered into a tax
995 refund agreement with the department under subsection (5) must
996 apply by January 31 of each fiscal year to the department for



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997 the tax refund scheduled to be paid from the appropriation for
998 the fiscal year that begins on July 1 following the January 31
999 claims-submission date. The department may, upon written
1000 request, grant up to a 60-day ~~30-day~~ extension of the filing
1001 date.

1002 (d) A tax refund may not be approved for a qualified target
1003 industry business unless the required local financial support
1004 has been paid into the account for that refund. Except as
1005 provided in paragraph (2) (k), if the local financial support
1006 provided is less than 20 percent of the approved tax refund, the
1007 tax refund must be reduced. In no event may the tax refund
1008 exceed an amount that is equal to 5 times the amount of the
1009 local financial support received. Further, funding from local
1010 sources includes any tax abatement granted to that business
1011 under s. 196.1995 or the appraised market value of municipal or
1012 county land conveyed or provided at a discount to that business.
1013 The amount of any tax refund for such business approved under
1014 this section must be reduced by the amount of any such tax
1015 abatement granted or the value of the land granted, and the
1016 limitations in subsection (3) and paragraph (4) (e) must be
1017 reduced by the amount of any such tax abatement or the value of
1018 the land granted. A report listing all sources of the local
1019 financial support shall be provided to the department when such
1020 support is paid to the account.

1021 (e) A prorated tax refund, less a 5 percent penalty, shall
1022 be approved for a qualified target industry business if all
1023 other applicable requirements have been satisfied and the
1024 business proves to the satisfaction of the department that:

1025 1. It has achieved at least 80 percent of its projected



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employment; and

2. The average wage paid by the business is at least 90 percent of that the average wage specified in the tax refund agreement. However, the average wage may not be, but in no case less than 115 percent of the average private sector wage in the area available at the time of certification; or, if the business requested the additional per-job tax refund authorized in paragraph (3) (b) for wages of at least 150 percent of the average private sector wage in the area available at the time of certification, less than 135 percent of the average private sector wage in the area available at the time of certification; or if the business requested the additional per-job tax refund authorized in paragraph (3) (b) for wages of at least 150 percent or 200 percent of the average private sector wage in the area available at the time of certification, less than 180 percent of the average private sector wage in the area available at the time of certification if the business requested the additional per-job tax refund authorized in paragraph (3) (b) for wages above those levels. The prorated tax refund shall be calculated by multiplying the tax refund amount for which the qualified target industry business would have been eligible, if all applicable requirements had been satisfied, by the percentage of the average employment specified in the tax refund agreement which was achieved, and by the percentage of the average wages specified in the tax refund agreement which was achieved.

(f) The department, with such assistance as may be required from the Department of Revenue, shall, by June 30 following the scheduled date for submission of the tax refund claim, specify by written order the approval or disapproval of the tax refund



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1055 claim and, if approved, the amount of the tax refund that is
1056 authorized to be paid to the qualified target industry business
1057 for the annual tax refund. The department may grant up to a 60-
1058 day ~~an~~ extension of this date on the request of the qualified
1059 target industry business for the purpose of filing additional
1060 information in support of the claim.

1061 (g) The total amount of tax refund claims approved by the
1062 department under this section in any fiscal year may ~~must~~ not
1063 exceed the amount authorized under s. 288.061(10) ~~s. 288.095(3)~~.

1064 Section 13. Paragraph (d) of subsection (1), subsection
1065 (2), paragraph (b) of subsection (3), and paragraphs (d), (e),
1066 and (i) of subsection (4) of section 288.107, Florida Statutes,
1067 are amended to read:

1068 288.107 Brownfield redevelopment bonus refunds.—

1069 (1) DEFINITIONS.—As used in this section:

1070 (d) "Eligible business" means:

1071 1. A qualified target industry business as defined in s.
1072 288.106(2); or

1073 2. A business that can demonstrate that it has made a fixed
1074 capital investment of at least \$2 million in mixed-use business
1075 activities, including multiunit housing, commercial, retail, and
1076 industrial in brownfield areas eligible for bonus refunds, and
1077 that provides benefits to its employees.

1078 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
1079 shall be approved by the department as specified in the final
1080 order and allowed ~~from the account~~ as follows:

1081 (a) A bonus refund of \$2,500 shall be allowed to any
1082 qualified target industry business as defined in s. 288.106 for
1083 each new Florida job created in a brownfield area eligible for



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1084 bonus refunds which is claimed on the qualified target industry
1085 business's annual refund claim authorized in s. 288.106(6).

1086 (b) A bonus refund of up to \$2,500 shall be allowed to any
1087 other eligible business as defined in subparagraph (1)(d)2. for
1088 each new Florida job created in a brownfield area eligible for
1089 bonus refunds which is claimed under an annual claim procedure
1090 similar to the annual refund claim authorized in s. 288.106(6).
1091 The amount of the refund shall be equal to 20 percent of the
1092 average annual wage for the jobs created.

1093 (3) CRITERIA.—The minimum criteria for participation in the
1094 brownfield redevelopment bonus refund are:

1095 (b) The completion of a fixed capital investment of at
1096 least \$2 million in mixed-use business activities, including
1097 multiunit housing, commercial, retail, and industrial in
1098 brownfield areas eligible for bonus refunds, by an eligible
1099 business applying for a refund under paragraph (2)(b) which
1100 provides benefits to its employees. As used in this paragraph,
1101 the term "fixed capital investment" does not include state funds
1102 used for the capital investment, including state funds
1103 appropriated to public and private entities.

1104 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1105 (d) After entering into a tax refund agreement as provided
1106 in s. 288.106 or other similar agreement for other eligible
1107 businesses as defined in paragraph (1)(e), an eligible business
1108 may receive brownfield redevelopment bonus refunds ~~from the~~
1109 ~~account~~ pursuant to s. 288.106(3)(d).

1110 (e) An eligible business that fraudulently claims a refund
1111 under this section:

1112 1. Is liable for repayment of the amount of the refund to



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1113 the department account, plus a mandatory penalty in the amount
1114 of 200 percent of the tax refund, which shall be deposited into
1115 the General Revenue Fund.

1116 2. Commits a felony of the third degree, punishable as
1117 provided in s. 775.082, s. 775.083, or s. 775.084.

1118 (i) The total amount of the bonus refunds approved by the
1119 department under this section in any fiscal year may ~~must~~ not
1120 exceed the ~~total~~ amount specified in s. 288.061(10) ~~appropriated~~
1121 ~~to the Economic Development Incentives Account for this purpose~~
1122 ~~for the fiscal year. In the event that the Legislature does not~~
1123 ~~appropriate an amount sufficient to satisfy projections by the~~
1124 ~~department for brownfield redevelopment bonus refunds under this~~
1125 ~~section in a fiscal year, the department shall, not later than~~
1126 ~~July 15 of such year, determine the proportion of each~~
1127 ~~brownfield redevelopment bonus refund claim which shall be paid~~
1128 ~~by dividing the amount appropriated for tax refunds for the~~
1129 ~~fiscal year by the projected total of brownfield redevelopment~~
1130 ~~bonus refund claims for the fiscal year. The amount of each~~
1131 ~~claim for a brownfield redevelopment bonus tax refund shall be~~
1132 ~~multiplied by the resulting quotient. If, after the payment of~~
1133 ~~all such refund claims, funds remain in the Economic Development~~
1134 ~~Incentives Account for brownfield redevelopment tax refunds, the~~
1135 ~~department shall recalculate the proportion for each refund~~
1136 ~~claim and adjust the amount of each claim accordingly.~~

1137 Section 14. Subsection (4) of section 288.108, Florida
1138 Statutes, is amended to read:

1139 288.108 High-impact business.—

1140 (4) AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS
1141 PERFORMANCE GRANTS.—



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1142 ~~(a) The total amount of active performance grants scheduled~~
1143 ~~for payment by the department in any single fiscal year may not~~
1144 ~~exceed the amount specified in s. 288.061(10) lesser of \$30~~
1145 ~~million or the amount appropriated by the Legislature for that~~
1146 ~~fiscal year for qualified high-impact business performance~~
1147 ~~grants. If the scheduled grant payments are not made in the year~~
1148 ~~for which they were scheduled in the qualified high-impact~~
1149 ~~business agreement and are rescheduled as authorized in~~
1150 ~~paragraph (3)(c), they are, for purposes of this paragraph,~~
1151 ~~deemed to have been paid in the year in which they were~~
1152 ~~originally scheduled in the qualified high-impact business~~
1153 ~~agreement.~~

1154 ~~(b) If the Legislature does not appropriate an amount~~
1155 ~~sufficient to satisfy the qualified high-impact business~~
1156 ~~performance grant payments scheduled for any fiscal year, the~~
1157 ~~department shall, not later than July 15 of that year, determine~~
1158 ~~the proportion of each grant payment which may be paid by~~
1159 ~~dividing the amount appropriated for qualified high-impact~~
1160 ~~business performance grant payments for the fiscal year by the~~
1161 ~~total performance grant payments scheduled in all performance~~
1162 ~~grant agreements for the fiscal year. The amount of each grant~~
1163 ~~scheduled for payment in that fiscal year must be multiplied by~~
1164 ~~the resulting quotient. All businesses affected by this~~
1165 ~~calculation must be notified by August 1 of each fiscal year.~~
1166 ~~If, after the payment of all the refund claims, funds remain in~~
1167 ~~the appropriation for payment of qualified high-impact business~~
1168 ~~performance grants, the department shall recalculate the~~
1169 ~~proportion for each performance grant payment and adjust the~~
1170 ~~amount of each claim accordingly.~~



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1171 Section 15. Subsections (2), (3), and (4) of section
1172 288.1088, Florida Statutes, are amended to read:

1173 288.1088 Quick Action Closing Fund.—

1174 (2) There is created within the department the Quick Action
1175 Closing Fund. Except as provided in subsection (3), projects
1176 eligible for receipt of funds from the Quick Action Closing Fund
1177 must shall:

1178 (a) Be in an industry as referenced in s. 288.106.

1179 (b) Have a positive economic benefit ratio of at least 4 to
1180 1 5 to 1.

1181 (c) Be an inducement to the project's location or expansion
1182 in the state.

1183 (d) Pay an average annual wage of at least 125 percent of
1184 the average areawide or statewide private sector average wage in
1185 the area. As used in this section, the term "average private
1186 sector wage in the area" means statewide private sector average
1187 wage or the average of all private sector wages in the county or
1188 in the standard metropolitan area in which the project is
1189 located as determined by the department.

1190 (e) Be supported by the local community in which the
1191 project is to be located.

1192 (3) (a) The department and Enterprise Florida, Inc., shall
1193 jointly review applications pursuant to s. 288.061 and determine
1194 the eligibility of each project consistent with the criteria in
1195 subsection (2).

1196 (b) If the local governing body and Enterprise Florida,
1197 Inc., decide to request a waiver of the criteria in subsection
1198 (2), the request must be transmitted in writing to the
1199 department with an explanation of the specific justification for



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1200 the request. If the department approves the request, the
1201 decision must be stated in writing with an explanation of the
1202 reason for approving the request.

1203 (c) The department may not waive more than two of the
1204 criteria in subsection (2), and a waiver of these criteria may
1205 be considered only under the following criteria:

1206 1. If the department determines the existence of ~~Based on~~
1207 extraordinary circumstances;

1208 2. In order to mitigate the impact of the conclusion of the
1209 space shuttle program; or

1210 3. In rural areas of opportunity if the project would
1211 significantly benefit the local or regional economy.

1212 (d) The criteria in subsection (2) may not be waived if:

1213 1. The economic benefit ratio would be below 2 to 1, or for
1214 a corporate headquarters business as defined in s. 288.106,
1215 would be below 1.5 to 1; or

1216 2. The average annual wage would be below 100 percent of
1217 the average private sector wage in the area.

1218 (e) The criteria that the incentive be an inducement to the
1219 project's location or expansion in this state may not be waived.

1220 (4) ~~(b)~~ The department shall evaluate individual proposals
1221 for high-impact business facilities. Such evaluation must
1222 include, but need not be limited to:

1223 (a) ~~1.~~ A description of the type of facility or
1224 infrastructure, its operations, and the associated product or
1225 service associated with the facility.

1226 (b) ~~2.~~ The minimum and maximum number of full-time-
1227 equivalent jobs that will be created by the facility and the
1228 total estimated average annual wages of those jobs or, in the



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1229 case of privately developed rural infrastructure, the types of
1230 business activities and jobs stimulated by the investment.

1231 ~~(c)3.~~ The cumulative amount of investment to be dedicated
1232 to the facility within a specified period.

1233 ~~(d)4.~~ A statement of any special impacts the facility is
1234 expected to stimulate in a particular business sector in the
1235 state or regional economy or in the state's universities and
1236 community colleges.

1237 ~~(e)5.~~ A statement of the role the incentive is expected to
1238 play in the decision of the applicant business to locate or
1239 expand in this state or for the private investor to provide
1240 critical rural infrastructure.

1241 ~~(f)6.~~ A report evaluating the quality and value of the
1242 company submitting a proposal. The report must include:

1243 ~~1.a.~~ A financial analysis of the company, including an
1244 evaluation of the company's short-term liquidity ratio as
1245 measured by its assets to liability, the company's profitability
1246 ratio, and the company's long-term solvency as measured by its
1247 debt-to-equity ratio;

1248 ~~2.b.~~ The historical market performance of the company;

1249 ~~3.c.~~ A review of any independent evaluations of the
1250 company;

1251 ~~4.d.~~ A review of the latest audit of the company's
1252 financial statement and the related auditor's management letter;
1253 and

1254 ~~5.e.~~ A review of any other types of audits that are related
1255 to the internal and management controls of the company.

1256 ~~(c)1. Within 7 business days after evaluating a project,~~
1257 ~~the department shall recommend to the Governor approval or~~



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1258 ~~disapproval of a project for receipt of funds from the Quick~~
1259 ~~Action Closing Fund. In recommending a project, the department~~
1260 ~~shall include proposed performance conditions that the project~~
1261 ~~must meet to obtain incentive funds.~~

1262 ~~2. The Governor may approve projects without consulting the~~
1263 ~~Legislature for projects requiring less than \$2 million in~~
1264 ~~funding.~~

1265 ~~3. For projects requiring funding in the amount of \$2~~
1266 ~~million to \$5 million, the Governor shall provide a written~~
1267 ~~description and evaluation of a project recommended for approval~~
1268 ~~to the chair and vice chair of the Legislative Budget Commission~~
1269 ~~at least 10 days prior to giving final approval for a project.~~
1270 ~~The recommendation must include proposed performance conditions~~
1271 ~~that the project must meet in order to obtain funds.~~

1272 ~~4. If the chair or vice chair of the Legislative Budget~~
1273 ~~Commission or the President of the Senate or the Speaker of the~~
1274 ~~House of Representatives timely advises the Executive Office of~~
1275 ~~the Governor, in writing, that such action or proposed action~~
1276 ~~exceeds the delegated authority of the Executive Office of the~~
1277 ~~Governor or is contrary to legislative policy or intent, the~~
1278 ~~Executive Office of the Governor shall void the release of funds~~
1279 ~~and instruct the department to immediately change such action or~~
1280 ~~proposed action until the Legislative Budget Commission or the~~
1281 ~~Legislature addresses the issue. Notwithstanding such~~
1282 ~~requirement, any project exceeding \$5 million must be approved~~
1283 ~~by the Legislative Budget Commission prior to the funds being~~
1284 ~~released.~~

1285 ~~(5)(d)~~ Upon the approval of the Governor, the department
1286 and the business shall enter into a contract that sets forth the



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1287 conditions for payment of moneys from the fund. Such payment may
1288 not be made to the business until the scheduled goals have been
1289 achieved. The contract must include the total amount of funds
1290 awarded; the minimum and maximum amount of funds that may be
1291 awarded, if applicable; the performance conditions that must be
1292 met to obtain the award, including, but not limited to, net new
1293 employment in the state, average salary, ~~and~~ total capital
1294 investment incurred by the business, and the minimum and maximum
1295 number of jobs that will be created, if applicable; demonstrate
1296 a baseline of current service and a measure of enhanced
1297 capability; the methodology for validating performance; the
1298 schedule of payments from the fund; and sanctions for failure to
1299 meet performance conditions. The contract must provide that
1300 payment of moneys from the fund is contingent upon sufficient
1301 appropriation of funds by the Legislature.

1302 (6)(e) The department shall validate contractor performance
1303 and report such validation in the annual incentives report
1304 required under s. 288.907.

1305 ~~(4) Funds appropriated by the Legislature for purposes of~~
1306 ~~implementing this section shall be placed in reserve and may~~
1307 ~~only be released pursuant to the legislative consultation and~~
1308 ~~review requirements set forth in this section.~~

1309 Section 16. Section 288.10881, Florida Statutes, is created
1310 to read:

1311 288.10881 Quick Action Closing Fund Escrow Account.-

1312 (1) There is created within the State Board of
1313 Administration the Quick Action Closing Fund Escrow Account. The
1314 Quick Action Closing Fund Escrow Account shall consist of moneys
1315 transferred from Enterprise Florida, Inc., which were held in an



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1316 escrow account on June 30, 2015, for approved Quick Action
1317 Closing Fund contracts or agreements.

1318 (2) Moneys in the Quick Action Closing Fund Escrow Account
1319 may be used only for making payments pursuant to contracts or
1320 agreements for specified projects authorized under s. 288.1088.

1321 (3) After an independent third party has verified that an
1322 applicant has satisfied all of the requirements of the agreement
1323 or contract, and the department has determined that an applicant
1324 meets the required project performance criteria and that a
1325 payment is due, the State Board of Administration shall transfer
1326 the funds for the payment to the department for deposit in the
1327 State Economic Enhancement and Development Trust Fund. A
1328 continuing appropriation category shall be established to make
1329 payments from the Quick Action Closing Fund Escrow Account.

1330 (4) Any funds in the Quick Action Closing Fund Escrow
1331 Account which are encumbered by a contract or agreement that
1332 does not meet the requirements or that is terminated must be
1333 returned to the department for deposit in the State Economic
1334 Enhancement and Development Trust Fund within 10 calendar days
1335 after the date the department notifies the State Board of
1336 Administration of the encumbrance.

1337 (5) Funds in the Quick Action Closing Fund Escrow Account
1338 shall be managed in accordance with the best investment
1339 practices and invested in a manner designed to generate the
1340 maximum amount of interest earnings. The funds must be available
1341 to make payments pursuant to Quick Action Closing Fund contracts
1342 or agreements. The State Board of Administration shall transfer
1343 interest earnings on a quarterly basis to the department for
1344 deposit in the State Economic Enhancement and Development Trust



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1345 Fund.

1346 (6) Subject to a specific appropriation, funds transferred
1347 from the State Board of Administration under subsections (4) and
1348 (5) may be used to fund the marketing activities of Enterprise
1349 Florida, Inc.

1350 Section 17. By July 10, 2015, Enterprise Florida, Inc.,
1351 shall transfer any funds held in an escrow account on June 30,
1352 2015, for approved Quick Action Closing Fund contracts or
1353 agreements to the State Board of Administration for deposit in
1354 the Quick Action Closing Fund Escrow Account.

1355 Section 18. Paragraph (b) of subsection (2), paragraphs (a)
1356 and (d) of subsection (4), subsection (7), and paragraph (b) of
1357 subsection (8) of section 288.1089, Florida Statutes, are
1358 amended to read:

1359 288.1089 Innovation Incentive Program.—

1360 (2) As used in this section, the term:

1361 (b) "Average private sector wage in the area" means the
1362 statewide average wage in the private sector or the average of
1363 all private sector wages in the county or in the standard
1364 metropolitan area in which the project is located as determined
1365 by the department.

1366 (4) To qualify for review by the department, the applicant
1367 must, at a minimum, establish the following to the satisfaction
1368 of the department:

1369 (a) The jobs created by the project must pay an estimated
1370 annual average wage equaling at least 130 percent of the average
1371 private sector wage in the area. The department may waive this
1372 average wage requirement at the request of Enterprise Florida,
1373 Inc., for a project located in a rural area, a brownfield area,



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1374 or an enterprise zone, when the merits of the individual project
1375 or the specific circumstances in the community in relationship
1376 to the project warrant such action. A recommendation for waiver
1377 by Enterprise Florida, Inc., must include a specific
1378 justification for the waiver and be transmitted to the
1379 department in writing. If the department elects to waive the
1380 wage requirement, the waiver must be stated in writing and
1381 explain ~~and~~ the reasons for granting the waiver ~~must be~~
1382 ~~explained~~.

1383 (d) For an alternative and renewable energy project in this
1384 state, the project must:

1385 1. Demonstrate a plan for significant collaboration with an
1386 institution of higher education;

1387 2. Provide the state, at a minimum, a cumulative break-even
1388 economic benefit within a 20-year period;

1389 3. Include matching funds provided by the applicant or
1390 other available sources. The match requirement may be reduced or
1391 waived in rural areas of opportunity or reduced in rural areas,
1392 brownfield areas, and enterprise zones;

1393 4. Be located in this state; and

1394 5. Provide at least 35 direct, new jobs that pay an
1395 estimated annual average wage that equals at least 130 percent
1396 of the average private sector wage in the area.

1397 (7) Upon receipt of the evaluation and recommendation from
1398 the department, the Governor shall approve or deny an award
1399 pursuant to s. 288.061. In recommending approval of an award,
1400 the department shall include proposed performance conditions
1401 that the applicant must meet in order to obtain incentive funds
1402 and any other conditions that must be met before the receipt of



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1403 any incentive funds. ~~The Governor shall consult with the~~
1404 ~~President of the Senate and the Speaker of the House of~~
1405 ~~Representatives before giving approval for an award. Upon review~~
1406 ~~and approval of an award by the Legislative Budget Commission,~~
1407 ~~the Executive Office of the Governor shall release the funds.~~

1408 (8)

1409 (b) Additionally, agreements ~~signed on or after July 1,~~
1410 ~~2009,~~ must include the following provisions:

1411 1. Notwithstanding subsection (4), a requirement that the
1412 jobs created by the recipient of the incentive funds pay an
1413 annual average wage at least equal to the relevant industry's
1414 annual average wage or at least 130 percent of the average
1415 private sector wage in the area, whichever is greater.

