

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u> </u>	(Y/N)
ADOPTED AS AMENDED	<u> </u>	(Y/N)
ADOPTED W/O OBJECTION	<u> </u>	(Y/N)
FAILED TO ADOPT	<u> </u>	(Y/N)
WITHDRAWN	<u> </u>	(Y/N)
OTHER	<u> </u>	

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
 2 Representative La Rosa offered the following:

3
 4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraphs (c) and (d) of subsection (3) of
 7 section 17.61, Florida Statutes, are amended to read:

8 17.61 Chief Financial Officer; powers and duties in the
 9 investment of certain funds.—

10 (3)

11 (c) Except as provided in this paragraph and except for
 12 moneys described in paragraph (d), the following agencies may
 13 not invest trust fund moneys as provided in this section, but
 14 shall retain such moneys in their respective trust funds for
 15 investment, with interest appropriated to the General Revenue
 16 Fund, pursuant to s. 17.57:

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- 17 | 1. The Agency for Health Care Administration, except for
18 | the Tobacco Settlement Trust Fund.
- 19 | 2. The Agency for Persons with Disabilities, except for:
20 | a. The Federal Grants Trust Fund.
21 | b. The Tobacco Settlement Trust Fund.
- 22 | 3. The Department of Children and Families, except for:
23 | a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
24 | b. The Social Services Block Grant Trust Fund.
25 | c. The Tobacco Settlement Trust Fund.
26 | d. The Working Capital Trust Fund.
- 27 | 4. The Department of Corrections.
- 28 | 5. The Department of Elderly Affairs, except for:
29 | a. The Federal Grants Trust Fund.
30 | b. The Tobacco Settlement Trust Fund.
- 31 | 6. The Department of Health, except for:
32 | a. The Federal Grants Trust Fund.
33 | b. The Grants and Donations Trust Fund.
34 | c. The Maternal and Child Health Block Grant Trust Fund.
35 | d. The Tobacco Settlement Trust Fund.
- 36 | 7. The Department of Highway Safety and Motor Vehicles,
37 | only for the Security Deposits Trust Fund.
- 38 | 8. The Department of Juvenile Justice.
- 39 | 9. The Department of Law Enforcement.
- 40 | 10. The Department of Legal Affairs.
- 41 | 11. The Department of State, only for:
42 | a. The Grants and Donations Trust Fund.

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43 b. The Records Management Trust Fund.

44 12. The Department of Economic Opportunity, only for the
45 Economic Development Trust Fund.

46 13. The Florida Public Service Commission, only for the
47 Florida Public Service Regulatory Trust Fund.

48 14. The Justice Administrative Commission.

49 15. The state courts system.

50 (d) Moneys in any trust funds of the agencies in paragraph
51 (c) may be invested pursuant to the provisions of this section
52 if:

53 1. Investment of such moneys and the retention of interest
54 is required by federal programs or mandates;

55 2. Investment of such moneys and the retention of interest
56 is required by bond covenants, indentures, or resolutions;

57 3. Such moneys are held by the state in a trustee capacity
58 as an agent or fiduciary for individuals, private organizations,
59 or other governmental units; ~~or~~

60 4. The Executive Office of the Governor determines, after
61 consultation with the Legislature pursuant to the procedures of
62 s. 216.177, that federal matching funds or contributions or
63 private grants to any trust fund would be lost to the state; or-

64 5. Such moneys are held by the state within the Quick
65 Action Closing Fund Escrow Account or Economic Development
66 Incentives Account, each created pursuant to s. 288.095.

67 Section 2. Subsection (10) of section 20.60, Florida
68 Statutes, is amended to read:

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69 20.60 Department of Economic Opportunity; creation; powers
70 and duties.—

71 (10) The department, with assistance from Enterprise
72 Florida, Inc., shall, by November 1 of each year, submit an
73 annual report to the Governor, the President of the Senate, and
74 the Speaker of the House of Representatives on the condition of
75 the business climate and economic development in the state.

76 (a) The report must include the identification of problems
77 and a prioritized list of recommendations.

78 (b) The report must incorporate annual reports of other
79 programs, including:

80 1. The displaced homemaker program established under s.
81 446.50.

82 2. Information provided by the Department of Revenue under
83 s. 290.014.

84 3. ~~Information provided by enterprise zone development~~
85 ~~agencies under s. 290.0056 and~~ An analysis of the activities and
86 accomplishments of each certified enterprise zone.

87 4. The Economic Gardening Business Loan Pilot Program
88 established under s. 288.1081 and the Economic Gardening
89 Technical Assistance Pilot Program established under s.
90 288.1082.

91 5. A detailed report of the performance of the Black
92 Business Loan Program and a cumulative summary of quarterly
93 report data required under s. 288.714.

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94 6. The Rural Economic Development Initiative established
95 under s. 288.0656.

96 7. A detailed analysis of the information provided by
97 community development entities pursuant to the New Markets
98 Development Program Act in s. 288.9918. The first annual report
99 that includes such analysis shall analyze all data the
100 department has received from community development entities
101 since the inception of the New Markets Development Program Act.

102 Section 3. Paragraph (c) of subsection (1) of section
103 163.08, Florida Statutes, is redesignated as paragraph (d), a
104 new paragraph (c) is added to that subsection, and paragraph (b)
105 of subsection (2) and subsections (10) and (14) of that section
106 are amended, to read:

107 163.08 Supplemental authority for improvements to real
108 property.—

109 (1)

110 (c) The Legislature finds that real properties damaged by
111 ground subsidence, including, but not limited to, sinkhole
112 activity, that are not adequately repaired may negatively affect
113 the market value of surrounding properties, resulting in the
114 loss of property tax revenues to local communities. The
115 Legislature also finds that there is a compelling state interest
116 in providing local government assistance to enable property
117 owners to voluntarily finance qualifying improvements to real
118 property damaged by subsidence.

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

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120 (b) "Qualifying improvement" includes any:

121 1. Energy conservation and efficiency improvement, which
122 is a measure to reduce consumption through conservation or a
123 more efficient use of electricity, natural gas, propane, or
124 other forms of energy on the property, including, but not
125 limited to, air sealing; installation of insulation;
126 installation of energy-efficient heating, cooling, or
127 ventilation systems; building modifications to increase the use
128 of daylight; replacement of windows; installation of energy
129 controls or energy recovery systems; installation of electric
130 vehicle charging equipment; and installation of efficient
131 lighting equipment.

132 2. Renewable energy improvement, which is the installation
133 of any system in which the electrical, mechanical, or thermal
134 energy is produced from a method that uses one or more of the
135 following fuels or energy sources: hydrogen, solar energy,
136 geothermal energy, bioenergy, and wind energy.

137 3. Wind resistance improvement, which includes, but is not
138 limited to:

139 a. Improving the strength of the roof deck attachment;

140 b. Creating a secondary water barrier to prevent water
141 intrusion;

142 c. Installing wind-resistant shingles;

143 d. Installing gable-end bracing;

144 e. Reinforcing roof-to-wall connections;

145 f. Installing storm shutters; or

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146 g. Installing opening protections.

147 4. Stabilization or other repairs to real property damaged
148 by subsidence.

149 (10) A qualifying improvement shall be affixed to a
150 building or facility that is part of the real property and shall
151 constitute an improvement to the building or facility or a
152 fixture attached to the building or facility. For the purposes
153 of stabilization or other repairs to real property damaged by
154 subsidence, a qualifying improvement is deemed affixed to a
155 building or facility. An agreement between a local government
156 and a qualifying property owner may not cover wind-resistance
157 improvements in buildings or facilities under new construction
158 or construction for which a certificate of occupancy or similar
159 evidence of substantial completion of new construction or
160 improvement has not been issued.

161 (14) At or before the time a purchaser executes a contract
162 for the sale and purchase of any real property for which a non-
163 ad valorem assessment has been levied under this section and has
164 an unpaid balance due, the seller shall give the prospective
165 purchaser a written disclosure statement in the following form,
166 which shall be set forth in the contract or in a separate
167 writing:

168
169 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY,
170 ~~OR~~ WIND RESISTANCE, OR SUBSIDENCE STABILIZATION OR REPAIR.—The
171 real property being purchased is located within the jurisdiction

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172 of a local government that has placed an assessment on the
173 property pursuant to s. 163.08, Florida Statutes. The assessment
174 is for a qualifying improvement to the real property relating to
175 energy efficiency, renewable energy, ~~or~~ wind resistance, or
176 stabilization or repair of real property damaged by subsidence,
177 and is not based on the value of the property. You are
178 encouraged to contact the county property appraiser's office to
179 learn more about this and other assessments that may be provided
180 by law.

181 Section 4. Subsection (7) is added to section 163.3180,
182 Florida Statutes, to read:

183 163.3180 Concurrency.—

184 (7) (a) Notwithstanding any other provision of law,
185 ordinance, or resolution, before July 1, 2018, a local
186 government may only apply transportation concurrency within its
187 jurisdiction or require a proportionate-share contribution or
188 construction for a new business development if authorized by
189 supermajority vote of the local government's governing
190 authority. This paragraph does not apply to:

191 1. Proportionate-share contribution or construction
192 assessed on an existing business development before July 1,
193 2015.

194 2. A new business development that consists of more than
195 6,000 square feet and has a classification other than
196 residential.

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197 3. A new business development that will include a business
198 that employs more than 12 full-time employees.

199 (b) In order to maintain the exemption from transportation
200 concurrency and proportionate-share contribution or construction
201 pursuant to paragraph (a), a new business development must
202 receive a certificate of occupancy on or before July 1, 2019. If
203 the certificate of occupancy is not received by July 1, 2019,
204 the local government may apply transportation concurrency and
205 require the appropriate proportionate-share contribution or
206 construction for the business development that would otherwise
207 be applied. An outstanding obligation related to the
208 proportionate-share contribution or construction runs with the
209 land and is enforceable against any person claiming a fee
210 interest in the land subject to the obligation.

211 (c) This subsection does not apply if such application
212 results in a reduction of previously pledged revenue of a local
213 government for outstanding bonds or notes or to a local
214 government with a mobility fee-based funding system in place on
215 or before January 1, 2015.

216 (d) A developer may, upon written notification to the
217 local government, elect to have the local government apply
218 transportation concurrency and proportionate-share contribution
219 or construction to a business development.

220 (e) This subsection expires July 1, 2019.

221 Section 5. Subsection (6) is added to section 163.31801,
222 Florida Statutes, to read:

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223 163.31801 Impact fees; short title; intent; definitions;
224 ordinances levying impact fees.-

225 (6) (a) Notwithstanding any other provision of law,
226 ordinance, or resolution, before July 1, 2018, a county,
227 municipality, or special district may only impose a new or
228 existing impact fee or a new or existing fee associated with the
229 mitigation of transportation impacts on a new business
230 development if authorized by supermajority vote of the governing
231 body of the county, municipality, or special district. This
232 paragraph does not apply to:

233 1. An impact fee or fee associated with the mitigation of
234 transportation impacts previously enacted by law, ordinance, or
235 resolution assessed on an existing business development before
236 July 1, 2015.

