

By the Committee on Appropriations; and Senators Latvala and Detert

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 163.340, F.S.; expanding the definition of the term
4 "blighted area" to include a substantial number or
5 percentage of properties damaged by sinkhole activity
6 which are not adequately repaired or stabilized;
7 conforming a cross-reference; amending ss. 163.524 and
8 212.08, F.S.; conforming cross-references; amending s.
9 212.20, F.S.; deleting an obsolete provision; amending
10 220.1899, F.S.; conforming a cross-reference; amending
11 s. 220.191, F.S.; redefining the term "cumulative
12 capital investment"; amending s. 288.0001, F.S.;
13 conforming a cross-reference; requiring the Office of
14 Economic and Demographic Research and the Office of
15 Program Policy Analysis and Government Accountability
16 to provide a detailed analysis of the retention of
17 Major League Baseball spring training baseball
18 franchises; amending s. 288.005, F.S.; redefining the
19 term "economic benefits"; amending s. 288.061, F.S.;
20 requiring the Department of Economic Opportunity to
21 prescribe a specified application form; requiring the
22 incentive application to include specified
23 information; requiring the Office of Economic and
24 Demographic Research to include guidelines for the
25 appropriate application of the department's internal
26 model in the establishment of the methodology and
27 model it will use to calculate economic benefits;
28 requiring that if the Office of Economic and
29 Demographic Research develops an amended definition of

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30 the term "economic benefits," it must reflect a
31 specified requirement; prohibiting the department from
32 attributing to the business any capital investment
33 made by a business using state funds; requiring that
34 the evaluation account for all capital investment
35 relating to the project; requiring the department's
36 evaluation of the application to include specified
37 information; requiring the department to recommend to
38 the Governor approval or disapproval of a project that
39 will receive funds from specified programs; requiring
40 the department, in recommending a project, to include
41 justification for the project and proposed performance
42 conditions that the project must meet to obtain
43 incentive funds; authorizing the Governor to approve a
44 project without consulting the Legislature if the
45 requested funding is less than a specified amount;
46 requiring the Governor to provide a written
47 description and evaluation of the project to specified
48 persons during a specified timeframe; requiring the
49 recommendation to include proposed payment and
50 performance conditions that the project must meet in
51 order to obtain incentive funds and to avoid
52 sanctions; requiring the Governor to instruct the
53 department to immediately suspend an action or
54 proposed action until the Legislative Budget
55 Commission or the Legislature makes a determination on
56 the project in certain circumstances; requiring a
57 project that exceeds a specified amount of funding to
58 be approved by the Legislative Budget Commission

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59 before final approval by the Governor; requiring a
60 project that exceeds a specified amount of funding and
61 that provides a waiver of program requirements to be
62 approved by the Legislative Budget Commission before
63 final approval by the Governor; providing that a
64 project is deemed approved by the Legislative Budget
65 Commission in certain circumstances; requiring the
66 department to issue a letter certifying the applicant
67 as qualified for an award upon approval; specifying
68 the authorized funding sources related to the term
69 "project"; requiring the department and the applicant
70 to enter into an agreement or contract upon
71 certification; requiring the agreement or contract to
72 require that the applicant use the workforce
73 information systems in certain circumstances;
74 requiring any agreement or contract that requires
75 capital investment to be made by the business to also
76 require that such investment remain in the state for
77 the duration of the agreement or contract; prohibiting
78 an agreement or contract from having a term of longer
79 than 10 years; authorizing the department to enter
80 into a successive agreement or contract for a
81 specified project under certain circumstances;
82 providing applicability; requiring the department to
83 provide specified notice to the Legislature upon the
84 final execution of each contract or agreement;
85 requiring the department to provide notice, with a
86 written description and evaluation, to the Legislature
87 of certain proposed amendments to an agreement or

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88 contract; requiring the department to provide notice
89 of the proposed change to specified persons in order
90 to provide an opportunity for review; providing that a
91 proposed amendment to an agreement or contract which
92 reduces projected economic benefits calculated at the
93 time the agreement or contract was executed by a
94 specified amount or more or that results in an
95 economic benefit ratio below a specified level, or if
96 already below the specified level, by a specified
97 amount, is subject to specified notice and objection
98 procedures; requiring the Governor to instruct the
99 department to immediately suspend an action or
100 proposed action until the Legislative Budget
101 Commission or Legislature makes a determination on the
102 project in certain circumstances; authorizing the
103 department to execute specified contracts and
104 agreements from current or future fiscal year
105 appropriations for specified incentive programs;
106 prohibiting the total amount of actual or projected
107 funds approved for a specified payment by the
108 department from exceeding a specified amount in any
109 fiscal year for certain programs; providing that the
110 specified funding limitation may only be waived by the
111 Legislature in the General Appropriations Act or other
112 legislation; requiring the department to provide to
113 the Legislature a list of projected payments for the
114 following fiscal year and a list of claims actually
115 filed for payment in the following fiscal year by
116 specified dates; prohibiting the department from

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117 making a scheduled payment under a contract or
118 agreement for a given fiscal year until the department
119 has validated that the applicant has met the
120 performance requirements of the contract or agreement;
121 providing for reversion of specified funds that are
122 unexpended by a specified date in a fiscal year;
123 prohibiting the transfer of such reverted funds to an
124 escrow account; requiring the Legislature to annually
125 appropriate in the General Appropriations Act an
126 amount estimated to sufficiently satisfy scheduled
127 payments in a fiscal year; requiring the department to
128 pay unfunded claims if the amount appropriated by the
129 Legislature proves insufficient to satisfy the
130 scheduled payments in a fiscal year; requiring the
131 department to notify the legislative appropriations
132 committees of any anticipated shortfall for the
133 current fiscal year and of the amount it estimates
134 will be needed to pay claims during the next fiscal
135 year; amending s. 288.095, F.S.; providing that moneys
136 credited to the Economic Development Trust Fund
137 consist of specified funds; restricting the use of
138 moneys in the Economic Development Incentives Account;
139 providing that any balance in the account at the end
140 of the fiscal year remains in the account and is
141 available for carrying out the purposes of the
142 account; amending s. 288.1045, F.S.; revising the term
143 "average wage in the area" to "average private sector
144 wage in the area"; conforming provisions to changes
145 made by the act; prohibiting the department from

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146 certifying any applicant as a qualified applicant in
147 certain circumstances; increasing the number of days
148 the department may extend the filing date; extending
149 the future expiration of an applicant for a tax
150 refund; requiring the department to verify taxes paid;
151 amending s. 288.106, F.S.; conforming provisions to
152 changes made by the act; revising terms; increasing
153 the number of days the department may extend the
154 filing date; revising the limitations on the average
155 private sector wage paid by the business; providing
156 that incentive payments made from a specified account
157 to a business are not specified repayments of the
158 actual taxes paid; providing that the amount of state
159 and local government taxes paid by a business serve as
160 a specified limitation; amending s. 288.107, F.S.;
161 revising the term "eligible business"; defining the
162 term "fixed capital investment"; conforming provisions
163 to changes made by the act; amending s. 288.108, F.S.;
164 conforming provisions to changes made by the act;
165 amending s. 288.1088, F.S.; revising the requirements
166 for projects eligible for receipt of funds from the
167 Quick Action Closing Fund; conforming provisions to
168 changes made by the act; defining the term "average
169 private sector wage in the area"; requiring a
170 specified request to be transmitted in writing to the
171 department with an explanation of the specific
172 justification for the request; requiring a decision to
173 be stated in writing with an explanation of the reason
174 for approving the request if the department approves

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175 the request; prohibiting the department from waiving
176 more than a specified amount of criteria; revising the
177 information that the department must include in an
178 evaluation of an individual proposal for high-impact
179 business facilities; prohibiting the payment of moneys
180 from the fund to a business until the scheduled goals
181 have been achieved; revising the information that must
182 be included in a contract that sets forth the
183 conditions for payments of moneys from the fund;
184 creating s. 288.10881, F.S.; creating the Quick Action
185 Closing Fund Escrow Account within the State Board of
186 Administration; providing the composition of the
187 escrow account; restricting the usage of moneys in the
188 escrow account to specified payments; requiring the
189 State Board of Administration to transfer specified
190 funds to the department for deposit in the State
191 Economic Enhancement and Development Trust Fund in
192 certain circumstances; requiring the establishment of
193 a continuing appropriation category; requiring
194 specified funds to be returned to the department for
195 deposit in the State Economic Enhancement and
196 Development Trust Funds within a specified period;
197 requiring funds in the escrow account to be managed
198 under specified investment practices; requiring that
199 the funds be made available to make specified
200 payments; requiring the State Board of Administration
201 to transfer interest earnings on a quarterly basis to
202 the department for deposit in the State Economic
203 Enhancement and Development Trust Fund; authorizing

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204 specified funds to be used to fund specified marketing
205 activities of Enterprise Florida, Inc.; amending s.
206 288.1089, F.S.; conforming provisions to changes made
207 by the act; amending s. 288.1097, F.S.; authorizing a
208 qualified job training organization to participate in
209 a self-insurance fund; providing that a qualified job
210 training organization is not subject to specified
211 requirements; amending ss. 288.11625 and 288.11631,
212 F.S.; conforming cross-references; amending s.
213 288.1168, F.S.; requiring the Department of Economic
214 Opportunity to recertify the professional golf hall of
215 fame facility annually; requiring the PGA Tour, Inc.,
216 to increase funding if the facility does not meet
217 minimum projections; requiring advertising to be done
218 in consultation with the Florida Tourism Industry
219 Marketing Corporation; providing for decertification
220 of the facility under certain circumstances; repealing
221 s. 288.1169, F.S., relating to state agency funding of
222 the International Game Fish Association World Center
223 facility; amending s. 288.1201, F.S.; conforming
224 provisions to changes made by the act; amending s.
225 288.125, F.S.; revising the applicability of the term
226 "entertainment industry"; transferring, renumbering,
227 and amending s. 288.1251, F.S.; renaming the Office of
228 Film and Entertainment within the Department of
229 Economic Opportunity as the Division of Film and
230 Entertainment within Enterprise Florida, Inc.;
231 requiring the division to serve as a liaison between
232 the entertainment industry and other agencies,

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233 commissions, and organizations; requiring the Governor
234 to appoint the film and entertainment commissioner;
235 revising the requirements of the division's strategic
236 plan; transferring, renumbering, and amending s.
237 288.1252, F.S.; revising the powers and duties of the
238 Florida Film and Entertainment Advisory Council;
239 revising council membership; conforming provisions to
240 changes made by the act; transferring, renumbering,
241 and amending s. 288.1253, F.S.; conforming provisions
242 to changes made by the act; prohibiting the division
243 and its employees and representatives from accepting
244 specified accommodations, goods, or services from
245 specified parties; providing that any person who
246 accepts any such good or services is subject to
247 specified penalties; amending s. 288.1254, F.S.;
248 redefining and revising terms; requiring the
249 department and the division, rather than the Office of
250 Film and Entertainment, to be responsible for
251 applications for the entertainment industry program;
252 revising provisions relating to the application
253 process, tax credit eligibility, transfer of tax
254 credits, election and distribution of tax credits,
255 allocation of tax credits, forfeiture of tax credits,
256 and annual report; extending the repeal date;
257 conforming provisions to changes made by the act;
258 specifying a date on which the applications on file
259 with the department and not yet certified are deemed
260 denied; creating s. 288.1256, F.S.; creating the
261 entertainment action fund within the department;

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262 defining terms; authorizing a production company to
263 apply for funds from the entertainment action fund in
264 certain circumstances; requiring the department and
265 the division to jointly review and evaluate
266 applications to determine the eligibility of each
267 project; requiring the department to select projects
268 that maximize the return to the state; requiring
269 certain criteria to be considered by the department
270 and the division; requiring a production company to
271 have financing for a project before it applies for
272 action funds; requiring the department to prescribe a
273 form for an application with specified information;
274 requiring that the department make a recommendation to
275 the Governor to approve or deny an award within a
276 specified timeframe after the completion of the review
277 and evaluation; providing that an award of funds may
278 not constitute more than a specified percentage of
279 qualified expenditures in this state and prohibiting
280 the use of such funds to pay wages to nonresidents;
281 requiring a production to start within a specified
282 period after it is approved by the Governor; requiring
283 that the recommendation include performance conditions
284 that the project must meet to obtain funds; requiring
285 the department and the production company to enter
286 into a specified agreement after approval by the
287 Governor; requiring that the agreement be finalized
288 and signed by an authorized officer of the production
289 company within a specified period after approval by
290 the Governor; prohibiting an approved production

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291 company from simultaneously receiving specified
292 benefits for the same production; requiring that the
293 department validate contractor performance and report
294 such validation in the annual report; prohibiting the
295 department from approving awards in excess of the
296 amount appropriated for a fiscal year; requiring the
297 department to maintain a schedule of funds; providing
298 that a production company that submits fraudulent
299 information is liable for reimbursement of specified
300 costs; providing a penalty; prohibiting the department
301 from waiving any provision or providing an extension
302 of time to meet specified requirements; providing an
303 expiration date; amending s. 288.1258, F.S.;
304 conforming provisions to changes made by the act;
305 prohibiting an approved production company from
306 simultaneously receiving benefits under specified
307 provisions for the same production; requiring the
308 department to develop a standardized application form
309 in cooperation with the division and other agencies;
310 requiring the qualified production company to submit
311 aggregate data on specified topics; authorizing a
312 qualified production company to renew its certificate
313 of exemption for a specified period; amending s.
314 288.901, F.S.; revising expertise requirements of
315 members of the board of directors of Enterprise
316 Florida, Inc.; amending s. 288.905, F.S.; prohibiting
317 a former president of Enterprise Florida, Inc., from
318 receiving compensation for personally representing a
319 specified entity before the legislative or executive

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320 branch of state government; providing applicability;
321 amending s. 288.92, F.S.; requiring Enterprise
322 Florida, Inc., to have a division relating to film and
323 entertainment; amending s. 288.9622, F.S.; revising
324 legislative intent; amending s. 288.9624, F.S.;
325 specifying additional investment sectors for the
326 Florida Opportunity Fund; amending s. 288.980, F.S.;
327 removing the requirement that an applicant to the
328 Defense Infrastructure Grant Program provide matching
329 funds of a certain amount; requiring the department to
330 administer the program; expanding eligibility for the
331 program; defining the term "technological
332 competitiveness activities"; amending s. 288.9937,
333 F.S.; requiring the Office of Program Policy Analysis
334 and Government Accountability to analyze and evaluate
335 certain programs for a specified period; requiring the
336 Office of Economic and Demographic Research to
337 determine the economic benefits of certain programs;
338 requiring the Office of Program Policy Analysis and
339 Government Accountability to identify inefficiencies
340 in certain programs and to recommend changes to such
341 programs; revising the date by which each office must
342 submit a report to certain persons; amending s.
343 420.5087, F.S.; revising the reservation of funds
344 within each notice of fund availability to specified
345 tenant groups; creating s. 420.57, F.S.; providing
346 legislative intent; defining terms; authorizing the
347 Florida Housing Finance Corporation to provide low-
348 interest loans for construction or rehabilitation of

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349 workforce housing in the Florida Keys Area of Critical
350 State Concern, subject to certain requirements;
351 requiring the corporation to select projects for
352 funding by competitive solicitation, including
353 consideration of certain factors; specifying factors
354 all eligible applications must demonstrate; specifying
355 factors for priority consideration for funding for
356 projects; authorizing the corporation to adopt rules
357 for certain purposes; authorizing the corporation to
358 use a maximum of 2 percent of any funds appropriated
359 for the program for costs of administration; amending
360 s. 420.622, F.S.; requiring that the State Office on
361 Homelessness coordinate among certain agencies and
362 providers to produce a statewide consolidated
363 inventory for the state's entire system of homeless
364 programs which incorporates regionally developed
365 plans; directing the State Office on Homelessness to
366 create a task force to make recommendations regarding
367 the implementation of a statewide Homeless Management
368 Information System (HMIS) subject to certain
369 requirements; requiring the task force to include in
370 its recommendations the development of a statewide,
371 centralized coordinated assessment system; requiring
372 the task force to submit a report to the Council on
373 Homelessness by a specified date; deleting the
374 requirement that the Council on Homelessness explore
375 the potential of creating a statewide Management
376 Information System and encourage future participation
377 of certain award or grant recipients; requiring the

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378 State Office on Homelessness to accept and administer
379 moneys appropriated to it to provide annual Challenge
380 Grants to certain lead agencies of homeless assistance
381 continuums of care; removing the requirement that
382 levels of grant awards be based upon the total
383 population within the continuum of care catchment area
384 and reflect the differing degrees of homelessness in
385 the respective areas; allowing expenditures of
386 leveraged funds or resources only for eligible
387 activities subject to certain requirements; providing
388 that preference for a grant award must be given to
389 those lead agencies that have demonstrated the ability
390 to leverage specified federal homeless-assistance
391 funding, as well as private funding, for the provision
392 of services to homeless persons; revising preference
393 conditions relating to grant applicants; requiring the
394 State Office on Homelessness, in conjunction with the
395 Council on Homelessness, to establish specific
396 objectives by which it may evaluate the outcomes of
397 certain lead agencies; requiring that any funding
398 through the State Office on Homelessness be
399 distributed to lead agencies based on their
400 performance and achievement of specified objectives;
401 revising the factors that may be included as criteria
402 for evaluating the performance of lead agencies;
403 amending s. 420.624, F.S.; revising requirements for
404 the local homeless assistance continuum of care plan;
405 providing that the components of a continuum of care
406 plan should include Rapid ReHousing; requiring that

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407 specified components of a continuum of care plan be
408 coordinated and integrated with other specified
409 services and programs; creating s. 420.6265, F.S.;
410 providing legislative findings and intent relating to
411 Rapid ReHousing; providing a Rapid ReHousing
412 methodology; amending s. 420.9071, F.S.; conforming a
413 cross-reference; redefining the term "rent subsidies";
414 amending s. 420.9072, F.S.; prohibiting a county or an
415 eligible municipality from expending its portion of
416 the local housing distribution to provide ongoing rent
417 subsidies; specifying exceptions; amending s.
418 420.9073, F.S.; requiring the Florida Housing Finance
419 Corporation to first distribute a certain percentage
420 of the total amount to be distributed each fiscal year
421 from the Local Government Housing Trust Fund to the
422 Department of Children and Families and to the
423 Department of Economic Opportunity, respectively,
424 subject to certain requirements; amending s. 420.9075,
425 F.S.; providing that a certain partnership process of
426 the State Housing Initiatives Partnership Program
427 should involve lead agencies of local homeless
428 assistance continuums of care; encouraging counties
429 and eligible municipalities to develop a strategy
430 within their local housing assistance plans which
431 provides program funds for reducing homelessness;
432 revising the criteria that apply to awards made to
433 sponsors or persons for the purpose of providing
434 housing; requiring that a specified report submitted
435 by counties and municipalities include a description

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436 of efforts to reduce homelessness; creating s.
437 420.9089, F.S.; providing legislative findings and
438 intent relating to the National Housing Trust Fund;
439 amending s. 477.0135, F.S.; conforming a provision to
440 changes made by the act; approving specified sports
441 development project applications; requiring the
442 department to certify the applicants by a specified
443 date; defining the term "eligible business";
444 authorizing an eligible business to apply for
445 specified programs in certain circumstances; requiring
446 the department to provide a list of eligible business
447 annually to the Department of Revenue; requiring the
448 department to provide notice to the Department of
449 Revenue upon the expiration or termination of a
450 contract; providing an effective date and an
451 expiration date; providing an appropriation from the
452 State Economic Enhancement and Development Trust Fund
453 and Economic Development Trust Fund for specified
454 purposes; providing an effective date.

455

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

457

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

460 163.340 Definitions.—The following terms, wherever used or
461 referred to in this part, have the following meanings:

462 (8) "Blighted area" means an area in which there are a
463 substantial number of deteriorated~~7~~ or deteriorating
464 structures;i7 in which conditions, as indicated by government-

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465 maintained statistics or other studies, endanger life or
466 property or are leading to economic distress; ~~or endanger life~~
467 ~~or property,~~ and in which two or more of the following factors
468 are present:

469 (a) Predominance of defective or inadequate street layout,
470 parking facilities, roadways, bridges, or public transportation
471 facilities.†

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

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

478 (d) Unsanitary or unsafe conditions.†

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

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

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

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

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

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

490 (k) Fire and emergency medical service calls to the area
491 proportionately higher than in the remainder of the county or
492 municipality.†

493 (l) A greater number of violations of the Florida Building

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494 Code in the area than the number of violations recorded in the
495 remainder of the county or municipality.~~†~~

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

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

501 (o) A substantial number or percentage of properties
502 damaged by sinkhole activity which have not been adequately
503 repaired or stabilized.

504
505 However, the term "blighted area" also means any area in which
506 at least one of the factors identified in paragraphs (a) through
507 (o) is ~~(n) are~~ present and all taxing authorities subject to s.
508 163.387(2) (a) agree, either by interlocal agreement ~~or~~
509 ~~agreements~~ with the agency or by resolution, that the area is
510 blighted. Such agreement or resolution must be limited to a
511 determination ~~shall only determine~~ that the area is blighted.
512 For purposes of qualifying for the tax credits authorized in
513 chapter 220, "blighted area" means an area as defined in this
514 subsection.

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

517 163.524 Neighborhood Preservation and Enhancement Program;
518 participation; creation of Neighborhood Preservation and
519 Enhancement Districts; creation of Neighborhood Councils and
520 Neighborhood Enhancement Plans.—

521 (3) After the boundaries and size of the Neighborhood
522 Preservation and Enhancement District have been defined, the

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523 local government shall pass an ordinance authorizing the
524 creation of the Neighborhood Preservation and Enhancement
525 District. The ordinance shall contain a finding that the
526 boundaries of the Neighborhood Preservation and Enhancement
527 District comply with ~~meet the provisions of~~ s. 163.340(7) or s.
528 163.340(8)(a)-(o) ~~(8)(a)-(n)~~ or do not contain properties that
529 are protected by deed restrictions. Such ordinance may be
530 amended or repealed in the same manner as other local
531 ordinances.

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

535 212.08 Sales, rental, use, consumption, distribution, and
536 storage tax; specified exemptions.—The sale at retail, the
537 rental, the use, the consumption, the distribution, and the
538 storage to be used or consumed in this state of the following
539 are hereby specifically exempt from the tax imposed by this
540 chapter.

541 (5) EXEMPTIONS; ACCOUNT OF USE.—

542 (q) *Entertainment industry tax credit; authorization;*
543 *eligibility for credits.*—The credits against the state sales tax
544 authorized pursuant to s. 288.1254 shall be deducted from any
545 sales and use tax remitted by the dealer to the department by
546 electronic funds transfer and may only be deducted on a sales
547 and use tax return initiated through electronic data
548 interchange. The dealer shall separately state the credit on the
549 electronic return. The net amount of tax due and payable must be
550 remitted by electronic funds transfer. If the credit for the
551 qualified expenditures is larger than the amount owed on the

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552 sales and use tax return that is eligible for the credit, the
553 unused amount of the credit may be carried forward to a
554 succeeding reporting period as provided in s. 288.1254(4)(d) ~~s.~~
555 ~~288.1254(4)(e)~~. A dealer may only obtain a credit using the
556 method described in this paragraph ~~subparagraph~~. A dealer is not
557 authorized to obtain a credit by applying for a refund.

558 Section 4. Paragraph (d) of subsection (6) of section
559 212.20, Florida Statutes, is amended to read:

560 212.20 Funds collected, disposition; additional powers of
561 department; operational expense; refund of taxes adjudicated
562 unconstitutionally collected.—

563 (6) Distribution of all proceeds under this chapter and ss.
564 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

574 2. After the distribution under subparagraph 1., 8.8854
575 percent of the amount remitted by a sales tax dealer located
576 within a participating county pursuant to s. 218.61 shall be
577 transferred into the Local Government Half-cent Sales Tax
578 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
579 transferred shall be reduced by 0.1 percent, and the department
580 shall distribute this amount to the Public Employees Relations

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581 Commission Trust Fund less \$5,000 each month, which shall be
582 added to the amount calculated in subparagraph 3. and
583 distributed accordingly.

584 3. After the distribution under subparagraphs 1. and 2.,
585 0.0956 percent shall be transferred to the Local Government
586 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
587 to s. 218.65.

588 4. After the distributions under subparagraphs 1., 2., and
589 3., 2.0603 percent of the available proceeds shall be
590 transferred monthly to the Revenue Sharing Trust Fund for
591 Counties pursuant to s. 218.215.

592 5. After the distributions under subparagraphs 1., 2., and
593 3., 1.3517 percent of the available proceeds shall be
594 transferred monthly to the Revenue Sharing Trust Fund for
595 Municipalities pursuant to s. 218.215. If the total revenue to
596 be distributed pursuant to this subparagraph is at least as
597 great as the amount due from the Revenue Sharing Trust Fund for
598 Municipalities and the former Municipal Financial Assistance
599 Trust Fund in state fiscal year 1999-2000, no municipality shall
600 receive less than the amount due from the Revenue Sharing Trust
601 Fund for Municipalities and the former Municipal Financial
602 Assistance Trust Fund in state fiscal year 1999-2000. If the
603 total proceeds to be distributed are less than the amount
604 received in combination from the Revenue Sharing Trust Fund for
605 Municipalities and the former Municipal Financial Assistance
606 Trust Fund in state fiscal year 1999-2000, each municipality
607 shall receive an amount proportionate to the amount it was due
608 in state fiscal year 1999-2000.

609 6. Of the remaining proceeds:

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610 a. In each fiscal year, the sum of \$29,915,500 shall be
611 divided into as many equal parts as there are counties in the
612 state, and one part shall be distributed to each county. The
613 distribution among the several counties must begin each fiscal
614 year on or before January 5th and continue monthly for a total
615 of 4 months. If a local or special law required that any moneys
616 accruing to a county in fiscal year 1999-2000 under the then-
617 existing provisions of s. 550.135 be paid directly to the
618 district school board, special district, or a municipal
619 government, such payment must continue until the local or
620 special law is amended or repealed. The state covenants with
621 holders of bonds or other instruments of indebtedness issued by
622 local governments, special districts, or district school boards
623 before July 1, 2000, that it is not the intent of this
624 subparagraph to adversely affect the rights of those holders or
625 relieve local governments, special districts, or district school
626 boards of the duty to meet their obligations as a result of
627 previous pledges or assignments or trusts entered into which
628 obligated funds received from the distribution to county
629 governments under then-existing s. 550.135. This distribution
630 specifically is in lieu of funds distributed under s. 550.135
631 before July 1, 2000.

632 b. The department shall distribute \$166,667 monthly to each
633 applicant certified as a facility for a new or retained
634 professional sports franchise pursuant to s. 288.1162. Up to
635 \$41,667 shall be distributed monthly by the department to each
636 certified applicant as defined in s. 288.11621 for a facility
637 for a spring training franchise. However, not more than \$416,670
638 may be distributed monthly in the aggregate to all certified

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639 applicants for facilities for spring training franchises.
640 Distributions begin 60 days after such certification and
641 continue for not more than 30 years, except as otherwise
642 provided in s. 288.11621. A certified applicant identified in
643 this sub-subparagraph may not receive more in distributions than
644 expended by the applicant for the public purposes provided in s.
645 288.1162(5) or s. 288.11621(3).

646 c. Beginning 30 days after notice by the Department of
647 Economic Opportunity to the Department of Revenue that an
648 applicant has been certified as the professional golf hall of
649 fame pursuant to s. 288.1168 and is open to the public, \$166,667
650 shall be distributed monthly, for up to 300 months, to the
651 applicant.

652 ~~d. Beginning 30 days after notice by the Department of~~
653 ~~Economic Opportunity to the Department of Revenue that the~~
654 ~~applicant has been certified as the International Game Fish~~
655 ~~Association World Center facility pursuant to s. 288.1169, and~~
656 ~~the facility is open to the public, \$83,333 shall be distributed~~
657 ~~monthly, for up to 168 months, to the applicant. This~~
658 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
659 ~~lump sum payment of \$999,996 shall be made after certification~~
660 ~~and before July 1, 2000.~~

661 ~~e.~~ The department shall distribute up to \$83,333 monthly to
662 each certified applicant as defined in s. 288.11631 for a
663 facility used by a single spring training franchise, or up to
664 \$166,667 monthly to each certified applicant as defined in s.
665 288.11631 for a facility used by more than one spring training
666 franchise. Monthly distributions begin 60 days after such
667 certification or July 1, 2016, whichever is later, and continue

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668 for not more than 20 years to each certified applicant as
669 defined in s. 288.11631 for a facility used by a single spring
670 training franchise or not more than 25 years to each certified
671 applicant as defined in s. 288.11631 for a facility used by more
672 than one spring training franchise. A certified applicant
673 identified in this sub-subparagraph may not receive more in
674 distributions than expended by the applicant for the public
675 purposes provided in s. 288.11631(3).

