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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:

1           **Senate Amendment to Amendment (160810) (with title**  
2 **amendment)**

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4           Delete lines 466 - 558  
5 and insert:

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

9           (d) The release of funds for the incentive or incentives  
10 awarded to the applicant depends upon the statutory requirements



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11 of the particular incentive program.

12 ~~(7)(4)~~ The department shall validate contractor performance  
13 and report such validation in the annual incentives report  
14 required under s. 288.907.

15 ~~(8)(5)~~(a) The executive director may not approve an  
16 economic development incentive application unless the  
17 application includes a signed written declaration by the  
18 applicant which states that the applicant has read the  
19 information in the application and that the information is true,  
20 correct, and complete to the best of the applicant's knowledge  
21 and belief.

22 (b) After an economic development incentive application is  
23 approved, the awardee shall provide, in each year that the  
24 department is required to validate contractor performance, a  
25 signed written declaration. The written declaration must state  
26 that the awardee has reviewed the information and that the  
27 information is true, correct, and complete to the best of the  
28 awardee's knowledge and belief.

29 (9) The department shall provide notice, including a  
30 written description and evaluation, to the Legislature of any  
31 proposed amendment to an agreement or contract that reduces the  
32 projected economic benefits calculated at the time the agreement  
33 or contract was executed by 0.50 or more or changes any  
34 performance conditions or other statutorily required criteria.  
35 In order to provide an opportunity for review, at least 3  
36 business days before signing an amendment to an agreement or  
37 contract, the department shall provide notice of the proposed  
38 change to the chair and vice chair of the Legislative Budget  
39 Commission, the President of the Senate, and the Speaker of the



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40 House of Representatives. However, a proposed amendment to an  
41 agreement or contract is subject to the 10-day notice and  
42 objection procedures specified in this section if the proposed  
43 amendment reduces the projected economic benefits calculated at  
44 the time the agreement or contract was executed to result in an  
45 economic benefit ratio below a statutorily required level for  
46 receipt of funds or, if already below the statutorily required  
47 level, by 0.50 or more. Any such amended agreement or contract  
48 must also provide for a proportionate reduction in the award  
49 amount. If the chair or vice chair of the Legislative Budget  
50 Commission, the President of the Senate, or the Speaker of the  
51 House of Representatives timely advises the Governor, in  
52 writing, that such action or proposed action exceeds the  
53 delegated authority of the Governor or is contrary to  
54 legislative policy or intent, the Governor shall instruct the  
55 department to immediately suspend any action proposed or taken  
56 until the Legislative Budget Commission or the Legislature makes  
57 a determination on the project.

58 (10) (a) The department is authorized to execute contracts  
59 and agreements that obligate the state to make payments from  
60 appropriations in the current or a future fiscal year for  
61 incentive programs specified in this paragraph. The total amount  
62 of actual or projected funds approved for payment by the  
63 department based on actual project performance and the schedule  
64 of payments for each incentive contract or agreement may not  
65 exceed a combined total of \$50 million in any fiscal year for  
66 all of the following:

67 1. The Local Government Distressed Area Matching Grant  
68 Program established under s. 288.0659.



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69        2. The qualified defense contractor and space flight  
70 business tax refund program established under s. 288.1045.  
71        3. The qualified target industry businesses tax refund  
72 program established under s. 288.106.  
73        4. The brownfield redevelopment bonus refund program  
74 established under s. 288.107.  
75        5. The high-impact business performance grant program  
76 established under s. 288.108.  
77        6. The Quick Action Closing Fund projects established under  
78 s. 288.1088, with the exception of those projects with funds  
79 held in escrow as of June 30, 2015, which are being paid out of  
80 the Quick Action Closing Fund Escrow Account under s. 288.10881.  
81        7. The Innovation Incentive Program established under s.  
82 288.1089.  
83        (b) The funding limitation under paragraph (a) may only be  
84 waived by the Legislature in the General Appropriations Act or  
85 other legislation.  
86        (c) By January 2 of each year, the department shall provide  
87 to the Legislature a list of projected payments for the  
88 following fiscal year and, by March 1 of each year, the  
89 department shall provide to the Legislature a list of claims  
90 actually filed for payment in the following fiscal year. The  
91 department may not make a scheduled payment under a contract or  
92 agreement for a given fiscal year until the department has  
93 validated that the applicant has met the performance  
94 requirements of the contract or agreement. Any funds  
95 appropriated for scheduled payments in a fiscal year which are  
96 unexpended by June 30 of that year shall revert in accordance  
97 with s. 216.301 and may not be transferred to an escrow account.



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98           (d) The Legislature shall annually appropriate in the  
99

100 ===== T I T L E   A M E N D M E N T =====

101 And the title is amended as follows:

102           Delete lines 4188 - 4217

103 and insert:

104           providing applicability; requiring the department to  
105           provide specified notice to the Legislature upon the  
106           final execution of each contract or agreement;  
107           requiring the department to provide notice, with a  
108           written description and evaluation, to the Legislature  
109           of any proposed amendments to an agreement or  
110           contract; requiring the department to provide notice  
111           of the proposed change to specified persons in order  
112           to provide an opportunity for review; providing that a  
113           proposed amendment to an agreement or contract which  
114           reduces projected economic benefits calculated at the  
115           time the agreement or contract was executed by a  
116           specified amount or more or that results in an  
117           economic benefit ratio below a specified level, or if  
118           already below the specified level, by a specified  
119           amount, is subject to specified notice and objection  
120           procedures; requiring the Governor to instruct the  
121           department to immediately suspend an action or  
122           proposed action until the Legislative Budget  
123           Commission or Legislature makes a determination on the  
124           project in certain circumstances; authorizing the  
125           department to execute specified contracts and  
126           agreements from current or future fiscal year



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127        appropriations for specified incentive programs;  
128        prohibiting the total amount of actual or projected  
129        funds approved for a specified payment by the  
130        department from exceeding a specified amount in any  
131        fiscal year for certain programs; providing that the  
132        specified funding limitation may only be waived by the  
133        Legislature in the General Appropriations Act or other  
134        legislation; requiring the