237 2. A new business development that consists of more than
238 6,000 square feet and has a classification other than
239 residential.

240 3. A new business development that will include a business
241 that employs more than 12 full-time employees.

242 (b) The governing authority of a county, municipality, or
243 special district imposing an impact fee in existence on July 1,
244 2014, must reauthorize the imposition of the fee pursuant to
245 this subsection.

246 (c) In order to maintain the exemption from impact fees
247 and fees associated with the mitigation of transportation
248 impacts pursuant to paragraph (a), a new business development

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249 must receive a certificate of occupancy on or before July 1,
250 2019. If the certificate of occupancy is not received by July 1,
251 2019, the county, municipality, or special district may impose
252 the appropriate impact fees and fees associated with the
253 mitigation of transportation impacts on the business development
254 that would otherwise be applied. An outstanding obligation
255 related to impact fees and fees associated with the mitigation
256 of transportation impacts on the business development runs with
257 the land and is enforceable against any person claiming a fee
258 interest in the land subject to the obligation.

259 (d) This subsection does not apply if such application
260 results in a reduction of previously pledged revenue of a
261 county, municipality, or special district for outstanding bonds
262 or notes or to a county, municipality, or special district with
263 a mobility fee-based funding system in place on or before
264 January 1, 2015.

265 (e) A developer may, upon notification to the county,
266 municipality, or special district, elect to have impact fees and
267 fees associated with the mitigation of transportation impacts
268 imposed on a business development.

269 (f) This subsection expires July 1, 2019.

270 Section 6. Paragraph (d) of subsection (6) of section
271 212.20, Florida Statutes, is amended to read:

272 212.20 Funds collected, disposition; additional powers of
273 department; operational expense; refund of taxes adjudicated
274 unconstitutionally collected.—

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

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

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

286 2. After the distribution under subparagraph 1., 8.8854
287 percent of the amount remitted by a sales tax dealer located
288 within a participating county pursuant to s. 218.61 shall be
289 transferred into the Local Government Half-cent Sales Tax
290 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
291 transferred shall be reduced by 0.1 percent, and the department
292 shall distribute this amount to the Public Employees Relations
293 Commission Trust Fund less \$5,000 each month, which shall be
294 added to the amount calculated in subparagraph 3. and
295 distributed accordingly.

296 3. After the distribution under subparagraphs 1. and 2.,
297 0.0956 percent shall be transferred to the Local Government
298 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
299 to s. 218.65.

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300 4. After the distributions under subparagraphs 1., 2., and
301 3., 2.0603 percent of the available proceeds shall be
302 transferred monthly to the Revenue Sharing Trust Fund for
303 Counties pursuant to s. 218.215.

304 5. After the distributions under subparagraphs 1., 2., and
305 3., 1.3517 percent of the available proceeds shall be
306 transferred monthly to the Revenue Sharing Trust Fund for
307 Municipalities pursuant to s. 218.215. If the total revenue to
308 be distributed pursuant to this subparagraph is at least as
309 great as the amount due from the Revenue Sharing Trust Fund for
310 Municipalities and the former Municipal Financial Assistance
311 Trust Fund in state fiscal year 1999-2000, no municipality shall
312 receive less than the amount due from the Revenue Sharing Trust
313 Fund for Municipalities and the former Municipal Financial
314 Assistance Trust Fund in state fiscal year 1999-2000. If the
315 total proceeds to be distributed are less than the amount
316 received in combination from the Revenue Sharing Trust Fund for
317 Municipalities and the former Municipal Financial Assistance
318 Trust Fund in state fiscal year 1999-2000, each municipality
319 shall receive an amount proportionate to the amount it was due
320 in state fiscal year 1999-2000.

321 6. Of the remaining proceeds:

322 a. In each fiscal year, the sum of \$29,915,500 shall be
323 divided into as many equal parts as there are counties in the
324 state, and one part shall be distributed to each county. The
325 distribution among the several counties must begin each fiscal

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326 year on or before January 5th and continue monthly for a total
327 of 4 months. If a local or special law required that any moneys
328 accruing to a county in fiscal year 1999-2000 under the then-
329 existing provisions of s. 550.135 be paid directly to the
330 district school board, special district, or a municipal
331 government, such payment must continue until the local or
332 special law is amended or repealed. The state covenants with
333 holders of bonds or other instruments of indebtedness issued by
334 local governments, special districts, or district school boards
335 before July 1, 2000, that it is not the intent of this
336 subparagraph to adversely affect the rights of those holders or
337 relieve local governments, special districts, or district school
338 boards of the duty to meet their obligations as a result of
339 previous pledges or assignments or trusts entered into which
340 obligated funds received from the distribution to county
341 governments under then-existing s. 550.135. This distribution
342 specifically is in lieu of funds distributed under s. 550.135
343 before July 1, 2000.

344 b. The department shall distribute \$166,667 monthly to
345 each applicant certified as a facility for a new or retained
346 professional sports franchise pursuant to s. 288.1162. Up to
347 \$41,667 shall be distributed monthly by the department to each
348 certified applicant as defined in s. 288.11621 for a facility
349 for a spring training franchise. However, not more than \$416,670
350 may be distributed monthly in the aggregate to all certified
351 applicants for facilities for spring training franchises.

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352 Distributions begin 60 days after such certification and
353 continue for not more than 30 years, except as otherwise
354 provided in s. 288.11621. A certified applicant identified in
355 this sub-subparagraph may not receive more in distributions than
356 expended by the applicant for the public purposes provided in s.
357 288.1162(5) or s. 288.11621(3).

358 c. Beginning 30 days after notice by the Department of
359 Economic Opportunity to the Department of Revenue that an
360 applicant has been certified as the professional golf hall of
361 fame pursuant to s. 288.1168 and is open to the public, \$166,667
362 shall be distributed monthly, for up to 300 months, to the
363 applicant.

364 ~~d. Beginning 30 days after notice by the Department of~~
365 ~~Economic Opportunity to the Department of Revenue that the~~
366 ~~applicant has been certified as the International Game Fish~~
367 ~~Association World Center facility pursuant to s. 288.1169, and~~
368 ~~the facility is open to the public, \$83,333 shall be distributed~~
369 ~~monthly, for up to 168 months, to the applicant. This~~
370 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
371 ~~lump sum payment of \$999,996 shall be made after certification~~
372 ~~and before July 1, 2000.~~

373 d.e. The department shall distribute up to \$83,333 monthly
374 to each certified applicant as defined in s. 288.11631 for a
375 facility used by a single spring training franchise, or up to
376 \$166,667 monthly to each certified applicant as defined in s.
377 288.11631 for a facility used by more than one spring training

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378 franchise. Monthly distributions begin 60 days after such
379 certification or July 1, 2016, whichever is later, and continue
380 for not more than 20 years to each certified applicant as
381 defined in s. 288.11631 for a facility used by a single spring
382 training franchise or not more than 25 years to each certified
383 applicant as defined in s. 288.11631 for a facility used by more
384 than one spring training franchise. A certified applicant
385 identified in this sub-subparagraph may not receive more in
386 distributions than expended by the applicant for the public
387 purposes provided in s. 288.11631(3).

388 ~~e.f.~~ Beginning 45 days after notice by the Department of
389 Economic Opportunity to the Department of Revenue that an
390 applicant has been approved by the Legislature and certified by
391 the Department of Economic Opportunity under s. 288.11625 or
392 upon a date specified by the Department of Economic Opportunity
393 as provided under s. 288.11625(6)(d), the department shall
394 distribute each month an amount equal to one-twelfth of the
395 annual distribution amount certified by the Department of
396 Economic Opportunity for the applicant. The department may not
397 distribute more than \$7 million in the 2014-2015 fiscal year or
398 more than \$13 million annually thereafter under this sub-
399 subparagraph.

400 7. All other proceeds must remain in the General Revenue
401 Fund.

402 Section 7. Paragraphs (d) and (t) of subsection (1) of
403 section 220.03, Florida Statutes, are amended to read:

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404 220.03 Definitions.—

405 (1) SPECIFIC TERMS.—When used in this code, and when not
406 otherwise distinctly expressed or manifestly incompatible with
407 the intent thereof, the following terms shall have the following
408 meanings:

409 (d) "Community contribution" means the grant by a business
410 firm of any of the following items:

- 411 1. Cash or other liquid assets.
- 412 2. Real property.
- 413 3. Goods or inventory.
- 414 4. Other physical resources as identified by the
415 department.

416

417 ~~This paragraph expires on the date specified in s. 290.016 for~~
418 ~~the expiration of the Florida Enterprise Zone Act.~~

419 (t) "Project" means any activity undertaken by an eligible
420 sponsor, as defined in s. 220.183(2)(c), which is designed to
421 construct, improve, or substantially rehabilitate housing that
422 is affordable to low-income or very-low-income households as
423 defined in s. 420.9071(19) and (28); designed to provide
424 commercial, industrial, or public resources and facilities; or
425 designed to improve entrepreneurial and job-development
426 opportunities for low-income persons. A project may be the
427 investment necessary to increase access to high-speed broadband
428 capability in rural communities with enterprise zones, including
429 projects that result in improvements to communications assets

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430 that are owned by a business. A project may include the
431 provision of museum educational programs and materials that are
432 directly related to any project approved between January 1,
433 1996, and December 31, 1999, and located in a certified an
434 enterprise zone ~~designated pursuant to s. 290.0065~~. This
435 paragraph does not preclude projects that propose to construct
436 or rehabilitate low-income or very-low-income housing on
437 scattered sites. With respect to housing, contributions may be
438 used to pay the following eligible project-related activities:
439 1. Project development, impact, and management fees for
440 low-income or very-low-income housing projects;
441 2. Down payment and closing costs for eligible persons, as
442 defined in s. 420.9071(19) and (28);
443 3. Administrative costs, including housing counseling and
444 marketing fees, not to exceed 10 percent of the community
445 contribution, directly related to low-income or very-low-income
446 projects; and
447 4. Removal of liens recorded against residential property
448 by municipal, county, or special-district local governments when
449 satisfaction of the lien is a necessary precedent to the
450 transfer of the property to an eligible person, as defined in s.
451 420.9071(19) and (28), for the purpose of promoting home
452 ownership. Contributions for lien removal must be received from
453 a nonrelated third party.

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455 ~~The provisions of this paragraph shall expire and be void on~~
456 ~~June 30, 2015.~~

457 Section 8. Section 287.05712, Florida Statutes, is
458 transferred, renumbered as section 255.065, Florida Statutes,
459 and amended to read:

460 255.065 ~~287.05712~~ Public-private partnerships.-

461 (1) DEFINITIONS.-As used in this section, the term:

462 (a) "Affected local jurisdiction" means a county,
463 municipality, or special district in which all or a portion of a
464 qualifying project is located.

465 (b) "Develop" means to plan, design, finance, lease,
466 acquire, install, construct, or expand.

467 (c) "Fees" means charges imposed by the private entity of
468 a qualifying project for use of all or a portion of such
469 qualifying project pursuant to a comprehensive agreement.