676 ~~e.f.~~ Beginning 45 days after notice by the Department of
677 Economic Opportunity to the Department of Revenue that an
678 applicant has been approved by the Legislature and certified by
679 the Department of Economic Opportunity under s. 288.11625 or
680 upon a date specified by the Department of Economic Opportunity
681 as provided under s. 288.11625(6)(d), the department shall
682 distribute each month an amount equal to one-twelfth of the
683 annual distribution amount certified by the Department of
684 Economic Opportunity for the applicant. The department may not
685 distribute more than \$7 million in the 2014-2015 fiscal year or
686 more than \$13 million annually thereafter under this sub-
687 subparagraph.

688 7. All other proceeds must remain in the General Revenue
689 Fund.

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

692 220.1899 Entertainment industry tax credit.—

693 (3) To the extent that the amount of a tax credit exceeds
694 the amount due on a return, the balance of the credit may be
695 carried forward to a succeeding taxable year pursuant to s.
696 288.1254(4)(d) ~~s. 288.1254(4)(e)~~.

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697 Section 6. Paragraph (b) of subsection (1) of section
698 220.191, Florida Statutes, is amended to read:

699 220.191 Capital investment tax credit.—

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

701 (b) “Cumulative capital investment” means the total capital
702 investment in land, buildings, and equipment made in connection
703 with a qualifying project during the period from the beginning
704 of construction of the project to the commencement of
705 operations. The term does not include any state or local funds,
706 including funds appropriated to public or private entities, used
707 for capital investment.

708 Section 7. Paragraphs (b) and (e) of subsection (2) of
709 section 288.0001, Florida Statutes, are amended to read:

710 288.0001 Economic Development Programs Evaluation.—The
711 Office of Economic and Demographic Research and the Office of
712 Program Policy Analysis and Government Accountability (OPPAGA)
713 shall develop and present to the Governor, the President of the
714 Senate, the Speaker of the House of Representatives, and the
715 chairs of the legislative appropriations committees the Economic
716 Development Programs Evaluation.

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

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

722 1. The entertainment industry financial incentive program
723 established under s. 288.1254.

724 2. The entertainment industry sales tax exemption program
725 established under s. 288.1258.

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

728 4. The Florida Sports Foundation and related programs
729 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
730 288.1168, ~~288.1169~~, and 288.1171.

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

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

737 288.005 Definitions.—As used in this chapter, the term:

738 (1) "Economic benefits" means the direct, indirect, and
739 induced gains in state revenues as a percentage of the state's
740 investment. The state's investment includes all state funds
741 spent or forgone to benefit the business, including state funds
742 appropriated to public and private entities, state grants, tax
743 exemptions, tax refunds, tax credits, and other state
744 incentives.

745 Section 9. Section 288.061, Florida Statutes, is amended to
746 read:

747 288.061 Economic development incentive application
748 process.—

749 (1) Beginning January 1, 2016, the department shall
750 prescribe a form upon which an application for an incentive must
751 be made. At a minimum, the incentive application must include
752 all of the following:

753 (a) The applicant's federal employer identification number,
754 reemployment assistance account number, and state sales tax

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755 registration number. If such numbers are not available at the
756 time of application, they must be submitted to the department in
757 writing before the disbursement of any economic incentive
758 payments or the grant of any tax credits or refunds.

759 (b) The applicant's signature.

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

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

763 (e) A description of the type of business activity,
764 product, or research and development undertaken by the
765 applicant, including the six-digit North American Industry
766 Classification System code for all activities included in the
767 project.

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

770 (2)~~(1)~~ Upon receiving a submitted economic development
771 incentive application, the Division of Strategic Business
772 Development of the department ~~of Economic Opportunity~~ and
773 designated staff of Enterprise Florida, Inc., shall review the
774 application to ensure that the application is complete, whether
775 and what type of state and local permits may be necessary for
776 the applicant's project, whether it is possible to waive such
777 permits, and what state incentives and amounts of such
778 incentives may be available to the applicant. The department
779 shall recommend to the executive director to approve or
780 disapprove an applicant business. If review of the application
781 demonstrates that the application is incomplete, the executive
782 director shall notify the applicant business within the first 5
783 business days after receiving the application.

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784 ~~(3)(2) Beginning July 1, 2013,~~ The department shall review
785 and evaluate each economic development incentive application for
786 the economic benefits of the proposed award of state incentives
787 proposed for the project. The term "economic benefits" has the
788 same meaning as in s. 288.005. The Office of Economic and
789 Demographic Research shall establish the methodology and model
790 used to calculate the economic benefits, including guidelines
791 for the appropriate application of the department's internal
792 model. For purposes of this requirement, an amended definition
793 of the term "economic benefits" may be developed by the Office
794 of Economic and Demographic Research. However, the amended
795 definition must reflect the requirement of s. 288.005 that the
796 state's investment include all state funds spent or forgone to
797 benefit the business, including state funds appropriated to
798 public and private entities but excluding state funds spent for
799 economic development transportation projects under s. 339.2821,
800 to the extent that those funds should reasonably be known to the
801 department at the time of approval. In the department's
802 evaluation of an economic development incentive application, the
803 department may not attribute to the business any capital
804 investment made by the business using state funds. However, the
805 evaluation must account for all capital investment related to
806 the project.

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

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

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

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813 (c) A review of the historical market performance of the
814 company.

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

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

819 (f) A review of performance in connection with past
820 incentives.

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

822 (5) (a) ~~(3)~~ Except as provided in paragraph (b), within 10
823 business days after the department receives a complete ~~the~~
824 ~~submitted~~ economic development incentive application, the
825 executive director shall approve or disapprove the application
826 and issue a letter of certification to the applicant which
827 includes a justification of that decision, unless the business
828 requests an extension of ~~that~~ time. For purposes of this
829 paragraph, the term "project" means a project that will receive
830 funds under any one of the following programs:

831 1. The Local Government Distressed Area Matching Grant
832 Program established by s. 288.0659.

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

835 3. The qualified target industry business tax refund
836 authorized under s. 288.106.

837 4. The brownfield redevelopment bonus refund established
838 under s. 288.107.

839 (b) Within 10 business days after the department receives a
840 complete economic development incentive application for a
841 project identified in this paragraph, the executive director

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842 shall recommend to the Governor approval or disapproval of the
843 application. The recommendation must include a justification for
844 the recommendation and the proposed performance conditions that
845 the project must meet to obtain incentive funds.

846 1. The Governor may approve a project without consulting
847 the Legislature for a project that requires less than \$2 million
848 in funding.

849 2. Except as provided in subparagraph 4., for any project
850 that requires funding in the amount of at least \$2 million and
851 up to \$7.5 million, the Governor shall provide a written
852 description and evaluation of the project to the chair and vice
853 chair of the Legislative Budget Commission at least 10 days
854 before giving final approval for the project. The recommendation
855 must include proposed payment and performance conditions that
856 the project must meet in order to obtain incentive funds and to
857 avoid sanctions. If the chair or vice chair of the Legislative
858 Budget Commission, the President of the Senate, or the Speaker
859 of the House of Representatives advises the Governor, in
860 writing, that his or her planned or proposed action exceeds the
861 delegated authority of the Governor or is contrary to
862 legislative policy or intent, the Governor shall instruct the
863 department to immediately suspend any action planned or proposed
864 until the Legislative Budget Commission or the Legislature makes
865 a determination on the project.

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

869 4. Any project that requires funding in the amount of \$5
870 million or greater and that provides a waiver of program

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871 requirements must be approved by the Legislative Budget
872 Commission prior to final approval by the Governor.

873 5. Under subparagraphs 3. and 4., the project is deemed
874 approved by the Legislative Budget Commission if a meeting of
875 the Legislative Budget Commission is not held or if the project
876 is not objected to as provided for in this subsection within 30
877 calendar days after the date the Office of Policy and Budget in
878 the Executive Office of the Governor submits the written
879 description and evaluation of the project and the department's
880 recommendation, including proposed payment and performance
881 conditions, to the chair and vice chair of the Legislative
882 Budget Commission.

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

886 a. High-impact business performance grants established
887 under s. 288.108.

888 b. The Quick Action Closing Fund established under s.
889 288.1088.

890 c. The Innovation Incentive Program created by s. 288.1089.

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

894 (6) (a) Upon certification, the department and the applicant
895 shall enter into an agreement or contract. The ~~contract or~~
896 agreement or contract with the applicant must specify the total
897 amount of the award, the performance conditions that must be met
898 to obtain the award, the schedule for payment, and sanctions
899 that would apply for failure to meet performance conditions. Any

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900 agreement or contract with the applicant must require that the
901 applicant use the workforce information systems implemented
902 under s. 445.011 to advertise job openings created as a result
903 of the state incentive agreement or contract. Any agreement or
904 contract that requires capital investment to be made by the
905 business must also require that such investment remain in this
906 state for the duration of the agreement or contract. The
907 department may enter into one agreement or contract covering all
908 of the state incentives that are being provided to the
909 applicant. The agreement or contract must provide that release
910 of funds is contingent upon sufficient appropriation of funds by
911 the Legislature.

912 (b) The duration of an agreement or contract may not exceed
913 10 years. However, the department may enter into a successive
914 agreement or contract for a specific project to extend the
915 initial 10-year term, provided that each successive agreement or
916 contract is contingent upon the successful completion of the
917 previous agreement or contract. This paragraph does not apply to
918 a project under s. 220.191 or s. 288.1089.

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

922 (d) The release of funds for the incentive or incentives
923 awarded to the applicant depends upon the statutory requirements
924 of the particular incentive program.

925 ~~(7)~~(4) The department shall validate contractor performance
926 and report such validation in the annual incentives report
927 required under s. 288.907.

928 ~~(8)~~(5) (a) The executive director may not approve an

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929 economic development incentive application unless the
930 application includes a signed written declaration by the
931 applicant which states that the applicant has read the
932 information in the application and that the information is true,
933 correct, and complete to the best of the applicant's knowledge
934 and belief.

935 (b) After an economic development incentive application is
936 approved, the awardee shall provide, in each year that the
937 department is required to validate contractor performance, a
938 signed written declaration. The written declaration must state
939 that the awardee has reviewed the information and that the
940 information is true, correct, and complete to the best of the
941 awardee's knowledge and belief.

942 (9) The department shall provide notice, including a
943 written description and evaluation, to the Legislature of any
944 proposed amendment to an agreement or contract that reduces the
945 projected economic benefits calculated at the time the agreement
946 or contract was executed by 0.50 or more or changes any
947 performance conditions or other statutorily required criteria.
948 In order to provide an opportunity for review, at least 3
949 business days before signing an amendment to an agreement or
950 contract, the department shall provide notice of the proposed
951 change to the chair and vice chair of the Legislative Budget
952 Commission, the President of the Senate, and the Speaker of the
953 House of Representatives. However, a proposed amendment to an
954 agreement or contract is subject to the 10-day notice and
955 objection procedures specified in this section if the proposed
956 amendment reduces the projected economic benefits calculated at
957 the time the agreement or contract was executed to result in an

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958 economic benefit ratio below a statutorily required level for
959 receipt of funds or, if already below the statutorily required
960 level, by 0.50 or more. Any such amended agreement or contract
961 must also provide for a proportionate reduction in the award
962 amount. If the chair or vice chair of the Legislative Budget
963 Commission, the President of the Senate, or the Speaker of the
964 House of Representatives timely advises the Governor, in
965 writing, that such action or proposed action exceeds the
966 delegated authority of the Governor or is contrary to
967 legislative policy or intent, the Governor shall instruct the
968 department to immediately suspend any action proposed or taken
969 until the Legislative Budget Commission or the Legislature makes
970 a determination on the project.

971 (10) (a) The department is authorized to execute contracts
972 and agreements that obligate the state to make payments from
973 appropriations in the current or a future fiscal year for
974 incentive programs specified in this paragraph. The total amount
975 of actual or projected funds approved for payment by the
976 department based on actual project performance and the schedule
977 of payments for each incentive contract or agreement may not
978 exceed a combined total of \$50 million in any fiscal year for
979 all of the following:

980 1. The Local Government Distressed Area Matching Grant
981 Program established under s. 288.0659.

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

984 3. The qualified target industry businesses tax refund
985 program established under s. 288.106.

986 4. The brownfield redevelopment bonus refund program

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987 established under s. 288.107.

988 5. The high-impact business performance grant program
989 established under s. 288.108.

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

994 7. The Innovation Incentive Program established under s.
995 288.1089.

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

999 (c) By January 2 of each year, the department shall provide
1000 to the Legislature a list of projected payments for the
1001 following fiscal year and, by March 1 of each year, the
1002 department shall provide to the Legislature a list of claims
1003 actually filed for payment in the following fiscal year. The
1004 department may not make a scheduled payment under a contract or
1005 agreement for a given fiscal year until the department has
1006 validated that the applicant has met the performance
1007 requirements of the contract or agreement. Any funds
1008 appropriated for scheduled payments in a fiscal year which are
1009 unexpended by June 30 of that year shall revert in accordance
1010 with s. 216.301 and may not be transferred to an escrow account.

1011 (d) The Legislature shall annually appropriate in the
1012 General Appropriations Act an amount estimated to be sufficient
1013 to satisfy scheduled payments in the coming fiscal year. If the
1014 amount appropriated by the Legislature proves insufficient to
1015 satisfy the scheduled payments, the department shall pay the

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1016 unfunded claims from the appropriation for the next fiscal year.
1017 By March 1 of each year, the department shall notify the
1018 legislative appropriations committees of any such anticipated
1019 shortfall for the current fiscal year and of the amount it
1020 estimates will be needed to pay claims during the next fiscal
1021 year.

1022 ~~(11)(6)~~ The department is authorized to adopt rules to
1023 implement this section.

1024 Section 10. Section 288.095, Florida Statutes, is amended
1025 to read:

1026 288.095 Economic Development Trust Fund.—

1027 (1) The Economic Development Trust Fund is created within
1028 the Department of Economic Opportunity. Moneys deposited into
1029 the fund must be used only to support the authorized activities
1030 and operations of the department. Moneys credited to the trust
1031 fund consist of local financial support funds.

1032 (2) There is created, within the Economic Development Trust
1033 Fund, the Economic Development Incentives Account. The Economic
1034 Development Incentives Account consists of moneys transferred
1035 from local governments as local financial support appropriated
1036 ~~to the account~~ for purposes of the tax incentives programs
1037 authorized under ss. 288.1045, ~~and~~ 288.106, and 288.107 local
1038 ~~financial support provided under ss. 288.1045 and 288.106.~~
1039 Moneys in the Economic Development Incentives Account may be
1040 used only to pay tax refunds and make other payments authorized
1041 under s. 288.1045, s. 288.106, or s. 288.107, and may only be
1042 expended pursuant to legislative appropriation or an approved
1043 amendment to the department's operating budget pursuant to
1044 chapter 216. Notwithstanding s. 216.301, and pursuant to s.

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1045 216.351, any balance in the account at the end of a fiscal year
1046 remains in the account and is available for carrying out the
1047 purposes of the account shall be subject to the provisions of s.
1048 216.301(1) (a).

1049 ~~(3) (a) The department may approve applications for~~
1050 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
1051 ~~the total state share of tax refund payments may not exceed \$35~~
1052 ~~million.~~

1053 ~~(b) The total amount of tax refund claims approved for~~
1054 ~~payment by the department based on actual project performance~~
1055 ~~may not exceed the amount appropriated to the Economic~~
1056 ~~Development Incentives Account for such purposes for the fiscal~~
1057 ~~year. Claims for tax refunds under ss. 288.1045 and 288.106~~
1058 ~~shall be paid in the order the claims are approved by the~~
1059 ~~department. In the event the Legislature does not appropriate an~~
1060 ~~amount sufficient to satisfy the tax refunds under ss. 288.1045~~
1061 ~~and 288.106 in a fiscal year, the department shall pay the tax~~
1062 ~~refunds from the appropriation for the following fiscal year. By~~
1063 ~~March 1 of each year, the department shall notify the~~
1064 ~~legislative appropriations committees of the Senate and House of~~
1065 ~~Representatives of any anticipated shortfall in the amount of~~
1066 ~~funds needed to satisfy claims for tax refunds from the~~
1067 ~~appropriation for the current fiscal year.~~

1068 ~~(c) Moneys in the Economic Development Incentives Account~~
1069 ~~may be used only to pay tax refunds and make other payments~~
1070 ~~authorized under s. 288.1045, s. 288.106, or s. 288.107.~~

1071 ~~(d) The department may adopt rules necessary to carry out~~
1072 ~~the provisions of this subsection, including rules providing for~~
1073 ~~the use of moneys in the Economic Development Incentives Account~~

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1074 and for the administration of the Economic Development
1075 Incentives Account.

1076 Section 11. Paragraph (b) of subsection (1), paragraphs
1077 (a), (c), (e), and (f) of subsection (2), paragraphs (e) and (h)
1078 of subsection (3), paragraphs (a), (b), (d), and (e) of
1079 subsection (5), and subsection (7) of section 288.1045, Florida
1080 Statutes, are amended to read:

1081 288.1045 Qualified defense contractor and space flight
1082 business tax refund program.—

1083 (1) DEFINITIONS.—As used in this section:

1084 (b) "Average private sector wage in the area" means the
1085 average of all private sector wages and salaries in the state,
1086 the county, or in the standard metropolitan area in which the
1087 business unit is located.

1088 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1089 (a) There shall be allowed, ~~from the Economic Development~~
1090 ~~Trust Fund,~~ a refund to a qualified applicant for the amount of
1091 eligible taxes certified by the department which were paid by
1092 such qualified applicant. The total amount of refunds for all
1093 fiscal years for each qualified applicant shall be determined
1094 pursuant to subsection (3). The annual amount of a refund to a
1095 qualified applicant shall be determined pursuant to subsection
1096 (5).

1097 (c) ~~Contingent upon an annual appropriation by the~~
1098 ~~Legislature,~~ The department may not approve ~~not~~ more in tax
1099 refunds ~~than the amount appropriated to the Economic Development~~
1100 ~~Trust Fund for tax refunds,~~ for a fiscal year than the amount
1101 specified in s. 288.061 pursuant to subsection (5) and s.
1102 288.095.

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1103 (e) After entering into a tax refund agreement pursuant to
1104 subsection (4), a qualified applicant may:

1105 1. Receive refunds ~~from the account~~ for corporate income
1106 taxes due and paid pursuant to chapter 220 by that business
1107 beginning with the first taxable year of the business which
1108 begins after entering into the agreement.

1109 2. Receive refunds ~~from the account~~ for the following taxes
1110 due and paid by that business after entering into the agreement:

1111 a. Taxes on sales, use, and other transactions paid
1112 pursuant to chapter 212.

1113 b. Intangible personal property taxes paid pursuant to
1114 chapter 199.

1115 c. Excise taxes paid on documents pursuant to chapter 201.

1116 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
1117 June 1, 1996.

1118 e. State communications services taxes administered under
1119 chapter 202. This provision does not apply to the gross receipts
1120 tax imposed under chapter 203 and administered under chapter 202
1121 or the local communications services tax authorized under s.
1122 202.19.

1123

1124 However, a qualified applicant may not receive a tax refund
1125 pursuant to this section for any amount of credit, refund, or
1126 exemption granted such contractor for any of such taxes. If a
1127 refund for such taxes is provided by the department, which taxes
1128 are subsequently adjusted by the application of any credit,
1129 refund, or exemption granted to the qualified applicant other
1130 than that provided in this section, the qualified applicant
1131 shall reimburse the department ~~Economic Development Trust Fund~~

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1132 for the amount of such credit, refund, or exemption. A qualified
1133 applicant must notify and tender payment to the department
1134 within 20 days after receiving a credit, refund, or exemption,
1135 other than that provided in this section.

1136 (f) Any qualified applicant who fraudulently claims this
1137 refund is liable for repayment of the refund to the department
1138 ~~Economic Development Trust Fund~~ plus a mandatory penalty of 200
1139 percent of the tax refund which shall be deposited into the
1140 General Revenue Fund. Any qualified applicant who fraudulently
1141 claims this refund commits a felony of the third degree,
1142 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1143 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1144 DETERMINATION.—

1145 (e) To qualify for review by the department, the
1146 application of an applicant must, at a minimum, establish the
1147 following to the satisfaction of the department:

1148 1. The jobs proposed to be provided under the application,
1149 pursuant to subparagraph (b)6., subparagraph (c)6., or
1150 subparagraph (j)6., must pay an estimated annual average wage
1151 equaling at least 115 percent of the average private sector wage
1152 in the area where the project is to be located.

1153 2. The consolidation of a Department of Defense contract
1154 must result in a net increase of at least 25 percent in the
1155 number of jobs at the applicant's facilities in this state or
1156 the addition of at least 80 jobs at the applicant's facilities
1157 in this state.

1158 3. The conversion of defense production jobs to nondefense
1159 production jobs must result in net increases in nondefense
1160 employment at the applicant's facilities in this state.

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1161 4. The Department of Defense contract or the space flight
1162 business contract cannot allow the business to include the costs
1163 of relocation or retooling in its base as allowable costs under
1164 a cost-plus, or similar, contract.

1165 5. A business unit of the applicant must have derived not
1166 less than 60 percent of its gross receipts in this state from
1167 Department of Defense contracts or space flight business
1168 contracts over the applicant's last fiscal year, and must have
1169 derived not less than an average of 60 percent of its gross
1170 receipts in this state from Department of Defense contracts or
1171 space flight business contracts over the 5 years preceding the
1172 date an application is submitted pursuant to this section. This
1173 subparagraph does not apply to any application for certification
1174 based on a contract for reuse of a defense-related facility.

1175 6. The reuse of a defense-related facility must result in
1176 the creation of at least 100 jobs at such facility.

1177 7. A new space flight business contract or the
1178 consolidation of a space flight business contract must result in
1179 net increases in space flight business employment at the
1180 applicant's facilities in this state.

1181 (h) The department may not certify any applicant as a
1182 qualified applicant when the value of tax refunds to be included
1183 in that letter of certification exceeds the available amount of
1184 authority to certify a new business in any fiscal year
1185 ~~businesses~~ as determined pursuant to s. 288.061(10) in s.
1186 ~~288.095(3)~~. A letter of certification that approves an
1187 application must specify the maximum amount of a tax refund that
1188 is to be available to the contractor for each fiscal year and
1189 the total amount of tax refunds for all fiscal years.

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1190 (5) ANNUAL CLAIM FOR REFUND.—

1191 (a) To be eligible to claim any scheduled tax refund,
1192 qualified applicants who have entered into a written agreement
1193 with the department pursuant to subsection (4) and who have
1194 entered into a valid new Department of Defense contract, entered
1195 into a valid new space flight business contract, commenced the
1196 consolidation of a space flight business contract, commenced the
1197 consolidation of a Department of Defense contract, commenced the
1198 conversion of defense production jobs to nondefense production
1199 jobs, or entered into a valid contract for reuse of a defense-
1200 related facility must apply by January 31 of each fiscal year to
1201 the department for tax refunds scheduled to be paid from the
1202 appropriation for the fiscal year that begins on July 1
1203 following the January 31 claims-submission date. The department
1204 may, upon written request, grant up to a 60-day ~~30-day~~ extension
1205 of the filing date. The application must include a notarized
1206 signature of an officer of the applicant.

1207 (b) The department shall verify ~~claim for refund by the~~
1208 ~~qualified applicant must include a copy of all receipts~~
1209 ~~pertaining to~~ the payment of taxes for which a claim for refund
1210 is sought, and data related to achieving each performance item
1211 contained in the tax refund agreement pursuant to subsection
1212 (4). The amount requested as a tax refund may not exceed the
1213 amount for the relevant fiscal year in the written agreement
1214 entered pursuant to subsection (4).

1215 (d) The department, with assistance from the Department of
1216 Revenue, shall, by June 30 following the scheduled date for
1217 submitting the tax refund claim, specify by written order the
1218 approval or disapproval of the tax refund claim and, if

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1219 approved, the amount of the tax refund that is authorized to be
1220 paid to the qualified applicant for the annual tax refund. The
1221 department may grant up to a 60-day ~~an~~ extension of this date
1222 upon the request of the qualified applicant for the purpose of
1223 filing additional information in support of the claim.

1224 (e) The total amount of tax refunds approved by the
1225 department under this section in any fiscal year may not exceed
1226 the amount authorized under s. 288.061(10) ~~s. 288.095(3)~~.

1227 (7) EXPIRATION.—An applicant may not be certified as
1228 qualified under this section after June 30, 2020 ~~2014~~. A tax
1229 refund agreement existing on that date shall continue in effect
1230 in accordance with its terms.

1231 Section 12. Paragraphs (k) and (q) of subsection (2),
1232 paragraphs (a), (d), (e), and (g) of subsection (3), paragraphs
1233 (b) and (e) of subsection (4), and paragraphs (a) and (d)
1234 through (g) of subsection (6) of section 288.106, Florida
1235 Statutes, are amended, present subsection (9) is redesignated as
1236 subsection (10), and a new subsection (9) is added to that
1237 section, to read:

1238 288.106 Tax refund program for qualified target industry
1239 businesses.—

1240 (2) DEFINITIONS.—As used in this section:

1241 (k) "Local financial support exemption option" means the
1242 option to exercise an exemption from the local financial support
1243 requirement available to an ~~any~~ applicant whose project is
1244 located in a brownfield area, a rural city, or a rural
1245 community. ~~Any applicant that exercises this option is not~~
1246 ~~eligible for more than 80 percent of the total tax refunds~~
1247 ~~allowed such applicant under this section.~~

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1248 (q) "Target industry business" means a corporate
1249 headquarters business or any business that is engaged in one of
1250 the target industries identified pursuant to the following
1251 criteria developed by the department in consultation with
1252 Enterprise Florida, Inc.:

1253 1. Future growth.—Industry forecasts should indicate strong
1254 expectation for future growth in both employment and output,
1255 according to the most recent available data. Special
1256 consideration should be given to businesses that export goods
1257 to, or provide services in, international markets and businesses
1258 that replace domestic and international imports of goods or
1259 services.

1260 2. Stability.—The industry should not be subject to
1261 periodic layoffs, whether due to seasonality or sensitivity to
1262 volatile economic variables such as weather. The industry should
1263 also be relatively resistant to recession, so that the demand
1264 for products of this industry is not typically subject to
1265 decline during an economic downturn.

1266 3. High wage.—The industry should pay relatively high wages
1267 compared to statewide or area averages.

1268 4. Market and resource independent.—The location of
1269 industry businesses should not be dependent on Florida markets
1270 or resources as indicated by industry analysis, except for
1271 businesses in the renewable energy industry.

1272 5. Industrial base diversification and strengthening.—The
1273 industry should contribute toward expanding or diversifying the
1274 state's or area's economic base, as indicated by analysis of
1275 employment and output shares compared to national and regional
1276 trends. Special consideration should be given to industries that

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1277 strengthen regional economies by adding value to basic products
1278 or building regional industrial clusters as indicated by
1279 industry analysis. Special consideration should also be given to
1280 the development of strong industrial clusters that include
1281 defense and homeland security businesses.

1282 6. Positive economic impact.—The industry is expected to
1283 have strong positive economic impacts on or benefits to the
1284 state or regional economies. Special consideration should be
1285 given to industries that facilitate the development of the state
1286 as a hub for domestic and global trade and logistics.

1287
1288 The term does not include any business engaged in retail
1289 industry activities; any electrical utility company as defined
1290 in s. 366.02(2); any phosphate or other solid minerals
1291 severance, mining, or processing operation; any oil or gas
1292 exploration or production operation; or any business subject to
1293 regulation by the Division of Hotels and Restaurants of the
1294 Department of Business and Professional Regulation. Any business
1295 within NAICS code 5611 or 5614, office administrative services
1296 and business support services, respectively, or any business
1297 within NAICS code 611310 which offers only baccalaureate or
1298 higher degree programs that address health care workforce demand
1299 may be considered a target industry business only after the
1300 local governing body and Enterprise Florida, Inc., make a
1301 determination that the community where the business may locate
1302 has conditions affecting the fiscal and economic viability of
1303 the local community or area, including but not limited to,
1304 factors such as low per capita income, high unemployment, high
1305 underemployment, and a lack of year-round stable employment

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1306 opportunities, and such conditions may be improved by the
 1307 location of such a business to the community. By January 1 of
 1308 every 3rd year, beginning January 1, 2011, the department, in
 1309 consultation with Enterprise Florida, Inc., economic development
 1310 organizations, the State University System, local governments,
 1311 employee and employer organizations, market analysts, and
 1312 economists, shall review and, as appropriate, revise the list of
 1313 such target industries and submit the list to the Governor, the
 1314 President of the Senate, and the Speaker of the House of
 1315 Representatives.