1416 2. A reinvestment requirement. Each recipient of an award
1417 shall reinvest up to 15 percent of net royalty revenues,
1418 including revenues from spin-off companies and the revenues from
1419 the sale of stock it receives from the licensing or transfer of
1420 inventions, methods, processes, and other patentable discoveries
1421 conceived or reduced to practice using its facilities in Florida
1422 or its Florida-based employees, in whole or in part, and to
1423 which the recipient of the grant becomes entitled during the 20
1424 years following the effective date of its agreement with the
1425 department. Each recipient of an award also shall reinvest up to
1426 15 percent of the gross revenues it receives from naming
1427 opportunities associated with any facility it builds in this
1428 state. Reinvestment payments shall commence no later than 6
1429 months after the recipient of the grant has received the final
1430 disbursement under the contract and shall continue until the
1431 maximum reinvestment, as specified in the contract, has been



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1432 paid. Reinvestment payments shall be remitted to the department
1433 for deposit in the Biomedical Research Trust Fund for companies
1434 specializing in biomedicine or life sciences, or in the Economic
1435 Development Trust Fund for companies specializing in fields
1436 other than biomedicine or the life sciences. If these trust
1437 funds no longer exist at the time of the reinvestment, the
1438 state's share of reinvestment shall be deposited in their
1439 successor trust funds as determined by law. Each recipient of an
1440 award shall annually submit a schedule of the shares of stock
1441 held by it as payment of the royalty required by this paragraph
1442 and report on any trades or activity concerning such stock. Each
1443 recipient's reinvestment obligations survive the expiration or
1444 termination of its agreement with the state.

1445 3. Requirements for the establishment of internship
1446 programs or other learning opportunities for educators and
1447 secondary, postsecondary, graduate, and doctoral students.

1448 4. A requirement that the recipient submit quarterly
1449 reports and annual reports related to activities and performance
1450 to the department, according to standardized reporting periods.

1451 5. A requirement for an annual accounting to the department
1452 of the expenditure of funds disbursed under this section.

1453 6. A process for amending the agreement.

1454 Section 19. Subsection (5) is added to section 288.1097,
1455 Florida Statutes, to read:

1456 288.1097 Qualified job training organizations;
1457 certification; duties.—

1458 (5) Notwithstanding s. 624.4625(1)(b), a qualified job
1459 training organization that has been certified is eligible to
1460 participate in a self-insurance fund authorized by s. 624.4625



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1461 and is not subject to the requirements of s. 624.4621.

1462 Section 20. Subsection (6) of section 288.1168, Florida
1463 Statutes, is amended to read:

1464 288.1168 Professional golf hall of fame facility.—

1465 (6) Beginning in 2016, the department must annually
1466 recertify ~~every 10 years~~ that the facility is open, continues to
1467 be the only professional golf hall of fame in the United States
1468 recognized by the PGA Tour, Inc., and is meeting the minimum
1469 projections for attendance or sales tax revenue as required at
1470 the time of original certification.

1471 (a) For each year ~~If~~ the facility is not certified as
1472 meeting the minimum projections, the PGA Tour, Inc., shall
1473 increase its required advertising contribution of \$2 million
1474 annually to \$3 ~~\$2.5~~ million annually in lieu of reduction of any
1475 funds as provided by s. 212.20. The additional \$1 million
1476 ~~\$500,000~~ must be allocated in its entirety for the use and
1477 promotion of generic Florida advertising as determined by the
1478 department in consultation with the Florida Tourism Industry
1479 Marketing Corporation. The facility must be prominently featured
1480 in at least 10 percent, but no more than 25 percent, of such
1481 advertising.

1482 (b) If the facility is not open to the public or is no
1483 longer in use as the only professional golf hall of fame in the
1484 United States recognized by the PGA Tour, Inc., the facility
1485 shall be decertified ~~the entire \$2.5 million for advertising~~
1486 ~~must be used for generic Florida advertising as determined by~~
1487 the department.

1488 Section 21. Section 288.1169, Florida Statutes, is
1489 repealed.



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1490 Section 22. Subsection (2) of section 288.1201, Florida
1491 Statutes, is amended to read:

1492 288.1201 State Economic Enhancement and Development Trust
1493 Fund.—

1494 (2) The trust fund is established for use as a depository
1495 for funds to be used for the purposes specified in subsection
1496 (1). Moneys to be credited to the trust fund shall consist of
1497 documentary stamp tax proceeds as specified in law, local
1498 financial support funds, interest earnings, reversions specified
1499 in law, and cash advances from other trust funds. Funds shall be
1500 expended only pursuant to legislative appropriation or an
1501 approved amendment to the department's operating budget pursuant
1502 to the provisions of chapter 216.

1503 Section 23. Effective October 1, 2015, section 288.125,
1504 Florida Statutes, is amended to read:

1505 288.125 Definition of term "entertainment industry."—For
1506 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
1507 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term
1508 "entertainment industry" means those persons or entities engaged
1509 in the operation of motion picture or television studios or
1510 recording studios; those persons or entities engaged in the
1511 preproduction, production, or postproduction of motion pictures,
1512 made-for-television movies, television programming, digital
1513 media projects, commercial advertising, music videos, or sound
1514 recordings; and those persons or entities providing products or
1515 services directly related to the preproduction, production, or
1516 postproduction of motion pictures, made-for-television movies,
1517 television programming, digital media projects, commercial
1518 advertising, music videos, or sound recordings, including, but



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1519 not limited to, the broadcast industry.

1520 Section 24. Effective October 1, 2015, section 288.1251,
1521 Florida Statutes, is transferred, renumbered as section 288.913,
1522 Florida Statutes, and amended to read:

1523 288.913 ~~288.1251~~ Promotion and development of entertainment
1524 industry; Division Office of Film and Entertainment; creation;
1525 purpose; powers and duties.—

1526 (1) CREATION.—

1527 ~~(a) The Division of Film and Entertainment is~~ There is
1528 hereby created within Enterprise Florida, Inc., the department
1529 the Office of Film and Entertainment for the purpose of
1530 developing, recruiting, marketing, promoting, and providing
1531 services to the state's entertainment industry. The division
1532 shall serve as a liaison between the entertainment industry and
1533 other state and local governmental agencies, local film
1534 commissions, and labor organizations.

1535 ~~(2)(b) COMMISSIONER.—~~ The Governor shall appoint the film
1536 and entertainment commissioner, who shall serve at the pleasure
1537 of the Governor ~~department shall conduct a national search for a~~
1538 ~~qualified person to fill the position of Commissioner of Film~~
1539 ~~and Entertainment when the position is vacant. The executive~~
1540 ~~director of the department has the responsibility to hire the~~
1541 ~~film commissioner.~~ The commissioner is subject to the
1542 requirements of s. 288.901(1)(c). Qualifications for the film
1543 commissioner include, but are not limited to, the following:

1544 ~~(a)1.~~ A working knowledge of and experience with the
1545 equipment, personnel, financial, and day-to-day production
1546 operations of the industries to be served by the division Office
1547 of Film and Entertainment;



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1548 (b)2. Marketing and promotion experience related to the
1549 film and entertainment industries to be served;

1550 (c)3. Experience working with a variety of individuals
1551 representing large and small entertainment-related businesses,
1552 industry associations, local community entertainment industry
1553 liaisons, and labor organizations; and

1554 (d)4. Experience working with a variety of state and local
1555 governmental agencies.

1556 (3)2. POWERS AND DUTIES.—

1557 (a) The Division Office of Film and Entertainment, in
1558 performance of its duties, shall develop and÷

1559 ~~1. In consultation with the Florida Film and Entertainment~~
1560 ~~Advisory Council,~~ update a 5-year the strategic plan ~~every 5~~
1561 ~~years~~ to guide the activities of the division Office of Film and
1562 ~~Entertainment~~ in the areas of entertainment industry
1563 development, marketing, promotion, liaison services, field
1564 office administration, and information. The plan shall÷

1565 ~~a.~~ be annual in construction and ongoing in nature.

1566 1. At a minimum, the plan must address the following:

1567 ~~a.b. Include recommendations relating to~~ The organizational
1568 structure of the division, including any field offices outside
1569 the state office.

1570 b. The coordination of the division with local or regional
1571 offices maintained by counties and regions of the state, local
1572 film commissions, and labor organizations, and the coordination
1573 of such entities with each other to facilitate a working
1574 relationship.

1575 c. Strategies to identify, solicit, and recruit
1576 entertainment production opportunities for the state, including



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1577 implementation of programs for rural and urban areas designed to
1578 develop and promote the state's entertainment industry.

1579 ~~d.e. Include An annual budget projection for the division~~
1580 ~~office for each year of the plan.~~

1581 ~~d. Include an operational model for the office to use in~~
1582 ~~implementing programs for rural and urban areas designed to:~~

1583 ~~(I) develop and promote the state's entertainment industry.~~

1584 ~~(II) Have the office serve as a liaison between the~~
1585 ~~entertainment industry and other state and local governmental~~
1586 ~~agencies, local film commissions, and labor organizations.~~

1587 ~~(III) Gather statistical information related to the state's~~
1588 ~~entertainment industry.~~

1589 ~~e.(IV) Provision of Provide information and service to~~
1590 ~~businesses, communities, organizations, and individuals engaged~~
1591 ~~in entertainment industry activities.~~

1592 ~~(V) Administer field offices outside the state and~~
1593 ~~coordinate with regional offices maintained by counties and~~
1594 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
1595 ~~as necessary.~~

1596 ~~f.e. Include Performance standards and measurable outcomes~~
1597 ~~for the programs to be implemented by the division office.~~

1598 ~~2. The plan shall be annually reviewed and approved by the~~
1599 ~~board of directors of Enterprise Florida, Inc.~~

1600 ~~f. Include an assessment of, and make recommendations on,~~
1601 ~~the feasibility of creating an alternative public private~~
1602 ~~partnership for the purpose of contracting with such a~~
1603 ~~partnership for the administration of the state's entertainment~~
1604 ~~industry promotion, development, marketing, and service~~
1605 ~~programs.~~



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1606 ~~2. Develop, market, and facilitate a working relationship~~
1607 ~~between state agencies and local governments in cooperation with~~
1608 ~~local film commission offices for out-of-state and indigenous~~
1609 ~~entertainment industry production entities.~~

1610 ~~3. Implement a structured methodology prescribed for~~
1611 ~~coordinating activities of local offices with each other and the~~
1612 ~~commissioner's office.~~

1613 (b) The division shall also:

1614 ~~1.4.~~ Represent the state's indigenous entertainment
1615 industry to key decisionmakers within the national and
1616 international entertainment industry, and to state and local
1617 officials.

1618 ~~2.5.~~ Prepare an inventory and analysis of the state's
1619 entertainment industry, including, but not limited to,
1620 information on crew, related businesses, support services, job
1621 creation, talent, and economic impact and coordinate with local
1622 offices to develop an information tool for common use.

1623 ~~3.6.~~ Identify, solicit, and recruit entertainment
1624 production opportunities for the state.

1625 ~~4.7.~~ Assist rural communities and other small communities
1626 in the state in developing the expertise and capacity necessary
1627 for such communities to develop, market, promote, and provide
1628 services to the state's entertainment industry.

1629 (c) ~~(b)~~ The division ~~Office of Film and Entertainment~~, in
1630 the performance of its duties, may:

1631 1. Conduct or contract for specific promotion and marketing
1632 functions, including, but not limited to, production of a
1633 statewide directory, production and maintenance of an Internet
1634 website, establishment and maintenance of a toll-free telephone



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1635 number, organization of trade show participation, and
1636 appropriate cooperative marketing opportunities.

1637 2. Conduct its affairs, carry on its operations, establish
1638 offices, and exercise the powers granted by this act in any
1639 state, territory, district, or possession of the United States.

1640 3. Carry out any program of information, special events, or
1641 publicity designed to attract entertainment industry to Florida.

1642 4. Develop relationships and leverage resources with other
1643 public and private organizations or groups in their efforts to
1644 publicize to the entertainment industry in this state, other
1645 states, and other countries the depth of Florida's entertainment
1646 industry talent, crew, production companies, production
1647 equipment resources, related businesses, and support services,
1648 including the establishment of and expenditure for a program of
1649 cooperative advertising with these public and private
1650 organizations and groups in accordance with the provisions of
1651 chapter 120.

1652 5. Provide and arrange for reasonable and necessary
1653 promotional items and services for such persons as the division
1654 ~~office~~ deems proper in connection with the performance of the
1655 promotional and other duties of the division ~~office~~.

1656 6. Prepare an ~~annual~~ economic impact analysis on
1657 entertainment industry-related activities in the state.

1658 7. Request or accept any grant, payment, or gift of funds
1659 or property made by this state, the United States, or any
1660 department or agency thereof, or by any individual, firm,
1661 corporation, municipality, county, or organization, for ~~any or~~
1662 ~~all of~~ the purposes of the ~~Office of Film and Entertainment's~~ 5-
1663 year strategic plan or those permitted activities enumerated in



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1664 this paragraph. Such funds shall be deposited in a separate
1665 account ~~the Grants and Donations Trust Fund of the Executive~~
1666 ~~Office of the Governor~~ for use by the division ~~Office of Film~~
1667 ~~and Entertainment~~ in carrying out its responsibilities and
1668 duties ~~as delineated in law~~. The division ~~office~~ may expend such
1669 funds in accordance with the terms and conditions of any such
1670 grant, payment, or gift in the pursuit of its administration or
1671 in support of fulfilling its duties and responsibilities. The
1672 division ~~office~~ shall separately account for the public funds
1673 and the private funds deposited into the account ~~trust fund~~.

1674 Section 25. Effective October 1, 2015, section 288.1252,
1675 Florida Statutes, is transferred, renumbered as section 288.914,
1676 Florida Statutes, and amended to read:

1677 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
1678 Council; ~~creation;~~ purpose; membership; powers and duties.—

1679 ~~(1) CREATION. There is created within the department, for~~
1680 ~~administrative purposes only, the Florida Film and Entertainment~~
1681 ~~Advisory Council.~~

1682 ~~(1)~~ (2) CREATION AND PURPOSE.—The Florida Film and
1683 Entertainment Advisory Council is created ~~purpose of the Council~~
1684 ~~is~~ to serve as an advisory body to the Division of Film and
1685 Entertainment within Enterprise Florida, Inc., and department
1686 ~~and to the Office of Film and Entertainment~~ to provide these
1687 ~~offices with~~ industry insight and expertise related to
1688 developing, marketing, and promoting, ~~and providing service to~~
1689 the state's entertainment industry.

1690 (2) ~~(3)~~ MEMBERSHIP.—

1691 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
1692 appointed by the Governor, 3 ~~5~~ to be appointed by the President



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1693 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
1694 House of Representatives.

1695 (b) When making appointments to the council, the Governor,
1696 the President of the Senate, and the Speaker of the House of
1697 Representatives shall appoint persons who are residents of the
1698 state and who are highly knowledgeable of, active in, and
1699 recognized leaders in Florida's motion picture, television,
1700 video, sound recording, or other entertainment industries. These
1701 persons shall include, but not be limited to, representatives of
1702 local film commissions, representatives of entertainment
1703 associations, a representative of the broadcast industry,
1704 representatives of labor organizations in the entertainment
1705 industry, and board chairs, presidents, chief executive
1706 officers, chief operating officers, or persons of comparable
1707 executive position or stature of leading or otherwise important
1708 entertainment industry businesses and offices. Council members
1709 shall be appointed in such a manner as to equitably represent
1710 the broadest spectrum of the entertainment industry and
1711 geographic areas of the state.

1712 (c) Council members shall serve for 4-year terms. A member
1713 of the council serving as of July 1, 2015, may serve the
1714 remainder of his or her term, but upon the conclusion of the
1715 term or upon vacancy, such appointment may not be filled except
1716 to meet the requirements of this section.

1717 (d) Subsequent appointments shall be made by the official
1718 who appointed the council member whose expired term is to be
1719 filled.

1720 (e) A representative of Enterprise Florida, Inc., a
1721 representative of Workforce Florida, Inc., and a representative



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1722 of VISIT Florida shall serve as ex officio, nonvoting members of
1723 the council, ~~and shall be~~ in addition to the 11 ~~17~~ appointed
1724 members ~~of the council~~.

1725 (f) Absence from three consecutive meetings shall result in
1726 automatic removal from the council.

1727 (g) A vacancy on the council shall be filled for the
1728 remainder of the unexpired term by the official who appointed
1729 the vacating member.

1730 (h) No more than one member of the council may be an
1731 employee of any one company, organization, or association.

1732 (i) Any member shall be eligible for reappointment but may
1733 not serve more than two consecutive terms.

1734 (3) ~~(4)~~ MEETINGS; ORGANIZATION.—

1735 (a) The council shall meet at least ~~no less frequently than~~
1736 once each quarter of the calendar year, and ~~but~~ may meet more
1737 often as determined necessary ~~set~~ by the council.

1738 (b) The council shall annually elect from its appointed
1739 membership one member to serve as chair ~~of the council~~ and one
1740 member to serve as vice chair. The Division ~~Office~~ of Film and
1741 Entertainment shall provide staff assistance to the council,
1742 which must ~~shall~~ include, but need not be limited to, keeping
1743 records of the proceedings of the council, ~~and~~ serving as
1744 custodian of all books, documents, and papers filed with the
1745 council.

1746 (c) A majority of the members of the council constitutes
1747 ~~shall constitute~~ a quorum.

1748 (d) Members of the council shall serve without
1749 compensation, but are ~~shall be~~ entitled to reimbursement for per
1750 diem and travel expenses in accordance with s. 112.061 while in



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1751 performance of their duties.

1752 ~~(4)~~⁽⁵⁾ POWERS AND DUTIES.—The Florida Film and
1753 Entertainment Advisory Council shall have ~~all the~~ power ~~powers~~
1754 ~~necessary or convenient~~ to carry out ~~and effectuate the purposes~~
1755 ~~and provisions of~~ this act, including, but not limited to, the
1756 power to:

1757 (a) Adopt bylaws for the governance of its affairs and the
1758 conduct of its business.

1759 (b) Advise the Division of Film and Entertainment ~~and~~
1760 ~~consult with the Office of Film and Entertainment~~ on the
1761 content, development, and implementation of the division's 5-
1762 year strategic plan ~~to guide the activities of the office.~~

1763 (c) ~~Review the Commissioner of Film and Entertainment's~~
1764 ~~administration of the programs related to the strategic plan,~~
1765 ~~and Advise the~~ Division of Film and Entertainment ~~commissioner~~
1766 on the division's programs and any changes that might be made to
1767 better meet the strategic plan.

1768 (d) Consider and study the needs of the entertainment
1769 industry for the purpose of advising the Division of Film and
1770 Entertainment ~~film commissioner and the department.~~

1771 (e) Identify ~~and make recommendations on~~ state agency and
1772 local government actions that may have an impact on the
1773 entertainment industry or that may appear to industry
1774 representatives as ~~an~~ official state or local actions ~~action~~
1775 affecting production in the state, and advise the Division of
1776 Film and Entertainment of such actions.

1777 (f) Consider all matters submitted to it by the Division of
1778 Film and Entertainment ~~film commissioner and the department.~~

1779 ~~(g) Advise and consult with the film commissioner and the~~



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1780 ~~department, at their request or upon its own initiative,~~
1781 ~~regarding the promulgation, administration, and enforcement of~~
1782 ~~all laws and rules relating to the entertainment industry.~~

1783 ~~(g)(h) Suggest policies and practices for the conduct of~~
1784 ~~business by the Office of Film and Entertainment or by the~~
1785 ~~department that will improve interaction with internal~~
1786 ~~operations affecting the entertainment industry and will enhance~~
1787 ~~related state the economic development initiatives of the state~~
1788 ~~for the industry.~~

1789 ~~(i) Appear on its own behalf before boards, commissions,~~
1790 ~~departments, or other agencies of municipal, county, or state~~
1791 ~~government, or the Federal Government.~~

1792 Section 26. Effective October 1, 2015, section 288.1253,
1793 Florida Statutes, is transferred, renumbered as section 288.915,
1794 Florida Statutes, and amended to read:

1795 288.915 ~~288.1253~~ Travel and entertainment expenses.—

1796 (1) As used in this section, the term "travel expenses"
1797 means the actual, necessary, and reasonable costs of
1798 transportation, meals, lodging, and incidental expenses normally
1799 incurred by an employee of the Division Office of Film and
1800 Entertainment within Enterprise Florida, Inc., as which costs
1801 are defined and prescribed by rules adopted by the department
1802 rule, subject to approval by the Chief Financial Officer.

1803 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
1804 department shall adopt rules by which the Division of Film and
1805 Entertainment ~~it~~ may make expenditures by reimbursement to: the
1806 Governor, the Lieutenant Governor, security staff of the
1807 Governor or Lieutenant Governor, the Commissioner of Film and
1808 Entertainment, or staff of the Division Office of Film and



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1809 Entertainment for travel expenses or entertainment expenses
1810 incurred by such individuals solely and exclusively in
1811 connection with the performance of the statutory duties of the
1812 division ~~Office of Film and Entertainment~~. The rules are subject
1813 to approval by the Chief Financial Officer before adoption. The
1814 rules shall require the submission of paid receipts, or other
1815 proof of expenditure prescribed by the Chief Financial Officer,
1816 with any claim for reimbursement.

1817 (3) The Division ~~Office~~ of Film and Entertainment shall
1818 include in the annual report for the entertainment industry
1819 ~~financial incentive~~ program required under s. 288.1254(10) a
1820 report of the division's ~~office's~~ expenditures for the previous
1821 fiscal year. The report must consist of a summary of all travel,
1822 entertainment, and incidental expenses incurred within the
1823 United States and all travel, entertainment, and incidental
1824 expenses incurred outside the United States, as well as a
1825 summary of all successful projects that developed from such
1826 travel.

1827 (4) The Division ~~Office~~ of Film and Entertainment and its
1828 employees and representatives, when authorized, may accept and
1829 use complimentary travel, accommodations, meeting space, meals,
1830 equipment, transportation, and any other goods or services
1831 necessary for or beneficial to the performance of the division's
1832 ~~office's~~ duties and purposes, so long as such acceptance or use
1833 is not in conflict with part III of chapter 112. The department
1834 shall, by rule, develop internal controls to ensure that such
1835 goods or services accepted or used pursuant to this subsection
1836 are limited to those that will assist solely and exclusively in
1837 the furtherance of the division's ~~office's~~ goals and are in



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1838 compliance with part III of chapter 112. Notwithstanding this
1839 subsection, the division and its employees and representatives
1840 may not accept any complimentary travel, accommodations, meeting
1841 space, meals, equipment, transportation, or any other goods or
1842 services from an entity or party, including an employee,
1843 designee, or representative of such entity or party, which has
1844 received, has applied to receive, or anticipates that it will
1845 receive through an application, funds under s. 288.1256. If the
1846 division or its employee or representative accepts such goods or
1847 services, the division or its employee or representative is
1848 subject to the penalties provided in s. 112.317.