470 (d) "Lease payment" means any form of payment, including a
471 land lease, by a public entity to the private entity of a
472 qualifying project for the use of the project.

473 (e) "Material default" means a nonperformance of its
474 duties by the private entity of a qualifying project which
475 jeopardizes adequate service to the public from the project.

476 (f) "Operate" means to finance, maintain, improve, equip,
477 modify, or repair.

478 (g) "Private entity" means any natural person,
479 corporation, general partnership, limited liability company,
480 limited partnership, joint venture, business trust, public

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481 benefit corporation, nonprofit entity, or other private business
482 entity.

483 (h) "Proposal" means a plan for a qualifying project with
484 detail beyond a conceptual level for which terms such as fixing
485 costs, payment schedules, financing, deliverables, and project
486 schedule are defined.

487 (i) "Qualifying project" means:

488 1. A facility or project that serves a public purpose,
489 including, but not limited to, any ferry or mass transit
490 facility, vehicle parking facility, airport or seaport facility,
491 rail facility or project, fuel supply facility, oil or gas
492 pipeline, medical or nursing care facility, recreational
493 facility, sporting or cultural facility, or educational facility
494 or other building or facility that is used or will be used by a
495 public educational institution, or any other public facility or
496 infrastructure that is used or will be used by the public at
497 large or in support of an accepted public purpose or activity;

498 2. An improvement, including equipment, of a building that
499 will be principally used by a public entity or the public at
500 large or that supports a service delivery system in the public
501 sector;

502 3. A water, wastewater, or surface water management
503 facility or other related infrastructure; or

504 4. Notwithstanding any provision of this section, for
505 projects that involve a facility owned or operated by the
506 governing board of a county, district, or municipal hospital or

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507 health care system, or projects that involve a facility owned or
508 operated by a municipal electric utility, only those projects
509 that the governing board designates as qualifying projects
510 pursuant to this section.

511 (j) "Responsible public entity" means a county,
512 municipality, school district, special district, or Florida
513 College System institution, board, or any other political
514 subdivision of the state; a public body corporate and politic;
515 or a regional entity that serves a public purpose and is
516 authorized to develop or operate a qualifying project.

517 (k) "Revenues" means the income, earnings, user fees,
518 lease payments, or other service payments relating to the
519 development or operation of a qualifying project, including, but
520 not limited to, money received as grants or otherwise from the
521 Federal Government, a public entity, or an agency or
522 instrumentality thereof in aid of the qualifying project.

523 (l) "Service contract" means a contract between a
524 responsible public entity and the private entity which defines
525 the terms of the services to be provided with respect to a
526 qualifying project.

527 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
528 that there is a public need for the construction or upgrade of
529 facilities that are used predominantly for public purposes and
530 that it is in the public's interest to provide for the
531 construction or upgrade of such facilities.

532 (a) The Legislature also finds that:

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533 1. There is a public need for timely and cost-effective
534 acquisition, design, construction, improvement, renovation,
535 expansion, equipping, maintenance, operation, implementation, or
536 installation of projects serving a public purpose, including
537 educational facilities, transportation facilities, water or
538 wastewater management facilities and infrastructure, technology
539 infrastructure, roads, highways, bridges, and other public
540 infrastructure and government facilities within the state which
541 serve a public need and purpose, and that such public need may
542 not be wholly satisfied by existing procurement methods.

543 2. There are inadequate resources to develop new
544 educational facilities, transportation facilities, water or
545 wastewater management facilities and infrastructure, technology
546 infrastructure, roads, highways, bridges, and other public
547 infrastructure and government facilities for the benefit of
548 residents of this state, and that a public-private partnership
549 has demonstrated that it can meet the needs by improving the
550 schedule for delivery, lowering the cost, and providing other
551 benefits to the public.

552 3. There may be state and federal tax incentives that
553 promote partnerships between public and private entities to
554 develop and operate qualifying projects.

555 4. A procurement under this section serves the public
556 purpose of this section if such procurement facilitates the
557 timely development or operation of a qualifying project.

558 (b) It is the intent of the Legislature to encourage

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559 investment in the state by private entities; to facilitate
560 various bond financing mechanisms, private capital, and other
561 funding sources for the development and operation of qualifying
562 projects, including expansion and acceleration of such financing
563 to meet the public need; and to provide the greatest possible
564 flexibility to public and private entities contracting for the
565 provision of public services.

566 ~~(3) PUBLIC-PRIVATE PARTNERSHIP GUIDELINES TASK FORCE.—~~

567 ~~(a) There is created the Partnership for Public Facilities~~
568 ~~and Infrastructure Act Guidelines Task Force for the purpose of~~
569 ~~recommending guidelines for the Legislature to consider for~~
570 ~~purposes of creating a uniform process for establishing public-~~
571 ~~private partnerships, including the types of factors responsible~~
572 ~~public entities should review and consider when processing~~
573 ~~requests for public-private partnership projects pursuant to~~
574 ~~this section.~~

575 ~~(b) The task force shall be composed of seven members, as~~
576 ~~follows:~~

577 ~~1. The Secretary of Management Services or his or her~~
578 ~~designee, who shall serve as chair of the task force.~~

579 ~~2. Six members appointed by the Governor, as follows:~~

580 ~~a. One county government official.~~

581 ~~b. One municipal government official.~~

582 ~~c. One district school board member.~~

583 ~~d. Three representatives of the business community.~~

584 ~~(c) Task force members must be appointed by July 31, 2013.~~

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585 ~~By August 31, 2013, the task force shall meet to establish~~
586 ~~procedures for the conduct of its business and to elect a vice~~
587 ~~chair. The task force shall meet at the call of the chair. A~~
588 ~~majority of the members of the task force constitutes a quorum,~~
589 ~~and a quorum is necessary for the purpose of voting on any~~
590 ~~action or recommendation of the task force. All meetings shall~~
591 ~~be held in Tallahassee, unless otherwise decided by the task~~
592 ~~force, and then no more than two such meetings may be held in~~
593 ~~other locations for the purpose of taking public testimony.~~
594 ~~Administrative and technical support shall be provided by the~~
595 ~~department. Task force members shall serve without compensation~~
596 ~~and are not entitled to reimbursement for per diem or travel~~
597 ~~expenses.~~

598 ~~(d) In reviewing public private partnerships and~~
599 ~~developing recommendations, the task force must consider:~~

600 ~~1. Opportunities for competition through public notice and~~
601 ~~the availability of representatives of the responsible public~~
602 ~~entity to meet with private entities considering a proposal.~~

603 ~~2. Reasonable criteria for choosing among competing~~
604 ~~proposals.~~

605 ~~3. Suggested timelines for selecting proposals and~~
606 ~~negotiating an interim or comprehensive agreement.~~

607 ~~4. If an accelerated selection and review and~~
608 ~~documentation timelines should be considered for proposals~~
609 ~~involving a qualifying project that the responsible public~~
610 ~~entity deems a priority.~~

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611 ~~5. Procedures for financial review and analysis which, at~~
612 ~~a minimum, include a cost benefit analysis, an assessment of~~
613 ~~opportunity cost, and consideration of the results of all~~
614 ~~studies and analyses related to the proposed qualifying project.~~

615 ~~6. The adequacy of the information released when seeking~~
616 ~~competing proposals and providing for the enhancement of that~~
617 ~~information, if deemed necessary, to encourage competition.~~

618 ~~7. Current exemptions from public records and public~~
619 ~~meetings requirements, if any changes to those exemptions are~~
620 ~~necessary, or if any new exemptions should be created in order~~
621 ~~to maintain the confidentiality of financial and proprietary~~
622 ~~information received as part of an unsolicited proposal.~~

623 ~~8. Recommendations regarding the authority of the~~
624 ~~responsible public entity to engage the services of qualified~~
625 ~~professionals, which may include a Florida registered~~
626 ~~professional or a certified public accountant, not otherwise~~
627 ~~employed by the responsible public entity, to provide an~~
628 ~~independent analysis regarding the specifics, advantages,~~
629 ~~disadvantages, and long term and short term costs of a request~~
630 ~~by a private entity for approval of a qualifying project, unless~~
631 ~~the governing body of the public entity determines that such~~
632 ~~analysis should be performed by employees of the public entity.~~

633 ~~(e) The task force must submit a final report of its~~
634 ~~recommendations to the Governor, the President of the Senate,~~
635 ~~and the Speaker of the House of Representatives by July 1, 2014.~~

636 ~~(f) The task force is terminated December 31, 2014. The~~

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637 ~~establishment of guidelines pursuant to this section or the~~
638 ~~adoption of such guidelines by a responsible public entity is~~
639 ~~not required for such entity to request or receive proposals for~~
640 ~~a qualifying project or to enter into a comprehensive agreement~~
641 ~~for a qualifying project. A responsible public entity may adopt~~
642 ~~guidelines so long as such guidelines are not inconsistent with~~
643 ~~this section.~~

644 (3) ~~(4)~~ PROCUREMENT PROCEDURES.—A responsible public entity
645 may receive unsolicited proposals or may solicit proposals for
646 qualifying projects and may thereafter enter into a a
647 comprehensive ~~an~~ agreement with a private entity, or a
648 consortium of private entities, for the building, upgrading,
649 operating, ownership, or financing of facilities.

650 (a) 1. The responsible public entity may establish a
651 reasonable application fee for the submission of an unsolicited
652 proposal under this section.

653 2. A private entity that submits an unsolicited proposal
654 to a responsible public entity must concurrently pay an initial
655 application fee, as determined by the responsible public entity.
656 Payment must be made by cash, cashier's check, or other
657 noncancelable instrument. Personal checks may not be accepted.

658 3. If the initial application fee does not cover the
659 responsible public entity's costs to evaluate the unsolicited
660 proposal, the responsible public entity must request in writing
661 the additional amounts required. The private entity must pay the
662 requested additional amounts within 30 days after receipt of the

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663 notice. The responsible public entity may stop its review of the
664 unsolicited proposal if the private entity fails to pay the
665 additional fee.

666 4. If the responsible public entity does not evaluate the
667 unsolicited proposal, the responsible public entity must return
668 the application fee ~~The fee must be sufficient to pay the costs~~
669 ~~of evaluating the proposal. The responsible public entity may~~
670 ~~engage the services of a private consultant to assist in the~~
671 ~~evaluation.~~

672 (b) The responsible public entity may request a proposal
673 from private entities for a qualifying public-private project
674 or, if the responsible public entity receives an unsolicited
675 proposal for a qualifying public-private project and the
676 responsible public entity intends to enter into a comprehensive
677 agreement for the project described in the ~~such~~ unsolicited
678 proposal, the responsible public entity shall publish notice in
679 the Florida Administrative Register and a newspaper of general
680 circulation at least once a week for 2 weeks stating that the
681 responsible public entity has received a proposal and will
682 accept other proposals for the same project. The timeframe
683 within which the responsible public entity may accept other
684 proposals shall be determined by the responsible public entity
685 on a project-by-project basis based upon the complexity of the
686 qualifying project and the public benefit to be gained by
687 allowing a longer or shorter period of time within which other
688 proposals may be received; however, the timeframe for allowing

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689 other proposals must be at least 21 days, but no more than 120
690 days, after the initial date of publication. If approved by a
691 majority vote of the responsible public entity's governing body,
692 the responsible public entity may alter the timeframe for
693 accepting proposals to more adequately suit the needs of the
694 qualifying project. A copy of the notice must be mailed to each
695 local government in the affected area.