1316 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1317 (a) There shall be allowed, ~~from the account,~~ a refund to a
 1318 qualified target industry business for the amount of eligible
 1319 taxes certified by the department that were paid by the
 1320 business. The total amount of refunds for all fiscal years for
 1321 each qualified target industry business must be determined
 1322 pursuant to subsection (4). The annual amount of a refund to a
 1323 qualified target industry business must be determined pursuant
 1324 to subsection (6).

1325 (d) After entering into a tax refund agreement under
 1326 subsection (5), a qualified target industry business may:

1327 1. Receive refunds ~~from the account~~ for the following taxes
 1328 due and paid by that business beginning with the first taxable
 1329 year of the business that begins after entering into the
 1330 agreement:

1331 a. Corporate income taxes under chapter 220.

1332 b. Insurance premium tax under s. 624.509.

1333 2. Receive refunds from ~~the account for~~ the following taxes
 1334 due and paid by that business after entering into the agreement:

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1335 a. Taxes on sales, use, and other transactions under
1336 chapter 212.

1337 b. Intangible personal property taxes under chapter 199.

1338 c. Excise taxes on documents under chapter 201.

1339 d. Ad valorem taxes paid, as defined in s. 220.03(1).

1340 e. State communications services taxes administered under
1341 chapter 202. This provision does not apply to the gross receipts
1342 tax imposed under chapter 203 and administered under chapter 202
1343 or the local communications services tax authorized under s.
1344 202.19.

1345 (e) However, a qualified target industry business may not
1346 receive a refund under this section for any amount of credit,
1347 refund, or exemption previously granted to that business for any
1348 of the taxes listed in paragraph (d). If a refund for such taxes
1349 is provided by the department, which taxes are subsequently
1350 adjusted by the application of any credit, refund, or exemption
1351 granted to the qualified target industry business other than as
1352 provided in this section, the business shall reimburse the
1353 department ~~account~~ for the amount of that credit, refund, or
1354 exemption. A qualified target industry business shall notify and
1355 tender payment to the department within 20 days after receiving
1356 any credit, refund, or exemption other than one provided in this
1357 section.

1358 (g) A qualified target industry business that fraudulently
1359 claims a refund under this section:

1360 1. Is liable for repayment of the amount of the refund to
1361 the department ~~account~~, plus a mandatory penalty in the amount
1362 of 200 percent of the tax refund which shall be deposited into
1363 the General Revenue Fund.

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1364 2. Commits a felony of the third degree, punishable as
1365 provided in s. 775.082, s. 775.083, or s. 775.084.

1366 (4) APPLICATION AND APPROVAL PROCESS.—

1367 (b) To qualify for review by the department, the
1368 application of a target industry business must, at a minimum,
1369 establish the following to the satisfaction of the department:

1370 1.a. The jobs proposed to be created under the application,
1371 pursuant to subparagraph (a)4., must pay an estimated annual
1372 average wage equaling at least 115 percent of the average
1373 private sector wage in the area where the business is to be
1374 located ~~or the statewide private sector average wage~~. The
1375 governing board of the local governmental entity providing the
1376 local financial support of the jurisdiction where the qualified
1377 target industry business is to be located shall notify the
1378 department and Enterprise Florida, Inc., which calculation of
1379 the average private sector wage in the area must be used as the
1380 basis for the business's wage commitment. In determining the
1381 average annual wage, the department shall include only new
1382 proposed jobs, and wages for existing jobs shall be excluded
1383 from this calculation.

1384 b. The department may waive the average wage requirement at
1385 the request of the local governing body recommending the project
1386 and Enterprise Florida, Inc. The department may waive the wage
1387 requirement for a project located in a brownfield area
1388 designated under s. 376.80, in a rural city, in a rural
1389 community, in an enterprise zone, or for a manufacturing project
1390 at any location in the state if the jobs proposed to be created
1391 pay an estimated annual average wage equaling at least 100
1392 percent of the average private sector wage in the area where the

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1393 business is to be located, only if the merits of the individual
1394 project or the specific circumstances in the community in
1395 relationship to the project warrant such action. If the local
1396 governing body and Enterprise Florida, Inc., make such a
1397 recommendation, it must be transmitted in writing with,~~and~~ the
1398 specific justification for the waiver recommendation ~~must be~~
1399 explained. If the department elects to waive the wage
1400 requirement, the waiver must be stated in writing with,~~and~~ the
1401 reasons for granting the waiver ~~must be~~ explained.

1402 2. The target industry business's project must result in
1403 the creation of at least 10 jobs at the project and, in the case
1404 of an expansion of an existing business, must result in a net
1405 increase in employment of at least 10 percent at the business.
1406 At the request of the local governing body recommending the
1407 project and Enterprise Florida, Inc., the department may waive
1408 this requirement for a business in a rural community or
1409 enterprise zone if the merits of the individual project or the
1410 specific circumstances in the community in relationship to the
1411 project warrant such action. If the local governing body and
1412 Enterprise Florida, Inc., make such a request, the request must
1413 be transmitted in writing with an explanation of,~~and~~ the
1414 specific justification for the request ~~must be explained~~. If the
1415 department elects to grant the request, the grant must be stated
1416 in writing and explain,~~and~~ the reason for granting the request
1417 ~~must be explained~~.

1418 3. The business activity or product for the applicant's
1419 project must be within an industry identified by the department
1420 as a target industry business that contributes to the economic
1421 growth of the state and the area in which the business is

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1422 located, that produces a higher standard of living for residents
1423 of this state in the new global economy, or that can be shown to
1424 make an equivalent contribution to the area's and state's
1425 economic progress.

1426 (e) The department may not certify any target industry
1427 business as a qualified target industry business if the value of
1428 tax refunds to be included in that letter of certification
1429 exceeds the available amount of authority to certify a new
1430 business in any fiscal year ~~businesses~~ as determined pursuant to
1431 s. 288.061(10) ~~in s. 288.095(3)~~. ~~However,~~ Except as provided in
1432 paragraph (2)(k), if the commitments of local financial support
1433 represent less than 20 percent of the eligible tax refund
1434 payments, or to otherwise preserve the viability and fiscal
1435 integrity of the program, the department may certify a qualified
1436 target industry business to receive tax refund payments of less
1437 than the allowable amounts specified in paragraph (3)(b). A
1438 letter of certification that approves an application must
1439 specify the maximum amount of tax refund that will be available
1440 to the qualified industry business in each fiscal year and the
1441 total amount of tax refunds that will be available to the
1442 business for all fiscal years.

1443 (6) ANNUAL CLAIM FOR REFUND.—

1444 (a) To be eligible to claim any scheduled tax refund, a
1445 qualified target industry business that has entered into a tax
1446 refund agreement with the department under subsection (5) must
1447 apply by January 31 of each fiscal year to the department for
1448 the tax refund scheduled to be paid from the appropriation for
1449 the fiscal year that begins on July 1 following the January 31
1450 claims-submission date. The department may, upon written

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1451 request, grant up to a 60-day ~~30-day~~ extension of the filing
1452 date for claims due on or after January 31, 2015.

1453 (d) A tax refund may not be approved for a qualified target
1454 industry business unless the required local financial support
1455 has been paid into the account for that refund. Except as
1456 provided in paragraph (2) (k), if the local financial support
1457 provided is less than 20 percent of the approved tax refund, the
1458 tax refund must be reduced. In no event may the tax refund
1459 exceed an amount that is equal to 5 times the amount of the
1460 local financial support received. Further, funding from local
1461 sources includes any tax abatement granted to that business
1462 under s. 196.1995 or the appraised market value of municipal or
1463 county land conveyed or provided at a discount to that business.
1464 The amount of any tax refund for such business approved under
1465 this section must be reduced by the amount of any such tax
1466 abatement granted or the value of the land granted, and the
1467 limitations in subsection (3) and paragraph (4) (e) must be
1468 reduced by the amount of any such tax abatement or the value of
1469 the land granted. A report listing all sources of the local
1470 financial support shall be provided to the department when such
1471 support is paid to the account.

1472 (e) A prorated tax refund, less a 5 percent penalty, shall
1473 be approved for a qualified target industry business if all
1474 other applicable requirements have been satisfied and the
1475 business proves to the satisfaction of the department that:

1476 1. It has achieved at least 80 percent of its projected
1477 employment; and

1478 2. The average wage paid by the business is at least 90
1479 percent of that ~~the average wage~~ specified in the tax refund

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1480 agreement. However, the average wage may not be, but in no case
1481 less than 115 percent of the average private sector wage in the
1482 area available at the time of certification; or, if the business
1483 requested the additional per-job tax refund authorized in
1484 paragraph (3) (b) for wages of at least 150 percent of the
1485 average private sector wage in the area available at the time of
1486 certification, less than 135 percent of the average private
1487 sector wage in the area available at the time of certification;
1488 or if the business requested the additional per-job tax refund
1489 authorized in paragraph (3) (b) for wages of at least 150 percent
1490 or 200 percent of the average private sector wage in the area
1491 available at the time of certification, less than 180 percent of
1492 the average private sector wage in the area available at the
1493 time of certification if the business requested the additional
1494 per-job tax refund authorized in paragraph (3) (b) for wages
1495 above those levels. The prorated tax refund shall be calculated
1496 by multiplying the tax refund amount for which the qualified
1497 target industry business would have been eligible, if all
1498 applicable requirements had been satisfied, by the percentage of
1499 the average employment specified in the tax refund agreement
1500 which was achieved, and by the percentage of the average wages
1501 specified in the tax refund agreement which was achieved.

1502 (f) The department, with such assistance as may be required
1503 from the Department of Revenue, shall, by June 30 following the
1504 scheduled date for submission of the tax refund claim, specify
1505 by written order the approval or disapproval of the tax refund
1506 claim and, if approved, the amount of the tax refund that is
1507 authorized to be paid to the qualified target industry business
1508 for the annual tax refund. The department may grant up to a 60-

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1509 day ~~an~~ extension of this date on the request of the qualified
1510 target industry business for the purpose of filing additional
1511 information in support of the claim.

1512 (g) The total amount of tax refund claims approved by the
1513 department under this section in any fiscal year may ~~must~~ not
1514 exceed the amount authorized under s. 288.061(10) ~~s. 288.095(3)~~.

1515 (9) INCENTIVE PAYMENTS.—The incentive payments made to a
1516 business pursuant to this section are not repayments of the
1517 actual taxes paid to the state or to a local government by the
1518 business. The amount of state and local government taxes paid by
1519 a business serve as a limitation on the amount of incentive
1520 payments a business may receive.

1521 Section 13. Paragraph (d) of subsection (1), subsection
1522 (2), paragraph (b) of subsection (3), and paragraphs (d), (e),
1523 and (i) of subsection (4) of section 288.107, Florida Statutes,
1524 are amended to read:

1525 288.107 Brownfield redevelopment bonus refunds.—

1526 (1) DEFINITIONS.—As used in this section:

1527 (d) "Eligible business" means:

1528 1. A qualified target industry business as defined in s.
1529 288.106(2); or

1530 2. A business that can demonstrate that it has made a fixed
1531 capital investment of at least \$2 million in mixed-use business
1532 activities, including multiunit housing, commercial, retail, and
1533 industrial in brownfield areas eligible for bonus refunds, and
1534 that provides benefits to its employees.

1535 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
1536 shall be approved by the department as specified in the final
1537 order and allowed ~~from the account~~ as follows:

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1538 (a) A bonus refund of \$2,500 shall be allowed to any
1539 qualified target industry business as defined in s. 288.106 for
1540 each new Florida job created in a brownfield area eligible for
1541 bonus refunds which is claimed on the qualified target industry
1542 business's annual refund claim authorized in s. 288.106(6).

1543 (b) A bonus refund of up to \$2,500 shall be allowed to any
1544 other eligible business as defined in subparagraph (1)(d)2. for
1545 each new Florida job created in a brownfield area eligible for
1546 bonus refunds which is claimed under an annual claim procedure
1547 similar to the annual refund claim authorized in s. 288.106(6).
1548 The amount of the refund shall be equal to 20 percent of the
1549 average annual wage for the jobs created.

1550 (3) CRITERIA.—The minimum criteria for participation in the
1551 brownfield redevelopment bonus refund are:

1552 (b) The completion of a fixed capital investment of at
1553 least \$2 million in mixed-use business activities, including
1554 multiunit housing, commercial, retail, and industrial in
1555 brownfield areas eligible for bonus refunds, by an eligible
1556 business applying for a refund under paragraph (2)(b) which
1557 provides benefits to its employees. As used in this paragraph,
1558 the term "fixed capital investment" does not include state funds
1559 used for the capital investment, including state funds
1560 appropriated to public and private entities.

1561 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1562 (d) After entering into a tax refund agreement as provided
1563 in s. 288.106 or other similar agreement for other eligible
1564 businesses as defined in paragraph (1)(e), an eligible business
1565 may receive brownfield redevelopment bonus refunds ~~from the~~
1566 ~~account~~ pursuant to s. 288.106(3)(d).

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1567 (e) An eligible business that fraudulently claims a refund
1568 under this section:

1569 1. Is liable for repayment of the amount of the refund to
1570 the department account, plus a mandatory penalty in the amount
1571 of 200 percent of the tax refund, which shall be deposited into
1572 the General Revenue Fund.

1573 2. Commits a felony of the third degree, punishable as
1574 provided in s. 775.082, s. 775.083, or s. 775.084.

1575 (i) The total amount of the bonus refunds approved by the
1576 department under this section in any fiscal year may ~~must~~ not
1577 exceed the ~~total~~ amount specified in s. 288.061(10) appropriated
1578 ~~to the Economic Development Incentives Account for this purpose~~
1579 ~~for the fiscal year. In the event that the Legislature does not~~
1580 ~~appropriate an amount sufficient to satisfy projections by the~~
1581 ~~department for brownfield redevelopment bonus refunds under this~~
1582 ~~section in a fiscal year, the department shall, not later than~~
1583 ~~July 15 of such year, determine the proportion of each~~
1584 ~~brownfield redevelopment bonus refund claim which shall be paid~~
1585 ~~by dividing the amount appropriated for tax refunds for the~~
1586 ~~fiscal year by the projected total of brownfield redevelopment~~
1587 ~~bonus refund claims for the fiscal year. The amount of each~~
1588 ~~claim for a brownfield redevelopment bonus tax refund shall be~~
1589 ~~multiplied by the resulting quotient. If, after the payment of~~
1590 ~~all such refund claims, funds remain in the Economic Development~~
1591 ~~Incentives Account for brownfield redevelopment tax refunds, the~~
1592 ~~department shall recalculate the proportion for each refund~~
1593 ~~claim and adjust the amount of each claim accordingly.~~

1594 Section 14. Subsection (4) of section 288.108, Florida
1595 Statutes, is amended to read:

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1596 288.108 High-impact business.—

1597 (4) AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS
1598 PERFORMANCE GRANTS.—

1599 ~~(a) The total amount of active performance grants scheduled~~
1600 ~~for payment by the department in any single fiscal year may not~~
1601 ~~exceed the amount specified in s. 288.061(10) lesser of \$30~~
1602 ~~million or the amount appropriated by the Legislature for that~~
1603 ~~fiscal year for qualified high-impact business performance~~
1604 ~~grants. If the scheduled grant payments are not made in the year~~
1605 ~~for which they were scheduled in the qualified high-impact~~
1606 ~~business agreement and are rescheduled as authorized in~~
1607 ~~paragraph (3)(c), they are, for purposes of this paragraph,~~
1608 ~~deemed to have been paid in the year in which they were~~
1609 ~~originally scheduled in the qualified high-impact business~~
1610 ~~agreement.~~

1611 ~~(b) If the Legislature does not appropriate an amount~~
1612 ~~sufficient to satisfy the qualified high-impact business~~
1613 ~~performance grant payments scheduled for any fiscal year, the~~
1614 ~~department shall, not later than July 15 of that year, determine~~
1615 ~~the proportion of each grant payment which may be paid by~~
1616 ~~dividing the amount appropriated for qualified high-impact~~
1617 ~~business performance grant payments for the fiscal year by the~~
1618 ~~total performance grant payments scheduled in all performance~~
1619 ~~grant agreements for the fiscal year. The amount of each grant~~
1620 ~~scheduled for payment in that fiscal year must be multiplied by~~
1621 ~~the resulting quotient. All businesses affected by this~~
1622 ~~calculation must be notified by August 1 of each fiscal year.~~
1623 ~~If, after the payment of all the refund claims, funds remain in~~
1624 ~~the appropriation for payment of qualified high-impact business~~

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1625 ~~performance grants, the department shall recalculate the~~
1626 ~~proportion for each performance grant payment and adjust the~~
1627 ~~amount of each claim accordingly.~~

1628 Section 15. Subsections (2), (3), and (4) of section
1629 288.1088, Florida Statutes, are amended to read:

1630 288.1088 Quick Action Closing Fund.—

1631 (2) There is created within the department the Quick Action
1632 Closing Fund. Except as provided in subsection (3), projects
1633 eligible for receipt of funds from the Quick Action Closing Fund
1634 must shall:

1635 (a) Be in an industry as referenced in s. 288.106.

1636 (b) Have a positive economic benefit ratio of at least 4 to
1637 1 5 to 1.

1638 (c) Be an inducement to the project's location or expansion
1639 in the state.

1640 (d) Pay an average annual wage of at least 125 percent of
1641 the average areawide or statewide private sector average wage in
1642 the area. As used in this section, the term "average private
1643 sector wage in the area" means statewide private sector average
1644 wage or the average of all private sector wages in the county or
1645 in the standard metropolitan area in which the project is
1646 located as determined by the department.

1647 (e) Be supported by the local community in which the
1648 project is to be located.

1649 (3) (a) The department and Enterprise Florida, Inc., shall
1650 jointly review applications pursuant to s. 288.061 and determine
1651 the eligibility of each project consistent with the criteria in
1652 subsection (2).

1653 (b) If the local governing body and Enterprise Florida,

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1654 Inc., decide to request a waiver of the criteria in subsection
 1655 (2), the request must be transmitted in writing to the
 1656 department with an explanation of the specific justification for
 1657 the request. If the department approves the request, the
 1658 decision must be stated in writing with an explanation of the
 1659 reason for approving the request.

1660 (c) The department may not waive more than two of the
 1661 criteria in subsection (2), and a waiver of these criteria may
 1662 be considered only under the following criteria:

1663 1. If the department determines the existence of ~~Based on~~
 1664 extraordinary circumstances;

1665 2. In order to mitigate the impact of the conclusion of the
 1666 space shuttle program; or

1667 3. In rural areas of opportunity if the project would
 1668 significantly benefit the local or regional economy.

1669 (d) The criteria in subsection (2) may not be waived if:

1670 1. The economic benefit ratio would be below 2 to 1, or for
 1671 a corporate headquarters business as defined in s. 288.106,
 1672 would be below 1.5 to 1; or

1673 2. The average annual wage would be below 100 percent of
 1674 the average private sector wage in the area.

1675 (e) The criteria that the incentive be an inducement to the
 1676 project's location or expansion in this state may not be waived.

1677 (4) ~~(b)~~ The department shall evaluate individual proposals
 1678 for high-impact business facilities. Such evaluation must
 1679 include, but need not be limited to:

1680 (a) ~~1.~~ A description of the type of facility or
 1681 infrastructure, its operations, and the associated product or
 1682 service associated with the facility.

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1683 (b)2. The minimum and maximum number of full-time-
1684 equivalent jobs that will be created by the facility and the
1685 total estimated average annual wages of those jobs or, in the
1686 case of privately developed rural infrastructure, the types of
1687 business activities and jobs stimulated by the investment.

1688 (c)3. The cumulative amount of investment to be dedicated
1689 to the facility within a specified period.

1690 (d)4. A statement of any special impacts the facility is
1691 expected to stimulate in a particular business sector in the
1692 state or regional economy or in the state's universities and
1693 community colleges.

1694 (e)5. A statement of the role the incentive is expected to
1695 play in the decision of the applicant business to locate or
1696 expand in this state or for the private investor to provide
1697 critical rural infrastructure.

1698 (f)6. A report evaluating the quality and value of the
1699 company submitting a proposal. The report must include:

1700 1.a. A financial analysis of the company, including an
1701 evaluation of the company's short-term liquidity ratio as
1702 measured by its assets to liability, the company's profitability
1703 ratio, and the company's long-term solvency as measured by its
1704 debt-to-equity ratio;

1705 2.b. The historical market performance of the company;

1706 3.c. A review of any independent evaluations of the
1707 company;

1708 4.d. A review of the latest audit of the company's
1709 financial statement and the related auditor's management letter;
1710 and

1711 5.e. A review of any other types of audits that are related

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1712 to the internal and management controls of the company.

1713 ~~(c)1. Within 7 business days after evaluating a project,~~
1714 ~~the department shall recommend to the Governor approval or~~
1715 ~~disapproval of a project for receipt of funds from the Quick~~
1716 ~~Action Closing Fund. In recommending a project, the department~~
1717 ~~shall include proposed performance conditions that the project~~
1718 ~~must meet to obtain incentive funds.~~

1719 ~~2. The Governor may approve projects without consulting the~~
1720 ~~Legislature for projects requiring less than \$2 million in~~
1721 ~~funding.~~

1722 ~~3. For projects requiring funding in the amount of \$2~~
1723 ~~million to \$5 million, the Governor shall provide a written~~
1724 ~~description and evaluation of a project recommended for approval~~
1725 ~~to the chair and vice chair of the Legislative Budget Commission~~
1726 ~~at least 10 days prior to giving final approval for a project.~~
1727 ~~The recommendation must include proposed performance conditions~~
1728 ~~that the project must meet in order to obtain funds.~~

1729 ~~4. If the chair or vice chair of the Legislative Budget~~
1730 ~~Commission or the President of the Senate or the Speaker of the~~
1731 ~~House of Representatives timely advises the Executive Office of~~
1732 ~~the Governor, in writing, that such action or proposed action~~
1733 ~~exceeds the delegated authority of the Executive Office of the~~
1734 ~~Governor or is contrary to legislative policy or intent, the~~
1735 ~~Executive Office of the Governor shall void the release of funds~~
1736 ~~and instruct the department to immediately change such action or~~
1737 ~~proposed action until the Legislative Budget Commission or the~~
1738 ~~Legislature addresses the issue. Notwithstanding such~~
1739 ~~requirement, any project exceeding \$5 million must be approved~~
1740 ~~by the Legislative Budget Commission prior to the funds being~~

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1741 ~~released.~~

1742 (5)~~(d)~~ Upon the approval of the Governor, the department
1743 and the business shall enter into a contract that sets forth the
1744 conditions for payment of moneys from the fund. Such payment may
1745 not be made to the business until the scheduled goals have been
1746 achieved. The contract must include the total amount of funds
1747 awarded; the minimum and maximum amount of funds that may be
1748 awarded, if applicable; the performance conditions that must be
1749 met to obtain the award, including, but not limited to, net new
1750 employment in the state, average salary, ~~and~~ total capital
1751 investment incurred by the business, and the minimum and maximum
1752 number of jobs that will be created, if applicable; demonstrate
1753 a baseline of current service and a measure of enhanced
1754 capability; the methodology for validating performance; the
1755 schedule of payments from the fund; and sanctions for failure to
1756 meet performance conditions. The contract must provide that
1757 payment of moneys from the fund is contingent upon sufficient
1758 appropriation of funds by the Legislature.

1759 (6)~~(e)~~ The department shall validate contractor performance
1760 and report such validation in the annual incentives report
1761 required under s. 288.907.

1762 ~~(4) Funds appropriated by the Legislature for purposes of~~
1763 ~~implementing this section shall be placed in reserve and may~~
1764 ~~only be released pursuant to the legislative consultation and~~
1765 ~~review requirements set forth in this section.~~

1766 Section 16. Section 288.10881, Florida Statutes, is created
1767 to read:

1768 288.10881 Quick Action Closing Fund Escrow Account.-

1769 (1) There is created within the State Board of

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1770 Administration the Quick Action Closing Fund Escrow Account. The
1771 Quick Action Closing Fund Escrow Account shall consist of moneys
1772 transferred from Enterprise Florida, Inc., which were held in an
1773 escrow account on June 30, 2015, for approved Quick Action
1774 Closing Fund contracts or agreements.

1775 (2) Moneys in the Quick Action Closing Fund Escrow Account
1776 may be used only for making payments pursuant to contracts or
1777 agreements for specified projects authorized under s. 288.1088.

1778 (3) After an independent third party has verified that an
1779 applicant has satisfied all of the requirements of the agreement
1780 or contract, and the department has determined that an applicant
1781 meets the required project performance criteria and that a
1782 payment is due, the State Board of Administration shall transfer
1783 the funds for the payment to the department for deposit in the
1784 State Economic Enhancement and Development Trust Fund. A
1785 continuing appropriation category shall be established to make
1786 payments from the Quick Action Closing Fund Escrow Account.

1787 (4) Any funds in the Quick Action Closing Fund Escrow
1788 Account which are encumbered by a contract or agreement that
1789 does not meet the requirements or that is terminated must be
1790 returned to the department for deposit in the State Economic
1791 Enhancement and Development Trust Fund within 10 calendar days
1792 after the date the department notifies the State Board of
1793 Administration of the encumbrance.

1794 (5) Funds in the Quick Action Closing Fund Escrow Account
1795 shall be managed in accordance with the best investment
1796 practices and invested in a manner designed to generate the
1797 maximum amount of interest earnings. The funds must be available
1798 to make payments pursuant to Quick Action Closing Fund contracts

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1799 or agreements. The State Board of Administration shall transfer
1800 interest earnings on a quarterly basis to the department for
1801 deposit in the State Economic Enhancement and Development Trust
1802 Fund.

1803 (6) Subject to a specific appropriation, funds transferred
1804 from the State Board of Administration under subsections (4) and
1805 (5) may be used to fund the marketing activities of Enterprise
1806 Florida, Inc.

1807 Section 17. By July 10, 2015, Enterprise Florida, Inc.,
1808 shall transfer any funds held in an escrow account on June 30,
1809 2015, for approved Quick Action Closing Fund contracts or
1810 agreements to the State Board of Administration for deposit in
1811 the Quick Action Closing Fund Escrow Account.

1812 Section 18. Paragraph (b) of subsection (2), paragraphs (a)
1813 and (d) of subsection (4), subsection (7), and paragraph (b) of
1814 subsection (8) of section 288.1089, Florida Statutes, are
1815 amended to read:

1816 288.1089 Innovation Incentive Program.—

1817 (2) As used in this section, the term:

1818 (b) "Average private sector wage in the area" means the
1819 statewide average wage in the private sector or the average of
1820 all private sector wages in the county or in the standard
1821 metropolitan area in which the project is located as determined
1822 by the department.

1823 (4) To qualify for review by the department, the applicant
1824 must, at a minimum, establish the following to the satisfaction
1825 of the department:

1826 (a) The jobs created by the project must pay an estimated
1827 annual average wage equaling at least 130 percent of the average

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1828 private sector wage in the area. The department may waive this
1829 average wage requirement at the request of Enterprise Florida,
1830 Inc., for a project located in a rural area, a brownfield area,
1831 or an enterprise zone, when the merits of the individual project
1832 or the specific circumstances in the community in relationship
1833 to the project warrant such action. A recommendation for waiver
1834 by Enterprise Florida, Inc., must include a specific
1835 justification for the waiver and be transmitted to the
1836 department in writing. If the department elects to waive the
1837 wage requirement, the waiver must be stated in writing and
1838 explain ~~and~~ the reasons for granting the waiver ~~must be~~
1839 ~~explained~~.

1840 (d) For an alternative and renewable energy project in this
1841 state, the project must:

1842 1. Demonstrate a plan for significant collaboration with an
1843 institution of higher education;

1844 2. Provide the state, at a minimum, a cumulative break-even
1845 economic benefit within a 20-year period;

1846 3. Include matching funds provided by the applicant or
1847 other available sources. The match requirement may be reduced or
1848 waived in rural areas of opportunity or reduced in rural areas,
1849 brownfield areas, and enterprise zones;

1850 4. Be located in this state; and

1851 5. Provide at least 35 direct, new jobs that pay an
1852 estimated annual average wage that equals at least 130 percent
1853 of the average private sector wage in the area.

1854 (7) Upon receipt of the evaluation and recommendation from
1855 the department, the Governor shall approve or deny an award
1856 pursuant to s. 288.061. In recommending approval of an award,

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1857 the department shall include proposed performance conditions
1858 that the applicant must meet in order to obtain incentive funds
1859 and any other conditions that must be met before the receipt of
1860 any incentive funds. ~~The Governor shall consult with the
1861 President of the Senate and the Speaker of the House of
1862 Representatives before giving approval for an award. Upon review
1863 and approval of an award by the Legislative Budget Commission,
1864 the Executive Office of the Governor shall release the funds.~~

1865 (8)

1866 (b) Additionally, agreements ~~signed on or after July 1,~~
1867 ~~2009,~~ must include the following provisions:

1868 1. Notwithstanding subsection (4), a requirement that the
1869 jobs created by the recipient of the incentive funds pay an
1870 annual average wage at least equal to the relevant industry's
1871 annual average wage or at least 130 percent of the average
1872 private sector wage in the area, whichever is greater.