1849 (5) Any claim submitted under this section is not required
1850 to be sworn to before a notary public or other officer
1851 authorized to administer oaths, but any claim authorized or
1852 required to be made under any provision of this section shall
1853 contain a statement that the expenses were actually incurred as
1854 necessary travel or entertainment expenses in the performance of
1855 official duties of the Division ~~Office~~ of Film and Entertainment
1856 and shall be verified by written declaration that it is true and
1857 correct as to every material matter. Any person who willfully
1858 makes and subscribes to any claim that ~~which~~ he or she does not
1859 believe to be true and correct as to every material matter or
1860 who willfully aids or assists in, procures, or counsels or
1861 advises with respect to, the preparation or presentation of a
1862 claim pursuant to this section which ~~that~~ is fraudulent or false
1863 as to any material matter, whether such falsity or fraud is with
1864 the knowledge or consent of the person authorized or required to
1865 present the claim, commits a misdemeanor of the second degree,
1866 punishable as provided in s. 775.082 or s. 775.083. Whoever



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1867 receives a reimbursement by means of a false claim is civilly
1868 liable, in the amount of the overpayment, for the reimbursement
1869 of the public fund from which the claim was paid.

1870 Section 27. Effective October 1, 2015, section 288.1254,
1871 Florida Statutes, is amended to read:

1872 288.1254 Entertainment industry ~~financial incentive~~
1873 program.—

1874 (1) DEFINITIONS.—As used in this section, the term:

1875 (a) "Certified production" means a qualified production
1876 that has tax credits allocated to it by the department based on
1877 the production's estimated qualified expenditures, up to the
1878 production's maximum certified amount of tax credits, by the
1879 department. The term does not include a production if its first
1880 day of principal photography or project start date in this state
1881 occurs before the production is certified by the department,
1882 unless the production spans more than 1 fiscal year, was a
1883 certified production on its first day of principal photography
1884 or project start date in this state, and submits an application
1885 for continuing the same production for the subsequent fiscal
1886 year.

1887 (b) "Digital media project" means a production of
1888 interactive entertainment that is produced for distribution in
1889 commercial or educational markets. The term includes a video
1890 game or production intended for Internet or wireless
1891 distribution, an interactive website, digital animation, and
1892 visual effects, including, but not limited to, three-dimensional
1893 movie productions and movie conversions. The term does not
1894 include a production that contains content that is obscene as
1895 defined in s. 847.001.



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1896 (c) "Family-friendly production" means a production that
1897 has cross-generational appeal; is considered suitable for
1898 viewing by children age 5 or older; is appropriate in theme,
1899 content, and language for a broad family audience; embodies a
1900 responsible resolution of issues; and does not exhibit or imply
1901 any act of smoking, sex, nudity, or vulgar or profane language

1902 ~~"High-impact digital media project" means a digital media~~
1903 ~~project that has qualified expenditures greater than \$4.5~~
1904 ~~million.~~

1905 (d) "High-impact television production series" means:

1906 1. A production created to run multiple production seasons
1907 which has and having an estimated order of at least seven
1908 episodes per season and qualified expenditures of at least \$1
1909 million \$625,000 per episode; or

1910 2. A telenovela that has qualified expenditures of more
1911 than \$6 million; a minimum of 45 principal photography days
1912 filmed in this state; a production cast, including background
1913 actors, and a crew of which at least 90 percent are legal
1914 residents of this state; and at least 90 percent of its
1915 production occurring in this state.

1916 ~~(e) "Off-season certified production" means a feature film,~~
1917 ~~independent film, or television series or pilot that films 75~~
1918 ~~percent or more of its principal photography days from June 1~~
1919 ~~through November 30.~~

1920 ~~(f)~~ "Principal photography" means the filming of major or
1921 significant components of the qualified production which involve
1922 lead actors.

1923 ~~(f)(g)~~ "Production" means a theatrical, ~~or~~ direct-to-video,
1924 or direct-to-Internet motion picture; a made-for-television



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1925 motion picture; visual effects or digital animation sequences
1926 produced in conjunction with a motion picture; a commercial; a
1927 music video; an industrial or educational film; an infomercial;
1928 a documentary film; a television pilot program; a presentation
1929 for a television pilot program; a television series, including,
1930 but not limited to, a drama, a reality show, a comedy, a soap
1931 opera, a telenovela, a game show, an awards show, or a
1932 miniseries production; a direct-to-Internet television series;
1933 or a digital media project by the entertainment industry. One
1934 season of a television series is considered one production. The
1935 term does not include a weather or market program; a sporting
1936 event or a sporting event broadcast; a gala; a production that
1937 solicits funds; a home shopping program; a political program; a
1938 political documentary; political advertising; a gambling-related
1939 project or production; a concert production; a local, regional,
1940 or Internet-distributed-only news show or current-events show; a
1941 sports news or sports recap show; a pornographic production; or
1942 any production deemed obscene under chapter 847. A production
1943 may be produced on or by film, tape, or otherwise by means of a
1944 motion picture camera; electronic camera or device; tape device;
1945 computer; any combination of the foregoing; or any other means,
1946 method, or device.

1947 (g) ~~(h)~~ "Production expenditures" means the costs of
1948 tangible and intangible property used for, and services
1949 performed primarily and customarily in, production, including
1950 preproduction and postproduction, but excluding costs for
1951 development, marketing, and distribution. The term includes, but
1952 is not limited to:

1953 1. Wages, salaries, or other compensation paid to legal



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1954 residents of this state, including amounts paid through payroll
1955 service companies, for technical and production crews,
1956 directors, producers, and performers.

1957 2. Net expenditures for sound stages, backlots, production
1958 editing, digital effects, sound recordings, sets, and set
1959 construction.

1960 3. Net expenditures for rental equipment, including, but
1961 not limited to, cameras and grip or electrical equipment.

1962 4. Up to \$300,000 of the costs of newly purchased computer
1963 software and hardware unique to the project, including servers,
1964 data processing, and visualization technologies, which are
1965 located in and used exclusively in this ~~the~~ state for the
1966 production of digital media.

1967 5. Expenditures for meals, travel, and accommodations. For
1968 purposes of this paragraph, the term "net expenditures" means
1969 the actual amount of money a qualified production spent for
1970 equipment or other tangible personal property, after subtracting
1971 any consideration received for reselling or transferring the
1972 item after the qualified production ends, if applicable.

1973 (h) ~~(i)~~ "Qualified expenditures" means production
1974 expenditures incurred in this state by a qualified production
1975 for:

1976 1. Goods purchased or leased from, or services, including,
1977 but not limited to, insurance costs and bonding, payroll
1978 services, and legal fees, which are provided by, a vendor or
1979 supplier in this state that is registered with the Department of
1980 State or the Department of Revenue, has a physical location in
1981 this state, and employs one or more legal residents of this
1982 state. This does not include rebilled goods or services provided



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1983 by an in-state company from out-of-state vendors or suppliers.
1984 When services provided by the vendor or supplier include
1985 personal services or labor, only personal services or labor
1986 provided by residents of this state, evidenced by the required
1987 documentation of residency in this state, qualify.

1988 2. Payments to legal residents of this state in the form of
1989 salary, wages, or other compensation up to a maximum of \$400,000
1990 per resident unless otherwise specified in subsection (4). A
1991 completed declaration of residency in this state must accompany
1992 the documentation submitted to the department ~~office~~ for
1993 reimbursement.

1994
1995 For a qualified production involving an event, such as an awards
1996 show, the term does not include expenditures solely associated
1997 with the event itself and not directly required by the
1998 production. The term does not include expenditures incurred
1999 before certification, with the exception of those incurred for a
2000 commercial, a music video, or the pickup of additional episodes
2001 of a high-impact television production series within a single
2002 season. ~~Under no circumstances may~~ The qualified production may
2003 not include in the calculation for qualified expenditures the
2004 original purchase price for equipment or other tangible property
2005 that is later sold or transferred by the qualified production
2006 for consideration. In such cases, the qualified expenditure is
2007 the net of the original purchase price minus the consideration
2008 received upon sale or transfer.

2009 (i) ~~(j)~~ "Qualified production" means a production in this
2010 state meeting the requirements of this section. The term does
2011 not include a production:



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2012 1. In which, ~~for the first 2 years of the incentive~~
2013 ~~program, less than 50 percent, and thereafter,~~ less than 60
2014 percent, of the positions that make up its production cast and
2015 below-the-line production crew, or, in the case of digital media
2016 projects, less than 75 percent of such positions, are filled by
2017 legal residents of this state, whose residency is demonstrated
2018 by a valid Florida driver license or other state-issued
2019 identification confirming residency, or students enrolled full-
2020 time in an entertainment-related ~~a film and entertainment-~~
2021 ~~related~~ course of study at an institution of higher education in
2022 this state; or

2023 2. That contains obscene content as defined in s.
2024 847.001(10).

2025 (j) ~~(k)~~ "Qualified production company" means a corporation,
2026 limited liability company, partnership, or other legal entity
2027 engaged in one or more productions in this state.

2028 ~~(l) "Qualified digital media production facility" means a~~
2029 ~~building or series of buildings and their improvements in which~~
2030 ~~data processing, visualization, and sound synchronization~~
2031 ~~technologies are regularly applied for the production of~~
2032 ~~qualified digital media projects or the digital animation~~
2033 ~~components of qualified productions.~~

2034 ~~(m) "Qualified production facility" means a building or~~
2035 ~~complex of buildings and their improvements and associated~~
2036 ~~backlot facilities in which regular filming activity for film or~~
2037 ~~television has occurred for a period of no less than 1 year and~~
2038 ~~which contain at least one sound stage of at least 7,800 square~~
2039 ~~feet.~~

2040 ~~(n) "Regional population ratio" means the ratio of the~~



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2041 ~~population of a region to the population of this state. The~~
2042 ~~regional population ratio applicable to a given fiscal year is~~
2043 ~~the regional population ratio calculated by the Office of Film~~
2044 ~~and Entertainment using the latest official estimates of~~
2045 ~~population certified under s. 186.901, available on the first~~
2046 ~~day of that fiscal year.~~

2047 ~~(o) "Regional tax credit ratio" means a ratio the numerator~~
2048 ~~of which is the sum of tax credits awarded to productions in a~~
2049 ~~region to date plus the tax credits certified, but not yet~~
2050 ~~awarded, to productions currently in that region and the~~
2051 ~~denominator of which is the sum of all tax credits awarded in~~
2052 ~~the state to date plus all tax credits certified, but not yet~~
2053 ~~awarded, to productions currently in the state. The regional tax~~
2054 ~~credit ratio applicable to a given year is the regional tax~~
2055 ~~credit ratio calculated by the Office of Film and Entertainment~~
2056 ~~using credit award and certification information available on~~
2057 ~~the first day of that fiscal year.~~

2058 ~~(p) "Underutilized region" for a given state fiscal year~~
2059 ~~means a region with a regional tax credit ratio applicable to~~
2060 ~~that fiscal year that is lower than its regional population~~
2061 ~~ratio applicable to that fiscal year. The following regions are~~
2062 ~~established for purposes of making this determination:~~

2063 ~~1. North Region, consisting of Alachua, Baker, Bay,~~
2064 ~~Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,~~
2065 ~~Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,~~
2066 ~~Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,~~
2067 ~~Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,~~
2068 ~~Union, Wakulla, Walton, and Washington Counties.~~

2069 ~~2. Central East Region, consisting of Brevard, Flagler,~~



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2070 ~~Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.~~
2071 ~~Lucie, and Volusia Counties.~~

2072 ~~3. Central West Region, consisting of Citrus, Hernando,~~
2073 ~~Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,~~
2074 ~~and Sumter Counties.~~

2075 ~~4. Southwest Region, consisting of Charlotte, Collier,~~
2076 ~~DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.~~

2077 ~~5. Southeast Region, consisting of Broward, Martin, Miami-~~
2078 ~~Dade, Monroe, and Palm Beach Counties.~~

2079 ~~(k)(q)~~ "Interactive website" means a website or group of
2080 websites that includes interactive and downloadable content, and
2081 creates 25 new Florida full-time equivalent positions operating
2082 from a principal place of business located within Florida. An
2083 interactive website or group of websites must provide
2084 documentation that those jobs were created to the department
2085 ~~before Office of Film and Entertainment~~ prior to the award of
2086 tax credits. Each subsequent program application must provide
2087 proof that 25 Florida full-time equivalent positions are
2088 maintained.

2089 (1) "Underutilized county" means a county in which less
2090 than \$500,000 in qualified expenditures were made in the last 2
2091 fiscal years.

2092 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2093 industry ~~financial incentive~~ program is created within the
2094 ~~department Office of Film and Entertainment. The purpose of this~~
2095 ~~program is~~ to encourage the use of this state as a site for
2096 entertainment production, for filming, and for the digital
2097 production of entertainment films, and to develop and sustain
2098 the workforce and infrastructure for film, digital media, and



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2099 entertainment production.

2100 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2101 (a) *Program application.*—A qualified production company
2102 producing a qualified production in this state may submit a
2103 program application to the Division Office of Film and
2104 Entertainment for the purpose of determining qualification for
2105 an award of tax credits authorized by this section no earlier
2106 than 180 days before the first day of principal photography or
2107 project start date in this state. The applicant shall provide
2108 the division Office of Film and Entertainment with information
2109 required to determine whether the production is a qualified
2110 production and to determine the qualified expenditures and other
2111 information necessary for the division and the department office
2112 to determine eligibility for the tax credit.

2113 (b) *Required documentation.*—The department, in consultation
2114 with the division, Office of Film and Entertainment shall
2115 develop an application form for qualifying an applicant as a
2116 qualified production. The form must include, but need not be
2117 limited to, production-related information concerning employment
2118 of residents in this state; a detailed budget of planned
2119 qualified expenditures and aggregate nonqualified expenditures,
2120 including capital investment, in this state; proof of financing
2121 for the production; and the applicant's signed affirmation that
2122 the information on the form has been verified and is correct.
2123 The division Office of Film and Entertainment and local film
2124 commissions shall distribute the form.

2125 (c) *Application process.*—The division Office of Film and
2126 Entertainment shall establish a process by which an application
2127 is accepted and reviewed and by which tax credit eligibility and



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2128 ~~award amount are determined.~~

2129 1. The division shall review, evaluate, and rank
2130 applications for each queue, as provided in subsection (4),
2131 using the following evaluation criteria, with priority given in
2132 descending order, with the highest priority given to sub-
2133 subparagraph a.:

2134 a. The number of state residents that will be employed in
2135 full-time equivalent and part-time positions related to the
2136 project, and the duration of such employment and the average
2137 wages paid to such residents. Preference shall be given to a
2138 project that expects to pay higher than the statewide average
2139 wage.

2140 b. The amount of qualified and nonqualified expenditures
2141 that will be made in this state.

2142 c. The duration of the project in this state, including
2143 whether production will occur in an underutilized county.

2144 d. The length of time for planned preproduction and
2145 postproduction scheduled to occur in this state.

2146 e. The amount of capital investment, especially fixed
2147 capital investment, to be made directly by the production
2148 company in this state related to the project and the amount of
2149 any other capital investment to be made in this state related to
2150 the project.

2151 f. The local support and amount of any financial commitment
2152 for the project.

2153 2. The Division of Film and Entertainment shall designate
2154 two application cycles per fiscal year for qualified production
2155 companies to submit applications pursuant to this section. Each
2156 application cycle must consist of an application submittal



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2157 deadline and a subsequent review period. The two application
2158 deadlines shall be separated in time by at least 4 months. The
2159 first application cycle must be "Application Cycle A," and the
2160 second application cycle must be "Application Cycle B." Each
2161 applicant must designate the cycle for which the applicant is
2162 applying.

2163 3. The Division of Film and Entertainment shall designate
2164 the length of the review period for each application cycle which
2165 must immediately follow its corresponding application deadline.
2166 The review cycle may not exceed 30 days. During each review
2167 period, the Division of Film and Entertainment shall:

2168 a. Review each timely received application to ensure that
2169 the application is complete and shall label each application
2170 according to its queue as specified in subsection (4).

2171 b. Recommend rankings for applications pursuant to the
2172 criteria in subparagraph 1.

2173 c. Submit each complete and timely received application
2174 along with the recommended application rankings to the
2175 department no later than 1 day after the end of the review
2176 cycle. Applications that do not meet the requirements of this
2177 section may not be ranked.

2178 4. Applications that are not timely received or complete
2179 may not be carried forward to a subsequent application cycle.

2180 5. A certified high-impact television production may submit
2181 an initial application for no more than two successive seasons,
2182 notwithstanding the fact that the second season has not been
2183 ordered. The qualified expenditure amounts for the second season
2184 shall be based on the current season's estimated qualified
2185 expenditures. Upon the completion of production of each season,



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2186 a high-impact television production may submit an application
2187 for only one additional season. To be certified for a tax
2188 credit, the applicant must agree to notify the department within
2189 10 days if the additional season is not ordered or is canceled.
2190 ~~The Office of Film and Entertainment may request assistance from~~
2191 ~~a duly appointed local film commission in determining compliance~~
2192 ~~with this section. A certified high-impact television series may~~
2193 ~~submit an initial application for no more than two successive~~
2194 ~~seasons, notwithstanding the fact that the successive seasons~~
2195 ~~have not been ordered. The successive season's qualified~~
2196 ~~expenditure amounts shall be based on the current season's~~
2197 ~~estimated qualified expenditures. Upon the completion of~~
2198 ~~production of each season, a high-impact television series may~~
2199 ~~submit an application for no more than one additional season.~~

2200 (d) *Certification.*—

2201 1. The department Office of Film and Entertainment shall
2202 review the applications and recommendations by the division
2203 application within 15 business days after receipt from the
2204 division. Upon its determination that The department shall
2205 determine if each application contains all the information
2206 required by this subsection and meets the criteria set out in
2207 this section. Going from the highest-ranked and recommended
2208 application to the lowest-ranked application, the department,
2209 ~~the Office of Film and Entertainment shall determine, for each~~
2210 application, whether to certify qualify the applicant and
2211 ~~recommend to the department that the applicant be certified for~~
2212 ~~the maximum tax credit award amount. Within 5 business days~~
2213 ~~after receipt of the recommendation, the department shall reject~~
2214 ~~the recommendation or certify the maximum recommended tax credit~~



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2215 ~~award~~, if any funds are available, to the applicant and to the
2216 executive director of the Department of Revenue; or to reject
2217 the request for the tax credit pursuant to paragraph (f).

2218 2. The department may certify only up to 50 percent of the
2219 credits available in a fiscal year for "Application Cycle A" of
2220 the fiscal year. All remaining tax credits in the fiscal year
2221 may be certified in "Application Cycle B." The department may
2222 not certify tax credits in an amount greater than the allocation
2223 for a specified fiscal year, as determined under subsection (7).

2224 (e) Employment.—Upon certification by the department, the
2225 production must provide the department and the Division of Film
2226 and Entertainment with a single point of contact and information
2227 related to the production's needs for cast, crew, contractors,
2228 and vendors. The division shall publish this information online,
2229 including the type of production, the projected start date of
2230 the production, the locations in this state for such production,
2231 and the e-mail or other contact information for the production's
2232 point of contact. The department, in consultation with the
2233 division, may adopt procedures for a production to post such
2234 information itself within 7 days after certification.

2235 (f) ~~(e)~~ Grounds for denial.—The ~~department~~ ~~Office of Film~~
2236 ~~and Entertainment~~ shall deny an application if it determines
2237 that the application is not complete, ~~or~~ the production or
2238 application does not meet the requirements of this section, ~~or~~
2239 the application is not ranked by the division. ~~Within 90 days~~
2240 ~~after submitting a program application, except with respect to~~
2241 ~~applications in the independent and emerging media queue, a~~
2242 ~~production must provide proof of project financing to the Office~~
2243 ~~of Film and Entertainment, otherwise the project is deemed~~



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2244 ~~denied and withdrawn.~~ A project that has been denied ~~withdrawn~~
2245 may submit a new application in a subsequent application cycle
2246 ~~upon providing the Office of Film and Entertainment proof of~~
2247 ~~financing.~~

2248 (g) (f) Verification of actual qualified expenditures.-

2249 1. The department, in consultation with the Division Office
2250 of Film and Entertainment, shall develop a process to verify the
2251 actual qualified expenditures of a certified production. The
2252 process must require:

2253 a. A certified production to submit, within 180 days ~~in a~~
2254 ~~timely manner~~ after production ends in this state and after
2255 making all of its qualified expenditures in this state, data
2256 substantiating each qualified expenditure, including
2257 documentation of ~~on~~ the net expenditure on equipment and other
2258 tangible personal property by the qualified production and all
2259 production-related information on full- and part-time employment
2260 and wages paid to residents of this state, to an independent
2261 certified public accountant licensed in this state;

2262 b. Such accountant to conduct a compliance audit, at the
2263 certified production's expense, to substantiate each qualified
2264 expenditure and submit the results as a report, along with the
2265 required substantiating data, to the department ~~Office of Film~~
2266 ~~and Entertainment;~~ and

2267 c. The department ~~Office of Film and Entertainment~~ to
2268 review the accountant's submittal and verify ~~report to the~~
2269 ~~department~~ the final ~~verified~~ amount of actual qualified
2270 expenditures made by the certified production.

2271 2. The department shall also require a certified production
2272 to submit data substantiating aggregate nonqualified



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2273 expenditures, including capital investment, in this state.

2274 3.2. The department shall determine and approve the final
2275 tax credit award amount to each certified applicant based on the
2276 final verified amount of actual qualified expenditures and
2277 evidence that the qualified production met the requirements of
2278 this section. The department shall notify the executive director
2279 of the Department of Revenue in writing that the certified
2280 production has met the requirements of the ~~incentive~~ program and
2281 of the final amount of the tax credit award. The final tax
2282 credit award amount may not exceed the maximum tax credit award
2283 amount certified under paragraph (d).