696
697 (c) If the responsible public entity solicits proposals
698 under this section, the solicitation must include a design
699 criteria package prepared by an architect, engineer, or
700 landscape architect licensed in this state which is sufficient
701 to allow private entities to prepare a bid or a response. The
702 design criteria package must specify performance-based criteria
703 for the project, including the legal description of the site,
704 with survey information; interior space requirements; material
705 quality standards; schematic layouts and conceptual design
706 criteria for the project; cost or budget estimates; design and
707 construction schedules; and site development and utility
708 requirements ~~A responsible public entity that is a school board~~
709 ~~may enter into a comprehensive agreement only with the approval~~
710 ~~of the local governing body.~~

711 (d) Before approving a comprehensive agreement ~~approval,~~
712 the responsible public entity must determine that the proposed
713 project:

714 1. Is in the public's best interest.

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715 2. Is for a facility that is owned by the responsible
716 public entity or for a facility for which ownership will be
717 conveyed to the responsible public entity.

718 3. Has adequate safeguards in place to ensure that
719 additional costs or service disruptions are not imposed on the
720 public in the event of material default or cancellation of the
721 comprehensive agreement by the responsible public entity.

722 4. Has adequate safeguards in place to ensure that the
723 responsible public entity or private entity has the opportunity
724 to add capacity to the proposed project or other facilities
725 serving similar predominantly public purposes.

726 5. Will be owned by the responsible public entity upon
727 completion, expiration, or termination of the comprehensive
728 agreement and upon payment of the amounts financed.

729 (e) Before signing a comprehensive agreement, the
730 responsible public entity must consider a reasonable finance
731 plan that is consistent with subsection (9) ~~(11)~~; the qualifying
732 project cost; revenues by source; available financing; major
733 assumptions; internal rate of return on private investments, if
734 governmental funds are assumed in order to deliver a cost-
735 feasible project; and a total cash-flow analysis beginning with
736 the implementation of the project and extending for the term of
737 the comprehensive agreement.

738 (f) In considering an unsolicited proposal, the
739 responsible public entity may require from the private entity a
740 technical study prepared by a nationally recognized expert with

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741 | experience in preparing analysis for bond rating agencies. In
742 | evaluating the technical study, the responsible public entity
743 | may rely upon internal staff reports prepared by personnel
744 | familiar with the operation of similar facilities or the advice
745 | of external advisors or consultants who have relevant
746 | experience.

747 | ~~(4)-(5)~~ PROJECT APPROVAL REQUIREMENTS.—An unsolicited
748 | proposal from a private entity for approval of a qualifying
749 | project must be accompanied by the following material and
750 | information, unless waived by the responsible public entity:

751 | (a) A description of the qualifying project, including the
752 | conceptual design of the facilities or a conceptual plan for the
753 | provision of services, and a schedule for the initiation and
754 | completion of the qualifying project.

755 | (b) A description of the method by which the private
756 | entity proposes to secure the necessary property interests that
757 | are required for the qualifying project.

758 | (c) A description of the private entity's general plans
759 | for financing the qualifying project, including the sources of
760 | the private entity's funds and the identity of any dedicated
761 | revenue source or proposed debt or equity investment on behalf
762 | of the private entity.

763 | (d) The name and address of a person who may be contacted
764 | for additional information concerning the proposal.

765 | (e) The proposed user fees, lease payments, or other
766 | service payments over the term of a comprehensive agreement, and

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767 the methodology for and circumstances that would allow changes
768 to the user fees, lease payments, and other service payments
769 over time.

770 (f) Additional material or information that the
771 responsible public entity reasonably requests.

772

773 Any pricing or financial terms included in an unsolicited
774 proposal must be specific as to when the pricing or terms
775 expire.

776 ~~(5)-(6)~~ PROJECT QUALIFICATION AND PROCESS.-

777 (a) The private entity, or the applicable party or parties
778 of the private entity's team, must meet the minimum standards
779 contained in the responsible public entity's guidelines for
780 qualifying professional services and contracts for traditional
781 procurement projects.

782 (b) The responsible public entity must:

783 1. Ensure that provision is made for the private entity's
784 performance and payment of subcontractors, including, but not
785 limited to, surety bonds, letters of credit, parent company
786 guarantees, and lender and equity partner guarantees. For the
787 components of the qualifying project which involve construction
788 performance and payment, bonds are required and are subject to
789 the recordation, notice, suit limitation, and other requirements
790 of s. 255.05.

791 2. Ensure the most efficient pricing of the security
792 package that provides for the performance and payment of

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793 subcontractors.

794 3. Ensure that ~~provision is made for the transfer of the~~
795 ~~private entity's obligations if the comprehensive agreement~~
796 addresses termination upon is terminated or a material default
797 of the comprehensive agreement occurs.

798 (c) After the public notification period has expired in
799 the case of an unsolicited proposal, the responsible public
800 entity shall rank the proposals received in order of preference.
801 In ranking the proposals, the responsible public entity may
802 consider factors that include, but are not limited to,
803 professional qualifications, general business terms, innovative
804 design techniques or cost-reduction terms, and finance plans.
805 The responsible public entity may then begin negotiations for a
806 comprehensive agreement with the highest-ranked firm. If the
807 responsible public entity is not satisfied with the results of
808 the negotiations, the responsible public entity may terminate
809 negotiations with the proposer and negotiate with the second-
810 ranked or subsequent-ranked firms, in the order consistent with
811 this procedure. If only one proposal is received, the
812 responsible public entity may negotiate in good faith, and if
813 the responsible public entity is not satisfied with the results
814 of the negotiations, the responsible public entity may terminate
815 negotiations with the proposer. Notwithstanding this paragraph,
816 the responsible public entity may reject all proposals at any
817 point in the process until a contract with the proposer is
818 executed.

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819 (d) The responsible public entity shall perform an
820 independent analysis of the proposed public-private partnership
821 which demonstrates the cost-effectiveness and overall public
822 benefit before the procurement process is initiated or before
823 the contract is awarded.

824 (e) The responsible public entity may approve the
825 development or operation of an educational facility, a
826 transportation facility, a water or wastewater management
827 facility or related infrastructure, a technology infrastructure
828 or other public infrastructure, or a government facility needed
829 by the responsible public entity as a qualifying project, or the
830 design or equipping of a qualifying project that is developed or
831 operated, if:

832 1. There is a public need for or benefit derived from a
833 project of the type that the private entity proposes as the
834 qualifying project.

835 2. The estimated cost of the qualifying project is
836 reasonable in relation to similar facilities.

837 3. The private entity's plans will result in the timely
838 acquisition, design, construction, improvement, renovation,
839 expansion, equipping, maintenance, or operation of the
840 qualifying project.

841 (f) The responsible public entity may charge a reasonable
842 fee to cover the costs of processing, reviewing, and evaluating
843 the request, including, but not limited to, reasonable attorney
844 fees and fees for financial and technical advisors or

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845 consultants and for other necessary advisors or consultants.

846 (g) Upon approval of a qualifying project, the responsible
847 public entity shall establish a date for the commencement of
848 activities related to the qualifying project. The responsible
849 public entity may extend the commencement date.

850 (h) Approval of a qualifying project by the responsible
851 public entity is subject to entering into a comprehensive
852 agreement with the private entity.

853 ~~(7) NOTICE TO AFFECTED LOCAL JURISDICTIONS.—~~

854 ~~(a) The responsible public entity must notify each
855 affected local jurisdiction by furnishing a copy of the proposal
856 to each affected local jurisdiction when considering a proposal
857 for a qualifying project.~~

858 ~~(b) Each affected local jurisdiction that is not a
859 responsible public entity for the respective qualifying project
860 may, within 60 days after receiving the notice, submit in
861 writing any comments to the responsible public entity and
862 indicate whether the facility is incompatible with the local
863 comprehensive plan, the local infrastructure development plan,
864 the capital improvements budget, any development of regional
865 impact processes or timelines, or other governmental spending
866 plan. The responsible public entity shall consider the comments
867 of the affected local jurisdiction before entering into a
868 comprehensive agreement with a private entity. If an affected
869 local jurisdiction fails to respond to the responsible public
870 entity within the time provided in this paragraph, the~~

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871 ~~nonresponse is deemed an acknowledgment by the affected local~~
872 ~~jurisdiction that the qualifying project is compatible with the~~
873 ~~local comprehensive plan, the local infrastructure development~~
874 ~~plan, the capital improvements budget, or other governmental~~
875 ~~spending plan.~~

876 (6)~~(8)~~ INTERIM AGREEMENT.—Before or in connection with the
877 negotiation of a comprehensive agreement, the responsible public
878 entity may enter into an interim agreement with the private
879 entity proposing the development or operation of the qualifying
880 project. An interim agreement does not obligate the responsible
881 public entity to enter into a comprehensive agreement. The
882 interim agreement is discretionary with the parties and is not
883 required on a qualifying project for which the parties may
884 proceed directly to a comprehensive agreement without the need
885 for an interim agreement. An interim agreement must be limited
886 to provisions that:

887 (a) Authorize the private entity to commence activities
888 for which it may be compensated related to the proposed
889 qualifying project, including, but not limited to, project
890 planning and development, design, environmental analysis and
891 mitigation, survey, other activities concerning any part of the
892 proposed qualifying project, and ascertaining the availability
893 of financing for the proposed facility or facilities.

894 (b) Establish the process and timing of the negotiation of
895 the comprehensive agreement.

896 (c) Contain such other provisions related to an aspect of

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897 the development or operation of a qualifying project that the
898 responsible public entity and the private entity deem
899 appropriate.

900 ~~(7)(9)~~ COMPREHENSIVE AGREEMENT.—

901 (a) Before developing or operating the qualifying project,
902 the private entity must enter into a comprehensive agreement
903 with the responsible public entity. The comprehensive agreement
904 must provide for:

905 1. Delivery of performance and payment bonds, letters of
906 credit, or other security acceptable to the responsible public
907 entity in connection with the development or operation of the
908 qualifying project in the form and amount satisfactory to the
909 responsible public entity. For the components of the qualifying
910 project which involve construction, the form and amount of the
911 bonds must comply with s. 255.05.

912 2. Review of the design for the qualifying project by the
913 responsible public entity and, if the design conforms to
914 standards acceptable to the responsible public entity, the
915 approval of the responsible public entity. This subparagraph
916 does not require the private entity to complete the design of
917 the qualifying project before the execution of the comprehensive
918 agreement.

919 3. Inspection of the qualifying project by the responsible
920 public entity to ensure that the private entity's activities are
921 acceptable to the responsible public entity in accordance with
922 the comprehensive agreement.

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923 4. Maintenance of a policy of public liability insurance,
924 a copy of which must be filed with the responsible public entity
925 and accompanied by proofs of coverage, or self-insurance, each
926 in the form and amount satisfactory to the responsible public
927 entity and reasonably sufficient to ensure coverage of tort
928 liability to the public and employees and to enable the
929 continued operation of the qualifying project.