1873 2. A reinvestment requirement. Each recipient of an award
1874 shall reinvest up to 15 percent of net royalty revenues,
1875 including revenues from spin-off companies and the revenues from
1876 the sale of stock it receives from the licensing or transfer of
1877 inventions, methods, processes, and other patentable discoveries
1878 conceived or reduced to practice using its facilities in Florida
1879 or its Florida-based employees, in whole or in part, and to
1880 which the recipient of the grant becomes entitled during the 20
1881 years following the effective date of its agreement with the
1882 department. Each recipient of an award also shall reinvest up to
1883 15 percent of the gross revenues it receives from naming
1884 opportunities associated with any facility it builds in this
1885 state. Reinvestment payments shall commence no later than 6

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1886 months after the recipient of the grant has received the final
1887 disbursement under the contract and shall continue until the
1888 maximum reinvestment, as specified in the contract, has been
1889 paid. Reinvestment payments shall be remitted to the department
1890 for deposit in the Biomedical Research Trust Fund for companies
1891 specializing in biomedicine or life sciences, or in the Economic
1892 Development Trust Fund for companies specializing in fields
1893 other than biomedicine or the life sciences. If these trust
1894 funds no longer exist at the time of the reinvestment, the
1895 state's share of reinvestment shall be deposited in their
1896 successor trust funds as determined by law. Each recipient of an
1897 award shall annually submit a schedule of the shares of stock
1898 held by it as payment of the royalty required by this paragraph
1899 and report on any trades or activity concerning such stock. Each
1900 recipient's reinvestment obligations survive the expiration or
1901 termination of its agreement with the state.

1902 3. Requirements for the establishment of internship
1903 programs or other learning opportunities for educators and
1904 secondary, postsecondary, graduate, and doctoral students.

1905 4. A requirement that the recipient submit quarterly
1906 reports and annual reports related to activities and performance
1907 to the department, according to standardized reporting periods.

1908 5. A requirement for an annual accounting to the department
1909 of the expenditure of funds disbursed under this section.

1910 6. A process for amending the agreement.

1911 Section 19. Subsection (5) is added to section 288.1097,
1912 Florida Statutes, to read:

1913 288.1097 Qualified job training organizations;
1914 certification; duties.-

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1915 (5) Notwithstanding s. 624.4625(1)(b), a qualified job
1916 training organization that has been certified is eligible to
1917 participate in a self-insurance fund authorized by s. 624.4625
1918 and is not subject to the requirements of s. 624.4621.

1919 Section 20. Subsections (1) and (3), paragraph (a) of
1920 subsection (5), and paragraph (e) of subsection (7) of section
1921 288.11625, Florida Statutes, are amended to read:

1922 288.11625 Sports development.—

1923 (1) ADMINISTRATION.—The department shall serve as the state
1924 agency responsible for screening applicants for state funding
1925 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

1926 (3) PURPOSE.—The purpose of this section is to provide
1927 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~
1928 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
1929 reconstructing, renovating, or improving a facility.

1930 (5) EVALUATION PROCESS.—

1931 (a) Before recommending an applicant to receive a state
1932 distribution under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~, the
1933 department must verify that:

1934 1. The applicant or beneficiary is responsible for the
1935 construction, reconstruction, renovation, or improvement of a
1936 facility and obtained at least three bids for the project.

1937 2. If the applicant is not a unit of local government, a
1938 unit of local government holds title to the property on which
1939 the facility and project are, or will be, located.

1940 3. If the applicant is a unit of local government in whose
1941 jurisdiction the facility is, or will be, located, the unit of
1942 local government has an exclusive intent agreement to negotiate
1943 in this state with the beneficiary.

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1944 4. A unit of local government in whose jurisdiction the
1945 facility is, or will be, located supports the application for
1946 state funds. Such support must be verified by the adoption of a
1947 resolution, after a public hearing, that the project serves a
1948 public purpose.

1949 5. The applicant or beneficiary has not previously
1950 defaulted or failed to meet any statutory requirements of a
1951 previous state-administered sports-related program under s.
1952 288.1162, s. 288.11621, s. 288.11631, or this section.
1953 Additionally, the applicant or beneficiary is not currently
1954 receiving state distributions under s. 212.20 for the facility
1955 that is the subject of the application, unless the applicant
1956 demonstrates that the franchise that applied for a distribution
1957 under s. 212.20 no longer plays at the facility that is the
1958 subject of the application.

1959 6. The applicant or beneficiary has sufficiently
1960 demonstrated a commitment to employ residents of this state,
1961 contract with Florida-based firms, and purchase locally
1962 available building materials to the greatest extent possible.

1963 7. If the applicant is a unit of local government, the
1964 applicant has a certified copy of a signed agreement with a
1965 beneficiary for the use of the facility. If the applicant is a
1966 beneficiary, the beneficiary must enter into an agreement with
1967 the department. The applicant's or beneficiary's agreement must
1968 also require the following:

1969 a. The beneficiary must reimburse the state for state funds
1970 that will be distributed if the beneficiary relocates or no
1971 longer occupies or uses the facility as the facility's primary
1972 tenant before the agreement expires. Reimbursements must be sent

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1973 to the Department of Revenue for deposit into the General
1974 Revenue Fund.

1975 b. The beneficiary must pay for signage or advertising
1976 within the facility. The signage or advertising must be placed
1977 in a prominent location as close to the field of play or
1978 competition as is practicable, must be displayed consistent with
1979 signage or advertising in the same location and of like value,
1980 and must feature Florida advertising approved by the Florida
1981 Tourism Industry Marketing Corporation.

1982 8. The project will commence within 12 months after
1983 receiving state funds or did not commence before January 1,
1984 2013.

1985 (7) CONTRACT.—An applicant approved by the Legislature and
1986 certified by the department must enter into a contract with the
1987 department which:

1988 (e) Requires the applicant to reimburse the state by
1989 electing to do one of the following:

1990 1. After all distributions have been made, reimburse at the
1991 end of the contract term any amount by which the total
1992 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~
1993 exceed actual new incremental state sales taxes generated by
1994 sales at the facility during the contract, plus a 5 percent
1995 penalty on that amount.

1996 2. After the applicant begins to submit the independent
1997 analysis under paragraph (c), reimburse each year any amount by
1998 which the previous year's annual distribution exceeds 75 percent
1999 of the actual new incremental state sales taxes generated by
2000 sales at the facility.

2001

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2002 Any reimbursement due to the state must be made within 90 days
2003 after the applicable distribution under this paragraph. If the
2004 applicant is unable or unwilling to reimburse the state for such
2005 amount, the department may place a lien on the applicant's
2006 facility. If the applicant is a municipality or county, it may
2007 reimburse the state from its half-cent sales tax allocation, as
2008 provided in s. 218.64(3). Reimbursements must be sent to the
2009 Department of Revenue for deposit into the General Revenue Fund.

2010 Section 21. Paragraph (c) of subsection (2) and paragraphs
2011 (a), (c), and (d) of subsection (3) of section 288.11631,
2012 Florida Statutes, are amended to read:

2013 288.11631 Retention of Major League Baseball spring
2014 training baseball franchises.—

2015 (2) CERTIFICATION PROCESS.—

2016 (c) Each applicant certified on or after July 1, 2013,
2017 shall enter into an agreement with the department which:

2018 1. Specifies the amount of the state incentive funding to
2019 be distributed. The amount of state incentive funding per
2020 certified applicant may not exceed \$20 million. However, if a
2021 certified applicant's facility is used by more than one spring
2022 training franchise, the maximum amount may not exceed \$50
2023 million, and the Department of Revenue shall make distributions
2024 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~
2025 ~~212.20(6)(d)6.e.~~

2026 2. States the criteria that the certified applicant must
2027 meet in order to remain certified. These criteria must include a
2028 provision stating that the spring training franchise must
2029 reimburse the state for any funds received if the franchise does
2030 not comply with the terms of the contract. If bonds were issued

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2031 to construct or renovate a facility for a spring training
 2032 franchise, the required reimbursement must be equal to the total
 2033 amount of state distributions expected to be paid from the date
 2034 the franchise violates the agreement with the applicant through
 2035 the final maturity of the bonds.

2036 3. States that the certified applicant is subject to
 2037 decertification if the certified applicant fails to comply with
 2038 this section or the agreement.

2039 4. States that the department may recover state incentive
 2040 funds if the certified applicant is decertified.

2041 5. Specifies the information that the certified applicant
 2042 must report to the department.

2043 6. Includes any provision deemed prudent by the department.

2044 (3) USE OF FUNDS.—

2045 (a) A certified applicant may use funds provided under s.
 2046 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

2047 1. Serve the public purpose of constructing or renovating a
 2048 facility for a spring training franchise.

2049 2. Pay or pledge for the payment of debt service on, or to
 2050 fund debt service reserve funds, arbitrage rebate obligations,
 2051 or other amounts payable with respect thereto, bonds issued for
 2052 the construction or renovation of such facility, or for the
 2053 reimbursement of such costs or the refinancing of bonds issued
 2054 for such purposes.

2055 (c) The Department of Revenue may not distribute funds
 2056 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,
 2057 2016. Further, the Department of Revenue may not distribute
 2058 funds to an applicant certified on or after July 1, 2013, until
 2059 it receives notice from the department that:

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2060 1. The certified applicant has encumbered funds under
2061 either subparagraph (a)1. or subparagraph (a)2.; and

2062 2. If applicable, any existing agreement with a spring
2063 training franchise for the use of a facility has expired.

2064 (d)1. All certified applicants shall place unexpended state
2065 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~
2066 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
2067 only as authorized in this section.

2068 2. A certified applicant may request that the department
2069 notify the Department of Revenue to suspend further
2070 distributions of state funds made available under s.
2071 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
2072 expiration of an existing agreement with a spring training
2073 franchise to provide the certified applicant with an opportunity
2074 to enter into a new agreement with a spring training franchise,
2075 at which time the distributions shall resume.

2076 3. The expenditure of state funds distributed to an
2077 applicant certified after July 1, 2013, must begin within 48
2078 months after the initial receipt of the state funds. In
2079 addition, the construction or renovation of a spring training
2080 facility must be completed within 24 months after the project's
2081 commencement.

2082 Section 22. Subsection (6) of section 288.1168, Florida
2083 Statutes, is amended to read:

2084 288.1168 Professional golf hall of fame facility.—

2085 (6) Beginning in 2016, the department must annually
2086 recertify ~~every 10 years~~ that the facility is open, continues to
2087 be the only professional golf hall of fame in the United States
2088 recognized by the PGA Tour, Inc., and is meeting the minimum

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2089 projections for attendance or sales tax revenue as required at
2090 the time of original certification.

2091 (a) For each year ~~If~~ the facility is not certified as
2092 meeting the minimum projections, the PGA Tour, Inc., shall
2093 increase its required advertising contribution of \$2 million
2094 annually to \$3 ~~\$2.5~~ million annually in lieu of reduction of any
2095 funds as provided by s. 212.20. The additional \$1 million
2096 ~~\$500,000~~ must be allocated in its entirety for the use and
2097 promotion of generic Florida advertising as determined by the
2098 department in consultation with the Florida Tourism Industry
2099 Marketing Corporation. The facility must be prominently featured
2100 in at least 10 percent, but no more than 25 percent, of such
2101 advertising.

2102 (b) If the facility is not open to the public or is no
2103 longer in use as the only professional golf hall of fame in the
2104 United States recognized by the PGA Tour, Inc., the facility
2105 shall be decertified ~~the entire \$2.5 million for advertising~~
2106 ~~must be used for generic Florida advertising as determined by~~
2107 the department.

2108 Section 23. Section 288.1169, Florida Statutes, is
2109 repealed.

2110 Section 24. Subsection (2) of section 288.1201, Florida
2111 Statutes, is amended to read:

2112 288.1201 State Economic Enhancement and Development Trust
2113 Fund.—

2114 (2) The trust fund is established for use as a depository
2115 for funds to be used for the purposes specified in subsection
2116 (1). Moneys to be credited to the trust fund shall consist of
2117 documentary stamp tax proceeds as specified in law, local

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2118 financial support funds, interest earnings, reversions specified
2119 in law, and cash advances from other trust funds. Funds shall be
2120 expended only pursuant to legislative appropriation or an
2121 approved amendment to the department's operating budget pursuant
2122 to the provisions of chapter 216.

2123 Section 25. Effective October 1, 2015, section 288.125,
2124 Florida Statutes, is amended to read:

2125 288.125 Definition of term "entertainment industry."—For
2126 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
2127 288.914, and 288.915 ~~ss. 288.1251–288.1258~~, the term
2128 "entertainment industry" means those persons or entities engaged
2129 in the operation of motion picture or television studios or
2130 recording studios; those persons or entities engaged in the
2131 preproduction, production, or postproduction of motion pictures,
2132 made-for-television movies, television programming, digital
2133 media projects, commercial advertising, music videos, or sound
2134 recordings; and those persons or entities providing products or
2135 services directly related to the preproduction, production, or
2136 postproduction of motion pictures, made-for-television movies,
2137 television programming, digital media projects, commercial
2138 advertising, music videos, or sound recordings, including, but
2139 not limited to, the broadcast industry.

2140 Section 26. Effective October 1, 2015, section 288.1251,
2141 Florida Statutes, is transferred, renumbered as section 288.913,
2142 Florida Statutes, and amended to read:

2143 288.913 ~~288.1251~~ Promotion and development of entertainment
2144 industry; Division ~~Office~~ of Film and Entertainment; creation;
2145 purpose; powers and duties.—

2146 (1) CREATION.—

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2147 ~~(a)~~ The Division of Film and Entertainment is ~~There is~~
2148 hereby created within Enterprise Florida, Inc., ~~the department~~
2149 ~~the Office of Film and Entertainment~~ for the purpose of
2150 developing, recruiting, marketing, promoting, and providing
2151 services to the state's entertainment industry. The division
2152 shall serve as a liaison between the entertainment industry and
2153 other state and local governmental agencies, local film
2154 commissions, and labor organizations.

2155 (2)(b) COMMISSIONER.—The Governor shall appoint the film
2156 and entertainment commissioner, who shall serve at the pleasure
2157 of the Governor ~~department shall conduct a national search for a~~
2158 ~~qualified person to fill the position of Commissioner of Film~~
2159 ~~and Entertainment when the position is vacant. The executive~~
2160 ~~director of the department has the responsibility to hire the~~
2161 ~~film commissioner. The commissioner is subject to the~~
2162 requirements of s. 288.901(1)(c). Qualifications for the film
2163 commissioner include, but are not limited to, the following:

2164 (a)1. A working knowledge of and experience with the
2165 equipment, personnel, financial, and day-to-day production
2166 operations of the industries to be served by the division ~~Office~~
2167 ~~of Film and Entertainment;~~

2168 (b)2. Marketing and promotion experience related to the
2169 film and entertainment industries to be served;

2170 (c)3. Experience working with a variety of individuals
2171 representing large and small entertainment-related businesses,
2172 industry associations, local community entertainment industry
2173 liaisons, and labor organizations; and

2174 (d)4. Experience working with a variety of state and local
2175 governmental agencies.

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2176 (3)~~(2)~~ POWERS AND DUTIES.—

2177 (a) The Division ~~Office~~ of Film and Entertainment, in
2178 performance of its duties, shall develop and~~:~~

2179 ~~1. In consultation with the Florida Film and Entertainment~~
2180 ~~Advisory Council,~~ update a 5-year ~~the~~ strategic plan ~~every 5~~
2181 ~~years~~ to guide the activities of the division ~~Office~~ of Film and
2182 ~~Entertainment~~ in the areas of entertainment industry
2183 development, marketing, promotion, liaison services, field
2184 office administration, and information. The plan shall~~:~~

2185 ~~a.~~ be annual in construction and ongoing in nature.

2186 1. At a minimum, the plan must address the following:

2187 ~~a.b.~~ Include recommendations relating to The organizational
2188 structure of the division, including any field offices outside
2189 the state office.

2190 b. The coordination of the division with local or regional
2191 offices maintained by counties and regions of the state, local
2192 film commissions, and labor organizations, and the coordination
2193 of such entities with each other to facilitate a working
2194 relationship.

2195 c. Strategies to identify, solicit, and recruit
2196 entertainment production opportunities for the state, including
2197 implementation of programs for rural and urban areas designed to
2198 develop and promote the state's entertainment industry.

2199 ~~d.e.~~ Include An annual budget projection for the division
2200 ~~office~~ for each year of the plan.

2201 ~~d. Include an operational model for the office to use in~~
2202 ~~implementing programs for rural and urban areas designed to:~~

2203 ~~(I) develop and promote the state's entertainment industry.~~

2204 ~~(II) Have the office serve as a liaison between the~~

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2205 ~~entertainment industry and other state and local governmental~~
2206 ~~agencies, local film commissions, and labor organizations.~~

2207 ~~(III) Gather statistical information related to the state's~~
2208 ~~entertainment industry.~~

2209 ~~e.~~ (IV) Provision of ~~Provide~~ information and service to
2210 businesses, communities, organizations, and individuals engaged
2211 in entertainment industry activities.

2212 ~~(V) Administer field offices outside the state and~~
2213 ~~coordinate with regional offices maintained by counties and~~
2214 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
2215 ~~as necessary.~~

2216 ~~f.e. Include~~ Performance standards and measurable outcomes
2217 for the programs to be implemented by the division office.

2218 2. The plan shall be annually reviewed and approved by the
2219 board of directors of Enterprise Florida, Inc.

2220 ~~f. Include an assessment of, and make recommendations on,~~
2221 ~~the feasibility of creating an alternative public private~~
2222 ~~partnership for the purpose of contracting with such a~~
2223 ~~partnership for the administration of the state's entertainment~~
2224 ~~industry promotion, development, marketing, and service~~
2225 ~~programs.~~

2226 ~~2. Develop, market, and facilitate a working relationship~~
2227 ~~between state agencies and local governments in cooperation with~~
2228 ~~local film commission offices for out-of-state and indigenous~~
2229 ~~entertainment industry production entities.~~

2230 ~~3. Implement a structured methodology prescribed for~~
2231 ~~coordinating activities of local offices with each other and the~~
2232 ~~commissioner's office.~~

2233 (b) The division shall also:

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2234 ~~1.4.~~ Represent the state's indigenous entertainment
2235 industry to key decisionmakers within the national and
2236 international entertainment industry, and to state and local
2237 officials.

2238 ~~2.5.~~ Prepare an inventory and analysis of the state's
2239 entertainment industry, including, but not limited to,
2240 information on crew, related businesses, support services, job
2241 creation, talent, and economic impact and coordinate with local
2242 offices to develop an information tool for common use.

2243 ~~3.6.~~ Identify, solicit, and recruit entertainment
2244 production opportunities for the state.

2245 ~~4.7.~~ Assist rural communities and other small communities
2246 in the state in developing the expertise and capacity necessary
2247 for such communities to develop, market, promote, and provide
2248 services to the state's entertainment industry.

2249 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in
2250 the performance of its duties, may:

2251 1. Conduct or contract for specific promotion and marketing
2252 functions, including, but not limited to, production of a
2253 statewide directory, production and maintenance of an Internet
2254 website, establishment and maintenance of a toll-free telephone
2255 number, organization of trade show participation, and
2256 appropriate cooperative marketing opportunities.

2257 2. Conduct its affairs, carry on its operations, establish
2258 offices, and exercise the powers granted by this act in any
2259 state, territory, district, or possession of the United States.

2260 3. Carry out any program of information, special events, or
2261 publicity designed to attract entertainment industry to Florida.

2262 4. Develop relationships and leverage resources with other

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2263 public and private organizations or groups in their efforts to
2264 publicize to the entertainment industry in this state, other
2265 states, and other countries the depth of Florida's entertainment
2266 industry talent, crew, production companies, production
2267 equipment resources, related businesses, and support services,
2268 including the establishment of and expenditure for a program of
2269 cooperative advertising with these public and private
2270 organizations and groups in accordance with the provisions of
2271 chapter 120.

2272 5. Provide and arrange for reasonable and necessary
2273 promotional items and services for such persons as the division
2274 ~~office~~ deems proper in connection with the performance of the
2275 promotional and other duties of the division ~~office~~.

2276 6. Prepare an ~~annual~~ economic impact analysis on
2277 entertainment industry-related activities in the state.

2278 7. Request or accept any grant, payment, or gift of funds
2279 or property made by this state, the United States, or any
2280 department or agency thereof, or by any individual, firm,
2281 corporation, municipality, county, or organization, for ~~any or~~
2282 ~~all of the purposes of the Office of Film and Entertainment's~~ 5-
2283 year strategic plan or those permitted activities enumerated in
2284 this paragraph. Such funds shall be deposited in a separate
2285 account ~~the Grants and Donations Trust Fund of the Executive~~
2286 ~~Office of the Governor~~ for use by the division ~~Office of Film~~
2287 ~~and Entertainment~~ in carrying out its responsibilities and
2288 duties ~~as delineated in law~~. The division ~~office~~ may expend such
2289 funds in accordance with the terms and conditions of any such
2290 grant, payment, or gift in the pursuit of its administration or
2291 in support of fulfilling its duties and responsibilities. The

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2292 ~~division office~~ shall separately account for the public funds
2293 and the private funds deposited into the account ~~trust fund~~.

2294 Section 27. Effective October 1, 2015, section 288.1252,
2295 Florida Statutes, is transferred, renumbered as section 288.914,
2296 Florida Statutes, and amended to read:

2297 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
2298 Council; ~~creation;~~ purpose; membership; powers and duties.—

2299 ~~(1) CREATION. There is created within the department, for~~
2300 ~~administrative purposes only, the Florida Film and Entertainment~~
2301 ~~Advisory Council.~~

2302 ~~(1)(2)~~ CREATION AND PURPOSE.—The Florida Film and
2303 Entertainment Advisory Council is created ~~purpose of the Council~~
2304 ~~is~~ to serve as an advisory body to the Division of Film and
2305 Entertainment within Enterprise Florida, Inc., and department
2306 ~~and to the Office of Film and Entertainment~~ to provide these
2307 ~~offices with~~ industry insight and expertise related to
2308 developing, marketing, and promoting, ~~and providing service to~~
2309 the state's entertainment industry.

2310 ~~(2)(3)~~ MEMBERSHIP.—

2311 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
2312 appointed by the Governor, 3 ~~5~~ to be appointed by the President
2313 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
2314 House of Representatives.

2315 (b) When making appointments to the council, the Governor,
2316 the President of the Senate, and the Speaker of the House of
2317 Representatives shall appoint persons who are residents of the
2318 state and who are highly knowledgeable of, active in, and
2319 recognized leaders in Florida's motion picture, television,
2320 video, sound recording, or other entertainment industries. These

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2321 persons shall include, but not be limited to, representatives of
2322 local film commissions, representatives of entertainment
2323 associations, a representative of the broadcast industry,
2324 representatives of labor organizations in the entertainment
2325 industry, and board chairs, presidents, chief executive
2326 officers, chief operating officers, or persons of comparable
2327 executive position or stature of leading or otherwise important
2328 entertainment industry businesses and offices. Council members
2329 shall be appointed in such a manner as to equitably represent
2330 the broadest spectrum of the entertainment industry and
2331 geographic areas of the state.

2332 (c) Council members shall serve for 4-year terms. A member
2333 of the council serving as of July 1, 2015, may serve the
2334 remainder of his or her term, but upon the conclusion of the
2335 term or upon vacancy, such appointment may not be filled except
2336 to meet the requirements of this section.

2337 (d) Subsequent appointments shall be made by the official
2338 who appointed the council member whose expired term is to be
2339 filled.

2340 (e) A representative of Enterprise Florida, Inc., a
2341 representative of Workforce Florida, Inc., and a representative
2342 of VISIT Florida shall serve as ex officio, nonvoting members of
2343 the council, ~~and shall be~~ in addition to the 11 ~~17~~ appointed
2344 members ~~of the council.~~

2345 (f) Absence from three consecutive meetings shall result in
2346 automatic removal from the council.

2347 (g) A vacancy on the council shall be filled for the
2348 remainder of the unexpired term by the official who appointed
2349 the vacating member.

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2350 (h) No more than one member of the council may be an
2351 employee of any one company, organization, or association.

2352 (i) Any member shall be eligible for reappointment but may
2353 not serve more than two consecutive terms.

2354 (3) ~~(4)~~ MEETINGS; ORGANIZATION.—

2355 (a) The council shall meet at least ~~no less frequently than~~
2356 once each quarter of the calendar year, and ~~but~~ may meet more
2357 often as determined necessary ~~set~~ by the council.

2358 (b) The council shall annually elect from its appointed
2359 membership one member to serve as chair ~~of the council~~ and one
2360 member to serve as vice chair. The Division ~~Office~~ of Film and
2361 Entertainment shall provide staff assistance to the council,
2362 which must ~~shall~~ include, but need not be limited to, keeping
2363 records of the proceedings of the council, ~~and~~ serving as
2364 custodian of all books, documents, and papers filed with the
2365 council.

2366 (c) A majority of the members of the council constitutes
2367 ~~shall constitute~~ a quorum.

2368 (d) Members of the council shall serve without
2369 compensation, but are ~~shall be~~ entitled to reimbursement for per
2370 diem and travel expenses in accordance with s. 112.061 while in
2371 performance of their duties.

2372 (4) ~~(5)~~ POWERS AND DUTIES.—The Florida Film and
2373 Entertainment Advisory Council shall have all the power ~~powers~~
2374 ~~necessary or convenient~~ to carry out ~~and effectuate the purposes~~
2375 ~~and provisions of~~ this act, including, but not limited to, the
2376 power to:

2377 (a) Adopt bylaws for the governance of its affairs and the
2378 conduct of its business.

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2379 (b) Advise the Division of Film and Entertainment and
2380 ~~consult with the Office of Film and Entertainment~~ on the
2381 content, development, and implementation of the division's 5-
2382 year strategic plan ~~to guide the activities of the office.~~

2383 (c) ~~Review the Commissioner of Film and Entertainment's~~
2384 ~~administration of the programs related to the strategic plan,~~
2385 and Advise the Division of Film and Entertainment ~~commissioner~~
2386 on the division's programs and any changes that might be made to
2387 better meet the strategic plan.

2388 (d) Consider and study the needs of the entertainment
2389 industry for the purpose of advising the Division of Film and
2390 Entertainment ~~film commissioner and the department.~~

2391 (e) Identify ~~and make recommendations on state agency and~~
2392 local government actions that may have an impact on the
2393 entertainment industry or that may appear to industry
2394 representatives as ~~an~~ official state or local actions ~~action~~
2395 affecting production in the state, and advise the Division of
2396 Film and Entertainment of such actions.

2397 (f) Consider all matters submitted to it by the Division of
2398 Film and Entertainment ~~film commissioner and the department.~~

2399 (g) ~~Advise and consult with the film commissioner and the~~
2400 ~~department, at their request or upon its own initiative,~~
2401 ~~regarding the promulgation, administration, and enforcement of~~
2402 ~~all laws and rules relating to the entertainment industry.~~

2403 (g) ~~(h)~~ Suggest policies and practices ~~for the conduct of~~
2404 ~~business by the Office of Film and Entertainment or by the~~
2405 ~~department~~ that will improve interaction with internal
2406 ~~operations affecting~~ the entertainment industry and will enhance
2407 related state ~~the~~ economic development initiatives ~~of the state~~

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2408 ~~for the industry.~~

2409 ~~(i) Appear on its own behalf before boards, commissions,~~
2410 ~~departments, or other agencies of municipal, county, or state~~
2411 ~~government, or the Federal Government.~~

2412 Section 28. Effective October 1, 2015, section 288.1253,
2413 Florida Statutes, is transferred, renumbered as section 288.915,
2414 Florida Statutes, and amended to read:

2415 288.915 ~~288.1253~~ Travel and entertainment expenses.—

2416 (1) As used in this section, the term "travel expenses"
2417 means the actual, necessary, and reasonable costs of
2418 transportation, meals, lodging, and incidental expenses normally
2419 incurred by an employee of the Division Office of Film and
2420 Entertainment within Enterprise Florida, Inc., as ~~which costs~~
2421 ~~are defined and prescribed by rules adopted by the department~~
2422 rule, subject to approval by the Chief Financial Officer.

2423 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
2424 department shall adopt rules by which the Division of Film and
2425 Entertainment ~~it~~ may make expenditures by reimbursement to: the
2426 Governor, the Lieutenant Governor, security staff of the
2427 Governor or Lieutenant Governor, the Commissioner of Film and
2428 Entertainment, or staff of the Division Office of Film and
2429 Entertainment for travel expenses or entertainment expenses
2430 incurred by such individuals solely and exclusively in
2431 connection with the performance of the statutory duties of the
2432 division Office ~~of Film and Entertainment~~. The rules are subject
2433 to approval by the Chief Financial Officer before adoption. The
2434 rules shall require the submission of paid receipts, or other
2435 proof of expenditure prescribed by the Chief Financial Officer,
2436 with any claim for reimbursement.