2284 (h) (g) Promoting Florida.—The department Office of Film and
2285 Entertainment shall ensure that, as a condition of receiving a
2286 tax credit under this section, marketing materials promoting
2287 this state as a tourist destination or film and entertainment
2288 production destination are included, when appropriate, at no
2289 cost to the state, in the qualified production or as otherwise
2290 required by the department and the Division of Film and
2291 Entertainment. The Division of Film and Entertainment shall
2292 provide the Florida Tourism Industry Marketing Corporation with
2293 the contact information for each qualified production in order
2294 for the corporation to work with the qualified production to
2295 develop the marketing materials promoting this state. The
2296 marketing materials ~~which~~ must, at a minimum, include placement
2297 of the "Visit Florida" logo and a "Filmed in Florida" or
2298 "Produced in Florida" logo in the end credits. The placement of
2299 the "Visit Florida" logo and a "Filmed in Florida" or "Produced
2300 in Florida" logo on all packaging material and hard media is
2301 also required, unless such placement is prohibited by licensing



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2302 or other contractual obligations. The sizes ~~size~~ and placements
2303 ~~placement~~ of such logos ~~logo~~ shall be commensurate to other
2304 logos used. If no logos are used, the statement "Filmed in
2305 Florida using Florida's Entertainment Industry Program Financial
2306 ~~Incentive,~~" or a similar statement approved by the Division
2307 ~~Office~~ of Film and Entertainment, shall be used. The Division
2308 ~~Office~~ of Film and Entertainment shall provide a logo and supply
2309 it for the purposes specified in this paragraph. A 30-second
2310 "Visit Florida" promotional video must also be included on all
2311 optical disc formats of a film, unless such placement is
2312 prohibited by licensing or other contractual obligations. The
2313 30-second promotional video shall be approved and provided by
2314 the Florida Tourism Industry Marketing Corporation in
2315 consultation with the Division ~~Commissioner~~ of Film and
2316 Entertainment. The marketing materials must also include a link
2317 to the Florida Tourism Industry Marketing Corporation website or
2318 another website designated by the department on the certified
2319 applicant's website or the production's website for the entire
2320 term of the production. If the certified applicant cannot
2321 provide such link, it must provide a promotional opportunity of
2322 equal or greater value as approved by the department and the
2323 division.

2324 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2325 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2326 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2327 ACQUISITIONS.—

2328 (a) ~~Priority for tax credit award.~~ ~~The priority of a~~
2329 ~~qualified production for tax credit awards must be determined on~~
2330 ~~a first-come, first-served basis within its appropriate queue.~~



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2331 ~~Each qualified production must be placed into the appropriate~~
2332 ~~queue and is subject to the requirements of that queue.~~

2333 ~~(b) Tax credit eligibility.—Each qualified production must~~
2334 ~~be placed into the appropriate queue and is subject to the~~
2335 ~~requirements of that queue.~~

2336 1. General production queue.—Ninety-four percent of tax
2337 credits authorized pursuant to subsection (7) ~~(6)~~ in any state
2338 fiscal year must be dedicated to the general production queue.
2339 The general production queue consists of all qualified
2340 productions other than those eligible for the commercial and
2341 music video queue or the independent and emerging media
2342 production queue. A qualified production that demonstrates a
2343 minimum of \$625,000 in qualified expenditures is eligible for
2344 tax credits equal to 20 percent of its actual qualified
2345 expenditures, up to a maximum of \$8 million. A qualified
2346 production that incurs qualified expenditures during multiple
2347 state fiscal years may combine those expenditures to satisfy the
2348 \$625,000 minimum threshold.

2349 ~~a. An off-season certified production that is a feature~~
2350 ~~film, independent film, or television series or pilot is~~
2351 ~~eligible for an additional 5 percent tax credit on actual~~
2352 ~~qualified expenditures. An off-season certified production that~~
2353 ~~does not complete 75 percent of principal photography due to a~~
2354 ~~disruption caused by a hurricane or tropical storm may not be~~
2355 ~~disqualified from eligibility for the additional 5 percent~~
2356 ~~credit as a result of the disruption.~~

2357 ~~b. If more than 45 percent of the sum of total tax credits~~
2358 ~~initially certified and awarded after April 1, 2012, total tax~~
2359 ~~credits initially certified after April 1, 2012, but not yet~~



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2360 ~~awarded, and total tax credits available for certification after~~
2361 ~~April 1, 2012, but not yet certified has been awarded for high-~~
2362 ~~impact television series, then no high-impact television series~~
2363 ~~is eligible for tax credits under this subparagraph. Tax credits~~
2364 ~~initially certified for a high-impact television series after~~
2365 ~~April 1, 2012, may not be awarded if the award will cause the~~
2366 ~~percentage threshold in this sub-subparagraph to be exceeded.~~
2367 ~~This sub-subparagraph does not prohibit the award of tax credits~~
2368 ~~certified before April 1, 2012, for high-impact television~~
2369 ~~series.~~

2370 ~~e. Subject to sub-subparagraph b., First priority in the~~
2371 ~~queue for tax credit awards not yet certified shall be given to~~
2372 ~~high-impact television series and high-impact digital media~~
2373 ~~projects. For the purposes of determining priority between a~~
2374 ~~high-impact television series and a high-impact digital media~~
2375 ~~project, the first position must go to the first application~~
2376 ~~received. Thereafter, priority shall be determined by~~
2377 ~~alternating between a high-impact television series and a high-~~
2378 ~~impact digital media project on a first-come, first-served~~
2379 ~~basis. However, if the Office of Film and Entertainment receives~~
2380 ~~an application for a high-impact television series or high-~~
2381 ~~impact digital media project that would be certified but for the~~
2382 ~~alternating priority, the office may certify the project as~~
2383 ~~being in the priority position if an application that would~~
2384 ~~normally be the priority position is not received within 5~~
2385 ~~business days.~~

2386 ~~d. A qualified production for which at least 70 ~~67~~ percent~~
2387 ~~of its principal photography days occur within a county ~~region~~~~
2388 ~~designated as an underutilized county ~~region~~ at the time that~~



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2389 the production is certified is eligible for an additional 5
2390 percent tax credit.

2391 ~~b.e.~~ A qualified production that employs students enrolled
2392 full-time in a film and entertainment-related or digital media-
2393 related course of study at an institution of higher education in
2394 this state, individuals participating in the Road-to-
2395 Independence Program under s. 409.1451, individuals with
2396 developmental disabilities as defined in s. 393.063 residing in
2397 this state, and veterans residing in this state, is eligible for
2398 an additional 15 percent tax credit on qualified expenditures
2399 that are wages, salaries, or other compensation paid to such
2400 students. The additional 15 percent tax credit is also
2401 applicable to persons hired within 12 months after graduating
2402 from a film and entertainment-related or digital media-related
2403 course of study at an institution of higher education in this
2404 state. The additional 15 percent tax credit applies to qualified
2405 expenditures that are wages, salaries, or other compensation
2406 paid to such recent graduates for 1 year after the date of
2407 hiring.

2408 ~~f. A qualified production for which 50 percent or more of~~
2409 ~~its principal photography occurs at a qualified production~~
2410 ~~facility, or a qualified digital media project or the digital~~
2411 ~~animation component of a qualified production for which 50~~
2412 ~~percent or more of the project's or component's qualified~~
2413 ~~expenditures are related to a qualified digital media production~~
2414 ~~facility, is eligible for an additional 5 percent tax credit on~~
2415 ~~actual qualified expenditures for production activity at that~~
2416 ~~facility.~~

2417 c. A qualified production that completes a capital



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2418 investment in this state of at least \$2 million for property
2419 improvements before the completion of the qualified production,
2420 is eligible for an additional 5 percent tax credit. The capital
2421 investment must be permanent and must be made after July 1,
2422 2015, and the property must remain in this state after the
2423 production ends. A capital investment may be the basis of an
2424 application only once, unless the qualified production makes an
2425 additional \$2 million of substantial changes to the property.

2426 d. A qualified production determined by the department to
2427 be a family-friendly production, based on review of the script
2428 and review of the final release version, is eligible for an
2429 additional 5 percent tax credit. The department must consult
2430 with the Division of Film and Entertainment in making this
2431 determination.

2432 e.g. A qualified production is not eligible for tax credits
2433 provided under this paragraph totaling more than 25 ~~30~~ percent
2434 of its actual qualified expenses.

2435 2. Commercial and music video queue.—Three percent of tax
2436 credits authorized pursuant to subsection (7) ~~(6)~~ in any state
2437 fiscal year must be dedicated to the commercial and music video
2438 queue. A qualified production company that produces national or
2439 regional commercials ~~or music videos~~ may be eligible for a tax
2440 credit award if it demonstrates a minimum of \$100,000 in
2441 qualified expenditures per national or regional commercial ~~or~~
2442 ~~music video~~ and exceeds a combined threshold of \$500,000 after
2443 combining actual qualified expenditures from qualified
2444 commercials ~~and music videos~~ during a single state fiscal year.
2445 After a qualified production company that produces commercials~~,~~
2446 ~~music videos, or both~~ reaches the threshold of \$500,000, it is



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2447 eligible to apply for certification for a tax credit award. The
2448 maximum credit award for a qualified production company that
2449 produces commercials shall be equal to 20 percent of its actual
2450 qualified expenditures up to a maximum of \$500,000. A qualified
2451 production company that produces music videos may be eligible
2452 for a tax credit if it demonstrates a minimum of \$25,000 in
2453 qualified expenditures per music video and exceeds a combined
2454 threshold of \$125,000 after combining actual qualified
2455 expenditures from qualified music videos during a single state
2456 fiscal year. After a qualified production company that produces
2457 music videos reaches the threshold of \$125,000, it is eligible
2458 to apply for certification for a tax credit award. The maximum
2459 credit award for a qualified production company that produces
2460 music videos shall be equal to 20 percent of its actual
2461 qualified expenditures up to a maximum of \$125,000. If there is
2462 a surplus at the end of a fiscal year after the department
2463 ~~Office of Film and Entertainment~~ certifies and determines the
2464 tax credits for all qualified commercial and video projects,
2465 such surplus tax credits shall be carried forward to the
2466 following fiscal year and are available to any eligible
2467 qualified productions under the general production queue.

2468 3. Independent and emerging media production queue.—Three
2469 percent of tax credits authorized pursuant to subsection (7) ~~(6)~~
2470 in any state fiscal year must be dedicated to the independent
2471 and emerging media production queue. This queue is intended to
2472 encourage independent film and emerging media production in this
2473 state. Any qualified production, excluding commercials,
2474 infomercials, or music videos, which demonstrates at least
2475 \$100,000, but not more than \$625,000, in total qualified



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2476 expenditures is eligible for tax credits equal to 20 percent of
2477 its actual qualified expenditures. If a surplus exists at the
2478 end of a fiscal year after the department ~~Office of Film and~~
2479 ~~Entertainment~~ certifies and determines the tax credits for all
2480 qualified independent and emerging media production projects,
2481 such surplus tax credits shall be carried forward to the
2482 following fiscal year and are available to any eligible
2483 qualified productions under the general production queue.

2484 ~~4. Family-friendly productions. A certified theatrical or~~
2485 ~~direct-to-video motion picture production or video game~~
2486 ~~determined by the Commissioner of Film and Entertainment, with~~
2487 ~~the advice of the Florida Film and Entertainment Advisory~~
2488 ~~Council, to be family-friendly, based on review of the script~~
2489 ~~and review of the final release version, is eligible for an~~
2490 ~~additional tax credit equal to 5 percent of its actual qualified~~
2491 ~~expenditures. Family-friendly productions are those that have~~
2492 ~~cross-generational appeal; would be considered suitable for~~
2493 ~~viewing by children age 5 or older; are appropriate in theme,~~
2494 ~~content, and language for a broad family audience; embody a~~
2495 ~~responsible resolution of issues; and do not exhibit or imply~~
2496 ~~any act of smoking, sex, nudity, or vulgar or profane language.~~

2497 ~~(b)(e) Withdrawal of certification tax credit eligibility.~~
2498 ~~The department shall withdraw the certification of a qualified~~
2499 ~~or certified production if the must continue on a reasonable~~
2500 ~~schedule or timely completion of the certified production is~~
2501 ~~delayed, including a break in production, a change in the~~
2502 ~~production schedule, or the loss of financing for the~~
2503 ~~production. A certified production must notify the department~~
2504 ~~within 5 days after any circumstance that delays the reasonable~~



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2505 schedule or timely completion. The certification of a certified
2506 production may not be withdrawn if the production provides the
2507 department with proof of replacement financing within 10 days
2508 after the loss of financing for the production. To keep a
2509 reasonable schedule, the certified production must begin which
2510 ~~includes beginning~~ principal photography or the production
2511 project in this state within no more than 45 calendar days
2512 before or after the principal photography or project start date
2513 provided in the production's program application. ~~The department~~
2514 ~~shall withdraw the eligibility of a qualified or certified~~
2515 ~~production that does not continue on a reasonable schedule.~~

2516 (c)-(d) Election and distribution of tax credits.-

2517 1. A certified production company receiving a tax credit
2518 award under this section shall, at the time the credit is
2519 awarded by the department after production is completed and all
2520 requirements to receive a credit award have been met, make an
2521 irrevocable election to apply the credit against taxes due under
2522 chapter 220, against state taxes collected or accrued under
2523 chapter 212, or against a stated combination of the two taxes.
2524 The election is binding upon any distributee, successor,
2525 transferee, or purchaser. The department shall notify the
2526 Department of Revenue of any election made pursuant to this
2527 paragraph.

2528 2. A qualified production company is eligible for tax
2529 credits against its sales and use tax liabilities and corporate
2530 income tax liabilities as provided in this section. However, tax
2531 credits awarded under this section may not be claimed against
2532 sales and use tax liabilities or corporate income tax
2533 liabilities for any tax period beginning before July 1, 2011,



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2534 regardless of when the credits are applied for or awarded.

2535 (d)~~(e)~~ *Tax credit carryforward.*—If the certified production
2536 company cannot use the entire tax credit in the taxable year or
2537 reporting period in which the credit is awarded, any excess
2538 amount may be carried forward to a succeeding taxable year or
2539 reporting period. A tax credit applied against taxes imposed
2540 under chapter 212 may be carried forward for a maximum of 5
2541 years after the date the credit is awarded. A tax credit applied
2542 against taxes imposed under chapter 220 may be carried forward
2543 for a maximum of 5 taxable years after the taxable year in which
2544 ~~date~~ the credit is awarded. An unused remaining tax credit
2545 expires after this period, ~~after which the credit expires~~ and
2546 may not be used.

2547 (e)~~(f)~~ *Consolidated returns.*—A certified production company
2548 that files a Florida consolidated return as a member of an
2549 affiliated group under s. 220.131(1) may be allowed the credit
2550 on a consolidated return basis up to the amount of the tax
2551 imposed upon the consolidated group under chapter 220.

2552 (f)~~(g)~~ *Partnership and noncorporate distributions.*—A
2553 qualified production company that is not a corporation as
2554 defined in s. 220.03 may elect to distribute tax credits awarded
2555 under this section to its partners or members in proportion to
2556 their respective distributive income or loss in the taxable year
2557 in which the tax credits were awarded.

2558 (g)~~(h)~~ *Mergers or acquisitions.*—Tax credits available under
2559 this section to a certified production company may succeed to a
2560 surviving or acquiring entity subject to the same conditions and
2561 limitations as described in this section; however, they may not
2562 be transferred again by the surviving or acquiring entity.



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2563 (5) TRANSFER OF TAX CREDITS.—

2564 (a) *Authorization.*—Upon application to ~~the Office of Film~~
2565 ~~and Entertainment~~ and approval by the department, a certified
2566 production company, or a partner or member that has received a
2567 distribution under paragraph (4) (f) ~~(4) (g)~~, may elect to
2568 transfer, in whole or in part, any unused credit amount granted
2569 under this section. An election to transfer any unused tax
2570 credit amount under chapter 212 or chapter 220 must be made no
2571 later than 5 years after the date the credit is awarded, after
2572 which period the credit expires and may not be used. The
2573 department shall notify the Department of Revenue of the
2574 election and transfer.

2575 (b) *Number of transfers permitted.*—A certified production
2576 company that elects to apply a credit amount against taxes
2577 remitted under chapter 212 is permitted a one-time transfer of
2578 unused credits to one transferee. A certified production company
2579 that elects to apply a credit amount against taxes due under
2580 chapter 220 is permitted a one-time transfer of unused credits
2581 to no more than four transferees, and such transfers must occur
2582 in the same taxable year.

2583 (c) *Transferee rights and limitations.*—The transferee is
2584 subject to the same rights and limitations as the certified
2585 production company awarded the tax credit, except that the
2586 initial transferee shall be permitted a one-time transfer of
2587 unused credits to no more than two subsequent transferees, and
2588 such transfers must occur in the same taxable year as the
2589 credits were received by the initial transferee, after which the
2590 subsequent transferees may not sell or otherwise transfer the
2591 tax credit.



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2592 (6) RELINQUISHMENT OF TAX CREDITS.—

2593 (a) Beginning July 1, 2011, a certified production company,
2594 or any person who has acquired a tax credit from a certified
2595 production company pursuant to subsections (4) and (5), may
2596 elect to relinquish the tax credit to the Department of Revenue
2597 in exchange for 90 percent of the amount of the relinquished tax
2598 credit.

2599 (b) The Department of Revenue may approve payments to
2600 persons relinquishing tax credits pursuant to this subsection.

2601 (c) Subject to legislative appropriation, the Department of
2602 Revenue shall request the Chief Financial Officer to issue
2603 warrants to persons relinquishing tax credits. Payments under
2604 this subsection shall be made from the funds from which the
2605 proceeds from the taxes against which the tax credits could have
2606 been applied pursuant to the irrevocable election made by the
2607 certified production company under subsection (4) are deposited.

2608 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

2609 (a) The aggregate amount of the tax credits that may be
2610 certified pursuant to paragraph (3) (d) may not exceed:

- 2611 1. For fiscal year 2010-2011, \$53.5 million.
2612 2. For fiscal year 2011-2012, \$74.5 million.
2613 3. For fiscal years 2012-2013, 2013-2014, 2014-2015, and
2614 2015-2016, \$42 million per fiscal year.

2615 (b) Any portion of the maximum amount of tax credits
2616 established per fiscal year in paragraph (a) that is not
2617 certified as of the end of a fiscal year shall be carried
2618 forward and made available for certification during the
2619 following 2 fiscal years in addition to the amounts available
2620 for certification under paragraph (a) for those fiscal years.



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2621 (c) Upon approval of the final tax credit award amount
2622 pursuant to subparagraph (3) (g) 3. ~~(3) (f) 2.~~, an amount equal to
2623 the difference between the maximum tax credit award amount
2624 previously certified under paragraph (3) (d) and the approved
2625 final tax credit award amount shall immediately be available for
2626 recertification during the current and following fiscal years in
2627 addition to the amounts available for certification under
2628 paragraph (a) for those fiscal years.

2629 (d) Tax credit award amounts available for certification on
2630 and after July 1, 2015, may not be certified before the fiscal
2631 year in which they will become available as specified in
2632 paragraph (a). Additionally, for amounts available for
2633 certification on and after July 1, 2015, one-half of the amount
2634 available in the fiscal year shall be available for
2635 certification in "Application Cycle A", and the remaining amount
2636 available in the fiscal year shall be available for
2637 certification in "Application Cycle B." ~~If, during a fiscal~~
2638 ~~year, the total amount of credits applied for, pursuant to~~
2639 ~~paragraph (3) (a), exceeds the amount of credits available for~~
2640 ~~certification in that fiscal year, such excess shall be treated~~
2641 ~~as having been applied for on the first day of the next fiscal~~
2642 ~~year in which credits remain available for certification.~~

2643 (8) LIMITATION WITH OTHER PROGRAMS.—A qualified production
2644 that is certified for tax credits under this section may not
2645 simultaneously receive benefits under ss. 288.1256 and 288.1258
2646 for the same production.

2647 (9) ~~(8)~~ RULES, POLICIES, AND PROCEDURES.—

2648 (a) The department may adopt rules pursuant to ss.
2649 120.536(1) and 120.54 and develop policies and procedures to



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2650 implement and administer this section, including, but not
2651 limited to, rules specifying requirements for the application
2652 and approval process, records required for substantiation for
2653 tax credits, procedures for making the election in paragraph
2654 (4) (c) ~~(4) (d)~~, the manner and form of documentation required to
2655 claim tax credits awarded or transferred under this section, and
2656 marketing requirements for tax credit recipients.

2657 (b) The Department of Revenue may adopt rules pursuant to
2658 ss. 120.536(1) and 120.54 to administer this section, including
2659 rules governing the examination and audit procedures required to
2660 administer this section and the manner and form of documentation
2661 required to claim tax credits awarded, transferred, or
2662 relinquished under this section.

2663 (10) ~~(9)~~ AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2664 CREDITS; FRAUDULENT CLAIMS.—

2665 (a) *Audit authority.*—The Department of Revenue may conduct
2666 examinations and audits as provided in s. 213.34 to verify that
2667 tax credits under this section are received, transferred, and
2668 applied according to the requirements of this section. If the
2669 Department of Revenue determines that tax credits are not
2670 received, transferred, or applied as required by this section,
2671 it may, in addition to the remedies provided in this subsection,
2672 pursue recovery of such funds pursuant to the laws and rules
2673 governing the assessment of taxes.

2674 (b) *Revocation of tax credits.*—The department may revoke or
2675 modify any written decision qualifying, certifying, or otherwise
2676 granting eligibility for tax credits under this section if it is
2677 discovered that the tax credit applicant submitted any false
2678 statement, representation, or certification in any application,



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2679 record, report, plan, or other document filed in an attempt to
2680 receive tax credits under this section. The department shall
2681 immediately notify the Department of Revenue of any revoked or
2682 modified orders affecting previously granted tax credits.
2683 Additionally, the applicant must notify the Department of
2684 Revenue of any change in its tax credit claimed.

2685 (c) *Forfeiture of tax credits.*—A determination by the
2686 Department of Revenue, as a result of an audit pursuant to
2687 paragraph (a) or from information received from the department
2688 or the Division ~~Office~~ of Film and Entertainment, that an
2689 applicant received tax credits pursuant to this section to which
2690 the applicant was not entitled is grounds for forfeiture of
2691 previously claimed and received tax credits. The applicant is
2692 responsible for returning forfeited tax credits to the
2693 Department of Revenue, and such funds shall be paid into the
2694 General Revenue Fund of the state. Tax credits purchased in good
2695 faith are not subject to forfeiture unless the transferee
2696 submitted fraudulent information in the purchase or failed to
2697 meet the requirements in subsection (5).