930 5. Monitoring by the responsible public entity of the
931 maintenance practices to be performed by the private entity to
932 ensure that the qualifying project is properly maintained.

933 6. Periodic filing by the private entity of the
934 appropriate financial statements that pertain to the qualifying
935 project.

936 7. Procedures that govern the rights and responsibilities
937 of the responsible public entity and the private entity in the
938 course of the construction and operation of the qualifying
939 project and in the event of the termination of the comprehensive
940 agreement or a material default by the private entity. The
941 procedures must include conditions that govern the assumption of
942 the duties and responsibilities of the private entity by an
943 entity that funded, in whole or part, the qualifying project or
944 by the responsible public entity, and must provide for the
945 transfer or purchase of property or other interests of the
946 private entity by the responsible public entity.

947 8. Fees, lease payments, or service payments. In
948 negotiating user fees, the fees must be the same for persons

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949 using the facility under like conditions and must not materially
950 discourage use of the qualifying project. The execution of the
951 comprehensive agreement or a subsequent amendment is conclusive
952 evidence that the fees, lease payments, or service payments
953 provided for in the comprehensive agreement comply with this
954 section. Fees or lease payments established in the comprehensive
955 agreement as a source of revenue may be in addition to, or in
956 lieu of, service payments.

957 9. Duties of the private entity, including the terms and
958 conditions that the responsible public entity determines serve
959 the public purpose of this section.

960 (b) The comprehensive agreement may include:

961 1. An agreement by the responsible public entity to make
962 grants or loans to the private entity from amounts received from
963 the federal, state, or local government or an agency or
964 instrumentality thereof.

965 2. A provision under which each entity agrees to provide
966 notice of default and cure rights for the benefit of the other
967 entity, including, but not limited to, a provision regarding
968 unavoidable delays.

969 3. A provision that terminates the authority and duties of
970 the private entity under this section and dedicates the
971 qualifying project to the responsible public entity or, if the
972 qualifying project was initially dedicated by an affected local
973 jurisdiction, to the affected local jurisdiction for public use.

974 ~~(8)-(10)~~ FEES.—A comprehensive ~~An~~ agreement entered into

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975 pursuant to this section may authorize the private entity to
976 impose fees to members of the public for the use of the
977 facility. The following provisions apply to the comprehensive
978 agreement:

979 (a) The responsible public entity may develop new
980 facilities or increase capacity in existing facilities through a
981 comprehensive agreement with a private entity ~~agreements with~~
982 ~~public-private partnerships.~~

983 (b) The comprehensive ~~public-private partnership~~ agreement
984 must ensure that the facility is properly operated, maintained,
985 or improved in accordance with standards set forth in the
986 comprehensive agreement.

987 (c) The responsible public entity may lease existing fee-
988 for-use facilities through a comprehensive ~~public-private~~
989 ~~partnership~~ agreement.

990 (d) Any revenues must be authorized by and applied in the
991 manner set forth in ~~regulated by the responsible public entity~~
992 ~~pursuant to~~ the comprehensive agreement.

993 (e) A negotiated portion of revenues from fee-generating
994 uses ~~may~~ must be returned to the responsible public entity over
995 the life of the comprehensive agreement.

996 ~~(9)-(11)~~ FINANCING.—

997 (a) A private entity may enter into a private-source
998 financing agreement between financing sources and the private
999 entity. A financing agreement and any liens on the property or
1000 facility must be paid in full at the applicable closing that

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1001 transfers ownership or operation of the facility to the
1002 responsible public entity at the conclusion of the term of the
1003 comprehensive agreement.

1004 (b) The responsible public entity may lend funds to
1005 private entities that construct projects containing facilities
1006 that are approved under this section.

1007 (c) The responsible public entity may use innovative
1008 finance techniques associated with a public-private partnership
1009 under this section, including, but not limited to, federal loans
1010 as provided in Titles 23 and 49 C.F.R., commercial bank loans,
1011 and hedges against inflation from commercial banks or other
1012 private sources. In addition, the responsible public entity may
1013 provide its own capital or operating budget to support a
1014 qualifying project. The budget may be from any legally
1015 permissible funding sources of the responsible public entity,
1016 including the proceeds of debt issuances. A responsible public
1017 entity may use the model financing agreement provided in s.
1018 489.145(6) for its financing of a facility owned by a
1019 responsible public entity. A financing agreement may not require
1020 the responsible public entity to indemnify the financing source,
1021 subject the responsible public entity's facility to liens in
1022 violation of s. 11.066(5), or secure financing of by the
1023 responsible public entity by a mortgage on, or security interest
1024 in, the real or tangible personal property of the responsible
1025 public entity in a manner that could result in the loss of the
1026 fee ownership of the property by the responsible public entity

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1027 ~~with a pledge of security interest, and any such provision is~~
1028 ~~void.~~

1029 ~~(d) A responsible public entity shall appropriate on a~~
1030 ~~priority basis as required by the comprehensive agreement a~~
1031 ~~contractual payment obligation, annual or otherwise, from the~~
1032 ~~enterprise or other government fund from which the qualifying~~
1033 ~~projects will be funded. This required payment obligation must~~
1034 ~~be appropriated before other noncontractual obligations payable~~
1035 ~~from the same enterprise or other government fund.~~

1036 (10) ~~(12)~~ POWERS AND DUTIES OF THE PRIVATE ENTITY.—

1037 (a) The private entity shall:

1038 1. Develop or operate the qualifying project in a manner
1039 that is acceptable to the responsible public entity in
1040 accordance with the provisions of the comprehensive agreement.

1041 2. Maintain, or provide by contract for the maintenance or
1042 improvement of, the qualifying project if required by the
1043 comprehensive agreement.

1044 3. Cooperate with the responsible public entity in making
1045 best efforts to establish interconnection between the qualifying
1046 project and any other facility or infrastructure as requested by
1047 the responsible public entity in accordance with the provisions
1048 of the comprehensive agreement.

1049 4. Comply with the comprehensive agreement and any lease
1050 or service contract.

1051 (b) Each private facility that is constructed pursuant to
1052 this section must comply with the requirements of federal,

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1053 state, and local laws; state, regional, and local comprehensive
1054 plans; the responsible public entity's rules, procedures, and
1055 standards for facilities; and such other conditions that the
1056 responsible public entity determines to be in the public's best
1057 interest and that are included in the comprehensive agreement.

1058 (c) The responsible public entity may provide services to
1059 the private entity. An agreement for maintenance and other
1060 services entered into pursuant to this section must provide for
1061 full reimbursement for services rendered for qualifying
1062 projects.

1063 (d) A private entity of a qualifying project may provide
1064 additional services for the qualifying project to the public or
1065 to other private entities if the provision of additional
1066 services does not impair the private entity's ability to meet
1067 its commitments to the responsible public entity pursuant to the
1068 comprehensive agreement.

1069 (11)~~(13)~~ EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the
1070 expiration or termination of a comprehensive agreement, the
1071 responsible public entity may use revenues from the qualifying
1072 project to pay current operation and maintenance costs of the
1073 qualifying project. If the private entity materially defaults
1074 under the comprehensive agreement, the compensation that is
1075 otherwise due to the private entity is payable to satisfy all
1076 financial obligations to investors and lenders on the qualifying
1077 project in the same way that is provided in the comprehensive
1078 agreement or any other agreement involving the qualifying

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1079 project, if the costs of operating and maintaining the
1080 qualifying project are paid in the normal course. Revenues in
1081 excess of the costs for operation and maintenance costs may be
1082 paid to the investors and lenders to satisfy payment obligations
1083 under their respective agreements. A responsible public entity
1084 may terminate with cause and without prejudice a comprehensive
1085 agreement and may exercise any other rights or remedies that may
1086 be available to it in accordance with the provisions of the
1087 comprehensive agreement. The full faith and credit of the
1088 responsible public entity may not be pledged to secure the
1089 financing of the private entity. The assumption of the
1090 development or operation of the qualifying project does not
1091 obligate the responsible public entity to pay any obligation of
1092 the private entity from sources other than revenues from the
1093 qualifying project unless stated otherwise in the comprehensive
1094 agreement.

1095 (12) ~~(14)~~ SOVEREIGN IMMUNITY.—This section does not waive
1096 the sovereign immunity of a responsible public entity, an
1097 affected local jurisdiction, or an officer or employee thereof
1098 with respect to participation in, or approval of, any part of a
1099 qualifying project or its operation, including, but not limited
1100 to, interconnection of the qualifying project with any other
1101 infrastructure or project. A county or municipality in which a
1102 qualifying project is located possesses sovereign immunity with
1103 respect to the project, including, but not limited to, its
1104 design, construction, and operation.

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1105 (13) DEPARTMENT OF MANAGEMENT SERVICES.—

1106 (a) A responsible public entity may provide a copy of its
1107 comprehensive agreement to the Department of Management
1108 Services. A responsible public entity must redact any
1109 confidential or exempt information from the copy of the
1110 comprehensive agreement before providing it to the Department of
1111 Management Services.

1112 (b) The Department of Management Services may accept and
1113 maintain copies of comprehensive agreements received from
1114 responsible public entities for the purpose of sharing
1115 comprehensive agreements with other responsible public entities.

1116 (c) This subsection does not require a responsible public
1117 entity to provide a copy of its comprehensive agreement to the
1118 Department of Management Services.

1119 (14) ~~(15)~~ CONSTRUCTION.—

1120 (a) This section shall be liberally construed to
1121 effectuate the purposes of this section.

1122 (b) This section shall be construed as cumulative and
1123 supplemental to any other authority or power vested in or
1124 exercised by the governing ~~body board~~ of a county, municipality,
1125 special district, or municipal hospital or health care system
1126 including those contained in acts of the Legislature
1127 ~~establishing such public hospital boards or s. 155.40.~~

1128 (c) This section does not affect any agreement or existing
1129 relationship with a supporting organization involving such
1130 governing ~~body board~~ or system in effect as of January 1, 2013.

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1131 (d)~~(a)~~ This section provides an alternative method and
1132 does not limit a county, municipality, special district, or
1133 other political subdivision of the state in the procurement or
1134 operation of a qualifying project acquisition, design, or
1135 ~~construction of a public project~~ pursuant to other statutory or
1136 constitutional authority.

1137 (e)~~(b)~~ Except as otherwise provided in this section, this
1138 section does not amend existing laws by granting additional
1139 powers to, or further restricting, a local governmental entity
1140 from regulating and entering into cooperative arrangements with
1141 the private sector for the planning, construction, or operation
1142 of a facility.

1143 (f)~~(e)~~ This section does not waive any requirement of s.
1144 287.055.

1145 Section 9. Section 288.061, Florida Statutes, is amended
1146 to read:

1147 288.061 Economic development incentive application
1148 process.—

1149 (1) Beginning January 1, 2016, the department shall
1150 prescribe a form upon which an application for an incentive
1151 shall be made. At a minimum, the incentive application must
1152 include all of the following:

1153 (a) The applicant's federal employee identification
1154 number, reemployment assistance account number, and state sales
1155 tax registration number. If such numbers are not available at
1156 the time of application, they must be submitted to the

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1157 department in writing before the disbursement of any economic
1158 incentive payments or the grant of any tax credits or refunds.