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2437 (3) The Division ~~Office~~ of Film and Entertainment shall
2438 include in the annual report for the entertainment industry
2439 ~~financial incentive~~ program required under s. 288.1254(10) a
2440 report of the division's ~~office's~~ expenditures for the previous
2441 fiscal year. The report must consist of a summary of all travel,
2442 entertainment, and incidental expenses incurred within the
2443 United States and all travel, entertainment, and incidental
2444 expenses incurred outside the United States, as well as a
2445 summary of all successful projects that developed from such
2446 travel.

2447 (4) The Division ~~Office~~ of Film and Entertainment and its
2448 employees and representatives, when authorized, may accept and
2449 use complimentary travel, accommodations, meeting space, meals,
2450 equipment, transportation, and any other goods or services
2451 necessary for or beneficial to the performance of the division's
2452 ~~office's~~ duties and purposes, so long as such acceptance or use
2453 is not in conflict with part III of chapter 112. The department
2454 shall, by rule, develop internal controls to ensure that such
2455 goods or services accepted or used pursuant to this subsection
2456 are limited to those that will assist solely and exclusively in
2457 the furtherance of the division's ~~office's~~ goals and are in
2458 compliance with part III of chapter 112. Notwithstanding this
2459 subsection, the division and its employees and representatives
2460 may not accept any complimentary travel, accommodations, meeting
2461 space, meals, equipment, transportation, or any other goods or
2462 services from an entity or party, including an employee,
2463 designee, or representative of such entity or party, which has
2464 received, has applied to receive, or anticipates that it will
2465 receive through an application, funds under s. 288.1256. If the

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2466 division or its employee or representative accepts such goods or
2467 services, the division or its employee or representative is
2468 subject to the penalties provided in s. 112.317.

2469 (5) Any claim submitted under this section is not required
2470 to be sworn to before a notary public or other officer
2471 authorized to administer oaths, but any claim authorized or
2472 required to be made under any provision of this section shall
2473 contain a statement that the expenses were actually incurred as
2474 necessary travel or entertainment expenses in the performance of
2475 official duties of the Division ~~Office~~ of Film and Entertainment
2476 and shall be verified by written declaration that it is true and
2477 correct as to every material matter. Any person who willfully
2478 makes and subscribes to any claim that ~~which~~ he or she does not
2479 believe to be true and correct as to every material matter or
2480 who willfully aids or assists in, procures, or counsels or
2481 advises with respect to, the preparation or presentation of a
2482 claim pursuant to this section which ~~that~~ is fraudulent or false
2483 as to any material matter, whether such falsity or fraud is with
2484 the knowledge or consent of the person authorized or required to
2485 present the claim, commits a misdemeanor of the second degree,
2486 punishable as provided in s. 775.082 or s. 775.083. Whoever
2487 receives a reimbursement by means of a false claim is civilly
2488 liable, in the amount of the overpayment, for the reimbursement
2489 of the public fund from which the claim was paid.

2490 Section 29. Effective October 1, 2015, section 288.1254,
2491 Florida Statutes, is amended to read:

2492 288.1254 Entertainment industry ~~financial incentive~~
2493 program.—

2494 (1) DEFINITIONS.—As used in this section, the term:

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2495 (a) "Certified production" means a qualified production
2496 that has tax credits allocated to it by the department based on
2497 the production's estimated qualified expenditures, up to the
2498 production's maximum certified amount of tax credits, by the
2499 department. The term does not include a production if its first
2500 day of principal photography or project start date in this state
2501 occurs before the production is certified by the department,
2502 unless the production spans more than 1 fiscal year, was a
2503 certified production on its first day of principal photography
2504 or project start date in this state, and submits an application
2505 for continuing the same production for the subsequent fiscal
2506 year.

2507 (b) "Digital media project" means a production of
2508 interactive entertainment that is produced for distribution in
2509 commercial or educational markets. The term includes a video
2510 game or production intended for Internet or wireless
2511 distribution, an interactive website, digital animation, and
2512 visual effects, including, but not limited to, three-dimensional
2513 movie productions and movie conversions. The term does not
2514 include a production that contains content that is obscene as
2515 defined in s. 847.001.

2516 (c) "Family-friendly production" means a production that
2517 has cross-generational appeal; is considered suitable for
2518 viewing by children age 5 or older; is appropriate in theme,
2519 content, and language for a broad family audience; embodies a
2520 responsible resolution of issues; and does not exhibit or imply
2521 any act of smoking, sex, nudity, or vulgar or profane language

2522 ~~"High-impact digital media project" means a digital media~~
2523 ~~project that has qualified expenditures greater than \$4.5~~

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2524 million.

2525 (d) "High-impact television production series" means:

2526 1. A production created to run multiple production seasons
2527 which has and having an estimated order of at least seven
2528 episodes per season and qualified expenditures of at least \$1
2529 million ~~\$625,000~~ per episode; or

2530 2. A telenovela that has qualified expenditures of more
2531 than \$6 million; a minimum of 45 principal photography days
2532 filmed in this state; a production cast, including background
2533 actors, and a crew of which at least 90 percent are legal
2534 residents of this state; and at least 90 percent of its
2535 production occurring in this state.

2536 (e) ~~"Off-season certified production" means a feature film,~~
2537 ~~independent film, or television series or pilot that films 75~~
2538 ~~percent or more of its principal photography days from June 1~~
2539 ~~through November 30.~~

2540 ~~(f)~~ "Principal photography" means the filming of major or
2541 significant components of the qualified production which involve
2542 lead actors.

2543 ~~(f)(g)~~ "Production" means a theatrical, ~~or~~ direct-to-video,
2544 or direct-to-Internet motion picture; a made-for-television
2545 motion picture; visual effects or digital animation sequences
2546 produced in conjunction with a motion picture; a commercial; a
2547 music video; an industrial or educational film; an infomercial;
2548 a documentary film; a television pilot program; a presentation
2549 for a television pilot program; a television series, including,
2550 but not limited to, a drama, a reality show, a comedy, a soap
2551 opera, a telenovela, a game show, an awards show, or a
2552 miniseries production; a direct-to-Internet television series;

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2553 or a digital media project by the entertainment industry. One
2554 season of a television series is considered one production. The
2555 term does not include a weather or market program; a sporting
2556 event or a sporting event broadcast; a gala; a production that
2557 solicits funds; a home shopping program; a political program; a
2558 political documentary; political advertising; a gambling-related
2559 project or production; a concert production; a local, regional,
2560 or Internet-distributed-only news show or current-events show; a
2561 sports news or sports recap show; a pornographic production; or
2562 any production deemed obscene under chapter 847. A production
2563 may be produced on or by film, tape, or otherwise by means of a
2564 motion picture camera; electronic camera or device; tape device;
2565 computer; any combination of the foregoing; or any other means,
2566 method, or device.

2567 (g)~~(h)~~ "Production expenditures" means the costs of
2568 tangible and intangible property used for, and services
2569 performed primarily and customarily in, production, including
2570 preproduction and postproduction, but excluding costs for
2571 development, marketing, and distribution. The term includes, but
2572 is not limited to:

2573 1. Wages, salaries, or other compensation paid to legal
2574 residents of this state, including amounts paid through payroll
2575 service companies, for technical and production crews,
2576 directors, producers, and performers.

2577 2. Net expenditures for sound stages, backlots, production
2578 editing, digital effects, sound recordings, sets, and set
2579 construction.

2580 3. Net expenditures for rental equipment, including, but
2581 not limited to, cameras and grip or electrical equipment.

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2582 4. Up to \$300,000 of the costs of newly purchased computer
2583 software and hardware unique to the project, including servers,
2584 data processing, and visualization technologies, which are
2585 located in and used exclusively in this ~~the~~ state for the
2586 production of digital media.

2587 5. Expenditures for meals, travel, and accommodations. For
2588 purposes of this paragraph, the term "net expenditures" means
2589 the actual amount of money a qualified production spent for
2590 equipment or other tangible personal property, after subtracting
2591 any consideration received for reselling or transferring the
2592 item after the qualified production ends, if applicable.

2593 (h) ~~(i)~~ "Qualified expenditures" means production
2594 expenditures incurred in this state by a qualified production
2595 for:

2596 1. Goods purchased or leased from, or services, including,
2597 but not limited to, insurance costs and bonding, payroll
2598 services, and legal fees, which are provided by, a vendor or
2599 supplier in this state that is registered with the Department of
2600 State or the Department of Revenue, has a physical location in
2601 this state, and employs one or more legal residents of this
2602 state. This does not include rebilled goods or services provided
2603 by an in-state company from out-of-state vendors or suppliers.
2604 When services provided by the vendor or supplier include
2605 personal services or labor, only personal services or labor
2606 provided by residents of this state, evidenced by the required
2607 documentation of residency in this state, qualify.

2608 2. Payments to legal residents of this state in the form of
2609 salary, wages, or other compensation up to a maximum of \$400,000
2610 per resident unless otherwise specified in subsection (4). A

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2611 completed declaration of residency in this state must accompany
2612 the documentation submitted to the department ~~office~~ for
2613 reimbursement.

2614
2615 For a qualified production involving an event, such as an awards
2616 show, the term does not include expenditures solely associated
2617 with the event itself and not directly required by the
2618 production. The term does not include expenditures incurred
2619 before certification, with the exception of those incurred for a
2620 commercial, a music video, or the pickup of additional episodes
2621 of a high-impact television production ~~series~~ within a single
2622 season. ~~Under no circumstances may~~ The qualified production may
2623 not include in the calculation for qualified expenditures the
2624 original purchase price for equipment or other tangible property
2625 that is later sold or transferred by the qualified production
2626 for consideration. In such cases, the qualified expenditure is
2627 the net of the original purchase price minus the consideration
2628 received upon sale or transfer.

2629 (i) ~~(j)~~ "Qualified production" means a production in this
2630 state meeting the requirements of this section. The term does
2631 not include a production:

2632 1. In which, ~~for the first 2 years of the incentive~~
2633 ~~program, less than 50 percent, and thereafter, less than 60~~
2634 ~~percent,~~ of the positions that make up its production cast and
2635 below-the-line production crew, or, in the case of digital media
2636 projects, less than 75 percent of such positions, are filled by
2637 legal residents of this state, whose residency is demonstrated
2638 by a valid Florida driver license or other state-issued
2639 identification confirming residency, or students enrolled full-

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2640 time in an entertainment-related ~~a film and entertainment-~~
2641 ~~related~~ course of study at an institution of higher education in
2642 this state; or

2643 2. That contains obscene content as defined in s.
2644 847.001(10).

2645 (j) ~~(k)~~ "Qualified production company" means a corporation,
2646 limited liability company, partnership, or other legal entity
2647 engaged in one or more productions in this state.

2648 ~~(l) "Qualified digital media production facility" means a~~
2649 ~~building or series of buildings and their improvements in which~~
2650 ~~data processing, visualization, and sound synchronization~~
2651 ~~technologies are regularly applied for the production of~~
2652 ~~qualified digital media projects or the digital animation~~
2653 ~~components of qualified productions.~~

2654 ~~(m) "Qualified production facility" means a building or~~
2655 ~~complex of buildings and their improvements and associated~~
2656 ~~backlot facilities in which regular filming activity for film or~~
2657 ~~television has occurred for a period of no less than 1 year and~~
2658 ~~which contain at least one sound stage of at least 7,800 square~~
2659 ~~feet.~~

2660 ~~(n) "Regional population ratio" means the ratio of the~~
2661 ~~population of a region to the population of this state. The~~
2662 ~~regional population ratio applicable to a given fiscal year is~~
2663 ~~the regional population ratio calculated by the Office of Film~~
2664 ~~and Entertainment using the latest official estimates of~~
2665 ~~population certified under s. 186.901, available on the first~~
2666 ~~day of that fiscal year.~~

2667 ~~(o) "Regional tax credit ratio" means a ratio the numerator~~
2668 ~~of which is the sum of tax credits awarded to productions in a~~

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2669 ~~region to date plus the tax credits certified, but not yet~~
2670 ~~awarded, to productions currently in that region and the~~
2671 ~~denominator of which is the sum of all tax credits awarded in~~
2672 ~~the state to date plus all tax credits certified, but not yet~~
2673 ~~awarded, to productions currently in the state. The regional tax~~
2674 ~~credit ratio applicable to a given year is the regional tax~~
2675 ~~credit ratio calculated by the Office of Film and Entertainment~~
2676 ~~using credit award and certification information available on~~
2677 ~~the first day of that fiscal year.~~

2678 ~~(p) "Underutilized region" for a given state fiscal year~~
2679 ~~means a region with a regional tax credit ratio applicable to~~
2680 ~~that fiscal year that is lower than its regional population~~
2681 ~~ratio applicable to that fiscal year. The following regions are~~
2682 ~~established for purposes of making this determination:~~

2683 ~~1. North Region, consisting of Alachua, Baker, Bay,~~
2684 ~~Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,~~
2685 ~~Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,~~
2686 ~~Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,~~
2687 ~~Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,~~
2688 ~~Union, Wakulla, Walton, and Washington Counties.~~

2689 ~~2. Central East Region, consisting of Brevard, Flagler,~~
2690 ~~Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.~~
2691 ~~Lucie, and Volusia Counties.~~

2692 ~~3. Central West Region, consisting of Citrus, Hernando,~~
2693 ~~Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,~~
2694 ~~and Sumter Counties.~~

2695 ~~4. Southwest Region, consisting of Charlotte, Collier,~~
2696 ~~DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.~~

2697 ~~5. Southeast Region, consisting of Broward, Martin, Miami-~~

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2698 ~~Dade, Monroe, and Palm Beach Counties.~~

2699 (k) ~~(q)~~ "Interactive website" means a website or group of
2700 websites that includes interactive and downloadable content, and
2701 creates 25 new Florida full-time equivalent positions operating
2702 from a principal place of business located within Florida. An
2703 interactive website or group of websites must provide
2704 documentation that those jobs were created to the department
2705 before ~~Office of Film and Entertainment~~ prior to the award of
2706 tax credits. Each subsequent program application must provide
2707 proof that 25 Florida full-time equivalent positions are
2708 maintained.

2709 (1) "Underutilized county" means a county in which less
2710 than \$500,000 in qualified expenditures were made in the last 2
2711 fiscal years.

2712 (2) CREATION AND PURPOSE OF PROGRAM.—The entertainment
2713 industry ~~financial incentive~~ program is created within the
2714 department Office of Film and Entertainment. ~~The purpose of this~~
2715 ~~program is~~ to encourage the use of this state as a site for
2716 entertainment production, for filming, and for the digital
2717 production of entertainment films, and to develop and sustain
2718 the workforce and infrastructure for film, digital media, and
2719 entertainment production.

2720 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

2721 (a) *Program application.*—A qualified production company
2722 producing a qualified production in this state may submit a
2723 program application to the Division ~~Office~~ of Film and
2724 Entertainment for the purpose of determining qualification for
2725 an award of tax credits authorized by this section no earlier
2726 than 180 days before the first day of principal photography or

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2727 project start date in this state. The applicant shall provide
2728 the division ~~Office of Film and Entertainment~~ with information
2729 required to determine whether the production is a qualified
2730 production and to determine the qualified expenditures and other
2731 information necessary for the division and the department ~~office~~
2732 to determine eligibility for the tax credit.

2733 (b) *Required documentation.*—The department, in consultation
2734 with the division, ~~Office of Film and Entertainment~~ shall
2735 develop an application form for qualifying an applicant as a
2736 qualified production. The form must include, but need not be
2737 limited to, production-related information concerning employment
2738 of residents in this state; a detailed budget of planned
2739 qualified expenditures and aggregate nonqualified expenditures,
2740 including capital investment, in this state; proof of financing
2741 for the production; and the applicant's signed affirmation that
2742 the information on the form has been verified and is correct.
2743 The division ~~Office of Film and Entertainment~~ and local film
2744 commissions shall distribute the form.

2745 (c) *Application process.*—The division ~~Office of Film and~~
2746 ~~Entertainment~~ shall establish a process by which an application
2747 is accepted and reviewed ~~and by which tax credit eligibility and~~
2748 ~~award amount are determined.~~

2749 1. The division shall review, evaluate, and rank
2750 applications for each queue, as provided in subsection (4),
2751 using the following evaluation criteria, with priority given in
2752 descending order, with the highest priority given to sub-
2753 subparagraph a.:

2754 a. The number of state residents that will be employed in
2755 full-time equivalent and part-time positions related to the

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2756 project, and the duration of such employment and the average
2757 wages paid to such residents. Preference shall be given to a
2758 project that expects to pay higher than the statewide average
2759 wage.

2760 b. The amount of qualified and nonqualified expenditures
2761 that will be made in this state.

2762 c. The duration of the project in this state, including
2763 whether production will occur in an underutilized county.

2764 d. The length of time for planned preproduction and
2765 postproduction scheduled to occur in this state.

2766 e. The amount of capital investment, especially fixed
2767 capital investment, to be made directly by the production
2768 company in this state related to the project and the amount of
2769 any other capital investment to be made in this state related to
2770 the project.

2771 f. The local support and amount of any financial commitment
2772 for the project.

2773 2. The Division of Film and Entertainment shall designate
2774 two application cycles per fiscal year for qualified production
2775 companies to submit applications pursuant to this section. Each
2776 application cycle must consist of an application submittal
2777 deadline and a subsequent review period. The two application
2778 deadlines shall be separated in time by at least 4 months. The
2779 first application cycle must be "Application Cycle A," and the
2780 second application cycle must be "Application Cycle B." Each
2781 applicant must designate the cycle for which the applicant is
2782 applying.

2783 3. The Division of Film and Entertainment shall designate
2784 the length of the review period for each application cycle which

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2785 must immediately follow its corresponding application deadline.
2786 The review cycle may not exceed 30 days. During each review
2787 period, the Division of Film and Entertainment shall:

2788 a. Review each timely received application to ensure that
2789 the application is complete and shall label each application
2790 according to its queue as specified in subsection (4).

2791 b. Recommend rankings for applications pursuant to the
2792 criteria in subparagraph 1.

2793 c. Submit each complete and timely received application
2794 along with the recommended application rankings to the
2795 department no later than 1 day after the end of the review
2796 cycle. Applications that do not meet the requirements of this
2797 section may not be ranked.

2798 4. Applications that are not timely received or complete
2799 may not be carried forward to a subsequent application cycle.

2800 5. A certified high-impact television production may submit
2801 an initial application for no more than two successive seasons,
2802 notwithstanding the fact that the second season has not been
2803 ordered. The qualified expenditure amounts for the second season
2804 shall be based on the current season's estimated qualified
2805 expenditures. Upon the completion of production of each season,
2806 a high-impact television production may submit an application
2807 for only one additional season. To be certified for a tax
2808 credit, the applicant must agree to notify the department within
2809 10 days if the additional season is not ordered or is canceled.
2810 ~~The Office of Film and Entertainment may request assistance from~~
2811 ~~a duly appointed local film commission in determining compliance~~
2812 ~~with this section. A certified high-impact television series may~~
2813 ~~submit an initial application for no more than two successive~~

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2814 ~~seasons, notwithstanding the fact that the successive seasons~~
2815 ~~have not been ordered. The successive season's qualified~~
2816 ~~expenditure amounts shall be based on the current season's~~
2817 ~~estimated qualified expenditures. Upon the completion of~~
2818 ~~production of each season, a high-impact television series may~~
2819 ~~submit an application for no more than one additional season.~~

2820 (d) *Certification.*—

2821 1. The department Office of Film and Entertainment shall
2822 review the applications and recommendations by the division
2823 application within 15 business days after receipt from the
2824 division. Upon its determination that The department shall
2825 determine if each application contains all the information
2826 required by this subsection and meets the criteria set out in
2827 this section. Going from the highest-ranked and recommended
2828 application to the lowest-ranked application, the department,
2829 ~~the Office of Film and Entertainment shall determine, for each~~
2830 application, whether to certify qualify the applicant and
2831 ~~recommend to the department that the applicant be certified for~~
2832 ~~the maximum tax credit award amount. Within 5 business days~~
2833 ~~after receipt of the recommendation, the department shall reject~~
2834 ~~the recommendation or certify the maximum recommended tax credit~~
2835 ~~award, if any funds are available, to the applicant and to the~~
2836 ~~executive director of the Department of Revenue; or to reject~~
2837 the request for the tax credit pursuant to paragraph (f).

2838 2. The department may certify only up to 50 percent of the
2839 credits available in a fiscal year for "Application Cycle A" of
2840 the fiscal year. All remaining tax credits in the fiscal year
2841 may be certified in "Application Cycle B." The department may
2842 not certify tax credits in an amount greater than the allocation

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2843 for a specified fiscal year, as determined under subsection (7).

2844 (e) *Employment.*—Upon certification by the department, the
 2845 production must provide the department and the Division of Film
 2846 and Entertainment with a single point of contact and information
 2847 related to the production's needs for cast, crew, contractors,
 2848 and vendors. The division shall publish this information online,
 2849 including the type of production, the projected start date of
 2850 the production, the locations in this state for such production,
 2851 and the e-mail or other contact information for the production's
 2852 point of contact. The department, in consultation with the
 2853 division, may adopt procedures for a production to post such
 2854 information itself within 7 days after certification.

2855 (f) ~~(e)~~ *Grounds for denial.*—The department ~~Office of Film~~
 2856 ~~and Entertainment~~ shall deny an application if it determines
 2857 that the application is not complete, ~~or~~ the production or
 2858 application does not meet the requirements of this section, or
 2859 the application is not ranked by the division. Within 90 days
 2860 after submitting a program application, except with respect to
 2861 applications in the independent and emerging media queue, a
 2862 production must provide proof of project financing to the Office
 2863 of Film and Entertainment, otherwise the project is deemed
 2864 denied and withdrawn. A project that has been denied ~~withdrawn~~
 2865 may submit a new application in a subsequent application cycle
 2866 upon providing the Office of Film and Entertainment proof of
 2867 financing.

2868 (g) ~~(f)~~ *Verification of actual qualified expenditures.*—

2869 1. The department, in consultation with the Division ~~Office~~
 2870 of Film and Entertainment, shall develop a process to verify the
 2871 actual qualified expenditures of a certified production. The

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2872 process must require:

2873 a. A certified production to submit, within 180 days ~~in a~~
2874 ~~timely manner~~ after production ends in this state and after
2875 making all of its qualified expenditures in this state, data
2876 substantiating each qualified expenditure, including
2877 documentation of ~~on~~ the net expenditure on equipment and other
2878 tangible personal property by the qualified production and all
2879 production-related information on full- and part-time employment
2880 and wages paid to residents of this state, to an independent
2881 certified public accountant licensed in this state;

2882 b. Such accountant to conduct a compliance audit, at the
2883 certified production's expense, to substantiate each qualified
2884 expenditure and submit the results as a report, along with the
2885 required substantiating data, to the department ~~Office of Film~~
2886 ~~and Entertainment~~; and

2887 c. The department ~~Office of Film and Entertainment~~ to
2888 review the accountant's submittal and verify ~~report to the~~
2889 ~~department~~ the final ~~verified~~ amount of actual qualified
2890 expenditures made by the certified production.

2891 2. The department shall also require a certified production
2892 to submit data substantiating aggregate nonqualified
2893 expenditures, including capital investment, in this state.

2894 3.2. The department shall determine and approve the final
2895 tax credit award amount to each certified applicant based on the
2896 final verified amount of actual qualified expenditures and
2897 evidence that the qualified production met the requirements of
2898 this section. The department shall notify the executive director
2899 of the Department of Revenue in writing that the certified
2900 production has met the requirements of the ~~incentive~~ program and

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2901 of the final amount of the tax credit award. The final tax
2902 credit award amount may not exceed the maximum tax credit award
2903 amount certified under paragraph (d).

2904 (h)-(g) Promoting Florida.—The department Office of Film and
2905 Entertainment shall ensure that, as a condition of receiving a
2906 tax credit under this section, marketing materials promoting
2907 this state as a tourist destination or film and entertainment
2908 production destination are included, when appropriate, at no
2909 cost to the state, in the qualified production or as otherwise
2910 required by the department and the Division of Film and
2911 Entertainment. The Division of Film and Entertainment shall
2912 provide the Florida Tourism Industry Marketing Corporation with
2913 the contact information for each qualified production in order
2914 for the corporation to work with the qualified production to
2915 develop the marketing materials promoting this state. The
2916 marketing materials ~~which~~ must, at a minimum, include placement
2917 of the "Visit Florida" logo and a "Filmed in Florida" or
2918 "Produced in Florida" logo in the end credits. The placement of
2919 the "Visit Florida" logo and a "Filmed in Florida" or "Produced
2920 in Florida" logo on all packaging material and hard media is
2921 also required, unless such placement is prohibited by licensing
2922 or other contractual obligations. The sizes size and placements
2923 ~~placement~~ of such logos logo shall be commensurate to other
2924 logos used. If no logos are used, the statement "Filmed in
2925 Florida using Florida's Entertainment Industry Program Financial
2926 Incentive," or a similar statement approved by the Division
2927 ~~Office~~ of Film and Entertainment, shall be used. The Division
2928 ~~Office~~ of Film and Entertainment shall provide a logo and supply
2929 it for the purposes specified in this paragraph. A 30-second

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2930 "Visit Florida" promotional video must also be included on all
2931 optical disc formats of a film, unless such placement is
2932 prohibited by licensing or other contractual obligations. The
2933 30-second promotional video shall be approved and provided by
2934 the Florida Tourism Industry Marketing Corporation in
2935 consultation with the Division Commissioner of Film and
2936 Entertainment. The marketing materials must also include a link
2937 to the Florida Tourism Industry Marketing Corporation website or
2938 another website designated by the department on the certified
2939 applicant's website or the production's website for the entire
2940 term of the production. If the certified applicant cannot
2941 provide such link, it must provide a promotional opportunity of
2942 equal or greater value as approved by the department and the
2943 division.

2944 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
2945 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
2946 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
2947 ACQUISITIONS.—

2948 (a) ~~Priority for tax credit award.~~ ~~The priority of a~~
2949 ~~qualified production for tax credit awards must be determined on~~
2950 ~~a first-come, first-served basis within its appropriate queue.~~
2951 ~~Each qualified production must be placed into the appropriate~~
2952 ~~queue and is subject to the requirements of that queue.~~

2953 ~~(b) Tax credit eligibility.~~ Each qualified production must
2954 be placed into the appropriate queue and is subject to the
2955 requirements of that queue.

2956 1. General production queue.—Ninety-four percent of tax
2957 credits authorized pursuant to subsection (7) ~~(6)~~ in any state
2958 fiscal year must be dedicated to the general production queue.

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2959 The general production queue consists of all qualified
2960 productions other than those eligible for the commercial and
2961 music video queue or the independent and emerging media
2962 production queue. A qualified production that demonstrates a
2963 minimum of \$625,000 in qualified expenditures is eligible for
2964 tax credits equal to 20 percent of its actual qualified
2965 expenditures, up to a maximum of \$8 million. A qualified
2966 production that incurs qualified expenditures during multiple
2967 state fiscal years may combine those expenditures to satisfy the
2968 \$625,000 minimum threshold.

2969 ~~a. An off-season certified production that is a feature
2970 film, independent film, or television series or pilot is
2971 eligible for an additional 5 percent tax credit on actual
2972 qualified expenditures. An off-season certified production that
2973 does not complete 75 percent of principal photography due to a
2974 disruption caused by a hurricane or tropical storm may not be
2975 disqualified from eligibility for the additional 5 percent
2976 credit as a result of the disruption.~~

2977 ~~b. If more than 45 percent of the sum of total tax credits
2978 initially certified and awarded after April 1, 2012, total tax
2979 credits initially certified after April 1, 2012, but not yet
2980 awarded, and total tax credits available for certification after
2981 April 1, 2012, but not yet certified has been awarded for high-
2982 impact television series, then no high-impact television series
2983 is eligible for tax credits under this subparagraph. Tax credits
2984 initially certified for a high-impact television series after
2985 April 1, 2012, may not be awarded if the award will cause the
2986 percentage threshold in this sub-subparagraph to be exceeded.
2987 This sub-subparagraph does not prohibit the award of tax credits~~

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2988 ~~certified before April 1, 2012, for high-impact television~~
2989 ~~series.~~

2990 ~~e. Subject to sub-subparagraph b., First priority in the~~
2991 ~~queue for tax credit awards not yet certified shall be given to~~
2992 ~~high-impact television series and high-impact digital media~~
2993 ~~projects. For the purposes of determining priority between a~~
2994 ~~high-impact television series and a high-impact digital media~~
2995 ~~project, the first position must go to the first application~~
2996 ~~received. Thereafter, priority shall be determined by~~
2997 ~~alternating between a high-impact television series and a high-~~
2998 ~~impact digital media project on a first-come, first-served~~
2999 ~~basis. However, if the Office of Film and Entertainment receives~~
3000 ~~an application for a high-impact television series or high-~~
3001 ~~impact digital media project that would be certified but for the~~
3002 ~~alternating priority, the office may certify the project as~~
3003 ~~being in the priority position if an application that would~~
3004 ~~normally be the priority position is not received within 5~~
3005 ~~business days.~~

3006 ~~d.~~ A qualified production for which at least 70 ~~67~~ percent
3007 of its principal photography days occur within a county region
3008 designated as an underutilized county region at the time that
3009 the production is certified is eligible for an additional 5
3010 percent tax credit.