2698 (d) *Fraudulent claims.*—Any applicant that submits
2699 fraudulent information under this section is liable for
2700 reimbursement of the reasonable costs and fees associated with
2701 the review, processing, investigation, and prosecution of the
2702 fraudulent claim. An applicant that obtains a credit payment
2703 under this section through a claim that is fraudulent is liable
2704 for reimbursement of the credit amount plus a penalty in an
2705 amount double the credit amount. The penalty is in addition to
2706 any criminal penalty to which the applicant is liable for the
2707 same acts. The applicant is also liable for costs and fees



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2708 incurred by the state in investigating and prosecuting the
2709 fraudulent claim.

2710 (11)~~(10)~~ ANNUAL REPORT.—Each November 1, the department
2711 ~~Office of Film and Entertainment~~ shall submit an annual report
2712 for the previous fiscal year to the Governor, the President of
2713 the Senate, and the Speaker of the House of Representatives
2714 which outlines the ~~incentive~~ program's return on investment and
2715 economic benefits to the state. The report must also include an
2716 estimate of the full-time equivalent positions created by each
2717 production that received tax credits under this section and
2718 information relating to the distribution of productions
2719 receiving credits by geographic region and type of production.
2720 The report must also include the expenditures report required
2721 under s. 288.915, ~~s. 288.1253(3)~~ and the information describing
2722 the relationship between tax exemptions and incentives to
2723 industry growth required under s. 288.1258(5), and program
2724 performance information under s. 288.1256. The department may
2725 work with the Division of Film and Entertainment to develop the
2726 annual report.

2727 (12)~~(11)~~ REPEAL.—This section is repealed July 1, 2021
2728 ~~2016~~, except that:

2729 (a) Tax credits certified under paragraph (3) (d) before
2730 July 1, 2021 ~~2016~~, may be awarded under paragraph (3) (g) ~~(3) (f)~~
2731 on or after July 1, 2021 ~~2016~~, if the other requirements of this
2732 section are met.

2733 (b) Tax credits carried forward under paragraph (4) (d)
2734 ~~(4) (e)~~ remain valid for the period specified.

2735 (c) Subsections (5), (9), ~~(8)~~ and (10) ~~(9)~~ shall remain in
2736 effect until July 1, 2026 ~~July 1, 2021~~.



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2737 Section 28. Beginning October 1, 2015, if an application is
2738 on file with the Department of Economic Opportunity to receive a
2739 tax credit through the entertainment industry program under s.
2740 288.1254, Florida Statutes, and the application has not been
2741 certified for a tax credit award under current s.
2742 288.1254(3)(d), Florida Statutes, by the department, the
2743 application is deemed denied.

2744 Section 29. Effective October 1, 2015, section 288.1256,
2745 Florida Statutes, is created to read:

2746 288.1256 Entertainment action fund.—

2747 (1) The entertainment action fund is created within the
2748 department in order to respond to extraordinary opportunities
2749 and to compete effectively with other states to attract and
2750 retain production companies and to provide favorable conditions
2751 for the growth of the entertainment industry in this state.

2752 (2) As used in this section, the term:

2753 (a) "Division" means the Division of Film and Entertainment
2754 within Enterprise Florida, Inc.

2755 (b) "Principal photography" means the filming of major or
2756 significant components of the project which involve lead actors.

2757 (c) "Production" means a theatrical, direct-to-video, or
2758 direct-to-Internet motion picture; a made-for-television motion
2759 picture; visual effects or digital animation sequences produced
2760 in conjunction with a motion picture; a commercial; a music
2761 video; an industrial or educational film; an infomercial; a
2762 documentary film; a television pilot program; a presentation for
2763 a television pilot program; a television series, including, but
2764 not limited to, a drama, a reality show, a comedy, a soap opera,
2765 a telenovela, a game show, an awards show, or a miniseries



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2766 production; a direct-to-Internet television series; or a digital
2767 media project by the entertainment industry. One season of a
2768 television series is considered one production. The term does
2769 not include a weather or market program; a sporting event or a
2770 sporting event broadcast; a gala; a production that solicits
2771 funds; a home shopping program; a political program; a political
2772 documentary; political advertising; a gambling-related project
2773 or production; a concert production; a local, regional, or
2774 Internet-distributed-only news show or current-events show; a
2775 sports news or sports recap show; a pornographic production; or
2776 any production deemed obscene under chapter 847. A production
2777 may be produced on or by film, tape, or otherwise by means of a
2778 motion picture camera; electronic camera or device; tape device;
2779 computer; any combination of the foregoing; or any other means,
2780 method, or device.

2781 (d) "Production company" means a corporation, limited
2782 liability company, partnership, or other legal entity engaged in
2783 one or more productions in this state.

2784 (e) "Production expenditures" means the costs of tangible
2785 and intangible property used for, and services performed
2786 primarily and customarily in, production, including
2787 preproduction and postproduction, but excluding costs for
2788 development, marketing, and distribution. The term includes, but
2789 is not limited to:

2790 1. Wages, salaries, or other compensation paid to legal
2791 residents of this state, including amounts paid through payroll
2792 service companies, for technical and production crews,
2793 directors, producers, and performers.

2794 2. Net expenditures for sound stages, backlots, production



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2795 editing, digital effects, sound recordings, sets, and set
2796 construction.

2797 3. Net expenditures for rental equipment, including, but
2798 not limited to, cameras and grip or electrical equipment.

2799 4. Up to \$300,000 of the costs of newly purchased computer
2800 software and hardware unique to the project, including servers,
2801 data processing, and visualization technologies, which are
2802 located in and used exclusively in this state for the production
2803 of digital media.

2804 5. Expenditures for meals, travel, and accommodations. As
2805 used in this paragraph, the term "net expenditures" means the
2806 actual amount of money a project spent for equipment or other
2807 tangible personal property, after subtracting any consideration
2808 received for reselling or transferring the item after the
2809 production ends, if applicable.

2810 (f) "Project" means a production in this state meeting the
2811 requirements of this section. The term does not include a
2812 production:

2813 1. In which less than 70 percent of the positions that make
2814 up its production cast and below-the-line production crew are
2815 filled by legal residents of this state, whose residency is
2816 demonstrated by a valid Florida driver license or other state-
2817 issued identification confirming residency, or students enrolled
2818 full-time in an entertainment-related course of study at an
2819 institution of higher education in this state; or

2820 2. That contains obscene content as defined in s.
2821 847.001(10).

2822 (g) "Qualified expenditures" means production expenditures
2823 incurred in this state by a production company for:



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2824 1. Goods purchased or leased from, or services, including,
2825 but not limited to, insurance costs and bonding, payroll
2826 services, and legal fees, which are provided by a vendor or
2827 supplier in this state that is registered with the Department of
2828 State or the Department of Revenue, has a physical location in
2829 this state, and employs one or more legal residents of this
2830 state. This does not include rebilled goods or services provided
2831 by an in-state company from out-of-state vendors or suppliers.
2832 When services provided by the vendor or supplier include
2833 personal services or labor, only personal services or labor
2834 provided by residents of this state, evidenced by the required
2835 documentation of residency in this state, qualify.

2836 2. Payments to legal residents of this state in the form of
2837 salary, wages, or other compensation up to a maximum of \$400,000
2838 per resident unless otherwise specified in subsection (4). A
2839 completed declaration of residency in this state must accompany
2840 the documentation submitted to the department for reimbursement.

2841
2842 For a project involving an event, such as an awards show, the
2843 term does not include expenditures solely associated with the
2844 event itself and not directly required by the production. The
2845 term does not include expenditures incurred before the agreement
2846 is signed. The production company may not include in the
2847 calculation for qualified expenditures the original purchase
2848 price for equipment or other tangible property that is later
2849 sold or transferred by the production company for consideration.
2850 In such cases, the qualified expenditure is the net of the
2851 original purchase price minus the consideration received upon
2852 sale or transfer.



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2853 (h) "Underutilized county" means a county in which less
2854 than \$500,000 in qualified expenditures were made in the last 2
2855 fiscal years.

2856 (3) A production company may apply for funds from the
2857 entertainment action fund for a production or successive seasons
2858 of a production. The department and the division shall jointly
2859 review and evaluate applications to determine the eligibility of
2860 each project consistent with the requirements of this section.
2861 The department shall select projects that maximize the return to
2862 the state.

2863 (4) The department and the division, in their review and
2864 evaluation of applications, must consider the following
2865 criteria, with priority given in descending order, with the
2866 highest priority given to paragraph (a):

2867 (a) The number of state residents that will be employed in
2868 full-time equivalent and part-time positions related to the
2869 project and the duration of such employment and the average
2870 wages paid to such residents. Preference shall be given to a
2871 project that expects to pay higher than the statewide average
2872 wage.

2873 (b) The amount of qualified and nonqualified expenditures
2874 that will be made in this state.

2875 (c) Planned or executed contracts with production
2876 facilities or soundstages in this state and the percentage of
2877 principal photography or production activity that will occur at
2878 each location.

2879 (d) Planned preproduction and postproduction to occur in
2880 this state.

2881 (e) The amount of capital investment, especially fixed



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2882 capital investment, to be made directly by the production
2883 company in this state related to the project and the amount of
2884 any other capital investment to be made in this state related to
2885 the project.

2886 (f) The duration of the project in this state.

2887 (g) The amount and duration of principal photography or
2888 production activity that will occur in an underutilized county.

2889 (h) The amount of promotion of Florida that the production
2890 company will provide for the state. This includes marketing
2891 materials promoting this state as a tourist destination or a
2892 film and entertainment production destination; placement of
2893 state agency logos in the production and credits; permitted use
2894 of production assets, characters, and themes by this state;
2895 promotional videos for this state included on optical disc
2896 formats; and other marketing integration.

2897 (i) The employment of students enrolled full-time in an
2898 entertainment-related course of study at an institution of
2899 higher education in this state or of graduates from such an
2900 institution within 12 months after graduation.

2901 (j) Plans to work with entertainment industry-related
2902 courses of study at an institution of higher education in this
2903 state.

2904 (k) The local support and any financial commitment for the
2905 project.

2906 (l) The project is about this state or shows this state in
2907 a positive light.

2908 (m) A review of the production company's past activities in
2909 this state or other states.

2910 (n) The length of time the production company has made



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2911 productions in this state, the number of productions the
2912 production company has made in this state, and the production
2913 company's overall commitment to this state. This includes a
2914 production company that is based in this state.

2915 (o) Expected contributions to this state's economy,
2916 consistent with the state strategic economic development plan
2917 prepared by the department.

2918 (p) The expected effect of the award on the viability of
2919 the project and the probability that the project would be
2920 undertaken in this state if funds are granted to the production
2921 company.

2922 (5) A production company must have financing in place for a
2923 project before it applies for funds under this section.

2924 (6) The department shall prescribe a form upon which an
2925 application must be made. At a minimum, the application must
2926 include:

2927 (a) The applicant's federal employer identification number,
2928 reemployment assistance account number, and state sales tax
2929 registration number, as applicable. If such numbers are not
2930 available at the time of application, they must be submitted to
2931 the department in writing before the disbursement of any
2932 payments.

2933 (b) The signature of the applicant.

2934 (c) A detailed budget of planned qualified and nonqualified
2935 expenditures in this state.

2936 (d) The type and amount of capital investment that will be
2937 made in this state.

2938 (e) The locations in this state at which the project will
2939 occur.



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2940 (f) The anticipated commencement date and duration of the
2941 project.

2942 (g) The proposed number of state residents and nonstate
2943 residents that will be employed in full-time equivalent and
2944 part-time positions related to the project and wages paid to
2945 such persons.

2946 (h) The total number of full-time equivalent employees
2947 employed by the production company in this state, if applicable.

2948 (i) Proof of financing for the project.

2949 (j) The amount of promotion of Florida that the production
2950 company will provide for the state.

2951 (k) An attestation verifying that the information provided
2952 on the application is true and accurate.

2953 (l) Any additional information requested by the department
2954 or division.

2955 (7) The department must make a recommendation to the
2956 Governor to approve or deny an award within 7 days after
2957 completion of the review and evaluation. An award of funds may
2958 not constitute more than 30 percent of qualified expenditures in
2959 this state and may not fund wages paid to nonresidents. A
2960 production must start within 1 year after the date the project
2961 is approved by the Governor. The recommendation must include the
2962 performance conditions that the project must meet to obtain
2963 funds.

2964 (a) The Governor may approve projects without consulting
2965 the Legislature for projects requiring less than \$2 million in
2966 funding.

2967 (b) For projects requiring funding in the amount of \$2
2968 million to \$5 million, the Governor shall provide a written



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2969 description and evaluation of a project recommended for approval
2970 to the chair and vice chair of the Legislative Budget Commission
2971 at least 10 days before giving final approval for the project.
2972 The recommendation must include the performance conditions that
2973 the project must meet in order to obtain funds.

2974 (c) If the chair or vice chair of the Legislative Budget
2975 Commission or the President of the Senate or the Speaker of the
2976 House of Representatives timely advises the Executive Office of
2977 the Governor, in writing, that such action or proposed action
2978 exceeds the delegated authority of the Executive Office of the
2979 Governor or is contrary to legislative policy or intent, the
2980 Executive Office of the Governor shall void the release of funds
2981 and instruct the department to immediately change such action or
2982 proposed action until the Legislative Budget Commission or the
2983 Legislature addresses the issue.

2984 (d) Any project exceeding \$5 million must be approved by
2985 the Legislative Budget Commission before the funding is
2986 released.

2987 (8) Upon the approval of the Governor, the department and
2988 the production company shall enter into an agreement that
2989 specifies, at a minimum:

2990 (a) The total amount of funds awarded and the schedule of
2991 payment.

2992 (b) The performance conditions for payment of moneys from
2993 the fund, including full- and part-time employment in this
2994 state; wages paid in this state; capital investment in this
2995 state, including fixed capital investment; marketing and
2996 promotion in this state; the date by which production must start
2997 and the duration of production; and the amount of qualified



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2998 expenditures in this state.
2999 (c) The methodology for validating performance and the date
3000 by which the production company must submit proof of performance
3001 to the department.
3002 (d) That the department may review and verify any records
3003 of the production company to ascertain whether that company is
3004 in compliance with this section and the agreement.
3005 (e) Sanctions for failure to meet performance conditions.
3006 (f) That payment of moneys from the fund is contingent upon
3007 sufficient appropriation of funds by the Legislature.
3008 (9) The agreement must be finalized and signed by an
3009 authorized officer of the production company within 90 days
3010 after the Governor's approval. A production company that is
3011 approved under this section may not simultaneously receive
3012 benefits under ss. 288.1254 and 288.1258 for the same
3013 production.
3014 (10) The department shall validate contractor performance
3015 and report such validation in the annual report required under
3016 s. 288.1254.
3017 (11) Contingent upon an annual appropriation by the
3018 Legislature, the department may not approve awards in excess of
3019 the amount appropriated for a fiscal year. The department must
3020 maintain a schedule of funds to be paid from the appropriation
3021 for the fiscal year that begins on July 1. For the first 6
3022 months of each fiscal year, the department shall set aside 50
3023 percent of the amount appropriated for the fund by the
3024 Legislature. At the end of the 6-month period, these funds may
3025 be used to provide funding for any project that qualifies under
3026 this section.



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3027 (12) A production company that submits fraudulent
3028 information under this section is liable for reimbursement of
3029 the reasonable costs and fees associated with the review,
3030 processing, investigation, and prosecution of the fraudulent
3031 claim. A production company that receives a payment under this
3032 section through a claim that is fraudulent is liable for
3033 reimbursement of the payment amount, plus a penalty in an amount
3034 double the payment amount. The penalty is in addition to any
3035 criminal penalty for which the production company is liable for
3036 the same acts. The production company is also liable for costs
3037 and fees incurred by the state in investigating and prosecuting
3038 the fraudulent claim.

3039 (13) The department may not waive any provision or provide
3040 an extension of time to meet any requirement of this section.

3041 (14) This section expires on July 1, 2025. An agreement in
3042 existence on that date shall continue in effect in accordance
3043 with its terms.

3044 Section 30. Section 288.1258, Florida Statutes, is amended
3045 to read:

3046 288.1258 Entertainment industry qualified production
3047 companies; application procedure; categories; duties of the
3048 Department of Revenue; records and reports.—

3049 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

3050 (a) Any production company engaged in this state in the
3051 production of motion pictures, made-for-TV motion pictures,
3052 television series, commercial advertising, music videos, or
3053 sound recordings may submit an application to the Department of
3054 Revenue to be approved by the Department of Economic Opportunity
3055 ~~Office of Film and Entertainment~~ as a qualified production



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3056 company for the purpose of receiving a sales and use tax
3057 certificate of exemption from the Department of Revenue to
3058 exempt purchases on or after the date a complete application is
3059 filed with the Department of Revenue for exemptions under ss.
3060 212.031, 212.06, and 212.08.

3061 (b) As used in ~~For the purposes of~~ this section, the term
3062 "qualified production company" means any production company that
3063 has submitted a properly completed application to the Department
3064 of Revenue and that is subsequently qualified by the Department
3065 of Economic Opportunity ~~Office of Film and Entertainment.~~

3066 (2) APPLICATION PROCEDURE.—

3067 (a) The Department of Revenue shall ~~will~~ review all
3068 submitted applications for the required information. Within 10
3069 working days after the receipt of a properly completed
3070 application, the Department of Revenue shall ~~will~~ forward the
3071 completed application to the Department of Economic Opportunity
3072 ~~Office of Film and Entertainment~~ for approval.

3073 (b)1. The Department of Economic Opportunity ~~Office of Film~~
3074 ~~and Entertainment~~ shall establish a process by which an
3075 entertainment industry production company may be approved by the
3076 department ~~office~~ as a qualified production company and may
3077 receive a certificate of exemption from the Department of
3078 Revenue for the sales and use tax exemptions under ss. 212.031,
3079 212.06, and 212.08. A production company that is approved under
3080 this section may not simultaneously receive benefits under ss.
3081 288.1254 and 288.1256 for the same production.

3082 2. Upon determination by the department ~~Office of Film and~~
3083 ~~Entertainment~~ that a production company meets the established
3084 approval criteria and qualifies for exemption, the department



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3085 ~~Office of Film and Entertainment~~ shall return the approved
3086 application or application renewal or extension to the
3087 Department of Revenue, which shall issue a certificate of
3088 exemption.

3089 3. The department ~~Office of Film and Entertainment~~ shall
3090 deny an application or application for renewal or extension from
3091 a production company if it determines that the production
3092 company does not meet the established approval criteria.

3093 (c) The department ~~Office of Film and Entertainment~~ shall
3094 develop, with the cooperation of the Department of Revenue, the
3095 Division of Film and Entertainment within Enterprise Florida,
3096 Inc., and local government entertainment industry promotion
3097 agencies, a standardized application form for use in approving
3098 qualified production companies.

3099 1. The application form shall include, but not be limited
3100 to, production-related information on employment, proposed
3101 budgets, planned purchases of items exempted from sales and use
3102 taxes under ss. 212.031, 212.06, and 212.08, a signed
3103 affirmation from the applicant that any items purchased for
3104 which the applicant is seeking a tax exemption are intended for
3105 use exclusively as an integral part of entertainment industry
3106 preproduction, production, or postproduction activities engaged
3107 in primarily in this state, and a signed affirmation from the
3108 department ~~Office of Film and Entertainment~~ that the information
3109 on the application form has been verified and is correct. In
3110 lieu of information on projected employment, proposed budgets,
3111 or planned purchases of exempted items, a production company
3112 seeking a 1-year certificate of exemption may submit summary
3113 historical data on employment, production budgets, and purchases



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3114 of exempted items related to production activities in this
3115 state. Any information gathered from production companies for
3116 the purposes of this section shall be considered confidential
3117 taxpayer information and shall be disclosed only as provided in
3118 s. 213.053.

3119 2. The application form may be distributed to applicants by
3120 the department, the Division Office of Film and Entertainment,
3121 or local film commissions.

3122 (d) All applications, renewals, and extensions for
3123 designation as a qualified production company shall be processed
3124 by the department Office of Film and Entertainment.

3125 (e) If ~~In the event that~~ the Department of Revenue
3126 determines that a production company no longer qualifies for a
3127 certificate of exemption, or has used a certificate of exemption
3128 for purposes other than those authorized by this section and
3129 chapter 212, the Department of Revenue shall revoke the
3130 certificate of exemption of that production company, and any
3131 sales or use taxes exempted on items purchased or leased by the
3132 production company during the time such company did not qualify
3133 for a certificate of exemption or improperly used a certificate
3134 of exemption shall become immediately due to the Department of
3135 Revenue, along with interest and penalty as provided by s.
3136 212.12. In addition to the other penalties imposed by law, any
3137 person who knowingly and willfully falsifies an application, or
3138 uses a certificate of exemption for purposes other than those
3139 authorized by this section and chapter 212, commits a felony of
3140 the third degree, punishable as provided in ss. 775.082,
3141 775.083, and 775.084.

3142 (3) CATEGORIES.—



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3143 (a)1. A production company may be qualified for designation
3144 as a qualified production company for a period of 1 year if the
3145 company has operated a business in Florida at a permanent
3146 address for a period of 12 consecutive months. Such a qualified
3147 production company shall receive a single 1-year certificate of
3148 exemption from the Department of Revenue for the sales and use
3149 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3150 certificate shall expire 1 year after issuance or upon the
3151 cessation of business operations in the state, at which time the
3152 certificate shall be surrendered to the Department of Revenue.

3153 2. ~~The Office of Film and Entertainment shall develop a~~
3154 ~~method by which~~ A qualified production company may submit a new
3155 application for annually renew a 1-year certificate of exemption
3156 upon the expiration of that company's certificate of exemption;
3157 however, upon approval of the department, such qualified
3158 production company may annually renew the 1-year certificate of
3159 exemption for a period of up to 5 years without submitting
3160 ~~requiring the production company to resubmit~~ a new application
3161 during that 5-year period.