1159 (b) The applicant's signature.

1160 (c) The location of the project.

1161 (d) The anticipated commencement date of the project.

1162 (e) A description of the type of business activity,
1163 product, or research and development undertaken by the
1164 applicant, including the six-digit North American Industry
1165 Classification System code or codes associated with the project.

1166 (f) An attestation verifying that the information provided
1167 on the application is true and correct.

1168 (2)-(1) Upon receiving a submitted economic development
1169 incentive application, the Division of Strategic Business
1170 Development of the department ~~of Economic Opportunity~~ and
1171 designated staff of Enterprise Florida, Inc., shall review the
1172 application to ensure that the application is complete, whether
1173 and what type of state and local permits may be necessary for
1174 the applicant's project, whether it is possible to waive such
1175 permits, and what state incentives and amounts of such
1176 incentives may be available to the applicant. The department
1177 shall recommend to the executive director to approve or
1178 disapprove an applicant business. If review of the application
1179 demonstrates that the application is incomplete, the executive
1180 director shall notify the applicant business within the first 5
1181 business days after receiving the application.

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1182 (3) (a) (2) Beginning July 1, 2013, The department shall
1183 review and evaluate each economic development incentive
1184 application for the economic benefits of the proposed award of
1185 state incentives proposed for the project. Such review shall
1186 occur before the department approves an economic development
1187 incentive application and each time an approved incentive
1188 agreement or contract is amended, extended, or otherwise altered
1189 by the department or Enterprise Florida, Inc. The department
1190 shall notify the Legislature of each incentive contract
1191 extension and each contract amendment which alters a performance
1192 condition that a project must meet to obtain incentive funds.
1193 Except as otherwise provided in this chapter, the department may
1194 not execute an amendment to an incentive agreement or contract
1195 for a project the economic benefits of which have been reduced
1196 unless the award of state incentives outlined in the incentive
1197 agreement or contract have been reduced by a proportionate
1198 amount. The department shall include in its annual report
1199 information pertaining to each incentive contract extension and
1200 each contract amendment which alters a performance condition
1201 that a project must meet to obtain incentive funds.

1202 (b) As used in this subsection, the term "economic
1203 benefits" has the same meaning as provided in s. 288.005. The
1204 Office of Economic and Demographic Research shall establish the
1205 methodology and model used to calculate the economic benefits,
1206 including guidelines for the appropriate application of the
1207 department's internal model. For purposes of this requirement,

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1208 an amended definition of "economic benefits" may be developed by
1209 the Office of Economic and Demographic Research.

1210 (4) The department's evaluation of the application must
1211 also include all of the following:

1212 (a) A financial analysis of the company, including
1213 information regarding liens and pending or ongoing litigation,
1214 credit ratings, and regulatory filings.

1215 (b) A review of any independent evaluations of the
1216 company.

1217 (c) A review of the historical market performance of the
1218 company.

1219 (d) A review of the latest audit of the company's
1220 financial statement and the related auditor management letter.

1221 (e) A review of any other audits that are related to the
1222 internal controls or management of the company.

1223 (f) A review of performance in connection with any
1224 incentives previously awarded by state or local governments.

1225 (g) Any other review deemed necessary by the department.

1226 (5) (a) ~~(3)~~ Except as provided in paragraph (b), within 10
1227 business days after the department receives a complete ~~the~~
1228 ~~submitted~~ economic development incentive application, the
1229 executive director shall approve or disapprove the application
1230 and issue a letter of certification to the applicant which
1231 includes a justification of that decision, unless the business
1232 requests an extension of ~~that~~ time.

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1233 (b) Within 10 business days after the department receives
1234 a complete economic development incentive application for a
1235 project, the executive director shall recommend to the Governor
1236 approval or disapproval of the application. The recommendation
1237 must include a justification for the recommendation and the
1238 proposed performance conditions that the project must meet to
1239 obtain incentive funds.

1240 (c) ~~(a)~~ The contract or agreement with the applicant must
1241 specify the total amount of the award, the performance
1242 conditions that must be met to obtain the award, the schedule
1243 for payment, and sanctions that would apply for failure to meet
1244 performance conditions. The contract or agreement with the
1245 applicant must require that the applicant use the state's job
1246 bank system to advertise job openings created as a result of the
1247 state incentive agreement. Any agreement or contract that
1248 requires capital investment to be made by the business shall
1249 also require that such investment remain in this state for the
1250 duration of the agreement or contract, excepting investment made
1251 in transportation related assets specifically used for the
1252 purpose of transporting goods or employees. The department may
1253 enter into one agreement or contract covering all of the state
1254 incentives that are being provided to the applicant. The
1255 contract must provide that release of funds is contingent upon
1256 sufficient appropriation of funds by the Legislature. The state
1257 may not enter into a contract or agreement with a term of more
1258 than 10 years with any applicant. However, the department may

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1259 enter into a successive agreement or contract for a specific
1260 project to extend the initial 10-year term, provided that each
1261 successive agreement or contract is contingent upon the
1262 successful completion of the previous agreement or contract. If
1263 all of the state incentives for one agreement or contract total
1264 \$20 million or greater or the agreement or contract is for a
1265 project receiving an innovation incentive program award pursuant
1266 to s. 288.1089 or a capital investment tax credit pursuant to s.
1267 220.191, the restriction on the term of the agreement or
1268 contract does not apply.

1269 (d) The department may only provide payments and tax
1270 refunds once the department has verified that the applicant has
1271 met the required project performance criteria, and only in the
1272 year in which the payment or tax refund is scheduled to be paid
1273 pursuant to the contract. Funds appropriated may only be paid to
1274 the applicant and not to a third party. Any funds unexpended by
1275 June 30 of each year shall revert in accordance with s. 216.301
1276 and may not be transferred to an escrow account. Any funds
1277 transferred before July 1, 2015, to an escrow account held by
1278 Enterprise Florida, Inc., for payments for a contract entered
1279 into pursuant s. 288.1088 or 288.1089 before July 1, 2015, may
1280 be used to make payment to applicants who have met performance
1281 criteria until all such funds are expended. Any funds deposited
1282 in the escrow account encumbered under a contract whose
1283 requirements are not met, or that has been terminated, must be

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1284 returned by Enterprise Florida, Inc., to the state within 10
1285 calendar days after notification by the department.

1286 (e) The total amount of payments and tax refunds approved
1287 for payment by the department based on actual project
1288 performance may not exceed the amount appropriated for such
1289 purposes for the fiscal year. Claims for payments and tax
1290 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,
1291 288.1088, and 288.1089 shall be paid in the order that the
1292 claims are approved by the department. The Legislature shall
1293 annually appropriate in the General Appropriations Act an amount
1294 estimated to sufficiently satisfy payments and tax refunds under
1295 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1296 288.1089 in a fiscal year. In the event that the Legislature
1297 does not appropriate an amount sufficient to satisfy the
1298 payments and tax refunds under ss. 288.0659, 288.1045, 288.106,
1299 288.107, 288.108, 288.1088, and 288.1089 in a fiscal year, the
1300 department shall pay the claims from the appropriation for the
1301 following fiscal year. By March 1 of each year, the department
1302 shall notify the legislative appropriations committees of the
1303 Senate and the House of Representatives of any anticipated
1304 shortfall in the amount of funds needed to satisfy claims for
1305 payments and tax refunds from the appropriation for the current
1306 fiscal year.

1307 (f) By January 2 of each year, the department shall
1308 provide to the Legislature a list of potential payment and tax
1309 refund claims that may be filed for payment in the following

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1310 fiscal year under ss. 288.0659, 288.1045, 288.106, 288.107,
1311 288.108, 288.1088, and 288.1089.

1312 (g) By March 1 of each year, the department shall provide
1313 to the Legislature a list of actual payment and tax refund
1314 claims filed for payment in the following fiscal year under ss.
1315 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1316 288.1089.

1317 (h) The department may approve applications for
1318 certification pursuant to ss. 288.0659, 288.1045, 288.106,
1319 288.107, 288.108, 288.1088, and 288.1089. The total payments and
1320 tax refunds scheduled to be paid may not exceed \$60 million in
1321 any one fiscal year.

1322 ~~(b) The release of funds for the incentive or incentives~~
1323 ~~awarded to the applicant depends upon the statutory requirements~~
1324 ~~of the particular incentive program.~~

1325 ~~(6)(4)~~ The department shall validate contractor
1326 performance and report such validation in the annual incentives
1327 report required under s. 288.907.

1328 ~~(7)(5)~~(a) The executive director may not approve an
1329 economic development incentive application unless the
1330 application includes a signed written declaration by the
1331 applicant which states that the applicant has read the
1332 information in the application and that the information is true,
1333 correct, and complete to the best of the applicant's knowledge
1334 and belief.

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1335 (b) After an economic development incentive application is
1336 approved, the awardee shall provide, in each year that the
1337 department is required to validate contractor performance, a
1338 signed written declaration. The written declaration must state
1339 that the awardee has reviewed the information and that the
1340 information is true, correct, and complete to the best of the
1341 awardee's knowledge and belief.

1342 ~~(8)(6)~~ The department is authorized to adopt rules to
1343 implement this section.

1344 Section 10. Paragraphs (c) of subsection (1) of section
1345 288.076, Florida Statutes, are amended to read:

1346 288.076 Return on investment reporting for economic
1347 development programs.—

1348 (1) As used in this section, the term:

1349 (c) "Project" has the same meaning as provided in s.
1350 288.106(2)(1) ~~288.106(2)(m)~~.

1351 Section 11. Section 288.095, Florida Statutes, is amended
1352 to read:

1353 288.095 Economic Development Trust Fund.—

1354 (1) The Economic Development Trust Fund is created within
1355 the Department of Economic Opportunity. Moneys deposited into
1356 the fund must be used only to support the authorized activities
1357 and operations of the department. Moneys credited to the trust
1358 fund consist of local financial support funds; funds transferred
1359 from Enterprise Florida, Inc., which were held in an escrow

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1360 account on June 30, 2015, for an approved Quick Action Closing
1361 Fund project; and interest earnings.