3011 b.e. A qualified production that employs students enrolled
3012 full-time in a film and entertainment-related or digital media-
3013 related course of study at an institution of higher education in
3014 this state, individuals participating in the Road-to-
3015 Independence Program under s. 409.1451, individuals with
3016 developmental disabilities as defined in s. 393.063 residing in

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3017 this state, and veterans residing in this state, is eligible for
3018 an additional 15 percent tax credit on qualified expenditures
3019 that are wages, salaries, or other compensation paid to such
3020 students. The additional 15 percent tax credit is also
3021 applicable to persons hired within 12 months after graduating
3022 from a film and entertainment-related or digital media-related
3023 course of study at an institution of higher education in this
3024 state. The additional 15 percent tax credit applies to qualified
3025 expenditures that are wages, salaries, or other compensation
3026 paid to such recent graduates for 1 year after the date of
3027 hiring.

3028 ~~f. A qualified production for which 50 percent or more of~~
3029 ~~its principal photography occurs at a qualified production~~
3030 ~~facility, or a qualified digital media project or the digital~~
3031 ~~animation component of a qualified production for which 50~~
3032 ~~percent or more of the project's or component's qualified~~
3033 ~~expenditures are related to a qualified digital media production~~
3034 ~~facility, is eligible for an additional 5 percent tax credit on~~
3035 ~~actual qualified expenditures for production activity at that~~
3036 ~~facility.~~

3037 c. A qualified production that completes a capital
3038 investment in this state of at least \$2 million for property
3039 improvements before the completion of the qualified production,
3040 is eligible for an additional 5 percent tax credit. The capital
3041 investment must be permanent and must be made after July 1,
3042 2015, and the property must remain in this state after the
3043 production ends. A capital investment may be the basis of an
3044 application only once, unless the qualified production makes an
3045 additional \$2 million of substantial changes to the property.

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3046 d. A qualified production determined by the department to
3047 be a family-friendly production, based on review of the script
3048 and review of the final release version, is eligible for an
3049 additional 5 percent tax credit. The department must consult
3050 with the Division of Film and Entertainment in making this
3051 determination.

3052 ~~e.g.~~ A qualified production is not eligible for tax credits
3053 provided under this paragraph totaling more than 25 ~~30~~ percent
3054 of its actual qualified expenses.

3055 2. Commercial and music video queue.—Three percent of tax
3056 credits authorized pursuant to subsection (7) ~~(6)~~ in any state
3057 fiscal year must be dedicated to the commercial and music video
3058 queue. A qualified production company that produces national or
3059 regional commercials ~~or music videos~~ may be eligible for a tax
3060 credit award if it demonstrates a minimum of \$100,000 in
3061 qualified expenditures per national or regional commercial ~~or~~
3062 ~~music video~~ and exceeds a combined threshold of \$500,000 after
3063 combining actual qualified expenditures from qualified
3064 commercials ~~and music videos~~ during a single state fiscal year.
3065 After a qualified production company that produces commercials,
3066 ~~music videos, or both~~ reaches the threshold of \$500,000, it is
3067 eligible to apply for certification for a tax credit award. The
3068 maximum credit award for a qualified production company that
3069 produces commercials shall be equal to 20 percent of its actual
3070 qualified expenditures up to a maximum of \$500,000. A qualified
3071 production company that produces music videos may be eligible
3072 for a tax credit if it demonstrates a minimum of \$25,000 in
3073 qualified expenditures per music video and exceeds a combined
3074 threshold of \$125,000 after combining actual qualified

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3075 expenditures from qualified music videos during a single state
3076 fiscal year. After a qualified production company that produces
3077 music videos reaches the threshold of \$125,000, it is eligible
3078 to apply for certification for a tax credit award. The maximum
3079 credit award for a qualified production company that produces
3080 music videos shall be equal to 20 percent of its actual
3081 qualified expenditures up to a maximum of \$125,000. If there is
3082 a surplus at the end of a fiscal year after the department
3083 ~~Office of Film and Entertainment~~ certifies and determines the
3084 tax credits for all qualified commercial and video projects,
3085 such surplus tax credits shall be carried forward to the
3086 following fiscal year and are available to any eligible
3087 qualified productions under the general production queue.

3088 3. Independent and emerging media production queue.—Three
3089 percent of tax credits authorized pursuant to subsection (7) ~~(6)~~
3090 in any state fiscal year must be dedicated to the independent
3091 and emerging media production queue. This queue is intended to
3092 encourage independent film and emerging media production in this
3093 state. Any qualified production, excluding commercials,
3094 infomercials, or music videos, which demonstrates at least
3095 \$100,000, but not more than \$625,000, in total qualified
3096 expenditures is eligible for tax credits equal to 20 percent of
3097 its actual qualified expenditures. If a surplus exists at the
3098 end of a fiscal year after the department ~~Office of Film and~~
3099 ~~Entertainment~~ certifies and determines the tax credits for all
3100 qualified independent and emerging media production projects,
3101 such surplus tax credits shall be carried forward to the
3102 following fiscal year and are available to any eligible
3103 qualified productions under the general production queue.

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3104 ~~4. Family friendly productions. A certified theatrical or~~
3105 ~~direct to video motion picture production or video game~~
3106 ~~determined by the Commissioner of Film and Entertainment, with~~
3107 ~~the advice of the Florida Film and Entertainment Advisory~~
3108 ~~Council, to be family friendly, based on review of the script~~
3109 ~~and review of the final release version, is eligible for an~~
3110 ~~additional tax credit equal to 5 percent of its actual qualified~~
3111 ~~expenditures. Family friendly productions are those that have~~
3112 ~~cross-generational appeal; would be considered suitable for~~
3113 ~~viewing by children age 5 or older; are appropriate in theme,~~
3114 ~~content, and language for a broad family audience; embody a~~
3115 ~~responsible resolution of issues; and do not exhibit or imply~~
3116 ~~any act of smoking, sex, nudity, or vulgar or profane language.~~

3117 ~~(b)(e) Withdrawal of certification tax credit eligibility.-~~
3118 ~~The department shall withdraw the certification of a qualified~~
3119 ~~or certified production if the must continue on a reasonable~~
3120 ~~schedule or timely completion of the certified production is~~
3121 ~~delayed, including a break in production, a change in the~~
3122 ~~production schedule, or the loss of financing for the~~
3123 ~~production. A certified production must notify the department~~
3124 ~~within 5 days after any circumstance that delays the reasonable~~
3125 ~~schedule or timely completion. The certification of a certified~~
3126 ~~production may not be withdrawn if the production provides the~~
3127 ~~department with proof of replacement financing within 10 days~~
3128 ~~after the loss of financing for the production. To keep a~~
3129 ~~reasonable schedule, the certified production must begin which~~
3130 ~~includes beginning principal photography or the production~~
3131 ~~project in this state within no more than 45 calendar days~~
3132 ~~before or after the principal photography or project start date~~

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3133 provided in the production's program application. ~~The department~~
3134 ~~shall withdraw the eligibility of a qualified or certified~~
3135 ~~production that does not continue on a reasonable schedule.~~

3136 (c)~~(d)~~ *Election and distribution of tax credits.*—

3137 1. A certified production company receiving a tax credit
3138 award under this section shall, at the time the credit is
3139 awarded by the department after production is completed and all
3140 requirements to receive a credit award have been met, make an
3141 irrevocable election to apply the credit against taxes due under
3142 chapter 220, against state taxes collected or accrued under
3143 chapter 212, or against a stated combination of the two taxes.
3144 The election is binding upon any distributee, successor,
3145 transferee, or purchaser. The department shall notify the
3146 Department of Revenue of any election made pursuant to this
3147 paragraph.

3148 2. A qualified production company is eligible for tax
3149 credits against its sales and use tax liabilities and corporate
3150 income tax liabilities as provided in this section. However, tax
3151 credits awarded under this section may not be claimed against
3152 sales and use tax liabilities or corporate income tax
3153 liabilities for any tax period beginning before July 1, 2011,
3154 regardless of when the credits are applied for or awarded.

3155 (d)~~(e)~~ *Tax credit carryforward.*—If the certified production
3156 company cannot use the entire tax credit in the taxable year or
3157 reporting period in which the credit is awarded, any excess
3158 amount may be carried forward to a succeeding taxable year or
3159 reporting period. A tax credit applied against taxes imposed
3160 under chapter 212 may be carried forward for a maximum of 5
3161 years after the date the credit is awarded. A tax credit applied

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3162 against taxes imposed under chapter 220 may be carried forward
3163 for a maximum of 5 taxable years after the taxable year in which
3164 ~~date~~ the credit is awarded. An unused remaining tax credit
3165 expires after this period, ~~after which the credit expires~~ and
3166 may not be used.

3167 (e) ~~(f)~~ *Consolidated returns.*—A certified production company
3168 that files a Florida consolidated return as a member of an
3169 affiliated group under s. 220.131(1) may be allowed the credit
3170 on a consolidated return basis up to the amount of the tax
3171 imposed upon the consolidated group under chapter 220.

3172 (f) ~~(g)~~ *Partnership and noncorporate distributions.*—A
3173 qualified production company that is not a corporation as
3174 defined in s. 220.03 may elect to distribute tax credits awarded
3175 under this section to its partners or members in proportion to
3176 their respective distributive income or loss in the taxable year
3177 in which the tax credits were awarded.

3178 (g) ~~(h)~~ *Mergers or acquisitions.*—Tax credits available under
3179 this section to a certified production company may succeed to a
3180 surviving or acquiring entity subject to the same conditions and
3181 limitations as described in this section; however, they may not
3182 be transferred again by the surviving or acquiring entity.

3183 (5) TRANSFER OF TAX CREDITS.—

3184 (a) *Authorization.*—Upon application to ~~the Office of Film~~
3185 ~~and Entertainment~~ and approval by the department, a certified
3186 production company, or a partner or member that has received a
3187 distribution under paragraph (4) (f) ~~(4) (g)~~, may elect to
3188 transfer, in whole or in part, any unused credit amount granted
3189 under this section. An election to transfer any unused tax
3190 credit amount under chapter 212 or chapter 220 must be made no

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3191 later than 5 years after the date the credit is awarded, after
3192 which period the credit expires and may not be used. The
3193 department shall notify the Department of Revenue of the
3194 election and transfer.

3195 (b) *Number of transfers permitted.*—A certified production
3196 company that elects to apply a credit amount against taxes
3197 remitted under chapter 212 is permitted a one-time transfer of
3198 unused credits to one transferee. A certified production company
3199 that elects to apply a credit amount against taxes due under
3200 chapter 220 is permitted a one-time transfer of unused credits
3201 to no more than four transferees, and such transfers must occur
3202 in the same taxable year.

3203 (c) *Transferee rights and limitations.*—The transferee is
3204 subject to the same rights and limitations as the certified
3205 production company awarded the tax credit, except that the
3206 initial transferee shall be permitted a one-time transfer of
3207 unused credits to no more than two subsequent transferees, and
3208 such transfers must occur in the same taxable year as the
3209 credits were received by the initial transferee, after which the
3210 subsequent transferees may not sell or otherwise transfer the
3211 tax credit.

3212 (6) RELINQUISHMENT OF TAX CREDITS.—

3213 (a) Beginning July 1, 2011, a certified production company,
3214 or any person who has acquired a tax credit from a certified
3215 production company pursuant to subsections (4) and (5), may
3216 elect to relinquish the tax credit to the Department of Revenue
3217 in exchange for 90 percent of the amount of the relinquished tax
3218 credit.

3219 (b) The Department of Revenue may approve payments to

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3220 persons relinquishing tax credits pursuant to this subsection.

3221 (c) Subject to legislative appropriation, the Department of
3222 Revenue shall request the Chief Financial Officer to issue
3223 warrants to persons relinquishing tax credits. Payments under
3224 this subsection shall be made from the funds from which the
3225 proceeds from the taxes against which the tax credits could have
3226 been applied pursuant to the irrevocable election made by the
3227 certified production company under subsection (4) are deposited.

3228 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

3229 (a) The aggregate amount of the tax credits that may be
3230 certified pursuant to paragraph (3) (d) may not exceed:

3231 1. For fiscal year 2010-2011, \$53.5 million.

3232 2. For fiscal year 2011-2012, \$74.5 million.

3233 3. For fiscal years 2012-2013, 2013-2014, 2014-2015, and
3234 2015-2016, \$42 million per fiscal year.

3235 (b) Any portion of the maximum amount of tax credits
3236 established per fiscal year in paragraph (a) that is not
3237 certified as of the end of a fiscal year shall be carried
3238 forward and made available for certification during the
3239 following 2 fiscal years in addition to the amounts available
3240 for certification under paragraph (a) for those fiscal years.

3241 (c) Upon approval of the final tax credit award amount
3242 pursuant to subparagraph (3) (g) 3. ~~(3) (f) 2.~~, an amount equal to
3243 the difference between the maximum tax credit award amount
3244 previously certified under paragraph (3) (d) and the approved
3245 final tax credit award amount shall immediately be available for
3246 recertification during the current and following fiscal years in
3247 addition to the amounts available for certification under
3248 paragraph (a) for those fiscal years.

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3249 (d) Tax credit award amounts available for certification on
3250 and after July 1, 2015, may not be certified before the fiscal
3251 year in which they will become available as specified in
3252 paragraph (a). Additionally, for amounts available for
3253 certification on and after July 1, 2015, one-half of the amount
3254 available in the fiscal year shall be available for
3255 certification in "Application Cycle A", and the remaining amount
3256 available in the fiscal year shall be available for
3257 certification in "Application Cycle B." ~~If, during a fiscal~~
3258 ~~year, the total amount of credits applied for, pursuant to~~
3259 ~~paragraph (3) (a), exceeds the amount of credits available for~~
3260 ~~certification in that fiscal year, such excess shall be treated~~
3261 ~~as having been applied for on the first day of the next fiscal~~
3262 ~~year in which credits remain available for certification.~~

3263 (8) LIMITATION WITH OTHER PROGRAMS.—A qualified production
3264 that is certified for tax credits under this section may not
3265 simultaneously receive benefits under ss. 288.1256 and 288.1258
3266 for the same production.

3267 (9) ~~(8)~~ RULES, POLICIES, AND PROCEDURES.—

3268 (a) The department may adopt rules pursuant to ss.
3269 120.536(1) and 120.54 and develop policies and procedures to
3270 implement and administer this section, including, but not
3271 limited to, rules specifying requirements for the application
3272 and approval process, records required for substantiation for
3273 tax credits, procedures for making the election in paragraph
3274 (4) (c) ~~(4) (d)~~, the manner and form of documentation required to
3275 claim tax credits awarded or transferred under this section, and
3276 marketing requirements for tax credit recipients.

3277 (b) The Department of Revenue may adopt rules pursuant to

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3278 ss. 120.536(1) and 120.54 to administer this section, including
3279 rules governing the examination and audit procedures required to
3280 administer this section and the manner and form of documentation
3281 required to claim tax credits awarded, transferred, or
3282 relinquished under this section.

3283 (10)~~(9)~~ AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
3284 CREDITS; FRAUDULENT CLAIMS.—

3285 (a) *Audit authority*.—The Department of Revenue may conduct
3286 examinations and audits as provided in s. 213.34 to verify that
3287 tax credits under this section are received, transferred, and
3288 applied according to the requirements of this section. If the
3289 Department of Revenue determines that tax credits are not
3290 received, transferred, or applied as required by this section,
3291 it may, in addition to the remedies provided in this subsection,
3292 pursue recovery of such funds pursuant to the laws and rules
3293 governing the assessment of taxes.

3294 (b) *Revocation of tax credits*.—The department may revoke or
3295 modify any written decision qualifying, certifying, or otherwise
3296 granting eligibility for tax credits under this section if it is
3297 discovered that the tax credit applicant submitted any false
3298 statement, representation, or certification in any application,
3299 record, report, plan, or other document filed in an attempt to
3300 receive tax credits under this section. The department shall
3301 immediately notify the Department of Revenue of any revoked or
3302 modified orders affecting previously granted tax credits.
3303 Additionally, the applicant must notify the Department of
3304 Revenue of any change in its tax credit claimed.

3305 (c) *Forfeiture of tax credits*.—A determination by the
3306 Department of Revenue, as a result of an audit pursuant to

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3307 paragraph (a) or from information received from the department
3308 or the Division ~~Office~~ of Film and Entertainment, that an
3309 applicant received tax credits pursuant to this section to which
3310 the applicant was not entitled is grounds for forfeiture of
3311 previously claimed and received tax credits. The applicant is
3312 responsible for returning forfeited tax credits to the
3313 Department of Revenue, and such funds shall be paid into the
3314 General Revenue Fund of the state. Tax credits purchased in good
3315 faith are not subject to forfeiture unless the transferee
3316 submitted fraudulent information in the purchase or failed to
3317 meet the requirements in subsection (5).

3318 (d) *Fraudulent claims.*—Any applicant that submits
3319 fraudulent information under this section is liable for
3320 reimbursement of the reasonable costs and fees associated with
3321 the review, processing, investigation, and prosecution of the
3322 fraudulent claim. An applicant that obtains a credit payment
3323 under this section through a claim that is fraudulent is liable
3324 for reimbursement of the credit amount plus a penalty in an
3325 amount double the credit amount. The penalty is in addition to
3326 any criminal penalty to which the applicant is liable for the
3327 same acts. The applicant is also liable for costs and fees
3328 incurred by the state in investigating and prosecuting the
3329 fraudulent claim.

3330 (11) ~~(10)~~ ANNUAL REPORT.—Each November 1, the department
3331 ~~Office of Film and Entertainment~~ shall submit an annual report
3332 for the previous fiscal year to the Governor, the President of
3333 the Senate, and the Speaker of the House of Representatives
3334 which outlines the ~~incentive~~ program's return on investment and
3335 economic benefits to the state. The report must also include an

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3336 estimate of the full-time equivalent positions created by each
3337 production that received tax credits under this section and
3338 information relating to the distribution of productions
3339 receiving credits by geographic region and type of production.
3340 The report must also include the expenditures report required
3341 under s. 288.915, ~~s. 288.1253(3)~~ and the information describing
3342 the relationship between tax exemptions and incentives to
3343 industry growth required under s. 288.1258(5), and program
3344 performance information under s. 288.1256. The department may
3345 work with the Division of Film and Entertainment to develop the
3346 annual report.

3347 (12) ~~(11)~~ REPEAL.—This section is repealed July 1, 2021
3348 2016, except that:

3349 (a) Tax credits certified under paragraph (3) (d) before
3350 July 1, 2021 ~~2016~~, may be awarded under paragraph (3) (g) ~~(3) (f)~~
3351 on or after July 1, 2021 ~~2016~~, if the other requirements of this
3352 section are met.

3353 (b) Tax credits carried forward under paragraph (4) (d)
3354 ~~(4) (e)~~ remain valid for the period specified.

3355 (c) Subsections (5), (9), ~~(8)~~ and (10) ~~(9)~~ shall remain in
3356 effect until July 1, 2026 ~~July 1, 2021~~.

3357 Section 30. Beginning October 1, 2015, if an application is
3358 on file with the Department of Economic Opportunity to receive a
3359 tax credit through the entertainment industry program under s.
3360 288.1254, Florida Statutes, and the application has not been
3361 certified for a tax credit award under current s.
3362 288.1254(3) (d), Florida Statutes, by the department, the
3363 application is deemed denied.

3364 Section 31. Effective October 1, 2015, section 288.1256,

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3365 Florida Statutes, is created to read:

3366 288.1256 Entertainment action fund.—

3367 (1) The entertainment action fund is created within the
3368 department in order to respond to extraordinary opportunities
3369 and to compete effectively with other states to attract and
3370 retain production companies and to provide favorable conditions
3371 for the growth of the entertainment industry in this state.

3372 (2) As used in this section, the term:

3373 (a) "Division" means the Division of Film and Entertainment
3374 within Enterprise Florida, Inc.

3375 (b) "Principal photography" means the filming of major or
3376 significant components of the project which involve lead actors.

3377 (c) "Production" means a theatrical, direct-to-video, or
3378 direct-to-Internet motion picture; a made-for-television motion
3379 picture; visual effects or digital animation sequences produced
3380 in conjunction with a motion picture; a commercial; a music
3381 video; an industrial or educational film; an infomercial; a
3382 documentary film; a television pilot program; a presentation for
3383 a television pilot program; a television series, including, but
3384 not limited to, a drama, a reality show, a comedy, a soap opera,
3385 a telenovela, a game show, an awards show, or a miniseries
3386 production; a direct-to-Internet television series; or a digital
3387 media project by the entertainment industry. One season of a
3388 television series is considered one production. The term does
3389 not include a weather or market program; a sporting event or a
3390 sporting event broadcast; a gala; a production that solicits
3391 funds; a home shopping program; a political program; a political
3392 documentary; political advertising; a gambling-related project
3393 or production; a concert production; a local, regional, or

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3394 Internet-distributed-only news show or current-events show; a
3395 sports news or sports recap show; a pornographic production; or
3396 any production deemed obscene under chapter 847. A production
3397 may be produced on or by film, tape, or otherwise by means of a
3398 motion picture camera; electronic camera or device; tape device;
3399 computer; any combination of the foregoing; or any other means,
3400 method, or device.

3401 (d) "Production company" means a corporation, limited
3402 liability company, partnership, or other legal entity engaged in
3403 one or more productions in this state.

3404 (e) "Production expenditures" means the costs of tangible
3405 and intangible property used for, and services performed
3406 primarily and customarily in, production, including
3407 preproduction and postproduction, but excluding costs for
3408 development, marketing, and distribution. The term includes, but
3409 is not limited to:

3410 1. Wages, salaries, or other compensation paid to legal
3411 residents of this state, including amounts paid through payroll
3412 service companies, for technical and production crews,
3413 directors, producers, and performers.

3414 2. Net expenditures for sound stages, backlots, production
3415 editing, digital effects, sound recordings, sets, and set
3416 construction.

3417 3. Net expenditures for rental equipment, including, but
3418 not limited to, cameras and grip or electrical equipment.

3419 4. Up to \$300,000 of the costs of newly purchased computer
3420 software and hardware unique to the project, including servers,
3421 data processing, and visualization technologies, which are
3422 located in and used exclusively in this state for the production

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3423 of digital media.

3424 5. Expenditures for meals, travel, and accommodations. As
3425 used in this paragraph, the term "net expenditures" means the
3426 actual amount of money a project spent for equipment or other
3427 tangible personal property, after subtracting any consideration
3428 received for reselling or transferring the item after the
3429 production ends, if applicable.

3430 (f) "Project" means a production in this state meeting the
3431 requirements of this section. The term does not include a
3432 production:

3433 1. In which less than 70 percent of the positions that make
3434 up its production cast and below-the-line production crew are
3435 filled by legal residents of this state, whose residency is
3436 demonstrated by a valid Florida driver license or other state-
3437 issued identification confirming residency, or students enrolled
3438 full-time in an entertainment-related course of study at an
3439 institution of higher education in this state; or

3440 2. That contains obscene content as defined in s.
3441 847.001(10).

3442 (g) "Qualified expenditures" means production expenditures
3443 incurred in this state by a production company for:

3444 1. Goods purchased or leased from, or services, including,
3445 but not limited to, insurance costs and bonding, payroll
3446 services, and legal fees, which are provided by a vendor or
3447 supplier in this state that is registered with the Department of
3448 State or the Department of Revenue, has a physical location in
3449 this state, and employs one or more legal residents of this
3450 state. This does not include rebilled goods or services provided
3451 by an in-state company from out-of-state vendors or suppliers.

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3452 When services provided by the vendor or supplier include
3453 personal services or labor, only personal services or labor
3454 provided by residents of this state, evidenced by the required
3455 documentation of residency in this state, qualify.

3456 2. Payments to legal residents of this state in the form of
3457 salary, wages, or other compensation up to a maximum of \$400,000
3458 per resident unless otherwise specified in subsection (4). A
3459 completed declaration of residency in this state must accompany
3460 the documentation submitted to the department for reimbursement.

3461
3462 For a project involving an event, such as an awards show, the
3463 term does not include expenditures solely associated with the
3464 event itself and not directly required by the production. The
3465 term does not include expenditures incurred before the agreement
3466 is signed. The production company may not include in the
3467 calculation for qualified expenditures the original purchase
3468 price for equipment or other tangible property that is later
3469 sold or transferred by the production company for consideration.
3470 In such cases, the qualified expenditure is the net of the
3471 original purchase price minus the consideration received upon
3472 sale or transfer.

3473 (h) "Underutilized county" means a county in which less
3474 than \$500,000 in qualified expenditures were made in the last 2
3475 fiscal years.

3476 (3) A production company may apply for funds from the
3477 entertainment action fund for a production or successive seasons
3478 of a production. The department and the division shall jointly
3479 review and evaluate applications to determine the eligibility of
3480 each project consistent with the requirements of this section.

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3481 The department shall select projects that maximize the return to
3482 the state.

3483 (4) The department and the division, in their review and
3484 evaluation of applications, must consider the following
3485 criteria, with priority given in descending order, with the
3486 highest priority given to paragraph (a):

3487 (a) The number of state residents that will be employed in
3488 full-time equivalent and part-time positions related to the
3489 project and the duration of such employment and the average
3490 wages paid to such residents. Preference shall be given to a
3491 project that expects to pay higher than the statewide average
3492 wage.

3493 (b) The amount of qualified and nonqualified expenditures
3494 that will be made in this state.

3495 (c) Planned or executed contracts with production
3496 facilities or soundstages in this state and the percentage of
3497 principal photography or production activity that will occur at
3498 each location.

3499 (d) Planned preproduction and postproduction to occur in
3500 this state.

3501 (e) The amount of capital investment, especially fixed
3502 capital investment, to be made directly by the production
3503 company in this state related to the project and the amount of
3504 any other capital investment to be made in this state related to
3505 the project.

3506 (f) The duration of the project in this state.

3507 (g) The amount and duration of principal photography or
3508 production activity that will occur in an underutilized county.

3509 (h) The amount of promotion of Florida that the production

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3510 company will provide for the state. This includes marketing
3511 materials promoting this state as a tourist destination or a
3512 film and entertainment production destination; placement of
3513 state agency logos in the production and credits; permitted use
3514 of production assets, characters, and themes by this state;
3515 promotional videos for this state included on optical disc
3516 formats; and other marketing integration.

3517 (i) The employment of students enrolled full-time in an
3518 entertainment-related course of study at an institution of
3519 higher education in this state or of graduates from such an
3520 institution within 12 months after graduation.

3521 (j) Plans to work with entertainment industry-related
3522 courses of study at an institution of higher education in this
3523 state.

3524 (k) The local support and any financial commitment for the
3525 project.

3526 (l) The project is about this state or shows this state in
3527 a positive light.

3528 (m) A review of the production company's past activities in
3529 this state or other states.

3530 (n) The length of time the production company has made
3531 productions in this state, the number of productions the
3532 production company has made in this state, and the production
3533 company's overall commitment to this state. This includes a
3534 production company that is based in this state.

3535 (o) Expected contributions to this state's economy,
3536 consistent with the state strategic economic development plan
3537 prepared by the department.

3538 (p) The expected effect of the award on the viability of

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3539 the project and the probability that the project would be
3540 undertaken in this state if funds are granted to the production
3541 company.

3542 (5) A production company must have financing in place for a
3543 project before it applies for funds under this section.

3544 (6) The department shall prescribe a form upon which an
3545 application must be made. At a minimum, the application must
3546 include:

3547 (a) The applicant's federal employer identification number,
3548 reemployment assistance account number, and state sales tax
3549 registration number, as applicable. If such numbers are not
3550 available at the time of application, they must be submitted to
3551 the department in writing before the disbursement of any
3552 payments.

3553 (b) The signature of the applicant.

3554 (c) A detailed budget of planned qualified and nonqualified
3555 expenditures in this state.

3556 (d) The type and amount of capital investment that will be
3557 made in this state.

3558 (e) The locations in this state at which the project will
3559 occur.

3560 (f) The anticipated commencement date and duration of the
3561 project.

3562 (g) The proposed number of state residents and nonstate
3563 residents that will be employed in full-time equivalent and
3564 part-time positions related to the project and wages paid to
3565 such persons.

3566 (h) The total number of full-time equivalent employees
3567 employed by the production company in this state, if applicable.