3162 3. Each year, or upon surrender of the certificate of
3163 exemption to the Department of Revenue, the Any qualified
3164 production company shall may submit to the department aggregate
3165 data for production-related information on employment,
3166 expenditures in this state, capital investment, and purchases of
3167 items exempted from sales and use taxes under ss. 212.031,
3168 212.06, and 212.08 for inclusion in the annual report required
3169 under subsection (5) ~~a new application for a 1-year certificate~~
3170 ~~of exemption upon the expiration of that company's certificate~~
3171 ~~of exemption.~~



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3172 (b)1. A production company may be qualified for designation
3173 as a qualified production company for a period of 90 days. Such
3174 production company shall receive a single 90-day certificate of
3175 exemption from the Department of Revenue for the sales and use
3176 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3177 certificate shall expire 90 days after issuance or upon the
3178 cessation of business operations in the state, at which time,
3179 ~~with extensions contingent upon approval of the Office of Film~~
3180 ~~and Entertainment.~~ the certificate shall be surrendered to the
3181 Department of Revenue ~~upon its expiration.~~

3182 2. A qualified production company may submit a new
3183 application for a 90-day certificate of exemption each quarter
3184 upon the expiration of that company's certificate of exemption;
3185 however, upon approval of the department, such qualified
3186 production company may renew the 90-day certificate of exemption
3187 for a period of up to 1 year without submitting a new
3188 application during that 1-year period.

3189 3.2. Each 90 days, or upon surrender of the certificate of
3190 exemption to the Department of Revenue, the qualified Any
3191 production company shall may submit to the department aggregate
3192 data for production-related information on employment,
3193 expenditures in this state, capital investment, and purchases of
3194 items exempted from sales and use taxes under ss. 212.031,
3195 212.06, and 212.08 for inclusion in the annual report required
3196 under subsection (5) a new application for a 90-day certificate
3197 of exemption upon the expiration of that company's certificate
3198 of exemption.

3199 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

3200 (a) The Department of Revenue shall review the initial



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3201 application and notify the applicant of any omissions and
3202 request additional information if needed. An application shall
3203 be complete upon receipt of all requested information. The
3204 Department of Revenue shall forward all complete applications to
3205 the department ~~Office of Film and Entertainment~~ within 10
3206 working days.

3207 (b) The Department of Revenue shall issue a numbered
3208 certificate of exemption to a qualified production company
3209 within 5 working days of the receipt of an approved application,
3210 application renewal, or application extension from the
3211 department ~~Office of Film and Entertainment~~.

3212 (c) The Department of Revenue may adopt ~~promulgate~~ such
3213 rules and shall prescribe and publish such forms as may be
3214 necessary to effectuate the purposes of this section or any of
3215 the sales tax exemptions which are reasonably related to the
3216 provisions of this section.

3217 (d) The Department of Revenue is authorized to establish
3218 audit procedures in accordance with the provisions of ss.
3219 212.12, 212.13, and 213.34 which relate to the sales tax
3220 exemption provisions of this section.

3221 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3222 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
3223 ~~Office of Film and Entertainment~~ shall keep annual records from
3224 the information provided on taxpayer applications for tax
3225 exemption certificates and regularly reported as required in
3226 this section beginning January 1, 2001. These records also must
3227 reflect a ratio of the annual amount of sales and use tax
3228 exemptions under this section, plus the tax credits ~~incentives~~
3229 awarded pursuant to s. 288.1254 to the estimated amount of funds



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3230 expended by certified productions. In addition, the department
3231 ~~office~~ shall maintain data showing annual growth in Florida-
3232 based entertainment industry companies and entertainment
3233 industry employment and wages. The employment information must
3234 include ~~an estimate of~~ the full-time equivalent positions
3235 created by each production that received tax credits pursuant to
3236 s. 288.1254. The department ~~Office of Film and Entertainment~~
3237 shall include this information in the annual report for the
3238 entertainment industry ~~financial incentive~~ program required
3239 under s. 288.1254~~(10)~~.

3240 Section 31. Paragraph (b) of subsection (5) of section
3241 288.901, Florida Statutes, is amended to read:

3242 288.901 Enterprise Florida, Inc.—

3243 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3244 (b) In making their appointments, the Governor, the
3245 President of the Senate, and the Speaker of the House of
3246 Representatives shall ensure that the composition of the board
3247 of directors reflects the diversity of Florida's business
3248 community and is representative of the economic development
3249 goals in subsection (2). The board must include at least one
3250 director for each of the following areas of expertise:
3251 international business, tourism marketing, the space or
3252 aerospace industry, managing or financing a minority-owned
3253 business, manufacturing, finance and accounting, rural economic
3254 development, and sports marketing.

3255 Section 32. Subsection (5) is added to section 288.905,
3256 Florida Statutes, to read:

3257 288.905 President and employees of Enterprise Florida,
3258 Inc.—



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3259 (5) For a period of 2 years following vacation of office, a
3260 former president may not receive compensation for personally
3261 representing before the legislative or executive branch of state
3262 government an entity that applied for funding, received state
3263 funds, or negotiated with Enterprise Florida, Inc., for the
3264 receipt of state funds, regardless of whether the entity
3265 actually received any state funds.

3266 Section 33. The changes made to s. 288.905, Florida
3267 Statutes, apply only to presidents who are appointed or
3268 reappointed on or after July 1, 2015.

3269 Section 34. Effective October 1, 2015, subsection (1) of
3270 section 288.92, Florida Statutes, is amended to read:

3271 288.92 Divisions of Enterprise Florida, Inc.—

3272 (1) Enterprise Florida, Inc., may create and dissolve
3273 divisions as necessary to carry out its mission. Each division
3274 shall have distinct responsibilities and complementary missions.
3275 At a minimum, Enterprise Florida, Inc., shall have divisions
3276 related to the following areas:

3277 (a) International Trade and Business Development;

3278 (b) Business Retention and Recruitment;

3279 (c) Tourism Marketing;

3280 (d) Minority Business Development; ~~and~~

3281 (e) Sports Industry Development; and

3282 (f) Film and Entertainment.

3283 Section 35. Subsection (1) of section 288.9622, Florida
3284 Statutes, is amended to read:

3285 288.9622 Findings and intent.—

3286 (1) The Legislature finds and declares that there is a need
3287 to increase the availability of seed capital and early stage



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3288 venture equity capital for emerging companies in the state,
3289 including, without limitation, enterprises in life sciences,
3290 information technology, advanced manufacturing processes,
3291 aviation and aerospace, ~~and~~ homeland security and defense,
3292 improvement of water quality and safety, and agricultural
3293 enhancements and protections, as well as other strategic
3294 technologies.

3295 Section 36. Paragraph (d) of subsection (4) of section
3296 288.9624, Florida Statutes, is amended to read:

3297 288.9624 Florida Opportunity Fund; creation; duties.-

3298 (4) For the purpose of mobilizing investment in a broad
3299 variety of Florida-based, new technology companies and
3300 generating a return sufficient to continue reinvestment, the
3301 fund shall:

3302 (d) Invest only in funds, businesses, and infrastructure
3303 projects that have raised capital from other sources so that the
3304 amount invested in such funds, businesses, or infrastructure
3305 projects is at least twice the amount invested by the fund.
3306 Direct investments must be made in Florida infrastructure
3307 projects or businesses that are Florida-based or have
3308 significant business activities in Florida and operate in
3309 technology sectors that are strategic to Florida, including, but
3310 not limited to, enterprises in life sciences, information
3311 technology, advanced manufacturing processes, aviation and
3312 aerospace, ~~and~~ homeland security and defense, improvement of
3313 water quality and safety, and agricultural enhancements and
3314 protections, as well as other strategic technologies.

3315
3316 The Opportunity Fund may not use its original legislative



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3317 appropriation of \$29.5 million for direct investments, including
3318 loans, in businesses or infrastructure projects, or for any
3319 purpose not specified in chapter 2007-189, Laws of Florida.

3320 Section 37. Paragraph (c) of subsection (3) and subsection
3321 (4) of section 288.980, Florida Statutes, are amended to read:

3322 288.980 Military base retention; legislative intent; grants
3323 program.—

3324 (3)

3325 (c) The department shall require that an applicant:

3326 1. Represent a local government with a military
3327 installation or military installations that could be adversely
3328 affected by federal actions.

3329 ~~2. Agree to match at least 30 percent of any grant awarded.~~

3330 ~~3.~~ Prepare a coordinated program or plan of action
3331 delineating how the eligible project will be administered and
3332 accomplished.

3333 ~~3.4.~~ Provide documentation describing the potential for
3334 changes to the mission of a military installation located in the
3335 applicant's community and the potential impacts such changes
3336 will have on the applicant's community.

3337 (4) The Florida Defense Reinvestment Grant Program is
3338 established to respond to the need for this state to work in
3339 conjunction with defense-dependent communities in developing and
3340 implementing strategies and approaches that will help
3341 communities support the missions of military installations, and
3342 in developing and implementing alternative economic
3343 diversification strategies to transition from a defense economy
3344 to a nondefense economy. The department shall administer the
3345 program.



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3346 (a) Eligible applicants include defense-dependent counties
3347 and cities, and local economic development councils located
3348 within such communities. ~~The program shall be administered by~~
3349 ~~the department and~~ Grant awards may be provided to support
3350 community-based activities that:

3351 1.~~(a)~~ Protect existing military installations;

3352 2.~~(b)~~ Diversify or grow the economy of a defense-dependent
3353 community; or

3354 3.~~(c)~~ Develop plans for the reuse of closed or realigned
3355 military installations, including any plans necessary for
3356 infrastructure improvements needed to facilitate reuse and
3357 related marketing activities.

3358 (b) Applications for grants under paragraph (a) ~~this~~
3359 ~~subsection~~ must include a coordinated program of work or plan of
3360 action delineating how the eligible project will be administered
3361 and accomplished, which must include a plan for ensuring close
3362 cooperation between civilian and military authorities in the
3363 conduct of the funded activities and a plan for public
3364 involvement. An applicant must agree to match at least 30
3365 percent of any grant awarded.

3366 (c) An eligible applicant may also be a business in the
3367 defense and space industry. Grant awards may be provided to
3368 support technological competitiveness activities. For purposes
3369 of this paragraph, the term "technological competitiveness
3370 activities" includes equipment purchases, upgrades, or
3371 replacement. Applications for grants under this paragraph must
3372 include a plan of action delineating how the eligible project
3373 will be administered and accomplished.

3374 Section 38. Section 288.9937, Florida Statutes, is amended



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3375 to read:

3376 288.9937 Evaluation of programs.—The Office of Economic and
3377 Demographic Research and the Office of Program Policy Analysis
3378 and Government Accountability shall analyze and ~~evaluate, and~~
3379 ~~determine the economic benefits, as defined in s. 288.005, of~~
3380 the first 3 years of the Microfinance Loan Program and the
3381 Microfinance Guarantee Program. The analysis by the Office of
3382 Economic and Demographic Research must ~~also~~ determine the
3383 economic benefits, as defined in s. 288.005, evaluate the number
3384 of jobs created, the increase or decrease in personal income,
3385 and the impact on state gross domestic product from the direct,
3386 indirect, and induced effects of the state's investment. The
3387 analysis by the Office of Program Policy Analysis and Government
3388 Accountability must ~~also~~ identify any inefficiencies in the
3389 programs and provide recommendations for changes to the
3390 programs. Each ~~The~~ office shall submit a report to the President
3391 of the Senate and the Speaker of the House of Representatives by
3392 January 15 ~~1~~, 2018. This section expires January 31, 2018.

3393 Section 39. Subsection (3) of section 420.5087, Florida
3394 Statutes, is amended to read:

3395 420.5087 State Apartment Incentive Loan Program.—There is
3396 hereby created the State Apartment Incentive Loan Program for
3397 the purpose of providing first, second, or other subordinated
3398 mortgage loans or loan guarantees to sponsors, including for-
3399 profit, nonprofit, and public entities, to provide housing
3400 affordable to very-low-income persons.

3401 (3) During the first 6 months of loan or loan guarantee
3402 availability, program funds shall be reserved for use by
3403 sponsors who provide the housing set-aside required in



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3404 subsection (2) for the tenant groups designated in this
3405 subsection. The reservation of funds to each of these groups
3406 shall be determined using the most recent statewide very-low-
3407 income rental housing market study available at the time of
3408 publication of each notice of fund availability required by
3409 paragraph (6) (b). The reservation of funds within each notice of
3410 fund availability to the tenant groups in paragraphs (b)-(e)
3411 ~~(a), (b), and (e)~~ may not be less than 10 percent of the funds
3412 available at that time. Any increase in funding required to
3413 reach the 10-percent minimum must be taken from the tenant group
3414 that has the largest reservation. The reservation of funds
3415 within each notice of fund availability to the tenant group in
3416 paragraph (a) ~~(e)~~ may not be less than 5 percent of the funds
3417 available at that time. ~~The reservation of funds within each~~
3418 ~~notice of fund availability to the tenant group in paragraph (d)~~
3419 ~~may not be more than 10 percent of the funds available at that~~
3420 ~~time.~~ The tenant groups are:

- 3421 (a) Commercial fishing workers and farmworkers;
- 3422 (b) Families;
- 3423 (c) Persons who are homeless;
- 3424 (d) Persons with special needs; and
- 3425 (e) Elderly persons. Ten percent of the amount reserved for
3426 the elderly shall be reserved to provide loans to sponsors of
3427 housing for the elderly for the purpose of making building
3428 preservation, health, or sanitation repairs or improvements
3429 which are required by federal, state, or local regulation or
3430 code, or lifesafety or security-related repairs or improvements
3431 to such housing. Such a loan may not exceed \$750,000 per housing
3432 community for the elderly. In order to receive the loan, the



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3433 sponsor of the housing community must make a commitment to match
3434 at least 5 percent of the loan amount to pay the cost of such
3435 repair or improvement. The corporation shall establish the rate
3436 of interest on the loan, which may not exceed 3 percent, and the
3437 term of the loan, which may not exceed 15 years; however, if the
3438 lien of the corporation's encumbrance is subordinate to the lien
3439 of another mortgagee, then the term may be made coterminous with
3440 the longest term of the superior lien. The term of the loan
3441 shall be based on a credit analysis of the applicant. The
3442 corporation may forgive indebtedness for a share of the loan
3443 attributable to the units in a project reserved for extremely-
3444 low-income elderly by nonprofit organizations, as defined in s.
3445 420.0004(5), where the project has provided affordable housing
3446 to the elderly for 15 years or more. The corporation shall
3447 establish, by rule, the procedure and criteria for receiving,
3448 evaluating, and competitively ranking all applications for loans
3449 under this paragraph. A loan application must include evidence
3450 of the first mortgagee's having reviewed and approved the
3451 sponsor's intent to apply for a loan. A nonprofit organization
3452 or sponsor may not use the proceeds of the loan to pay for
3453 administrative costs, routine maintenance, or new construction.

3454 Section 40. Section 420.57, Florida Statutes, is created to
3455 read:

3456 420.57 Affordable and Workforce Housing for Essential
3457 Service Personnel in the Florida Keys Area of Critical State
3458 Concern.—

3459 (1) This section provides incentives and authorizes a
3460 process for providing affordable rental opportunities for
3461 essential services personnel in the Florida Keys Area of



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3462 Critical State Concern who are affected by the area's uniquely
3463 high housing costs.

3464 (2) For purposes of this section, the term:

3465 (a) "Corporation" means the Florida Housing Finance
3466 Corporation.

3467 (b) "Essential services personnel" means persons in need of
3468 affordable housing who are considered essential services
3469 personnel as defined by Monroe County in its local housing
3470 assistance plan pursuant to s. 420.9075(3)(a).

3471 (c) "Florida Keys" or "Keys" means the Florida Keys Area of
3472 Critical State Concern designated by the Florida Keys Area
3473 Protection Act in s. 380.0552.

3474 (d) "Project" means the construction or rehabilitation of
3475 workforce housing by a qualified developer at a single site or
3476 scattered sites and where the qualified developer demonstrates
3477 ownership or control of all of the parcels.

3478 (e) "Workforce housing" means multifamily rental housing
3479 affordable to persons or households whose income does not exceed
3480 140 percent of the area median income for Monroe County
3481 established by the United States Department of Housing and Urban
3482 Development.

3483 (3) The corporation may provide low-interest loans for
3484 construction or rehabilitation of workforce housing in the
3485 Florida Keys Area of Critical State Concern, provided that the
3486 loans:

3487 (a) Do not exceed the lesser of 50 percent of development
3488 costs as defined in s. 420.503(13) or the minimum amount
3489 required to make the project economically feasible.

3490 (b) Bear interest rates of 1 to 3 percent, where long-term



3491 affordability is provided and guaranteed for units set aside for
3492 workforce housing for essential services personnel.

3493 (4) The corporation shall select projects for funding by
3494 competitive solicitation as provided in s. 420.507(48),
3495 including consideration of factors contained in s. 420.5087.

3496 (5) All eligible applications must demonstrate the
3497 following:

3498 (a) Rents for all workforce housing serving those with
3499 incomes at or below 140 percent of area median income at the
3500 appropriate income level using the restricted rents for the
3501 federal low-income housing tax credit program. Such residences
3502 may not be used for transient occupancy, tourist housing, or
3503 vacation rentals.

3504 (b) The applicant proves it has site control of the
3505 proposed project site or sites and provides evidence that
3506 infrastructure sufficient to support the project is in place at
3507 the time of application.

3508 (6) Priority consideration for funding will be provided for
3509 projects that:

3510 (a) Set aside the highest percent of units for workforce
3511 housing.

3512 (b) Require the least amount of program funding compared to
3513 the overall housing cost of the project.

3514 (c) Show evidence of feasibility.

3515 (d) Demonstrate the economic viability of the project.

3516 (e) Include a commitment of first mortgage financing.

3517 (f) Are proposed by a developer with prior experience.

3518 (g) Reflect the developer's ability to proceed with
3519 construction.



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3520 (h) Have support from the local government, as defined in
3521 s. 420.503(22), through funding grants, fee waivers, donations
3522 of land, contributions, or other tangible assistance. Such
3523 grants, donations of land, or contributions must be evidenced by
3524 a letter of commitment, agreement, contract, deed, memorandum of
3525 understanding, or other written instrument at the time of
3526 application.

3527 (i) Are consistent with the workforce housing objectives
3528 and strategies in the local comprehensive plan and land
3529 development regulations.

3530 (j) Incorporate one or more of the following design
3531 features: green building principles, energy efficient and water
3532 saving features, storm-resistant construction, or other elements
3533 that reduce the long-term costs relating to maintenance,
3534 utilities, and insurance.

3535 (7) The corporation may adopt rules to implement this
3536 section.

3537 (8) The corporation may use a maximum of 2 percent of any
3538 funds appropriated for this program for costs of administration.

3539 Section 41. Paragraphs (a) and (b) of subsection (3) and
3540 subsections (4), (5), and (6) of section 420.622, Florida
3541 Statutes, are amended to read:

3542 420.622 State Office on Homelessness; Council on
3543 Homelessness.—

3544 (3) The State Office on Homelessness, pursuant to the
3545 policies set by the council and subject to the availability of
3546 funding, shall:

3547 (a) Coordinate among state, local, and private agencies and
3548 providers to produce a statewide consolidated inventory program



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3549 ~~and financial plan~~ for the state's entire system of homeless
3550 programs which incorporates regionally developed plans. Such
3551 programs include, but are not limited to:

3552 1. Programs authorized under the Stewart B. McKinney
3553 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
3554 and carried out under funds awarded to this state; and

3555 2. Programs, components thereof, or activities that assist
3556 persons who are homeless or at risk for homelessness.

3557 (b) Collect, maintain, and make available information
3558 concerning persons who are homeless or at risk for homelessness,
3559 including demographics information, current services and
3560 resources available, the cost and availability of services and
3561 programs, and the met and unmet needs of this population. All
3562 entities that receive state funding must provide access to all
3563 data they maintain in summary form, with no individual
3564 identifying information, to assist the council in providing this
3565 information. The State Office on Homelessness shall establish a
3566 task force to make recommendations regarding the implementation
3567 of a statewide Homeless Management Information System (HMIS).
3568 The task force shall define the conceptual framework of such a
3569 system; study existing statewide HMIS models; establish an
3570 inventory of local HMIS systems, including providers and license
3571 capacity; examine the aggregated reporting being provided by
3572 local continuums of care; complete an analysis of current
3573 continuum of care resources; and provide recommendations on the
3574 costs and benefits of implementing a statewide HMIS. The task
3575 force shall also make recommendations regarding the development
3576 of a statewide, centralized coordinated assessment system in
3577 conjunction with the implementation of a statewide HMIS. The



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3578 task force findings must be reported to the Council on
3579 Homelessness no later than December 31, 2015. ~~The council shall~~
3580 ~~explore the potential of creating a statewide Management~~
3581 ~~Information System (MIS), encouraging the future participation~~
3582 ~~of any bodies that are receiving awards or grants from the~~
3583 ~~state, if such a system were adopted, enacted, and accepted by~~
3584 ~~the state.~~

3585 (4) The State Office on Homelessness, with the concurrence
3586 of the Council on Homelessness, shall ~~may~~ accept and administer
3587 moneys appropriated to it to provide annual "Challenge Grants"
3588 to lead agencies of homeless assistance continuums of care
3589 designated by the State Office on Homelessness pursuant to s.
3590 420.624. The department shall establish varying levels of grant
3591 awards up to \$500,000 per lead agency. ~~Award levels shall be~~
3592 ~~based upon the total population within the continuum of care~~
3593 ~~catchment area and reflect the differing degrees of homelessness~~
3594 ~~in the catchment planning areas.~~ The department, in consultation
3595 with the Council on Homelessness, shall specify a grant award
3596 level in the notice of the solicitation of grant applications.

3597 (a) To qualify for the grant, a lead agency must develop
3598 and implement a local homeless assistance continuum of care plan
3599 for its designated catchment area. The continuum of care plan
3600 must implement a coordinated assessment or central intake system
3601 to screen, assess, and refer persons seeking assistance to the
3602 appropriate service provider. The lead agency shall also
3603 document the commitment of local government and private
3604 organizations to provide matching funds or in-kind support in an
3605 amount equal to the grant requested. Expenditures of leveraged
3606 funds or resources, including third-party cash or in-kind



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3607 contributions, are permitted only for eligible activities
3608 committed on one project which have not been used as leverage or
3609 match for any other project or program and must be certified
3610 through a written commitment.

3611 (b) Preference must be given to those lead agencies that
3612 have demonstrated the ability of their continuum of care to
3613 provide quality services to homeless persons and the ability to
3614 leverage federal homeless-assistance funding under the Stewart
3615 B. McKinney Act and private funding for the provision of
3616 services to homeless persons.