1362 (2) There is created, within the Economic Development
1363 Trust Fund, the Economic Development Incentives Account. The
1364 Economic Development Incentives Account consists of moneys
1365 transferred from local governments as local financial support
1366 ~~appropriated to the account~~ for purposes of the tax incentives
1367 programs authorized under ss. 288.1045, ~~and~~ 288.106, and 288.107
1368 ~~local financial support provided under ss. 288.1045 and 288.106.~~
1369 Moneys in the Economic Development Incentives Account may be
1370 used only to pay tax refunds and make other payments authorized
1371 under s. 288.1045, s. 288.106, or s. 288.107, and may only be
1372 expended pursuant to Legislative appropriation or an approved
1373 amendment to the department's operating budget pursuant to
1374 chapter 216. Notwithstanding s. 216.301, and pursuant to s.
1375 216.351, any balance in the account at the end of a fiscal year
1376 remains in the account and is available for carrying out the
1377 purposes of the account ~~shall be subject to the provisions of s.~~
1378 ~~216.301(1) (a).~~

1379 (3) ~~(a) The department may approve applications for~~
1380 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
1381 ~~the total state share of tax refund payments may not exceed \$35~~
1382 ~~million.~~

1383 (a)(b) The total amount of tax-refund claims approved for
1384 payment by the department based on actual project performance
1385 may not exceed the amount appropriated to the Economic

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1386 Development Incentives Account for such purposes for the fiscal
1387 year. Claims for tax refunds under ss. 288.1045 and 288.106
1388 shall be paid in the order the claims are approved by the
1389 department. In the event the Legislature does not appropriate an
1390 amount sufficient to satisfy the tax refunds under ss. 288.1045
1391 and 288.106 in a fiscal year, the department shall pay the tax
1392 refunds from the appropriation for the following fiscal year. By
1393 March 1 of each year, the department shall notify the
1394 legislative appropriations committees of the Senate and House of
1395 Representatives of any anticipated shortfall in the amount of
1396 funds needed to satisfy claims for tax refunds from the
1397 appropriation for the current fiscal year.

1398 ~~(b)(e)~~ Moneys in the Economic Development Incentives
1399 Account may be used only to pay tax refunds and make other
1400 payments authorized under s. 288.1045, s. 288.106, or s.
1401 288.107.

1402 ~~(c)(d)~~ The department may adopt rules necessary to carry
1403 out the provisions of this subsection, including rules providing
1404 for the use of moneys in the Economic Development Incentives
1405 Account and for the administration of the Economic Development
1406 Incentives Account.

1407 Section 12. By July 10, 2015, Enterprise Florida, Inc.,
1408 shall transfer any funds held in an escrow account on June 30,
1409 2015, for approved Quick Action Closing Fund contracts or
1410 agreements to the Quick Action Closing Fund Escrow Account
1411 within the Economic Development Trust Fund.

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1412 Section 13. The sum of \$20 million of nonrecurring funds
1413 in the State Economic Enhancement and Development Trust Fund and
1414 the sum of \$3.8 million of nonrecurring funds in the Economic
1415 Development Trust Fund are appropriated to the Department of
1416 Economic Opportunity to provide payments and tax refunds
1417 pursuant to s. 288.061, Florida Statutes, for programs under ss.
1418 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1419 288.1089, Florida Statutes, for fiscal year 2015-2016. Payments
1420 may only be made for projects that meet statutory eligibility
1421 requirements. Funds may not be released for any other purpose
1422 and may only be made for projects that meet statutory
1423 eligibility requirements. Funds may not be released for any
1424 other purpose and may only be disbursed directly to the
1425 applicant when projects are certified to have met all contracted
1426 performance requirements. Funds provided from the Economic
1427 Development Trust Fund represent local matching funds.

1428 Section 14. Subsection (1), paragraphs (a), (b), (c), (f),
1429 and (e) of subsection (2), paragraphs (b), (c), (d), (h), and
1430 (j) of subsection (3), paragraphs (b) and (e) of subsection (5),
1431 and subsection (7) of section 288.1045, Florida Statutes, are
1432 amended, and paragraph (h) of subsection (5) is created, to
1433 read:

1434 288.1045 Qualified defense contractor and space flight
1435 business tax refund program.—

1436 (1) DEFINITIONS.—As used in this section:

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1437 (a) "Applicant" means any business entity that holds a
1438 valid Department of Defense contract or space flight business
1439 contract, any business entity that is a subcontractor under a
1440 valid Department of Defense contract or space flight business
1441 contract, or any business entity that holds a valid contract for
1442 the reuse of a defense-related facility, including all members
1443 of an affiliated group of corporations as defined in s.
1444 220.03(1)(b).

1445 (b) "Average private sector wage in the area" means the
1446 average of all wages and salaries in ~~the state~~, the county, or
1447 in the standard metropolitan area in which the project ~~business~~
1448 ~~unit~~ is located.

1449 (c) "Business unit" means an employing unit, as defined in
1450 s. 443.036, that is registered with the department for
1451 reemployment assistance purposes or means a subcategory or
1452 division of an employing unit that is accepted by the department
1453 as a reporting unit.

1454 (d) "Consolidation of a Department of Defense contract"
1455 means the consolidation of one or more of an applicant's
1456 facilities under one or more Department of Defense contracts,
1457 from outside this state or from inside and outside this state,
1458 into one or more of the applicant's facilities inside this
1459 state.

1460 (e) "Consolidation of a space flight business contract"
1461 means the consolidation of one or more of an applicant's
1462 facilities under one or more space flight business contracts,

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1463 from outside this state or from inside and outside this state,
1464 into one or more of the applicant's facilities inside this
1465 state.

1466 (f) "Contract for reuse of a defense-related facility"
1467 means a contract with a duration of 2 or more years for the use
1468 of a facility for manufacturing, assembling, fabricating,
1469 research, development, or design of tangible personal property,
1470 but excluding any contract to provide goods, improvements to
1471 real or tangible property, or services directly to or for any
1472 particular military base or installation in this state. Such
1473 facility must be located within a port, as defined in s. 313.21,
1474 and have been occupied by a business entity that held a valid
1475 Department of Defense contract or occupied by any branch of the
1476 Armed Forces of the United States, within 1 year of any contract
1477 being executed for the reuse of such facility. A contract for
1478 reuse of a defense-related facility may not include any contract
1479 for reuse of such facility for any Department of Defense
1480 contract for manufacturing, assembling, fabricating, research,
1481 development, or design.

1482 (g) "Department of Defense contract" means a competitively
1483 bid Department of Defense contract or subcontract or a
1484 competitively bid federal agency contract or subcontract issued
1485 on behalf of the Department of Defense for manufacturing,
1486 assembling, fabricating, research, development, or design with a
1487 duration of 2 or more years, but excluding any contract or
1488 subcontract to provide goods, improvements to real or tangible

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1489 property, or services directly to or for any particular military
1490 base or installation in this state. The term includes contracts
1491 or subcontracts for products or services for military use or
1492 homeland security which contracts or subcontracts are approved
1493 by the United States Department of Defense, the United States
1494 Department of State, or the United States Department of Homeland
1495 Security.

1496 (h) "Fiscal year" means the fiscal year of the state.

1497 (i) "Jobs" means full-time equivalent positions,
1498 including, but not limited to, positions obtained from a
1499 temporary employment agency or employee leasing company or
1500 through a union agreement or coemployment under a professional
1501 employer organization agreement, that result directly from a
1502 project in this state. This number does not include temporary
1503 construction jobs involved with the construction of facilities
1504 for the project.

1505 (j) "Local financial support" means funding from local
1506 sources, public or private, which is paid to the Economic
1507 Development Trust Fund and which is equal to 20 percent of the
1508 annual tax refund for a qualified applicant.

1509 1. Local financial support may include excess payments
1510 made to a utility company under a designated program to allow
1511 decreases in service by the utility company under conditions,
1512 regardless of when application is made.

1513 2. A qualified applicant may not provide, directly or
1514 indirectly, more than 5 percent of such funding in any fiscal

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1515 year. The sources of such funding may not include, directly or
1516 indirectly, state funds appropriated from the General Revenue
1517 Fund or any state trust fund, excluding tax revenues shared with
1518 local governments pursuant to law.

1519 3. A qualified applicant may not receive more than 80
1520 percent of the total tax refunds from state funds that are
1521 allowed such applicant under this section.

1522 4. The department may grant a waiver that reduces the
1523 required amount of local financial support for a project to 10
1524 percent of the annual tax refund awarded to a qualified
1525 applicant for a local government, or eliminates the required
1526 amount of local financial support for a project for a local
1527 government located in a rural area of opportunity, as designated
1528 by the Governor pursuant to s. 288.0656. To be eligible to
1529 receive a waiver that reduces or eliminates the required amount
1530 of local financial support, a local government shall provide the
1531 department with:

1532 a. A resolution adopted by the governing body of the
1533 county or municipality in whose jurisdiction the project will be
1534 located, requesting the applicant's project be waived from the
1535 local financial support requirement.

1536 b. A statement prepared by a Florida certified public
1537 accountant, as defined in s. 473.302, that describes the
1538 financial constraints preventing the local government from
1539 providing the local financial support required by this section,

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1540 except that a county considered fiscally constrained pursuant to
1541 s. 218.67(1) is exempt from this provision.

1542 ~~(k) "Local financial support exemption option" means the~~
1543 ~~option to exercise an exemption from the local financial support~~
1544 ~~requirement available to any applicant whose project is located~~
1545 ~~in a county designated by the Rural Economic Development~~
1546 ~~Initiative, if the county commissioners of the county in which~~
1547 ~~the project will be located adopt a resolution requesting that~~
1548 ~~the applicant's project be exempt from the local financial~~
1549 ~~support requirement. Any applicant that exercises this option is~~
1550 ~~not eligible for more than 80 percent of the total tax refunds~~
1551 ~~allowed such applicant under this section.~~

1552 (k)-(l) "New Department of Defense contract" means a
1553 Department of Defense contract entered into after the date
1554 application for certification as a qualified applicant is made
1555 and after January 1, 1994.

1556 (l)-(m) "New space flight business contract" means a space
1557 flight business contract entered into after an application for
1558 certification as a qualified applicant is made after July 1,
1559 2008.

1560 (m)-(n) "Nondefense production jobs" means employment
1561 exclusively for activities that, directly or indirectly, are
1562 unrelated to the Department of Defense.

1563 (n)-(o) "Project" means any business undertaking in this
1564 state under a new Department of Defense contract, consolidation
1565 of a Department of Defense contract, new space flight business

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1566 contract, consolidation of a space flight business contract, or
1567 conversion of defense production jobs over to nondefense
1568 production jobs or reuse of defense-related facilities.

1569 ~~(o)~~ ~~(p)~~ "Qualified applicant" means an applicant that has
1570 been approved by the department to be eligible for tax refunds
1571 pursuant to this section.

1572 ~~(p)~~ ~~(q)~~ "Space flight business" means the manufacturing,
1573 processing, or assembly of space flight technology products,
1574 space flight facilities, space flight propulsion systems, or
1575 space vehicles, satellites, or stations of any kind possessing
1576 the capability for space flight, as defined by s. 212.02(23), or
1577 components thereof, and includes, in supporting space flight,
1578 vehicle launch activities, flight operations, ground control or
1579 ground support, and all administrative activities directly
1580 related to such activities. The term does not include products
1581 that are designed or manufactured for general commercial
1582 aviation or other uses even if those products may also serve an
1583 incidental use in space flight applications.

1584 ~~(q)~~ ~~(r)~~ "Space flight business contract" means a
1585 competitively bid federal agency contract, federal agency
1586 subcontract, an awarded commercial contract, or an awarded
1587 commercial subcontract for space flight business with a duration
1588 of 2 or more years.