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- 3568 (i) Proof of financing for the project.
- 3569 (j) The amount of promotion of Florida that the production
3570 company will provide for the state.
- 3571 (k) An attestation verifying that the information provided
3572 on the application is true and accurate.
- 3573 (l) Any additional information requested by the department
3574 or division.
- 3575 (7) The department must make a recommendation to the
3576 Governor to approve or deny an award within 7 days after
3577 completion of the review and evaluation. An award of funds may
3578 not constitute more than 30 percent of qualified expenditures in
3579 this state and may not fund wages paid to nonresidents. A
3580 production must start within 1 year after the date the project
3581 is approved by the Governor. The recommendation must include the
3582 performance conditions that the project must meet to obtain
3583 funds.
- 3584 (a) The Governor may approve projects without consulting
3585 the Legislature for projects requiring less than \$2 million in
3586 funding.
- 3587 (b) For projects requiring funding in the amount of \$2
3588 million to \$5 million, the Governor shall provide a written
3589 description and evaluation of a project recommended for approval
3590 to the chair and vice chair of the Legislative Budget Commission
3591 at least 10 days before giving final approval for the project.
3592 The recommendation must include the performance conditions that
3593 the project must meet in order to obtain funds.
- 3594 (c) If the chair or vice chair of the Legislative Budget
3595 Commission or the President of the Senate or the Speaker of the
3596 House of Representatives timely advises the Executive Office of

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3597 the Governor, in writing, that such action or proposed action
3598 exceeds the delegated authority of the Executive Office of the
3599 Governor or is contrary to legislative policy or intent, the
3600 Executive Office of the Governor shall void the release of funds
3601 and instruct the department to immediately change such action or
3602 proposed action until the Legislative Budget Commission or the
3603 Legislature addresses the issue.

3604 (d) Any project exceeding \$5 million must be approved by
3605 the Legislative Budget Commission before the funding is
3606 released.

3607 (8) Upon the approval of the Governor, the department and
3608 the production company shall enter into an agreement that
3609 specifies, at a minimum:

3610 (a) The total amount of funds awarded and the schedule of
3611 payment.

3612 (b) The performance conditions for payment of moneys from
3613 the fund, including full- and part-time employment in this
3614 state; wages paid in this state; capital investment in this
3615 state, including fixed capital investment; marketing and
3616 promotion in this state; the date by which production must start
3617 and the duration of production; and the amount of qualified
3618 expenditures in this state.

3619 (c) The methodology for validating performance and the date
3620 by which the production company must submit proof of performance
3621 to the department.

3622 (d) That the department may review and verify any records
3623 of the production company to ascertain whether that company is
3624 in compliance with this section and the agreement.

3625 (e) Sanctions for failure to meet performance conditions.

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3626 (f) That payment of moneys from the fund is contingent upon
3627 sufficient appropriation of funds by the Legislature.

3628 (9) The agreement must be finalized and signed by an
3629 authorized officer of the production company within 90 days
3630 after the Governor's approval. A production company that is
3631 approved under this section may not simultaneously receive
3632 benefits under ss. 288.1254 and 288.1258 for the same
3633 production.

3634 (10) The department shall validate contractor performance
3635 and report such validation in the annual report required under
3636 s. 288.1254.

3637 (11) Contingent upon an annual appropriation by the
3638 Legislature, the department may not approve awards in excess of
3639 the amount appropriated for a fiscal year. The department must
3640 maintain a schedule of funds to be paid from the appropriation
3641 for the fiscal year that begins on July 1. For the first 6
3642 months of each fiscal year, the department shall set aside 50
3643 percent of the amount appropriated for the fund by the
3644 Legislature. At the end of the 6-month period, these funds may
3645 be used to provide funding for any project that qualifies under
3646 this section.

3647 (12) A production company that submits fraudulent
3648 information under this section is liable for reimbursement of
3649 the reasonable costs and fees associated with the review,
3650 processing, investigation, and prosecution of the fraudulent
3651 claim. A production company that receives a payment under this
3652 section through a claim that is fraudulent is liable for
3653 reimbursement of the payment amount, plus a penalty in an amount
3654 double the payment amount. The penalty is in addition to any

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3655 criminal penalty for which the production company is liable for
3656 the same acts. The production company is also liable for costs
3657 and fees incurred by the state in investigating and prosecuting
3658 the fraudulent claim.

3659 (13) The department may not waive any provision or provide
3660 an extension of time to meet any requirement of this section.

3661 (14) This section expires on July 1, 2025. An agreement in
3662 existence on that date shall continue in effect in accordance
3663 with its terms.

3664 Section 32. Section 288.1258, Florida Statutes, is amended
3665 to read:

3666 288.1258 Entertainment industry qualified production
3667 companies; application procedure; categories; duties of the
3668 Department of Revenue; records and reports.—

3669 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

3670 (a) Any production company engaged in this state in the
3671 production of motion pictures, made-for-TV motion pictures,
3672 television series, commercial advertising, music videos, or
3673 sound recordings may submit an application to the Department of
3674 Revenue to be approved by the Department of Economic Opportunity
3675 ~~Office of Film and Entertainment~~ as a qualified production
3676 company for the purpose of receiving a sales and use tax
3677 certificate of exemption from the Department of Revenue to
3678 exempt purchases on or after the date a complete application is
3679 filed with the Department of Revenue for exemptions under ss.
3680 212.031, 212.06, and 212.08.

3681 (b) As used in ~~For the purposes of~~ this section, the term
3682 "qualified production company" means any production company that
3683 has submitted a properly completed application to the Department

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3684 of Revenue and that is subsequently qualified by the Department
3685 of Economic Opportunity ~~Office of Film and Entertainment~~.

3686 (2) APPLICATION PROCEDURE.—

3687 (a) The Department of Revenue shall ~~will~~ review all
3688 submitted applications for the required information. Within 10
3689 working days after the receipt of a properly completed
3690 application, the Department of Revenue shall ~~will~~ forward the
3691 completed application to the Department of Economic Opportunity
3692 ~~Office of Film and Entertainment~~ for approval.

3693 (b)1. The Department of Economic Opportunity ~~Office of Film~~
3694 ~~and Entertainment~~ shall establish a process by which an
3695 entertainment industry production company may be approved by the
3696 department ~~office~~ as a qualified production company and may
3697 receive a certificate of exemption from the Department of
3698 Revenue for the sales and use tax exemptions under ss. 212.031,
3699 212.06, and 212.08. A production company that is approved under
3700 this section may not simultaneously receive benefits under ss.
3701 288.1254 and 288.1256 for the same production.

3702 2. Upon determination by the department ~~Office of Film and~~
3703 ~~Entertainment~~ that a production company meets the established
3704 approval criteria and qualifies for exemption, the department
3705 ~~Office of Film and Entertainment~~ shall return the approved
3706 application or application renewal or extension to the
3707 Department of Revenue, which shall issue a certificate of
3708 exemption.

3709 3. The department ~~Office of Film and Entertainment~~ shall
3710 deny an application or application for renewal or extension from
3711 a production company if it determines that the production
3712 company does not meet the established approval criteria.

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3713 (c) The department ~~Office of Film and Entertainment~~ shall
3714 develop, with the cooperation of the Department of Revenue, the
3715 Division of Film and Entertainment within Enterprise Florida,
3716 Inc., and local government entertainment industry promotion
3717 agencies, a standardized application form for use in approving
3718 qualified production companies.

3719 1. The application form shall include, but not be limited
3720 to, production-related information on employment, proposed
3721 budgets, planned purchases of items exempted from sales and use
3722 taxes under ss. 212.031, 212.06, and 212.08, a signed
3723 affirmation from the applicant that any items purchased for
3724 which the applicant is seeking a tax exemption are intended for
3725 use exclusively as an integral part of entertainment industry
3726 preproduction, production, or postproduction activities engaged
3727 in primarily in this state, and a signed affirmation from the
3728 ~~department Office of Film and Entertainment~~ that the information
3729 on the application form has been verified and is correct. In
3730 lieu of information on projected employment, proposed budgets,
3731 or planned purchases of exempted items, a production company
3732 seeking a 1-year certificate of exemption may submit summary
3733 historical data on employment, production budgets, and purchases
3734 of exempted items related to production activities in this
3735 state. Any information gathered from production companies for
3736 the purposes of this section shall be considered confidential
3737 taxpayer information and shall be disclosed only as provided in
3738 s. 213.053.

3739 2. The application form may be distributed to applicants by
3740 the department, the Division ~~Office~~ of Film and Entertainment,
3741 or local film commissions.

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3742 (d) All applications, renewals, and extensions for
3743 designation as a qualified production company shall be processed
3744 by the department ~~Office of Film and Entertainment~~.

3745 (e) ~~If In the event that~~ the Department of Revenue
3746 determines that a production company no longer qualifies for a
3747 certificate of exemption, or has used a certificate of exemption
3748 for purposes other than those authorized by this section and
3749 chapter 212, the Department of Revenue shall revoke the
3750 certificate of exemption of that production company, and any
3751 sales or use taxes exempted on items purchased or leased by the
3752 production company during the time such company did not qualify
3753 for a certificate of exemption or improperly used a certificate
3754 of exemption shall become immediately due to the Department of
3755 Revenue, along with interest and penalty as provided by s.
3756 212.12. In addition to the other penalties imposed by law, any
3757 person who knowingly and willfully falsifies an application, or
3758 uses a certificate of exemption for purposes other than those
3759 authorized by this section and chapter 212, commits a felony of
3760 the third degree, punishable as provided in ss. 775.082,
3761 775.083, and 775.084.

3762 (3) CATEGORIES.—

3763 (a)1. A production company may be qualified for designation
3764 as a qualified production company for a period of 1 year if the
3765 company has operated a business in Florida at a permanent
3766 address for a period of 12 consecutive months. Such a qualified
3767 production company shall receive a single 1-year certificate of
3768 exemption from the Department of Revenue for the sales and use
3769 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3770 certificate shall expire 1 year after issuance or upon the

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3771 cessation of business operations in the state, at which time the
3772 certificate shall be surrendered to the Department of Revenue.

3773 ~~2. The Office of Film and Entertainment shall develop a~~
3774 ~~method by which~~ A qualified production company may submit a new
3775 application for annually renew a 1-year certificate of exemption
3776 upon the expiration of that company's certificate of exemption;
3777 however, upon approval of the department, such qualified
3778 production company may annually renew the 1-year certificate of
3779 exemption for a period of up to 5 years without submitting
3780 ~~requiring the production company to resubmit~~ a new application
3781 during that 5-year period.

3782 3. Each year, or upon surrender of the certificate of
3783 exemption to the Department of Revenue, the Any qualified
3784 production company shall may submit to the department aggregate
3785 data for production-related information on employment,
3786 expenditures in this state, capital investment, and purchases of
3787 items exempted from sales and use taxes under ss. 212.031,
3788 212.06, and 212.08 for inclusion in the annual report required
3789 under subsection (5) ~~a new application for a 1-year certificate~~
3790 ~~of exemption upon the expiration of that company's certificate~~
3791 ~~of exemption.~~

3792 (b)1. A production company may be qualified for designation
3793 as a qualified production company for a period of 90 days. Such
3794 production company shall receive a single 90-day certificate of
3795 exemption from the Department of Revenue for the sales and use
3796 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3797 certificate shall expire 90 days after issuance or upon the
3798 cessation of business operations in the state, at which time,
3799 ~~with extensions contingent upon approval of the Office of Film~~

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3800 ~~and Entertainment.~~ the certificate shall be surrendered to the
3801 Department of Revenue ~~upon its expiration.~~

3802 2. A qualified production company may submit a new
3803 application for a 90-day certificate of exemption each quarter
3804 upon the expiration of that company's certificate of exemption;
3805 however, upon approval of the department, such qualified
3806 production company may renew the 90-day certificate of exemption
3807 for a period of up to 1 year without submitting a new
3808 application during that 1-year period.

3809 3.2. Each 90 days, or upon surrender of the certificate of
3810 exemption to the Department of Revenue, the qualified Any
3811 production company shall may submit to the department aggregate
3812 data for production-related information on employment,
3813 expenditures in this state, capital investment, and purchases of
3814 items exempted from sales and use taxes under ss. 212.031,
3815 212.06, and 212.08 for inclusion in the annual report required
3816 under subsection (5) a new application for a 90-day certificate
3817 of exemption upon the expiration of that company's certificate
3818 of exemption.

3819 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

3820 (a) The Department of Revenue shall review the initial
3821 application and notify the applicant of any omissions and
3822 request additional information if needed. An application shall
3823 be complete upon receipt of all requested information. The
3824 Department of Revenue shall forward all complete applications to
3825 the department ~~Office of Film and Entertainment~~ within 10
3826 working days.

3827 (b) The Department of Revenue shall issue a numbered
3828 certificate of exemption to a qualified production company

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3829 within 5 working days of the receipt of an approved application,
3830 application renewal, or application extension from the
3831 department ~~Office of Film and Entertainment~~.

3832 (c) The Department of Revenue may adopt ~~promulgate~~ such
3833 rules and shall prescribe and publish such forms as may be
3834 necessary to effectuate the purposes of this section or any of
3835 the sales tax exemptions which are reasonably related to the
3836 provisions of this section.

3837 (d) The Department of Revenue is authorized to establish
3838 audit procedures in accordance with the provisions of ss.
3839 212.12, 212.13, and 213.34 which relate to the sales tax
3840 exemption provisions of this section.

3841 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3842 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
3843 ~~Office of Film and Entertainment~~ shall keep annual records from
3844 the information provided on taxpayer applications for tax
3845 exemption certificates and regularly reported as required in
3846 this section beginning January 1, 2001. These records also must
3847 reflect a ratio of the annual amount of sales and use tax
3848 exemptions under this section, plus the tax credits ~~incentives~~
3849 awarded pursuant to s. 288.1254 to the estimated amount of funds
3850 expended by certified productions. In addition, the department
3851 ~~office~~ shall maintain data showing annual growth in Florida-
3852 based entertainment industry companies and entertainment
3853 industry employment and wages. The employment information must
3854 include ~~an estimate of~~ the full-time equivalent positions
3855 created by each production that received tax credits pursuant to
3856 s. 288.1254. The department ~~Office of Film and Entertainment~~
3857 shall include this information in the annual report for the

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3858 entertainment industry ~~financial incentive~~ program required
3859 under s. 288.1254(10).

3860 Section 33. Paragraph (b) of subsection (5) of section
3861 288.901, Florida Statutes, is amended to read:

3862 288.901 Enterprise Florida, Inc.—

3863 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3864 (b) In making their appointments, the Governor, the
3865 President of the Senate, and the Speaker of the House of
3866 Representatives shall ensure that the composition of the board
3867 of directors reflects the diversity of Florida's business
3868 community and is representative of the economic development
3869 goals in subsection (2). The board must include at least one
3870 director for each of the following areas of expertise:
3871 international business, tourism marketing, the space or
3872 aerospace industry, managing or financing a minority-owned
3873 business, manufacturing, finance and accounting, rural economic
3874 development, and sports marketing.

3875 Section 34. Subsection (5) is added to section 288.905,
3876 Florida Statutes, to read:

3877 288.905 President and employees of Enterprise Florida,
3878 Inc.—

3879 (5) For a period of 2 years following vacation of office, a
3880 former president may not receive compensation for personally
3881 representing before the legislative or executive branch of state
3882 government an entity that applied for funding, received state
3883 funds, or negotiated with Enterprise Florida, Inc., for the
3884 receipt of state funds, regardless of whether the entity
3885 actually received any state funds.

3886 Section 35. The change made to s. 288.905, Florida

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3887 Statutes, applies only to presidents who are appointed or
3888 reappointed on or after July 1, 2015.

3889 Section 36. Effective October 1, 2015, subsection (1) of
3890 section 288.92, Florida Statutes, is amended to read:

3891 288.92 Divisions of Enterprise Florida, Inc.—

3892 (1) Enterprise Florida, Inc., may create and dissolve
3893 divisions as necessary to carry out its mission. Each division
3894 shall have distinct responsibilities and complementary missions.
3895 At a minimum, Enterprise Florida, Inc., shall have divisions
3896 related to the following areas:

3897 (a) International Trade and Business Development;

3898 (b) Business Retention and Recruitment;

3899 (c) Tourism Marketing;

3900 (d) Minority Business Development; ~~and~~

3901 (e) Sports Industry Development; and

3902 (f) Film and Entertainment.

3903 Section 37. Subsection (1) of section 288.9622, Florida
3904 Statutes, is amended to read:

3905 288.9622 Findings and intent.—

3906 (1) The Legislature finds and declares that there is a need
3907 to increase the availability of seed capital and early stage
3908 venture equity capital for emerging companies in the state,
3909 including, without limitation, enterprises in life sciences,
3910 information technology, advanced manufacturing processes,
3911 aviation and aerospace, ~~and~~ homeland security and defense,
3912 improvement of water quality and safety, and agricultural
3913 enhancements and protections, as well as other strategic
3914 technologies.

3915 Section 38. Paragraph (d) of subsection (4) of section

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3916 288.9624, Florida Statutes, is amended to read:

3917 288.9624 Florida Opportunity Fund; creation; duties.—

3918 (4) For the purpose of mobilizing investment in a broad
3919 variety of Florida-based, new technology companies and
3920 generating a return sufficient to continue reinvestment, the
3921 fund shall:

3922 (d) Invest only in funds, businesses, and infrastructure
3923 projects that have raised capital from other sources so that the
3924 amount invested in such funds, businesses, or infrastructure
3925 projects is at least twice the amount invested by the fund.
3926 Direct investments must be made in Florida infrastructure
3927 projects or businesses that are Florida-based or have
3928 significant business activities in Florida and operate in
3929 technology sectors that are strategic to Florida, including, but
3930 not limited to, enterprises in life sciences, information
3931 technology, advanced manufacturing processes, aviation and
3932 aerospace, ~~and~~ homeland security and defense, improvement of
3933 water quality and safety, and agricultural enhancements and
3934 protections, as well as other strategic technologies.

3935

3936 The Opportunity Fund may not use its original legislative
3937 appropriation of \$29.5 million for direct investments, including
3938 loans, in businesses or infrastructure projects, or for any
3939 purpose not specified in chapter 2007-189, Laws of Florida.

3940 Section 39. Paragraph (c) of subsection (3) and subsection
3941 (4) of section 288.980, Florida Statutes, are amended to read:

3942 288.980 Military base retention; legislative intent; grants
3943 program.—

3944 (3)

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- 3945 (c) The department shall require that an applicant:
- 3946 1. Represent a local government with a military
- 3947 installation or military installations that could be adversely
- 3948 affected by federal actions.
- 3949 2. ~~Agree to match at least 30 percent of any grant awarded.~~
- 3950 3. Prepare a coordinated program or plan of action
- 3951 delineating how the eligible project will be administered and
- 3952 accomplished.
- 3953 3.4. Provide documentation describing the potential for
- 3954 changes to the mission of a military installation located in the
- 3955 applicant's community and the potential impacts such changes
- 3956 will have on the applicant's community.
- 3957 (4) The Florida Defense Reinvestment Grant Program is
- 3958 established to respond to the need for this state to work in
- 3959 conjunction with defense-dependent communities in developing and
- 3960 implementing strategies and approaches that will help
- 3961 communities support the missions of military installations, and
- 3962 in developing and implementing alternative economic
- 3963 diversification strategies to transition from a defense economy
- 3964 to a nondefense economy. The department shall administer the
- 3965 program.
- 3966 (a) Eligible applicants include defense-dependent counties
- 3967 and cities, and local economic development councils located
- 3968 within such communities. ~~The program shall be administered by~~
- 3969 ~~the department and~~ Grant awards may be provided to support
- 3970 community-based activities that:
- 3971 1. ~~(a)~~ Protect existing military installations;
- 3972 2. ~~(b)~~ Diversify or grow the economy of a defense-dependent
- 3973 community; or

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3974 3.~~(e)~~ Develop plans for the reuse of closed or realigned
 3975 military installations, including any plans necessary for
 3976 infrastructure improvements needed to facilitate reuse and
 3977 related marketing activities.

3978 (b) Applications for grants under paragraph (a) ~~this~~
 3979 ~~subsection~~ must include a coordinated program of work or plan of
 3980 action delineating how the eligible project will be administered
 3981 and accomplished, which must include a plan for ensuring close
 3982 cooperation between civilian and military authorities in the
 3983 conduct of the funded activities and a plan for public
 3984 involvement. An applicant must agree to match at least 30
 3985 percent of any grant awarded.

3986 (c) An eligible applicant may also be a business in the
 3987 defense and space industry. Grant awards may be provided to
 3988 support technological competitiveness activities. For purposes
 3989 of this paragraph, the term "technological competitiveness
 3990 activities" includes equipment purchases, upgrades, or
 3991 replacement. Applications for grants under this paragraph must
 3992 include a plan of action delineating how the eligible project
 3993 will be administered and accomplished.

3994 Section 40. Section 288.9937, Florida Statutes, is amended
 3995 to read:

3996 288.9937 Evaluation of programs.—The Office of Economic and
 3997 Demographic Research and the Office of Program Policy Analysis
 3998 and Government Accountability shall analyze and ~~and~~ evaluate, ~~and~~
 3999 ~~determine the economic benefits, as defined in s. 288.005, of~~
 4000 the first 3 years of the Microfinance Loan Program and the
 4001 Microfinance Guarantee Program. The analysis by the Office of
 4002 Economic and Demographic Research must ~~also~~ determine the

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4003 economic benefits, as defined in s. 288.005, evaluate the number
4004 of jobs created, the increase or decrease in personal income,
4005 and the impact on state gross domestic product from the direct,
4006 indirect, and induced effects of the state's investment. The
4007 analysis by the Office of Program Policy Analysis and Government
4008 Accountability must ~~also~~ identify any inefficiencies in the
4009 programs and provide recommendations for changes to the
4010 programs. Each ~~The~~ office shall submit a report to the President
4011 of the Senate and the Speaker of the House of Representatives by
4012 January 15 ~~4~~, 2018. This section expires January 31, 2018.

4013 Section 41. Subsection (3) of section 420.5087, Florida
4014 Statutes, is amended to read:

4015 420.5087 State Apartment Incentive Loan Program.—There is
4016 hereby created the State Apartment Incentive Loan Program for
4017 the purpose of providing first, second, or other subordinated
4018 mortgage loans or loan guarantees to sponsors, including for-
4019 profit, nonprofit, and public entities, to provide housing
4020 affordable to very-low-income persons.

4021 (3) During the first 6 months of loan or loan guarantee
4022 availability, program funds shall be reserved for use by
4023 sponsors who provide the housing set-aside required in
4024 subsection (2) for the tenant groups designated in this
4025 subsection. The reservation of funds to each of these groups
4026 shall be determined using the most recent statewide very-low-
4027 income rental housing market study available at the time of
4028 publication of each notice of fund availability required by
4029 paragraph (6) (b). The reservation of funds within each notice of
4030 fund availability to the tenant groups in paragraphs (b)-(e)
4031 ~~(a), (b), and (c)~~ may not be less than 10 percent of the funds

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4032 available at that time. Any increase in funding required to
4033 reach the 10-percent minimum must be taken from the tenant group
4034 that has the largest reservation. The reservation of funds
4035 within each notice of fund availability to the tenant group in
4036 paragraph (a) ~~(e)~~ may not be less than 5 percent of the funds
4037 available at that time. ~~The reservation of funds within each~~
4038 ~~notice of fund availability to the tenant group in paragraph (d)~~
4039 ~~may not be more than 10 percent of the funds available at that~~
4040 ~~time.~~ The tenant groups are:

- 4041 (a) Commercial fishing workers and farmworkers;
- 4042 (b) Families;
- 4043 (c) Persons who are homeless;
- 4044 (d) Persons with special needs; and
- 4045 (e) Elderly persons. Ten percent of the amount reserved for
4046 the elderly shall be reserved to provide loans to sponsors of
4047 housing for the elderly for the purpose of making building
4048 preservation, health, or sanitation repairs or improvements
4049 which are required by federal, state, or local regulation or
4050 code, or lifesafety or security-related repairs or improvements
4051 to such housing. Such a loan may not exceed \$750,000 per housing
4052 community for the elderly. In order to receive the loan, the
4053 sponsor of the housing community must make a commitment to match
4054 at least 5 percent of the loan amount to pay the cost of such
4055 repair or improvement. The corporation shall establish the rate
4056 of interest on the loan, which may not exceed 3 percent, and the
4057 term of the loan, which may not exceed 15 years; however, if the
4058 lien of the corporation's encumbrance is subordinate to the lien
4059 of another mortgagee, then the term may be made coterminous with
4060 the longest term of the superior lien. The term of the loan

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4061 shall be based on a credit analysis of the applicant. The
4062 corporation may forgive indebtedness for a share of the loan
4063 attributable to the units in a project reserved for extremely-
4064 low-income elderly by nonprofit organizations, as defined in s.
4065 420.0004(5), where the project has provided affordable housing
4066 to the elderly for 15 years or more. The corporation shall
4067 establish, by rule, the procedure and criteria for receiving,
4068 evaluating, and competitively ranking all applications for loans
4069 under this paragraph. A loan application must include evidence
4070 of the first mortgagee's having reviewed and approved the
4071 sponsor's intent to apply for a loan. A nonprofit organization
4072 or sponsor may not use the proceeds of the loan to pay for
4073 administrative costs, routine maintenance, or new construction.

4074 Section 42. Section 420.57, Florida Statutes, is created to
4075 read:

4076 420.57 Affordable and Workforce Housing for Essential
4077 Service Personnel in the Florida Keys Area of Critical State
4078 Concern.—

4079 (1) This section provides incentives and authorizes a
4080 process for providing affordable rental opportunities for
4081 essential services personnel in the Florida Keys Area of
4082 Critical State Concern who are affected by the area's uniquely
4083 high housing costs.

4084 (2) For purposes of this section, the term:

4085 (a) "Corporation" means the Florida Housing Finance
4086 Corporation.

4087 (b) "Essential services personnel" means persons in need of
4088 affordable housing who are considered essential services
4089 personnel as defined by Monroe County in its local housing

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4090 assistance plan pursuant to s. 420.9075(3)(a).

4091 (c) "Florida Keys" or "Keys" means the Florida Keys Area of
4092 Critical State Concern designated by the Florida Keys Area
4093 Protection Act in s. 380.0552.

4094 (d) "Project" means the construction or rehabilitation of
4095 workforce housing by a qualified developer at a single site or
4096 scattered sites and where the qualified developer demonstrates
4097 ownership or control of all of the parcels.

4098 (e) "Workforce housing" means multifamily rental housing
4099 affordable to persons or households whose income does not exceed
4100 140 percent of the area median income for Monroe County
4101 established by the United States Department of Housing and Urban
4102 Development.

4103 (3) The corporation may provide low-interest loans for
4104 construction or rehabilitation of workforce housing in the
4105 Florida Keys Area of Critical State Concern, provided that the
4106 loans:

4107 (a) Do not exceed the lesser of 50 percent of development
4108 costs as defined in s. 420.503(13) or the minimum amount
4109 required to make the project economically feasible.

4110 (b) Bear interest rates of 1 to 3 percent, where long-term
4111 affordability is provided and guaranteed for units set aside for
4112 workforce housing for essential services personnel.

4113 (4) The corporation shall select projects for funding by
4114 competitive solicitation as provided in s. 420.507(48),
4115 including consideration of factors contained in s. 420.5087.

4116 (5) All eligible applications must demonstrate the
4117 following:

4118 (a) Rents for all workforce housing serving those with

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4119 incomes at or below 140 percent of area median income at the
4120 appropriate income level using the restricted rents for the
4121 federal low-income housing tax credit program. Such residences
4122 may not be used for transient occupancy, tourist housing, or
4123 vacation rentals.

4124 (b) The applicant proves it has site control of the
4125 proposed project site or sites and provides evidence that
4126 infrastructure sufficient to support the project is in place at
4127 the time of application.

4128 (6) Priority consideration for funding will be provided for
4129 projects that:

4130 (a) Set aside the highest percent of units for workforce
4131 housing.

4132 (b) Require the least amount of program funding compared to
4133 the overall housing cost of the project.

4134 (c) Show evidence of feasibility.

4135 (d) Demonstrate the economic viability of the project.

4136 (e) Include a commitment of first mortgage financing.

4137 (f) Are proposed by a developer with prior experience.

4138 (g) Reflect the developer's ability to proceed with
4139 construction.

4140 (h) Have support from the local government, as defined in
4141 s. 420.503(22), through funding grants, fee waivers, donations
4142 of land, contributions, or other tangible assistance. Such
4143 grants, donations of land, or contributions must be evidenced by
4144 a letter of commitment, agreement, contract, deed, memorandum of
4145 understanding, or other written instrument at the time of
4146 application.

4147 (i) Are consistent with the workforce housing objectives

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4148 and strategies in the local comprehensive plan and land
4149 development regulations.

4150 (j) Incorporate one or more of the following design
4151 features: green building principles, energy efficient and water
4152 saving features, storm-resistant construction, or other elements
4153 that reduce the long-term costs relating to maintenance,
4154 utilities, and insurance.