3617 (c) Preference must be given to lead agencies in catchment
3618 areas with the greatest need for the provision of housing and
3619 services to the homeless, relative to the population of the
3620 catchment area.

3621 (d) The grant may be used to fund any of the housing,
3622 program, or service needs included in the local homeless
3623 assistance continuum of care plan. The lead agency may allocate
3624 the grant to programs, services, or housing providers that
3625 implement the local homeless assistance continuum care plan. The
3626 lead agency may provide subgrants to a local agency to implement
3627 programs or services or provide housing identified for funding
3628 in the lead agency's application to the department. A lead
3629 agency may spend a maximum of 8 percent of its funding on
3630 administrative costs.

3631 (e) The lead agency shall submit a final report to the
3632 department documenting the outcomes achieved by the grant in
3633 enabling persons who are homeless to return to permanent housing
3634 thereby ending such person's episode of homelessness.

3635 (5) The State Office on Homelessness, with the concurrence



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3636 of the Council on Homelessness, may administer moneys
3637 appropriated to it to provide homeless housing assistance grants
3638 annually to lead agencies for local homeless assistance
3639 continuum of care, as recognized by the State Office on
3640 Homelessness, to acquire, construct, or rehabilitate
3641 transitional or permanent housing units for homeless persons.
3642 These moneys shall consist of any sums that the state may
3643 appropriate, as well as money received from donations, gifts,
3644 bequests, or otherwise from any public or private source, which
3645 are intended to acquire, construct, or rehabilitate transitional
3646 or permanent housing units for homeless persons.

3647 (a) Grant applicants shall be ranked competitively.
3648 Preference must be given to applicants who leverage additional
3649 private funds and public funds, particularly federal funds
3650 designated for the acquisition, construction, or rehabilitation
3651 of transitional or permanent housing for homeless persons; who
3652 acquire, build, or rehabilitate the greatest number of units; or
3653 ~~and~~ who acquire, build, or rehabilitate in catchment areas
3654 having the greatest need for housing for the homeless relative
3655 to the population of the catchment area.

3656 (b) Funding for any particular project may not exceed
3657 \$750,000.

3658 (c) Projects must reserve, for a minimum of 10 years, the
3659 number of units acquired, constructed, or rehabilitated through
3660 homeless housing assistance grant funding to serve persons who
3661 are homeless at the time they assume tenancy.

3662 (d) No more than two grants may be awarded annually in any
3663 given local homeless assistance continuum of care catchment
3664 area.



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3665 (e) A project may not be funded which is not included in
3666 the local homeless assistance continuum of care plan, as
3667 recognized by the State Office on Homelessness, for the
3668 catchment area in which the project is located.

3669 (f) The maximum percentage of funds that the State Office
3670 on Homelessness and each applicant may spend on administrative
3671 costs is 5 percent.

3672 (6) The State Office on Homelessness, in conjunction with
3673 the Council on Homelessness, shall establish performance
3674 measures and specific objectives by which it may ~~to~~ evaluate the
3675 ~~effective~~ performance and outcomes of lead agencies that receive
3676 grant funds. Any funding through the State Office on
3677 Homelessness shall be distributed to lead agencies based on
3678 their overall performance and their achievement of specified
3679 objectives. Each lead agency for which grants are made under
3680 this section shall provide the State Office on Homelessness a
3681 thorough evaluation of the effectiveness of the program in
3682 achieving its stated purpose. In evaluating the performance of
3683 the lead agencies, the State Office on Homelessness shall base
3684 its criteria upon the program objectives, goals, and priorities
3685 that were set forth by the lead agencies in their proposals for
3686 funding. Such criteria may include, but not be limited to, the
3687 number of persons or households that are no longer homeless, the
3688 rate of recidivism to homelessness, and the number of persons
3689 who obtain gainful employment ~~homeless individuals provided~~
3690 ~~shelter, food, counseling, and job training.~~

3691 Section 42. Subsections (3), (7), and (8) of section
3692 420.624, Florida Statutes, are amended to read:

3693 420.624 Local homeless assistance continuum of care.-



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3694 (3) Communities or regions seeking to implement a local
3695 homeless assistance continuum of care are encouraged to develop
3696 and annually update a written plan that includes a vision for
3697 the continuum of care, an assessment of the supply of and demand
3698 for housing and services for the homeless population, and
3699 specific strategies and processes for providing the components
3700 of the continuum of care. The State Office on Homelessness, in
3701 conjunction with the Council on Homelessness, shall include in
3702 the plan a methodology for assessing performance and outcomes.

3703 The State Office on Homelessness shall supply a standardized
3704 format for written plans, including the reporting of data.

3705 (7) The components of a continuum of care plan should
3706 include:

3707 (a) Outreach, intake, and assessment procedures in order to
3708 identify the service and housing needs of an individual or
3709 family and to link them with appropriate housing, services,
3710 resources, and opportunities;

3711 (b) Emergency shelter, in order to provide a safe, decent
3712 alternative to living in the streets;

3713 (c) Transitional housing;

3714 (d) Supportive services, designed to assist with the
3715 development of the skills necessary to secure and retain
3716 permanent housing;

3717 (e) Permanent supportive housing;

3718 (f) Rapid ReHousing, as specified in s. 420.6265;

3719 (g) ~~(f)~~ Permanent housing;

3720 (h) ~~(g)~~ Linkages and referral mechanisms among all
3721 components to facilitate the movement of individuals and
3722 families toward permanent housing and self-sufficiency;



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3723 (i)~~(h)~~ Services and resources to prevent housed persons
3724 from becoming or returning to homelessness; and
3725 (j)~~(i)~~ An ongoing planning mechanism to address the needs
3726 of all subgroups of the homeless population, including but not
3727 limited to:
3728 1. Single adult males;
3729 2. Single adult females;
3730 3. Families with children;
3731 4. Families with no children;
3732 5. Unaccompanied children and youth;
3733 6. Elderly persons;
3734 7. Persons with drug or alcohol addictions;
3735 8. Persons with mental illness;
3736 9. Persons with dual or multiple physical or mental
3737 disorders;
3738 10. Victims of domestic violence; and
3739 11. Persons living with HIV/AIDS.
3740 (8) Continuum of care plans must promote participation by
3741 all interested individuals and organizations and may not exclude
3742 individuals and organizations on the basis of race, color,
3743 national origin, sex, handicap, familial status, or religion.
3744 Faith-based organizations must be encouraged to participate. To
3745 the extent possible, these components shall ~~should~~ be
3746 coordinated and integrated with other mainstream health, social
3747 services, and employment programs for which homeless populations
3748 may be eligible, including Medicaid, State Children's Health
3749 Insurance Program, Temporary Assistance for Needy Families, Food
3750 Assistance Program, and services funded through the Mental
3751 Health and Substance Abuse Block Grant, the Workforce Investment



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3752 Act, and the welfare-to-work grant program.

3753 Section 43. Section 420.6265, Florida Statutes, is created
3754 to read:

3755 420.6265 Rapid ReHousing.-

3756 (1) LEGISLATIVE FINDINGS AND INTENT.-

3757 (a) The Legislature finds that Rapid ReHousing is a
3758 strategy of using temporary financial assistance and case
3759 management to quickly move an individual or family out of
3760 homelessness and into permanent housing.

3761 (b) The Legislature also finds that, for most of the past
3762 two decades, public and private solutions to homelessness have
3763 focused on providing individuals and families who are
3764 experiencing homelessness with emergency shelter, transitional
3765 housing, or a combination of both. While emergency shelter and
3766 transitional housing programs may provide critical access to
3767 services for individuals and families in crisis, they often fail
3768 to address their long-term needs.

3769 (c) The Legislature further finds that most households
3770 become homeless as a result of a financial crisis that prevents
3771 individuals and families from paying rent or a domestic conflict
3772 that results in one member being ejected or leaving without
3773 resources or a plan for housing.

3774 (d) The Legislature further finds that Rapid ReHousing is
3775 an alternative approach to the current system of emergency
3776 shelter or transitional housing which tends to reduce the length
3777 of time of homelessness and has proven to be cost effective.

3778 (e) It is therefore the intent of the Legislature to
3779 encourage homeless continuums of care to adopt the Rapid
3780 ReHousing approach to preventing homelessness for individuals



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3781 and families who do not require the intense level of supports
3782 provided in the Permanent Supportive Housing model.

3783 (2) RAPID REHOUSING METHODOLOGY.—

3784 (a) The Rapid ReHousing approach to homelessness differs
3785 from traditional approaches to addressing homelessness by
3786 focusing on each individual's or family's barriers to returning
3787 to housing. By using this approach, communities can
3788 significantly reduce the amount of time that individuals and
3789 families are homeless and prevent further episodes of
3790 homelessness.

3791 (b) In Rapid ReHousing, an individual or family is
3792 identified as being homeless, temporary assistance is provided
3793 to allow the individual or family to obtain permanent housing as
3794 quickly as possible, and, if needed, assistance is provided to
3795 allow the individual or family to retain housing.

3796 (c) The objective of Rapid ReHousing is to provide
3797 assistance for as short a term as possible so that the
3798 individual or family receiving assistance does not develop a
3799 dependency on the assistance.

3800 Section 44. Subsections (25) and (26) of section 420.9071,
3801 Florida Statutes, are amended to read:

3802 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
3803 term:

3804 (25) "Recaptured funds" means funds that are recouped by a
3805 county or eligible municipality in accordance with the recapture
3806 provisions of its local housing assistance plan pursuant to s.
3807 420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
3808 eligible sponsors, which funds were not used for assistance to
3809 an eligible household for an eligible activity, when there is a



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3810 default on the terms of a grant award or loan award.

3811 (26) "Rent subsidies" means ongoing monthly rental
3812 assistance. ~~The term does not include initial assistance to~~
3813 ~~tenants, such as grants or loans for security and utility~~
3814 ~~deposits.~~

3815 Section 45. Subsection (7) of section 420.9072, Florida
3816 Statutes, is amended, present subsections (8) and (9) of that
3817 section are redesignated as subsections (9) and (10),
3818 respectively, and a new subsection (8) is added to that section,
3819 to read:

3820 420.9072 State Housing Initiatives Partnership Program.—The
3821 State Housing Initiatives Partnership Program is created for the
3822 purpose of providing funds to counties and eligible
3823 municipalities as an incentive for the creation of local housing
3824 partnerships, to expand production of and preserve affordable
3825 housing, to further the housing element of the local government
3826 comprehensive plan specific to affordable housing, and to
3827 increase housing-related employment.

3828 (7) A county or an eligible municipality must expend its
3829 portion of the local housing distribution only to implement a
3830 local housing assistance plan or as provided in this subsection.
3831 ~~A county or an eligible municipality may not expend its portion~~
3832 ~~of the local housing distribution to provide rent subsidies;~~
3833 ~~however, this does not prohibit the use of funds for security~~
3834 ~~and utility deposit assistance.~~

3835 (8) A county or an eligible municipality may not expend its
3836 portion of the local housing distribution to provide ongoing
3837 rent subsidies, except for:

3838 (a) Security and utility deposit assistance.



3839 (b) Eviction prevention not to exceed 6 months' rent.
3840 (c) A rent subsidy program for very-low-income households
3841 with at least one adult who is a person with special needs as
3842 defined in s. 420.0004 or homeless as defined in s. 420.621. The
3843 period of rental assistance may not exceed 12 months for any
3844 eligible household.

3845 Section 46. Present subsections (5), (6), and (7) of
3846 section 420.9073, Florida Statutes, are redesignated as
3847 subsections (6), (7), and (8), respectively, and a new
3848 subsection (5) is added to that section, to read:

3849 420.9073 Local housing distributions.-

3850 (5) Notwithstanding subsections (1) through (4), the
3851 corporation shall first distribute 4 percent of the total amount
3852 to be distributed in a given fiscal year from the Local
3853 Government Housing Trust Fund to the Department of Children and
3854 Families and the Department of Economic Opportunity as follows:

3855 (a) The Department of Children and Families shall receive
3856 95 percent of such amount to provide operating funds and other
3857 support to the designated lead agency in each continuum of care
3858 for the benefit of the designated catchment area as described in
3859 s. 420.624.

3860 (b) The Department of Economic Opportunity shall receive 5
3861 percent of such amount to provide training and technical
3862 assistance to lead agencies receiving operating funds and other
3863 support under paragraph (a) in accordance with s. 420.606(3).
3864 Training and technical assistance funded by this distribution
3865 shall be provided by a nonprofit entity that meets the
3866 requirements of s. 420.531.

3867 Section 47. Paragraph (a) of subsection (2) of section



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3868 420.9075, Florida Statutes, is amended, paragraph (f) is added
3869 to subsection (3) of that section, subsection (5) of that
3870 section is amended, and paragraph (i) is added to subsection
3871 (10) of that section, to read:

3872 420.9075 Local housing assistance plans; partnerships.—

3873 (2) (a) Each county and each eligible municipality
3874 participating in the State Housing Initiatives Partnership
3875 Program shall encourage the involvement of appropriate public
3876 sector and private sector entities as partners in order to
3877 combine resources to reduce housing costs for the targeted
3878 population. This partnership process should involve:

3879 1. Lending institutions.

3880 2. Housing builders and developers.

3881 3. Nonprofit and other community-based housing and service
3882 organizations.

3883 4. Providers of professional services relating to
3884 affordable housing.

3885 5. Advocates for low-income persons, including, but not
3886 limited to, homeless people, the elderly, and migrant
3887 farmworkers.

3888 6. Real estate professionals.

3889 7. Other persons or entities who can assist in providing
3890 housing or related support services.

3891 8. Lead agencies of local homeless assistance continuums of
3892 care.

3893 (3)

3894 (f) Each county and each eligible municipality is
3895 encouraged to develop a strategy within its local housing
3896 assistance plan which provides program funds for reducing



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3897 homelessness.

3898 (5) The following criteria apply to awards made to eligible
3899 sponsors or eligible persons for the purpose of providing
3900 eligible housing:

3901 (a) At least 65 percent of the funds made available in each
3902 county and eligible municipality from the local housing
3903 distribution must be reserved for home ownership for eligible
3904 persons.

3905 (b) Up to 25 percent of the funds made available in each
3906 county and eligible municipality from the local housing
3907 distribution may be reserved for rental housing for eligible
3908 persons or for the purposes enumerated in s. 420.9072(8).

3909 (c) ~~(b)~~ At least 75 percent of the funds made available in
3910 each county and eligible municipality from the local housing
3911 distribution must be reserved for construction, rehabilitation,
3912 or emergency repair of affordable, eligible housing.

3913 (d) ~~(e)~~ Not more than 20 percent of the funds made available
3914 in each county and eligible municipality from the local housing
3915 distribution may be used for manufactured housing.

3916 (e) ~~(d)~~ The sales price or value of new or existing eligible
3917 housing may not exceed 90 percent of the average area purchase
3918 price in the statistical area in which the eligible housing is
3919 located. Such average area purchase price may be that calculated
3920 for any 12-month period beginning not earlier than the fourth
3921 calendar year prior to the year in which the award occurs or as
3922 otherwise established by the United States Department of the
3923 Treasury.

3924 (f) ~~(e)~~ 1. All units constructed, rehabilitated, or otherwise
3925 assisted with the funds provided from the local housing



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3926 assistance trust fund must be occupied by very-low-income
3927 persons, low-income persons, and moderate-income persons except
3928 as otherwise provided in this section.

3929 2. At least 30 percent of the funds deposited into the
3930 local housing assistance trust fund must be reserved for awards
3931 to very-low-income persons or eligible sponsors who will serve
3932 very-low-income persons and at least an additional 30 percent of
3933 the funds deposited into the local housing assistance trust fund
3934 must be reserved for awards to low-income persons or eligible
3935 sponsors who will serve low-income persons. This subparagraph
3936 does not apply to a county or an eligible municipality that
3937 includes, or has included within the previous 5 years, an area
3938 of critical state concern designated or ratified by the
3939 Legislature for which the Legislature has declared its intent to
3940 provide affordable housing. The exemption created by this act
3941 expires on July 1, 2013, and shall apply retroactively.

3942 (g)~~(f)~~ Loans shall be provided for periods not exceeding 30
3943 years, except for deferred payment loans or loans that extend
3944 beyond 30 years which continue to serve eligible persons.

3945 (h)~~(g)~~ Loans or grants for eligible rental housing
3946 constructed, rehabilitated, or otherwise assisted from the local
3947 housing assistance trust fund must be subject to recapture
3948 requirements as provided by the county or eligible municipality
3949 in its local housing assistance plan unless reserved for
3950 eligible persons for 15 years or the term of the assistance,
3951 whichever period is longer. Eligible sponsors that offer rental
3952 housing for sale before 15 years or that have remaining
3953 mortgages funded under this program must give a first right of
3954 refusal to eligible nonprofit organizations for purchase at the



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3955 current market value for continued occupancy by eligible
3956 persons.

3957 (i)~~(h)~~ Loans or grants for eligible owner-occupied housing
3958 constructed, rehabilitated, or otherwise assisted from proceeds
3959 provided from the local housing assistance trust fund shall be
3960 subject to recapture requirements as provided by the county or
3961 eligible municipality in its local housing assistance plan.

3962 (j)~~(i)~~ The total amount of monthly mortgage payments or the
3963 amount of monthly rent charged by the eligible sponsor or her or
3964 his designee must be made affordable.

3965 (k)~~(j)~~ The maximum sales price or value per unit and the
3966 maximum award per unit for eligible housing benefiting from
3967 awards made pursuant to this section must be established in the
3968 local housing assistance plan.

3969 (l)~~(k)~~ The benefit of assistance provided through the State
3970 Housing Initiatives Partnership Program must accrue to eligible
3971 persons occupying eligible housing. This provision shall not be
3972 construed to prohibit use of the local housing distribution
3973 funds for a mixed income rental development.

3974 (m)~~(l)~~ Funds from the local housing distribution not used
3975 to meet the criteria established in paragraph (a) or paragraph
3976 (c) ~~(b)~~ or not used for the administration of a local housing
3977 assistance plan must be used for housing production and finance
3978 activities, including, but not limited to, financing
3979 preconstruction activities or the purchase of existing units,
3980 providing rental housing, and providing home ownership training
3981 to prospective home buyers and owners of homes assisted through
3982 the local housing assistance plan.

3983 1. Notwithstanding the provisions of paragraphs (a) and (c)



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3984 ~~(b)~~, program income as defined in s. 420.9071(24) may also be
3985 used to fund activities described in this paragraph.

3986 2. When preconstruction due-diligence activities conducted
3987 as part of a preservation strategy show that preservation of the
3988 units is not feasible and will not result in the production of
3989 an eligible unit, such costs shall be deemed a program expense
3990 rather than an administrative expense if such program expenses
3991 do not exceed 3 percent of the annual local housing
3992 distribution.

3993 3. If both an award under the local housing assistance plan
3994 and federal low-income housing tax credits are used to assist a
3995 project and there is a conflict between the criteria prescribed
3996 in this subsection and the requirements of s. 42 of the Internal
3997 Revenue Code of 1986, as amended, the county or eligible
3998 municipality may resolve the conflict by giving precedence to
3999 the requirements of s. 42 of the Internal Revenue Code of 1986,
4000 as amended, in lieu of following the criteria prescribed in this
4001 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of
4002 this subsection.

4003 4. Each county and each eligible municipality may award
4004 funds as a grant for construction, rehabilitation, or repair as
4005 part of disaster recovery or emergency repairs or to remedy
4006 accessibility or health and safety deficiencies. Any other
4007 grants must be approved as part of the local housing assistance
4008 plan.

4009 (10) Each county or eligible municipality shall submit to
4010 the corporation by September 15 of each year a report of its
4011 affordable housing programs and accomplishments through June 30
4012 immediately preceding submittal of the report. The report shall



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4013 be certified as accurate and complete by the local government's
4014 chief elected official or his or her designee. Transmittal of
4015 the annual report by a county's or eligible municipality's chief
4016 elected official, or his or her designee, certifies that the
4017 local housing incentive strategies, or, if applicable, the local
4018 housing incentive plan, have been implemented or are in the
4019 process of being implemented pursuant to the adopted schedule
4020 for implementation. The report must include, but is not limited
4021 to:

4022 (i) A description of efforts to reduce homelessness.

4023 Section 48. Section 420.9089, Florida Statutes, is created
4024 to read:

4025 420.9089 National Housing Trust Fund.—The Legislature finds
4026 that more funding for housing to assist the homeless is needed
4027 and encourages the state entity designated to administer funds
4028 made available to the state from the National Housing Trust Fund
4029 to propose an allocation plan that includes strategies to reduce
4030 homelessness in this state. These strategies to address
4031 homelessness shall be in addition to strategies under s.
4032 420.5087.

4033 Section 49. Effective October 1, 2015, subsection (5) of
4034 section 477.0135, Florida Statutes, is amended to read:

4035 477.0135 Exemptions.—

4036 (5) A license is not required of any individual providing
4037 makeup, special effects, or cosmetology services to an actor,
4038 stunt person, musician, extra, or other talent during a
4039 production recognized by the Department of Economic Opportunity
4040 ~~Office of Film and Entertainment~~ as a qualified production as
4041 defined in s. 288.1254(1). Such services are not required to be



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4042 performed in a licensed salon. Individuals exempt under this
4043 subsection may not provide such services to the general public.

4044 Section 50. Effective July 1, 2015, the four sports
4045 development project applications that the Department of Economic
4046 Opportunity reviewed and recommended to the Legislature for
4047 approval pursuant to s. 288.11625, Florida Statutes, on January
4048 23, 2015, are approved pursuant to s. 288.11625(4)(e), Florida
4049 Statutes. The Department of Economic Opportunity shall certify
4050 the applicants for sports development projects no later than
4051 August 15, 2015.

4052 Section 51. (1) For purposes of this section, the term
4053 "eligible business" means a business that entered into a
4054 contract with the Department of Economic Opportunity for an
4055 economic development program under chapter 288, Florida
4056 Statutes, between January 1, 2013, and December 31, 2015, for a
4057 project that is located in an enterprise zone designated
4058 pursuant to s. 290.0065, Florida Statutes, as of December 31,
4059 2015.

4060 (2) An eligible business may apply for the following
4061 programs, if the contract with the Department of Economic
4062 Opportunity is still deemed active by the department and has not
4063 expired or terminated:

4064 (a) The property tax exemption for licensed child care
4065 facility under s. 196.095, Florida Statutes.

4066 (b) The building materials sales tax refund under s.
4067 212.08(5)(g), Florida Statutes.