4155 (7) The corporation may adopt rules to implement this
4156 section.

4157 (8) The corporation may use a maximum of 2 percent of any
4158 funds appropriated for this program for costs of administration.

4159 Section 43. Paragraphs (a) and (b) of subsection (3) and
4160 subsections (4), (5), and (6) of section 420.622, Florida
4161 Statutes, are amended to read:

4162 420.622 State Office on Homelessness; Council on
4163 Homelessness.—

4164 (3) The State Office on Homelessness, pursuant to the
4165 policies set by the council and subject to the availability of
4166 funding, shall:

4167 (a) Coordinate among state, local, and private agencies and
4168 providers to produce a statewide consolidated inventory program
4169 ~~and financial plan~~ for the state's entire system of homeless
4170 programs which incorporates regionally developed plans. Such
4171 programs include, but are not limited to:

4172 1. Programs authorized under the Stewart B. McKinney
4173 Homeless Assistance Act of 1987, 42 U.S.C. ss. 11371 et seq.,
4174 and carried out under funds awarded to this state; and

4175 2. Programs, components thereof, or activities that assist
4176 persons who are homeless or at risk for homelessness.

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4177 (b) Collect, maintain, and make available information
4178 concerning persons who are homeless or at risk for homelessness,
4179 including demographics information, current services and
4180 resources available, the cost and availability of services and
4181 programs, and the met and unmet needs of this population. All
4182 entities that receive state funding must provide access to all
4183 data they maintain in summary form, with no individual
4184 identifying information, to assist the council in providing this
4185 information. The State Office on Homelessness shall establish a
4186 task force to make recommendations regarding the implementation
4187 of a statewide Homeless Management Information System (HMIS).
4188 The task force shall define the conceptual framework of such a
4189 system; study existing statewide HMIS models; establish an
4190 inventory of local HMIS systems, including providers and license
4191 capacity; examine the aggregated reporting being provided by
4192 local continuums of care; complete an analysis of current
4193 continuum of care resources; and provide recommendations on the
4194 costs and benefits of implementing a statewide HMIS. The task
4195 force shall also make recommendations regarding the development
4196 of a statewide, centralized coordinated assessment system in
4197 conjunction with the implementation of a statewide HMIS. The
4198 task force findings must be reported to the Council on
4199 Homelessness no later than December 31, 2015. ~~The council shall~~
4200 ~~explore the potential of creating a statewide Management~~
4201 ~~Information System (MIS), encouraging the future participation~~
4202 ~~of any bodies that are receiving awards or grants from the~~
4203 ~~state, if such a system were adopted, enacted, and accepted by~~
4204 ~~the state.~~

4205 (4) The State Office on Homelessness, with the concurrence

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4206 of the Council on Homelessness, shall ~~may~~ accept and administer
4207 moneys appropriated to it to provide annual "Challenge Grants"
4208 to lead agencies of homeless assistance continuums of care
4209 designated by the State Office on Homelessness pursuant to s.
4210 420.624. The department shall establish varying levels of grant
4211 awards up to \$500,000 per lead agency. ~~Award levels shall be~~
4212 ~~based upon the total population within the continuum of care~~
4213 ~~catchment area and reflect the differing degrees of homelessness~~
4214 ~~in the catchment planning areas.~~ The department, in consultation
4215 with the Council on Homelessness, shall specify a grant award
4216 level in the notice of the solicitation of grant applications.

4217 (a) To qualify for the grant, a lead agency must develop
4218 and implement a local homeless assistance continuum of care plan
4219 for its designated catchment area. The continuum of care plan
4220 must implement a coordinated assessment or central intake system
4221 to screen, assess, and refer persons seeking assistance to the
4222 appropriate service provider. The lead agency shall also
4223 document the commitment of local government and private
4224 organizations to provide matching funds or in-kind support in an
4225 amount equal to the grant requested. Expenditures of leveraged
4226 funds or resources, including third-party cash or in-kind
4227 contributions, are permitted only for eligible activities
4228 committed on one project which have not been used as leverage or
4229 match for any other project or program and must be certified
4230 through a written commitment.

4231 (b) Preference must be given to those lead agencies that
4232 have demonstrated the ability of their continuum of care to
4233 provide quality services to homeless persons and the ability to
4234 leverage federal homeless-assistance funding under the Stewart

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4235 B. McKinney Act and private funding for the provision of
4236 services to homeless persons.

4237 (c) Preference must be given to lead agencies in catchment
4238 areas with the greatest need for the provision of housing and
4239 services to the homeless, relative to the population of the
4240 catchment area.

4241 (d) The grant may be used to fund any of the housing,
4242 program, or service needs included in the local homeless
4243 assistance continuum of care plan. The lead agency may allocate
4244 the grant to programs, services, or housing providers that
4245 implement the local homeless assistance continuum care plan. The
4246 lead agency may provide subgrants to a local agency to implement
4247 programs or services or provide housing identified for funding
4248 in the lead agency's application to the department. A lead
4249 agency may spend a maximum of 8 percent of its funding on
4250 administrative costs.

4251 (e) The lead agency shall submit a final report to the
4252 department documenting the outcomes achieved by the grant in
4253 enabling persons who are homeless to return to permanent housing
4254 thereby ending such person's episode of homelessness.

4255 (5) The State Office on Homelessness, with the concurrence
4256 of the Council on Homelessness, may administer moneys
4257 appropriated to it to provide homeless housing assistance grants
4258 annually to lead agencies for local homeless assistance
4259 continuum of care, as recognized by the State Office on
4260 Homelessness, to acquire, construct, or rehabilitate
4261 transitional or permanent housing units for homeless persons.
4262 These moneys shall consist of any sums that the state may
4263 appropriate, as well as money received from donations, gifts,

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4264 bequests, or otherwise from any public or private source, which
4265 are intended to acquire, construct, or rehabilitate transitional
4266 or permanent housing units for homeless persons.

4267 (a) Grant applicants shall be ranked competitively.
4268 Preference must be given to applicants who leverage additional
4269 private funds and public funds, particularly federal funds
4270 designated for the acquisition, construction, or rehabilitation
4271 of transitional or permanent housing for homeless persons; who
4272 acquire, build, or rehabilitate the greatest number of units; or
4273 ~~and~~ who acquire, build, or rehabilitate in catchment areas
4274 having the greatest need for housing for the homeless relative
4275 to the population of the catchment area.

4276 (b) Funding for any particular project may not exceed
4277 \$750,000.

4278 (c) Projects must reserve, for a minimum of 10 years, the
4279 number of units acquired, constructed, or rehabilitated through
4280 homeless housing assistance grant funding to serve persons who
4281 are homeless at the time they assume tenancy.

4282 (d) No more than two grants may be awarded annually in any
4283 given local homeless assistance continuum of care catchment
4284 area.

4285 (e) A project may not be funded which is not included in
4286 the local homeless assistance continuum of care plan, as
4287 recognized by the State Office on Homelessness, for the
4288 catchment area in which the project is located.

4289 (f) The maximum percentage of funds that the State Office
4290 on Homelessness and each applicant may spend on administrative
4291 costs is 5 percent.

4292 (g) The State Office on Homelessness, in conjunction with

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4293 the Council on Homelessness, shall establish performance
4294 measures and specific objectives by which it may ~~to~~ evaluate the
4295 effective performance and outcomes of lead agencies that receive
4296 grant funds. Any funding through the State Office on
4297 Homelessness shall be distributed to lead agencies based on
4298 their overall performance and their achievement of specified
4299 objectives. Each lead agency for which grants are made under
4300 this section shall provide the State Office on Homelessness a
4301 thorough evaluation of the effectiveness of the program in
4302 achieving its stated purpose. In evaluating the performance of
4303 the lead agencies, the State Office on Homelessness shall base
4304 its criteria upon the program objectives, goals, and priorities
4305 that were set forth by the lead agencies in their proposals for
4306 funding. Such criteria may include, but not be limited to, the
4307 number of persons or households that are no longer homeless, the
4308 rate of recidivism to homelessness, and the number of persons
4309 who obtain gainful employment ~~homeless individuals provided~~
4310 ~~shelter, food, counseling, and job training.~~

4311 Section 44. Subsections (3), (7), and (8) of section
4312 420.624, Florida Statutes, are amended to read:

4313 420.624 Local homeless assistance continuum of care.—

4314 (3) Communities or regions seeking to implement a local
4315 homeless assistance continuum of care are encouraged to develop
4316 and annually update a written plan that includes a vision for
4317 the continuum of care, an assessment of the supply of and demand
4318 for housing and services for the homeless population, and
4319 specific strategies and processes for providing the components
4320 of the continuum of care. The State Office on Homelessness, in
4321 conjunction with the Council on Homelessness, shall include in

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4322 the plan a methodology for assessing performance and outcomes.

4323 The State Office on Homelessness shall supply a standardized
4324 format for written plans, including the reporting of data.

4325 (7) The components of a continuum of care plan should
4326 include:

4327 (a) Outreach, intake, and assessment procedures in order to
4328 identify the service and housing needs of an individual or
4329 family and to link them with appropriate housing, services,
4330 resources, and opportunities;

4331 (b) Emergency shelter, in order to provide a safe, decent
4332 alternative to living in the streets;

4333 (c) Transitional housing;

4334 (d) Supportive services, designed to assist with the
4335 development of the skills necessary to secure and retain
4336 permanent housing;

4337 (e) Permanent supportive housing;

4338 (f) Rapid ReHousing, as specified in s. 420.6265;

4339 (g)~~(f)~~ Permanent housing;

4340 (h)~~(g)~~ Linkages and referral mechanisms among all
4341 components to facilitate the movement of individuals and
4342 families toward permanent housing and self-sufficiency;

4343 (i)~~(h)~~ Services and resources to prevent housed persons
4344 from becoming or returning to homelessness; and

4345 (j)~~(i)~~ An ongoing planning mechanism to address the needs
4346 of all subgroups of the homeless population, including but not
4347 limited to:

- 4348 1. Single adult males;
4349 2. Single adult females;
4350 3. Families with children;

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- 4351 4. Families with no children;
 4352 5. Unaccompanied children and youth;
 4353 6. Elderly persons;
 4354 7. Persons with drug or alcohol addictions;
 4355 8. Persons with mental illness;
 4356 9. Persons with dual or multiple physical or mental
 4357 disorders;
 4358 10. Victims of domestic violence; and
 4359 11. Persons living with HIV/AIDS.

4360 (8) Continuum of care plans must promote participation by
 4361 all interested individuals and organizations and may not exclude
 4362 individuals and organizations on the basis of race, color,
 4363 national origin, sex, handicap, familial status, or religion.
 4364 Faith-based organizations must be encouraged to participate. To
 4365 the extent possible, these components shall ~~should~~ be
 4366 coordinated and integrated with other mainstream health, social
 4367 services, and employment programs for which homeless populations
 4368 may be eligible, including Medicaid, State Children's Health
 4369 Insurance Program, Temporary Assistance for Needy Families, Food
 4370 Assistance Program, and services funded through the Mental
 4371 Health and Substance Abuse Block Grant, the Workforce Investment
 4372 Act, and the welfare-to-work grant program.

4373 Section 45. Section 420.6265, Florida Statutes, is created
 4374 to read:

4375 420.6265 Rapid ReHousing.—

4376 (1) LEGISLATIVE FINDINGS AND INTENT.—

4377 (a) The Legislature finds that Rapid ReHousing is a
 4378 strategy of using temporary financial assistance and case
 4379 management to quickly move an individual or family out of

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4380 homelessness and into permanent housing.

4381 (b) The Legislature also finds that, for most of the past
4382 two decades, public and private solutions to homelessness have
4383 focused on providing individuals and families who are
4384 experiencing homelessness with emergency shelter, transitional
4385 housing, or a combination of both. While emergency shelter and
4386 transitional housing programs may provide critical access to
4387 services for individuals and families in crisis, they often fail
4388 to address their long-term needs.

4389 (c) The Legislature further finds that most households
4390 become homeless as a result of a financial crisis that prevents
4391 individuals and families from paying rent or a domestic conflict
4392 that results in one member being ejected or leaving without
4393 resources or a plan for housing.

4394 (d) The Legislature further finds that Rapid ReHousing is
4395 an alternative approach to the current system of emergency
4396 shelter or transitional housing which tends to reduce the length
4397 of time of homelessness and has proven to be cost effective.

4398 (e) It is therefore the intent of the Legislature to
4399 encourage homeless continuums of care to adopt the Rapid
4400 ReHousing approach to preventing homelessness for individuals
4401 and families who do not require the intense level of supports
4402 provided in the Permanent Supportive Housing model.

4403 (2) RAPID REHOUSING METHODOLOGY.—

4404 (a) The Rapid ReHousing approach to homelessness differs
4405 from traditional approaches to addressing homelessness by
4406 focusing on each individual's or family's barriers to returning
4407 to housing. By using this approach, communities can
4408 significantly reduce the amount of time that individuals and

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4409 families are homeless and prevent further episodes of
4410 homelessness.

4411 (b) In Rapid ReHousing, an individual or family is
4412 identified as being homeless, temporary assistance is provided
4413 to allow the individual or family to obtain permanent housing as
4414 quickly as possible, and, if needed, assistance is provided to
4415 allow the individual or family to retain housing.

4416 (c) The objective of Rapid ReHousing is to provide
4417 assistance for as short a term as possible so that the
4418 individual or family receiving assistance does not develop a
4419 dependency on the assistance.

4420 Section 46. Subsections (25) and (26) of section 420.9071,
4421 Florida Statutes, are amended to read:

4422 420.9071 Definitions.—As used in ss. 420.907-420.9079, the
4423 term:

4424 (25) "Recaptured funds" means funds that are recouped by a
4425 county or eligible municipality in accordance with the recapture
4426 provisions of its local housing assistance plan pursuant to s.
4427 420.9075(5)(i) ~~s. 420.9075(5)(h)~~ from eligible persons or
4428 eligible sponsors, which funds were not used for assistance to
4429 an eligible household for an eligible activity, when there is a
4430 default on the terms of a grant award or loan award.

4431 (26) "Rent subsidies" means ongoing monthly rental
4432 assistance. ~~The term does not include initial assistance to~~
4433 ~~tenants, such as grants or loans for security and utility~~
4434 ~~deposits.~~

4435 Section 47. Subsection (7) of section 420.9072, Florida
4436 Statutes, is amended, present subsections (8) and (9) of that
4437 section are redesignated as subsections (9) and (10),

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4438 respectively, and a new subsection (8) is added to that section,
4439 to read:

4440 420.9072 State Housing Initiatives Partnership Program.—The
4441 State Housing Initiatives Partnership Program is created for the
4442 purpose of providing funds to counties and eligible
4443 municipalities as an incentive for the creation of local housing
4444 partnerships, to expand production of and preserve affordable
4445 housing, to further the housing element of the local government
4446 comprehensive plan specific to affordable housing, and to
4447 increase housing-related employment.

4448 (7) A county or an eligible municipality must expend its
4449 portion of the local housing distribution only to implement a
4450 local housing assistance plan or as provided in this subsection.
4451 ~~A county or an eligible municipality may not expend its portion~~
4452 ~~of the local housing distribution to provide rent subsidies;~~
4453 ~~however, this does not prohibit the use of funds for security~~
4454 ~~and utility deposit assistance.~~

4455 (8) A county or an eligible municipality may not expend its
4456 portion of the local housing distribution to provide ongoing
4457 rent subsidies, except for:

4458 (a) Security and utility deposit assistance.

4459 (b) Eviction prevention not to exceed 6 months' rent.

4460 (c) A rent subsidy program for very-low-income households
4461 with at least one adult who is a person with special needs as
4462 defined in s. 420.0004 or homeless as defined in s. 420.621. The
4463 period of rental assistance may not exceed 12 months for any
4464 eligible household.

4465 Section 48. Present subsections (5), (6), and (7) of
4466 section 420.9073, Florida Statutes, are redesignated as

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4467 subsections (6), (7), and (8), respectively, and a new
4468 subsection (5) is added to that section, to read:

4469 420.9073 Local housing distributions.—

4470 (5) Notwithstanding subsections (1)-(4), the corporation
4471 shall first distribute 4 percent of the total amount to be
4472 distributed in a given fiscal year from the Local Government
4473 Housing Trust Fund to the Department of Children and Families
4474 and the Department of Economic Opportunity as follows:

4475 (a) The Department of Children and Families shall receive
4476 95 percent of such amount to provide operating funds and other
4477 support to the designated lead agency in each continuum of care
4478 for the benefit of the designated catchment area as described in
4479 s. 420.624.

4480 (b) The Department of Economic Opportunity shall receive 5
4481 percent of such amount to provide training and technical
4482 assistance to lead agencies receiving operating funds and other
4483 support under paragraph (a) in accordance with s. 420.606(3).
4484 Training and technical assistance funded by this distribution
4485 shall be provided by a nonprofit entity that meets the
4486 requirements of s. 420.531.

4487 Section 49. Paragraph (a) of subsection (2) of section
4488 420.9075, Florida Statutes, is amended, paragraph (f) is added
4489 to subsection (3) of that section, subsection (5) of that
4490 section is amended, and paragraph (i) is added to subsection
4491 (10) of that section, to read:

4492 420.9075 Local housing assistance plans; partnerships.—

4493 (2) (a) Each county and each eligible municipality
4494 participating in the State Housing Initiatives Partnership
4495 Program shall encourage the involvement of appropriate public

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4496 sector and private sector entities as partners in order to
4497 combine resources to reduce housing costs for the targeted
4498 population. This partnership process should involve:

4499 1. Lending institutions.

4500 2. Housing builders and developers.

4501 3. Nonprofit and other community-based housing and service
4502 organizations.

4503 4. Providers of professional services relating to
4504 affordable housing.

4505 5. Advocates for low-income persons, including, but not
4506 limited to, homeless people, the elderly, and migrant
4507 farmworkers.

4508 6. Real estate professionals.

4509 7. Other persons or entities who can assist in providing
4510 housing or related support services.

4511 8. Lead agencies of local homeless assistance continuums of
4512 care.

4513 (3)

4514 (f) Each county and each eligible municipality is
4515 encouraged to develop a strategy within its local housing
4516 assistance plan which provides program funds for reducing
4517 homelessness.

4518 (5) The following criteria apply to awards made to eligible
4519 sponsors or eligible persons for the purpose of providing
4520 eligible housing:

4521 (a) At least 65 percent of the funds made available in each
4522 county and eligible municipality from the local housing
4523 distribution must be reserved for home ownership for eligible
4524 persons.

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4525 (b) Up to 25 percent of the funds made available in each
4526 county and eligible municipality from the local housing
4527 distribution may be reserved for rental housing for eligible
4528 persons or for the purposes enumerated in s. 420.9072(8).

4529 (c)~~(b)~~ At least 75 percent of the funds made available in
4530 each county and eligible municipality from the local housing
4531 distribution must be reserved for construction, rehabilitation,
4532 or emergency repair of affordable, eligible housing.

4533 (d)~~(e)~~ Not more than 20 percent of the funds made available
4534 in each county and eligible municipality from the local housing
4535 distribution may be used for manufactured housing.

4536 (e)~~(d)~~ The sales price or value of new or existing eligible
4537 housing may not exceed 90 percent of the average area purchase
4538 price in the statistical area in which the eligible housing is
4539 located. Such average area purchase price may be that calculated
4540 for any 12-month period beginning not earlier than the fourth
4541 calendar year prior to the year in which the award occurs or as
4542 otherwise established by the United States Department of the
4543 Treasury.

4544 (f)~~(e)~~1. All units constructed, rehabilitated, or otherwise
4545 assisted with the funds provided from the local housing
4546 assistance trust fund must be occupied by very-low-income
4547 persons, low-income persons, and moderate-income persons except
4548 as otherwise provided in this section.

4549 2. At least 30 percent of the funds deposited into the
4550 local housing assistance trust fund must be reserved for awards
4551 to very-low-income persons or eligible sponsors who will serve
4552 very-low-income persons and at least an additional 30 percent of
4553 the funds deposited into the local housing assistance trust fund

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4554 must be reserved for awards to low-income persons or eligible
4555 sponsors who will serve low-income persons. This subparagraph
4556 does not apply to a county or an eligible municipality that
4557 includes, or has included within the previous 5 years, an area
4558 of critical state concern designated or ratified by the
4559 Legislature for which the Legislature has declared its intent to
4560 provide affordable housing. The exemption created by this act
4561 expires on July 1, 2013, and shall apply retroactively.

4562 (g)~~(f)~~ Loans shall be provided for periods not exceeding 30
4563 years, except for deferred payment loans or loans that extend
4564 beyond 30 years which continue to serve eligible persons.

4565 (h)~~(g)~~ Loans or grants for eligible rental housing
4566 constructed, rehabilitated, or otherwise assisted from the local
4567 housing assistance trust fund must be subject to recapture
4568 requirements as provided by the county or eligible municipality
4569 in its local housing assistance plan unless reserved for
4570 eligible persons for 15 years or the term of the assistance,
4571 whichever period is longer. Eligible sponsors that offer rental
4572 housing for sale before 15 years or that have remaining
4573 mortgages funded under this program must give a first right of
4574 refusal to eligible nonprofit organizations for purchase at the
4575 current market value for continued occupancy by eligible
4576 persons.

4577 (i)~~(h)~~ Loans or grants for eligible owner-occupied housing
4578 constructed, rehabilitated, or otherwise assisted from proceeds
4579 provided from the local housing assistance trust fund shall be
4580 subject to recapture requirements as provided by the county or
4581 eligible municipality in its local housing assistance plan.

4582 (j)~~(i)~~ The total amount of monthly mortgage payments or the

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4583 amount of monthly rent charged by the eligible sponsor or her or
4584 his designee must be made affordable.

4585 (k)~~(j)~~ The maximum sales price or value per unit and the
4586 maximum award per unit for eligible housing benefiting from
4587 awards made pursuant to this section must be established in the
4588 local housing assistance plan.

4589 (l)~~(k)~~ The benefit of assistance provided through the State
4590 Housing Initiatives Partnership Program must accrue to eligible
4591 persons occupying eligible housing. This provision shall not be
4592 construed to prohibit use of the local housing distribution
4593 funds for a mixed income rental development.

4594 (m)~~(l)~~ Funds from the local housing distribution not used
4595 to meet the criteria established in paragraph (a) or paragraph
4596 (c) ~~(b)~~ or not used for the administration of a local housing
4597 assistance plan must be used for housing production and finance
4598 activities, including, but not limited to, financing
4599 preconstruction activities or the purchase of existing units,
4600 providing rental housing, and providing home ownership training
4601 to prospective home buyers and owners of homes assisted through
4602 the local housing assistance plan.

4603 1. Notwithstanding the provisions of paragraphs (a) and (c)
4604 ~~(b)~~, program income as defined in s. 420.9071(24) may also be
4605 used to fund activities described in this paragraph.

4606 2. When preconstruction due-diligence activities conducted
4607 as part of a preservation strategy show that preservation of the
4608 units is not feasible and will not result in the production of
4609 an eligible unit, such costs shall be deemed a program expense
4610 rather than an administrative expense if such program expenses
4611 do not exceed 3 percent of the annual local housing

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4612 distribution.

4613 3. If both an award under the local housing assistance plan
4614 and federal low-income housing tax credits are used to assist a
4615 project and there is a conflict between the criteria prescribed
4616 in this subsection and the requirements of s. 42 of the Internal
4617 Revenue Code of 1986, as amended, the county or eligible
4618 municipality may resolve the conflict by giving precedence to
4619 the requirements of s. 42 of the Internal Revenue Code of 1986,
4620 as amended, in lieu of following the criteria prescribed in this
4621 subsection with the exception of paragraphs (a) and (f) ~~(e)~~ of
4622 this subsection.

4623 4. Each county and each eligible municipality may award
4624 funds as a grant for construction, rehabilitation, or repair as
4625 part of disaster recovery or emergency repairs or to remedy
4626 accessibility or health and safety deficiencies. Any other
4627 grants must be approved as part of the local housing assistance
4628 plan.

4629 (10) Each county or eligible municipality shall submit to
4630 the corporation by September 15 of each year a report of its
4631 affordable housing programs and accomplishments through June 30
4632 immediately preceding submittal of the report. The report shall
4633 be certified as accurate and complete by the local government's
4634 chief elected official or his or her designee. Transmittal of
4635 the annual report by a county's or eligible municipality's chief
4636 elected official, or his or her designee, certifies that the
4637 local housing incentive strategies, or, if applicable, the local
4638 housing incentive plan, have been implemented or are in the
4639 process of being implemented pursuant to the adopted schedule
4640 for implementation. The report must include, but is not limited

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4641 to:

4642 (i) A description of efforts to reduce homelessness.4643 Section 50. Section 420.9089, Florida Statutes, is created
4644 to read:4645 420.9089 National Housing Trust Fund.—The Legislature finds
4646 that more funding for housing to assist the homeless is needed
4647 and encourages the state entity designated to administer funds
4648 made available to the state from the National Housing Trust Fund
4649 to propose an allocation plan that includes strategies to reduce
4650 homelessness in this state. These strategies to address
4651 homelessness shall be in addition to strategies under s.
4652 420.5087.4653 Section 51. Effective October 1, 2015, subsection (5) of
4654 section 477.0135, Florida Statutes, is amended to read:

4655 477.0135 Exemptions.—

4656 (5) A license is not required of any individual providing
4657 makeup, special effects, or cosmetology services to an actor,
4658 stunt person, musician, extra, or other talent during a
4659 production recognized by the Department of Economic Opportunity
4660 ~~Office of Film and Entertainment~~ as a qualified production as
4661 defined in s. 288.1254(1). Such services are not required to be
4662 performed in a licensed salon. Individuals exempt under this
4663 subsection may not provide such services to the general public.4664 Section 52. Effective July 1, 2015, the four sports
4665 development project applications that the Department of Economic
4666 Opportunity reviewed and recommended to the Legislature for
4667 approval pursuant to s. 288.11625, Florida Statutes, on January
4668 23, 2015, are approved pursuant to s. 288.11625(4)(e), Florida
4669 Statutes. The Department of Economic Opportunity shall certify

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4670 the applicants for sports development projects no later than
4671 August 15, 2015.

4672 Section 53. (1) For purposes of this section, the term
4673 "eligible business" means a business that entered into a
4674 contract with the Department of Economic Opportunity for an
4675 economic development program under chapter 288, Florida
4676 Statutes, between January 1, 2013, and December 31, 2015, for a
4677 project that is located in an enterprise zone designated
4678 pursuant to s. 290.0065, Florida Statutes 2014, as of December
4679 31, 2015.

4680 (2) An eligible business may apply for the following
4681 incentives, if the contract with the Department of Economic
4682 Opportunity is still deemed active by the department and has not
4683 expired or terminated:

4684 (a) The property tax exemption for licensed child care
4685 facility under s. 196.095, Florida Statutes 2014.

4686 (b) The building materials sales tax refund under s.
4687 212.08(5)(g), Florida Statutes 2014.

4688 (c) The business equipment sales tax refund under s.
4689 212.08(5)(h), Florida Statutes 2014.

4690 (d) The electrical sales tax exemption under s. 212.08(15),
4691 Florida Statutes 2014.

4692 (e) The enterprise zone jobs tax credit under s. 212.096,
4693 Florida Statutes 2014.

4694 (f) The enterprise zone jobs tax credit under s. 220.181,
4695 Florida Statutes 2014.

4696 (g) The enterprise zone property tax credit under s.
4697 220.182, Florida Statutes 2014.

4698 (3) The Department of Economic Opportunity must provide a

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4699 list of eligible businesses annually to the Department of
4700 Revenue. The Department of Economic Opportunity must also
4701 provide notice to the Department of Revenue upon the expiration
4702 or termination of a contract.

4703 (4) This section is effective January 1, 2016, and expires
4704 on December 31, 2018.

4705 Section 54. For the 2014-2015 fiscal year, the sums of \$20
4706 million in nonrecurring funds from the State Economic
4707 Enhancement and Development Trust Fund and \$3.8 million in
4708 nonrecurring funds from the Economic Development Trust Fund are
4709 appropriated to the Department of Economic Opportunity to
4710 provide payments and tax refunds pursuant to s. 288.061, Florida
4711 Statutes, for programs under ss. 288.0659, 288.1045, 288.106,
4712 288.107, 288.108, 288.1088, and 288.1089, Florida Statutes.
4713 Payments may be made only for projects that meet statutory
4714 eligibility requirements. The projects must be verified by an
4715 independent third party that determines that an applicant has
4716 satisfied all of the requirements of the agreement or contract,
4717 and the Department of Economic Opportunity must determine that
4718 the applicant has met the required project performance criteria
4719 and that a payment is due. Funds may not be released for any
4720 other purpose. Funds provided from the Economic Development
4721 Trust Fund represent local matching funds.

4722 Section 55. Except as otherwise expressly provided in this
4723 act, this act shall take effect July 1, 2015.