4068 (c) The business equipment sales tax refund under s.
4069 212.08(5)(h), Florida Statutes.

4070 (d) The electrical sales tax exemption under s. 212.08(15),



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4071 Florida Statutes.
4072 (e) The enterprise zone jobs tax credit under s. 212.096,
4073 Florida Statutes.
4074 (f) The enterprise zone jobs tax credit under s. 220.181,
4075 Florida Statutes.
4076 (g) The enterprise zone property tax credit under s.
4077 220.182, Florida Statutes.
4078 (3) The Department of Economic Opportunity must provide a
4079 list of eligible businesses annually to the Department of
4080 Revenue. The Department of Economic Opportunity must also
4081 provide notice to the Department of Revenue upon the expiration
4082 or termination of a contract.
4083 (4) This section is effective January 1, 2016, and expires
4084 on December 31, 2018.
4085 Section 52. For the 2014-2015 fiscal year, the sums of \$20
4086 million in nonrecurring funds from the State Economic
4087 Enhancement and Development Trust Fund and \$3.8 million in
4088 nonrecurring funds from the Economic Development Trust Fund are
4089 appropriated to the Department of Economic Opportunity to
4090 provide payments and tax refunds pursuant to s. 288.061, Florida
4091 Statutes, for programs under ss. 288.0659, 288.1045, 288.106,
4092 288.107, 288.108, 288.1088, and 288.1089, Florida Statutes.
4093 Payments may be made only for projects that meet statutory
4094 eligibility requirements. The projects must be verified by an
4095 independent third party that determines that an applicant has
4096 satisfied all of the requirements of the agreement or contract,
4097 and the Department of Economic Opportunity must determine that
4098 the applicant has met the required project performance criteria
4099 and that a payment is due. Funds may not be released for any



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4100 other purpose. Funds provided from the Economic Development
4101 Trust Fund represent local matching funds.

4102 Section 53. Except as otherwise expressly provided in this
4103 act, this act shall take effect July 1, 2015.

4104
4105 ===== T I T L E A M E N D M E N T =====

4106 And the title is amended as follows:

4107 Delete everything before the enacting clause
4108 and insert:

4109 A bill to be entitled
4110 An act relating to economic development; amending s.
4111 163.340, F.S.; expanding the definition of the term
4112 "blighted area" to include a substantial number or
4113 percentage of properties damaged by sinkhole activity
4114 which are not adequately repaired or stabilized;
4115 conforming a cross-reference; amending ss. 163.524,
4116 212.08, 212.20 and 220.1899, F.S.; conforming cross-
4117 references; amending s. 220.191, F.S.; redefining the
4118 term "cumulative capital investment"; amending s.
4119 288.0001, F.S.; conforming a cross-reference;
4120 requiring the Office of Economic and Demographic
4121 Research and the Office of Program Policy Analysis and
4122 Government Accountability to provide a detailed
4123 analysis of the retention of Major League Baseball
4124 spring training baseball franchises; amending s.
4125 288.005, F.S.; redefining the term "economic
4126 benefits"; amending s. 288.061, F.S.; requiring the
4127 Department of Economic Opportunity to prescribe a
4128 specified application form; requiring the incentive



4129 application to include specified information;
4130 requiring the Office of Economic and Demographic
4131 Research to include guidelines for the appropriate
4132 application of the department's internal model in the
4133 establishment of the methodology and model it will use
4134 to calculate economic benefits; requiring that if the
4135 Office of Economic and Demographic Research develops
4136 an amended definition of the term "economic benefits,"
4137 it must reflect a specified requirement; prohibiting
4138 the department from attributing to the business any
4139 capital investment made by a business using state
4140 funds; requiring that the evaluation account for all
4141 capital investment relating to the project; requiring
4142 the department's evaluation of the application to
4143 include specified information; requiring the
4144 department to recommend to the Governor approval or
4145 disapproval of a project that will receive funds from
4146 specified programs; requiring the department, in
4147 recommending a project, to include justification for
4148 the project and proposed performance conditions that
4149 the project must meet to obtain incentive funds;
4150 authorizing the Governor to approve a project without
4151 consulting the Legislature if the requested funding is
4152 less than a specified amount; requiring the Governor
4153 to provide a written description and evaluation of the
4154 project to specified persons during a specified
4155 timeframe; requiring the recommendation to include
4156 proposed payment and performance conditions that the
4157 project must meet in order to obtain incentive funds



4158 and to avoid sanctions; requiring the Governor to
4159 instruct the department to immediately suspend an
4160 action or proposed action until the Legislative Budget
4161 Commission or the Legislature makes a determination on
4162 the project in certain circumstances; requiring a
4163 project that exceeds a specified amount of funding to
4164 be approved by the Legislative Budget Commission
4165 before final approval by the Governor; requiring a
4166 project that exceeds a specified amount of funding and
4167 that provides a waiver of program requirements to be
4168 approved by the Legislative Budget Commission before
4169 final approval by the Governor; providing that a
4170 project is deemed approved by the Legislative Budget
4171 Commission in certain circumstances; requiring the
4172 department to issue a letter certifying the applicant
4173 as qualified for an award upon approval; specifying
4174 the authorized funding sources related to the term
4175 "project"; requiring the department and the applicant
4176 to enter into an agreement or contract upon
4177 certification; requiring the agreement or contract to
4178 require that the applicant use the workforce
4179 information systems in certain circumstances;
4180 requiring any agreement or contract that requires
4181 capital investment to be made by the business to also
4182 require that such investment remain in the state for
4183 the duration of the agreement or contract; prohibiting
4184 an agreement or contract from having a term of longer
4185 than 10 years; authorizing the department to enter
4186 into a successive agreement or contract for a



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4187 specified project under certain circumstances;
4188 providing applicability; requiring the department to
4189 provide notice, with a written description and
4190 evaluation, to the Legislature of any proposed
4191 amendments to an agreement or contract; requiring the
4192 department to provide notice of the proposed change to
4193 specified persons in order to provide an opportunity
4194 for review; providing that a proposed amendment to an
4195 agreement or contract which reduces projected economic
4196 benefits calculated at the time the agreement or
4197 contract was executed by a specified amount or more or
4198 that results in an economic benefit ratio below a
4199 specified level, or if already below the specified
4200 level, by a specified amount, is subject to specified
4201 notice and objection procedures; requiring the
4202 Governor to instruct the department to immediately
4203 suspend an action or proposed action until the
4204 Legislative Budget Commission or Legislature makes a
4205 determination on the project in certain circumstances;
4206 authorizing the department to execute specified
4207 contracts and agreements from current or future fiscal
4208 year appropriations for specified incentive programs;
4209 prohibiting the total amount of actual or projected
4210 funds approved for a specified payment by the
4211 department from exceeding a specified amount in any
4212 fiscal year for certain programs; providing that the
4213 specified funding limitation may only be waived by the
4214 Legislature in the General Appropriations Act or other
4215 legislation; requiring the department to provide



4216 specified notice to the Legislature upon the final
4217 execution of each contract or agreement; requiring the
4218 department to provide to the Legislature a list of
4219 projected payments for the following fiscal year and a
4220 list of claims actually filed for payment in the
4221 following fiscal year by specified dates; prohibiting
4222 the department from making a scheduled payment under a
4223 contract or agreement for a given fiscal year until
4224 the department has validated that the applicant has
4225 met the performance requirements of the contract or
4226 agreement; providing for reversion of specified funds
4227 that are unexpended by a specified date in a fiscal
4228 year; prohibiting the transfer of such reverted funds
4229 to an escrow account; requiring the Legislature to
4230 annually appropriate in the General Appropriations Act
4231 an amount estimated to sufficiently satisfy scheduled
4232 payments in a fiscal year; requiring the department to
4233 pay unfunded claims if the amount appropriated by the
4234 Legislature proves insufficient to satisfy the
4235 scheduled payments in a fiscal year; requiring the
4236 department to notify the legislative appropriations
4237 committees of any anticipated shortfall for the
4238 current fiscal year and of the amount it estimates
4239 will be needed to pay claims during the next fiscal
4240 year; amending s. 288.095, F.S.; providing that moneys
4241 credited to the Economic Development Trust Fund
4242 consist of specified funds; restricting the use of
4243 moneys in the Economic Development Incentives Account;
4244 providing that any balance in the account at the end



4245 of the fiscal year remains in the account and is
4246 available for carrying out the purposes of the
4247 account; amending s. 288.1045, F.S.; revising the term
4248 "average wage in the area" to "average private sector
4249 wage in the area"; conforming provisions to changes
4250 made by the act; prohibiting the department from
4251 certifying any applicant as a qualified applicant in
4252 certain circumstances; increasing the number of days
4253 the department may extend the filing date; extending
4254 the future expiration of an applicant for a tax
4255 refund; requiring the department to verify taxes paid;
4256 amending s. 288.106, F.S.; conforming provisions to
4257 changes made by the act; revising terms; increasing
4258 the number of days the department may extend the
4259 filing date; revising the limitations on the average
4260 private sector wage paid by the business; amending s.
4261 288.107, F.S.; revising the term "eligible business";
4262 defining the term "fixed capital investment";
4263 conforming provisions to changes made by the act;
4264 amending s. 288.108, F.S.; conforming provisions to
4265 changes made by the act; amending s. 288.1088, F.S.;
4266 revising the requirements for projects eligible for
4267 receipt of funds from the Quick Action Closing Fund;
4268 conforming provisions to changes made by the act;
4269 defining the term "average private sector wage in the
4270 area"; requiring a specified request to be transmitted
4271 in writing to the department with an explanation of
4272 the specific justification for the request; requiring
4273 a decision to be stated in writing with an explanation



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4274 of the reason for approving the request if the
4275 department approves the request; prohibiting the
4276 department from waiving more than a specified amount
4277 of criteria; revising the information that the
4278 department must include in an evaluation of an
4279 individual proposal for high-impact business
4280 facilities; prohibiting the payment of moneys from the
4281 fund to a business until the scheduled goals have been
4282 achieved; revising the information that must be
4283 included in a contract that sets forth the conditions
4284 for payments of moneys from the fund; creating s.
4285 288.10881, F.S.; creating the Quick Action Closing
4286 Fund Escrow Account within the State Board of
4287 Administration; providing the composition of the
4288 escrow account; restricting the usage of moneys in the
4289 escrow account to specified payments; requiring the
4290 State Board of Administration to transfer specified
4291 funds to the department for deposit in the State
4292 Economic Enhancement and Development Trust Fund in
4293 certain circumstances; requiring the establishment of
4294 a continuing appropriation category; requiring
4295 specified funds to be returned to the department for
4296 deposit in the State Economic Enhancement and
4297 Development Trust Funds within a specified period;
4298 requiring funds in the escrow account to be managed
4299 under specified investment practices; requiring that
4300 the funds be made available to make specified
4301 payments; requiring the State Board of Administration
4302 to transfer interest earnings on a quarterly basis to



4303 the department for deposit in the State Economic
4304 Enhancement and Development Trust Fund; authorizing
4305 specified funds to be used to fund specified marketing
4306 activities of Enterprise Florida, Inc.; amending s.
4307 288.1089, F.S.; conforming provisions to changes made
4308 by the act; amending s. 288.1097, F.S.; authorizing a
4309 qualified job training organization to participate in
4310 a self-insurance fund; providing that a qualified job
4311 training organization is not subject to specified
4312 requirements; amending s. 288.1168, F.S.; requiring
4313 the Department of Economic Opportunity to recertify
4314 the professional golf hall of fame facility annually;
4315 requiring the PGA Tour, Inc., to increase funding if
4316 the facility does not meet minimum projections;
4317 requiring advertising to be done in consultation with
4318 the Florida Tourism Industry Marketing Corporation;
4319 providing for decertification of the facility under
4320 certain circumstances; repealing s. 288.1169, F.S.,
4321 relating to state agency funding of the International
4322 Game Fish Association World Center facility; amending
4323 s. 288.1201, F.S.; conforming provisions to changes
4324 made by the act; amending s. 288.125, F.S.; revising
4325 the applicability of the term "entertainment
4326 industry"; transferring, renumbering, and amending s.
4327 288.1251, F.S.; renaming the Office of Film and
4328 Entertainment within the Department of Economic
4329 Opportunity as the Division of Film and Entertainment
4330 within Enterprise Florida, Inc.; requiring the
4331 division to serve as a liaison between the



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4332 entertainment industry and other agencies,
4333 commissions, and organizations; requiring the Governor
4334 to appoint the film and entertainment commissioner;
4335 revising the requirements of the division's strategic
4336 plan; transferring, renumbering, and amending s.
4337 288.1252, F.S.; revising the powers and duties of the
4338 Florida Film and Entertainment Advisory Council;
4339 revising council membership; conforming provisions to
4340 changes made by the act; transferring, renumbering,
4341 and amending s. 288.1253, F.S.; conforming provisions
4342 to changes made by the act; prohibiting the division
4343 and its employees and representatives from accepting
4344 specified accommodations, goods, or services from
4345 specified parties; providing that any person who
4346 accepts any such good or services is subject to
4347 specified penalties; amending s. 288.1254, F.S.;
4348 redefining and revising terms; requiring the
4349 department and the division, rather than the Office of
4350 Film and Entertainment, to be responsible for
4351 applications for the entertainment industry program;
4352 revising provisions relating to the application
4353 process, tax credit eligibility, transfer of tax
4354 credits, election and distribution of tax credits,
4355 allocation of tax credits, forfeiture of tax credits,
4356 and annual report; extending the repeal date;
4357 conforming provisions to changes made by the act;
4358 specifying a date on which the applications on file
4359 with the department and not yet certified are deemed
4360 denied; creating s. 288.1256, F.S.; creating the



4361 entertainment action fund within the department;
4362 defining terms; authorizing a production company to
4363 apply for funds from the entertainment action fund in
4364 certain circumstances; requiring the department and
4365 the division to jointly review and evaluate
4366 applications to determine the eligibility of each
4367 project; requiring the department to select projects
4368 that maximize the return to the state; requiring
4369 certain criteria to be considered by the department
4370 and the division; requiring a production company to
4371 have financing for a project before it applies for
4372 action funds; requiring the department to prescribe a
4373 form for an application with specified information;
4374 requiring that the department make a recommendation to
4375 the Governor to approve or deny an award within a
4376 specified timeframe after the completion of the review
4377 and evaluation; providing that an award of funds may
4378 not constitute more than a specified percentage of
4379 qualified expenditures in this state and prohibiting
4380 the use of such funds to pay wages to nonresidents;
4381 requiring a production to start within a specified
4382 period after it is approved by the Governor; requiring
4383 that the recommendation include performance conditions
4384 that the project must meet to obtain funds; requiring
4385 the department and the production company to enter
4386 into a specified agreement after approval by the
4387 Governor; requiring that the agreement be finalized
4388 and signed by an authorized officer of the production
4389 company within a specified period after approval by



4390 the Governor; prohibiting an approved production
4391 company from simultaneously receiving specified
4392 benefits for the same production; requiring that the
4393 department validate contractor performance and report
4394 such validation in the annual report; prohibiting the
4395 department from approving awards in excess of the
4396 amount appropriated for a fiscal year; requiring the
4397 department to maintain a schedule of funds; providing
4398 that a production company that submits fraudulent
4399 information is liable for reimbursement of specified
4400 costs; providing a penalty; prohibiting the department
4401 from waiving any provision or providing an extension
4402 of time to meet specified requirements; providing an
4403 expiration date; amending s. 288.1258, F.S.;
4404 conforming provisions to changes made by the act;
4405 prohibiting an approved production company from
4406 simultaneously receiving benefits under specified
4407 provisions for the same production; requiring the
4408 department to develop a standardized application form
4409 in cooperation with the division and other agencies;
4410 requiring the qualified production company to submit
4411 aggregate data on specified topics; authorizing a
4412 qualified production company to renew its certificate
4413 of exemption for a specified period; amending s.
4414 288.901, F.S.; revising expertise requirements of
4415 members of the board of directors of Enterprise
4416 Florida, Inc.; amending s. 288.905, F.S.; prohibiting
4417 a former president of Enterprise Florida, Inc., from
4418 receiving compensation for personally representing a



4419 specified entity before the legislative or executive
4420 branch of state government; providing applicability;
4421 amending s. 288.92, F.S.; requiring Enterprise
4422 Florida, Inc., to have a division relating to film and
4423 entertainment; amending s. 288.9622, F.S.; revising
4424 legislative intent; amending s. 288.9624, F.S.;
4425 specifying additional investment sectors for the
4426 Florida Opportunity Fund; amending s. 288.980, F.S.;
4427 removing the requirement that an applicant to the
4428 Defense Infrastructure Grant Program provide matching
4429 funds of a certain amount; requiring the department to
4430 administer the program; expanding eligibility for the
4431 program; defining the term "technological
4432 competitiveness activities"; amending s. 288.9937,
4433 F.S.; requiring the Office of Program Policy Analysis
4434 and Government Accountability to analyze and evaluate
4435 certain programs for a specified period; requiring the
4436 Office of Economic and Demographic Research to
4437 determine the economic benefits of certain programs;
4438 requiring the Office of Program Policy Analysis and
4439 Government Accountability to identify inefficiencies
4440 in certain programs and to recommend changes to such
4441 programs; revising the date by which each office must
4442 submit a report to certain persons; amending s.
4443 420.5087, F.S.; revising the reservation of funds
4444 within each notice of fund availability to specified
4445 tenant groups; creating s. 420.57, F.S.; providing
4446 legislative intent; defining terms; authorizing the
4447 Florida Housing Finance Corporation to provide low-



4448 interest loans for construction or rehabilitation of
4449 workforce housing in the Florida Keys Area of Critical
4450 State Concern, subject to certain requirements;
4451 requiring the corporation to select projects for
4452 funding by competitive solicitation, including
4453 consideration of certain factors; specifying factors
4454 all eligible applications must demonstrate; specifying
4455 factors for priority consideration for funding for
4456 projects; authorizing the corporation to adopt rules
4457 for certain purposes; authorizing the corporation to
4458 use a maximum of 2 percent of any funds appropriated
4459 for the program for costs of administration; amending
4460 s. 420.622, F.S.; requiring that the State Office on
4461 Homelessness coordinate among certain agencies and
4462 providers to produce a statewide consolidated
4463 inventory for the state's entire system of homeless
4464 programs which incorporates regionally developed
4465 plans; directing the State Office on Homelessness to
4466 create a task force to make recommendations regarding
4467 the implementation of a statewide Homeless Management
4468 Information System (HMIS) subject to certain
4469 requirements; requiring the task force to include in
4470 its recommendations the development of a statewide,
4471 centralized coordinated assessment system; requiring
4472 the task force to submit a report to the Council on
4473 Homelessness by a specified date; deleting the
4474 requirement that the Council on Homelessness explore
4475 the potential of creating a statewide Management
4476 Information System and encourage future participation



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4477 of certain award or grant recipients; requiring the
4478 State Office on Homelessness to accept and administer
4479 moneys appropriated to it to provide annual Challenge
4480 Grants to certain lead agencies of homeless assistance
4481 continuums of care; removing the requirement that
4482 levels of grant awards be based upon the total
4483 population within the continuum of care catchment area
4484 and reflect the differing degrees of homelessness in
4485 the respective areas; allowing expenditures of
4486 leveraged funds or resources only for eligible
4487 activities subject to certain requirements; providing
4488 that preference for a grant award must be given to
4489 those lead agencies that have demonstrated the ability
4490 to leverage specified federal homeless-assistance
4491 funding, as well as private funding, for the provision
4492 of services to homeless persons; revising preference
4493 conditions relating to grant applicants; requiring the
4494 State Office on Homelessness, in conjunction with the
4495 Council on Homelessness, to establish specific
4496 objectives by which it may evaluate the outcomes of
4497 certain lead agencies; requiring that any funding
4498 through the State Office on Homelessness be
4499 distributed to lead agencies based on their
4500 performance and achievement of specified objectives;
4501 revising the factors that may be included as criteria
4502 for evaluating the performance of lead agencies;
4503 amending s. 420.624, F.S.; revising requirements for
4504 the local homeless assistance continuum of care plan;
4505 providing that the components of a continuum of care



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4506 plan should include Rapid ReHousing; requiring that
4507 specified components of a continuum of care plan be
4508 coordinated and integrated with other specified
4509 services and programs; creating s. 420.6265, F.S.;

4510 providing legislative findings and intent relating to
4511 Rapid ReHousing; providing a Rapid ReHousing
4512 methodology; amending s. 420.9071, F.S.; conforming a
4513 cross-reference; redefining the term "rent subsidies";
4514 amending s. 420.9072, F.S.; prohibiting a county or an
4515 eligible municipality from expending its portion of
4516 the local housing distribution to provide ongoing rent
4517 subsidies; specifying exceptions; amending s.
4518 420.9073, F.S.; requiring the Florida Housing Finance
4519 Corporation to first distribute a certain percentage
4520 of the total amount to be distributed each fiscal year
4521 from the Local Government Housing Trust Fund to the
4522 Department of Children and Families and to the
4523 Department of Economic Opportunity, respectively,
4524 subject to certain requirements; amending s. 420.9075,
4525 F.S.; providing that a certain partnership process of
4526 the State Housing Initiatives Partnership Program
4527 should involve lead agencies of local homeless
4528 assistance continuums of care; encouraging counties
4529 and eligible municipalities to develop a strategy
4530 within their local housing assistance plans which
4531 provides program funds for reducing homelessness;
4532 revising the criteria that apply to awards made to
4533 sponsors or persons for the purpose of providing
4534 housing; requiring that a specified report submitted



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4535 by counties and municipalities include a description
4536 of efforts to reduce homelessness; creating s.
4537 420.9089, F.S.; providing legislative findings and
4538 intent relating to the National Housing Trust Fund;
4539 amending s. 477.0135, F.S.; conforming a provision to
4540 changes made by the act; approving specified sports
4541 development project applications; requiring the
4542 department to certify the applicants by a specified
4543 date; defining the term "eligible business";
4544 authorizing an eligible business to apply for
4545 specified programs in certain circumstances; requiring
4546 the department to provide a list of eligible business
4547 annually to the Department of Revenue; requiring the
4548 department to provide notice to the Department of
4549 Revenue upon the expiration or termination of a
4550 contract; providing an effective date and an
4551 expiration date; providing an appropriation from the
4552 State Economic Enhancement and Development Trust Fund
4553 and Economic Development Trust Fund for specified
4554 purposes; providing an effective date.