1589 ~~(r)~~ ~~(s)~~ "Taxable year" means the same as in s.
1590 220.03(1)(y).

1591 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

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1592 (a) There shall be allowed, ~~from the Economic Development~~
1593 ~~Trust Fund,~~ a refund to a qualified applicant for the amount of
1594 eligible taxes certified by the department which were paid by
1595 such qualified applicant. The total amount of refunds for all
1596 fiscal years for each qualified applicant shall be determined
1597 pursuant to subsection (3). The annual amount of a refund to a
1598 qualified applicant shall be determined pursuant to subsection
1599 (5).

1600 (b) Upon approval by the director, a qualified applicant
1601 shall be allowed tax refund payments equal to \$3,000 times the
1602 number of jobs specified in the tax refund agreement under
1603 subparagraph (4)(a)1. or equal to \$6,000 times the number of
1604 jobs if the project is located in a rural area of opportunity
1605 county or a certified ~~an~~ enterprise zone. Further, a qualified
1606 applicant shall be allowed additional tax refund payments equal
1607 to \$1,000 times the number of jobs specified in the tax refund
1608 agreement under subparagraph (4)(a)1. if such jobs pay an annual
1609 average wage of at least 150 percent of the average private
1610 sector wage in the area or equal to \$2,000 times the number of
1611 jobs if such jobs pay an annual average wage of at least 200
1612 percent of the average private sector wage in the area. A
1613 qualified applicant may not receive refunds of more than 25
1614 percent of the total tax refunds provided in the tax refund
1615 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
1616 provided that no qualified applicant may receive more than \$2.5

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1617 million in tax refunds pursuant to this section in any fiscal
1618 year.

1619 (c) ~~Contingent upon an annual appropriation by the~~
1620 ~~Legislature,~~ The department may not approve ~~not~~ more in tax
1621 refunds ~~than the amount appropriated to the Economic Development~~
1622 ~~Trust Fund for tax refunds,~~ for a fiscal year than the amount
1623 specified in s. 288.061 pursuant to subsection (5) and s.
1624 ~~288.095.~~

1625 (e) After entering into a tax refund agreement pursuant to
1626 subsection (4), a qualified applicant may:

1627 1. Receive refunds ~~from the account~~ for corporate income
1628 taxes due and paid pursuant to chapter 220 by that business
1629 beginning with the first taxable year of the business which
1630 begins after entering into the agreement.

1631 2. Receive refunds ~~from the account~~ for the following
1632 taxes due and paid by that business after entering into the
1633 agreement:

1634 a. Taxes on sales, use, and other transactions paid
1635 pursuant to chapter 212.

1636 b. Intangible personal property taxes paid pursuant to
1637 chapter 199.

1638 c. Excise taxes paid on documents pursuant to chapter 201.

1639 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
1640 June 1, 1996.

1641 e. State communications services taxes administered under
1642 chapter 202. This provision does not apply to the gross receipts

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1643 tax imposed under chapter 203 and administered under chapter 202
1644 or the local communications services tax authorized under s.
1645 202.19.

1646
1647 However, a qualified applicant may not receive a tax refund
1648 pursuant to this section for any amount of credit, refund, or
1649 exemption granted such contractor for any of such taxes. If a
1650 refund for such taxes is provided by the department, which taxes
1651 are subsequently adjusted by the application of any credit,
1652 refund, or exemption granted to the qualified applicant other
1653 than that provided in this section, the qualified applicant
1654 shall reimburse the department ~~Economic Development Trust Fund~~
1655 for the amount of such credit, refund, or exemption. A qualified
1656 applicant must notify and tender payment to the department
1657 within 20 days after receiving a credit, refund, or exemption,
1658 other than that provided in this section.

1659 (f) Any qualified applicant who fraudulently claims this
1660 refund is liable for repayment of the refund to the department
1661 ~~Economic Development Trust Fund~~ plus a mandatory penalty of 200
1662 percent of the tax refund which shall be deposited into the
1663 General Revenue Fund. Any qualified applicant who fraudulently
1664 claims this refund commits a felony of the third degree,
1665 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1666 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1667 DETERMINATION.—

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1668 (b) Applications for certification based on the
1669 consolidation of a Department of Defense contract or a new
1670 Department of Defense contract must be submitted to the
1671 department as prescribed by the department and must include, but
1672 are not limited to, the following information:

1673 1. The applicant's federal employer identification number,
1674 the applicant's Florida sales tax registration number, and a
1675 signature of an officer of the applicant.

1676 2. The permanent location of the manufacturing,
1677 assembling, fabricating, research, development, or design
1678 facility in this state at which the project is or is to be
1679 located.

1680 3. The Department of Defense contract numbers of the
1681 contract to be consolidated, the new Department of Defense
1682 contract number, or the "RFP" number of a proposed Department of
1683 Defense contract.

1684 4. The date the contract was executed or is expected to be
1685 executed, and the date the contract is due to expire or is
1686 expected to expire.

1687 5. The commencement date for project operations under the
1688 contract in this state.

1689 6. The number of net new full-time equivalent Florida jobs
1690 included in the project as of December 31 of each year and the
1691 average wage of such jobs.

1692 7. The total number of full-time equivalent employees
1693 employed by the applicant in this state.

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1694 8. The percentage of the applicant's gross receipts
1695 derived from Department of Defense contracts during the 5
1696 taxable years immediately preceding the date the application is
1697 submitted.

1698 9. The number of full-time equivalent jobs in this state
1699 to be retained by the project.

1700 10. A brief statement concerning the applicant's need for
1701 tax refunds, and the proposed uses of such refunds by the
1702 applicant.

1703 11. A resolution adopted by the governing board of the
1704 county or municipality in which the project will be located,
1705 which recommends the applicant be approved as a qualified
1706 applicant, and which indicates that the necessary commitments of
1707 local financial support for the applicant exist. ~~Prior to the
1708 adoption of the resolution, the county commission may review the
1709 proposed public or private sources of such support and determine
1710 whether the proposed sources of local financial support can be
1711 provided or, for any applicant whose project is located in a
1712 county designated by the Rural Economic Development Initiative,
1713 a resolution adopted by the county commissioners of such county
1714 requesting that the applicant's project be exempt from the local
1715 financial support requirement.~~

1716 12. Any additional information requested by the
1717 department.

1718 (c) Applications for certification based on the conversion
1719 of defense production jobs to nondefense production jobs must be

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1720 submitted to the department as prescribed by the department and
1721 must include, but are not limited to, the following information:

1722 1. The applicant's federal employer identification number,
1723 the applicant's Florida sales tax registration number, and a
1724 signature of an officer of the applicant.

1725 2. The permanent location of the manufacturing,
1726 assembling, fabricating, research, development, or design
1727 facility in this state at which the project is or is to be
1728 located.

1729 3. The Department of Defense contract numbers of the
1730 contract under which the defense production jobs will be
1731 converted to nondefense production jobs.

1732 4. The date the contract was executed, and the date the
1733 contract is due to expire or is expected to expire, or was
1734 canceled.

1735 5. The commencement date for the nondefense production
1736 operations in this state.

1737 6. The number of net new full-time equivalent Florida jobs
1738 included in the nondefense production project as of December 31
1739 of each year and the average wage of such jobs.

1740 7. The total number of full-time equivalent employees
1741 employed by the applicant in this state.

1742 8. The percentage of the applicant's gross receipts
1743 derived from Department of Defense contracts during the 5
1744 taxable years immediately preceding the date the application is
1745 submitted.

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1746 9. The number of full-time equivalent jobs in this state
1747 to be retained by the project.

1748 10. A brief statement concerning the applicant's need for
1749 tax refunds, and the proposed uses of such refunds by the
1750 applicant.

1751 11. A resolution adopted by the governing board of the
1752 county or municipality in which the project will be located,
1753 which recommends the applicant be approved as a qualified
1754 applicant, and which indicates that the necessary commitments of
1755 local financial support for the applicant exist. ~~Prior to the
1756 adoption of the resolution, the county commission may review the
1757 proposed public or private sources of such support and determine
1758 whether the proposed sources of local financial support can be
1759 provided or, for any applicant whose project is located in a
1760 county designated by the Rural Economic Development Initiative,
1761 a resolution adopted by the county commissioners of such county
1762 requesting that the applicant's project be exempt from the local
1763 financial support requirement.~~

1764 12. Any additional information requested by the
1765 department.

1766 (d) Applications for certification based on a contract for
1767 reuse of a defense-related facility must be submitted to the
1768 department as prescribed by the department and must include, but
1769 are not limited to, the following information:

1770 1. The applicant's Florida sales tax registration number
1771 and a signature of an officer of the applicant.

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1772 2. The permanent location of the manufacturing,
1773 assembling, fabricating, research, development, or design
1774 facility in this state at which the project is or is to be
1775 located.

1776 3. The business entity holding a valid Department of
1777 Defense contract or branch of the Armed Forces of the United
1778 States that previously occupied the facility, and the date such
1779 entity last occupied the facility.

1780 4. A copy of the contract to reuse the facility, or such
1781 alternative proof as may be prescribed by the department that
1782 the applicant is seeking to contract for the reuse of such
1783 facility.

1784 5. The date the contract to reuse the facility was
1785 executed or is expected to be executed, and the date the
1786 contract is due to expire or is expected to expire.

1787 6. The commencement date for project operations under the
1788 contract in this state.

1789 7. The number of net new full-time equivalent Florida jobs
1790 included in the project as of December 31 of each year and the
1791 average wage of such jobs.

1792 8. The total number of full-time equivalent employees
1793 employed by the applicant in this state.

1794 9. The number of full-time equivalent jobs in this state
1795 to be retained by the project.

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1796 10. A brief statement concerning the applicant's need for
1797 tax refunds, and the proposed uses of such refunds by the
1798 applicant.

1799 11. A resolution adopted by the governing board of the
1800 county or municipality in which the project will be located,
1801 which recommends the applicant be approved as a qualified
1802 applicant, and which indicates that the necessary commitments of
1803 local financial support for the applicant exist. ~~Before the~~
1804 ~~adoption of the resolution, the county commission may review the~~
1805 ~~proposed public or private sources of such support and determine~~
1806 ~~whether the proposed sources of local financial support can be~~
1807 ~~provided or, for any applicant whose project is located in a~~
1808 ~~county designated by the Rural Economic Development Initiative,~~
1809 ~~a resolution adopted by the county commissioners of such county~~
1810 ~~requesting that the applicant's project be exempt from the local~~
1811 ~~financial support requirement.~~

1812 12. Any additional information requested by the
1813 department.

1814 (h) The department may not certify any applicant as a
1815 qualified applicant when the value of tax refunds to be included
1816 in that letter of certification exceeds the available amount of
1817 authority to certify a new business in any fiscal year
1818 ~~businesses~~ as determined pursuant to s. 288.061(5) in s.
1819 ~~288.095(3)~~. A letter of certification that approves an
1820 application must specify the maximum amount of a tax refund that

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1821 is to be available to the contractor for each fiscal year and
1822 the total amount of tax refunds for all fiscal years.

1823 (j) Applications for certification based upon a new space
1824 flight business contract or the consolidation of a space flight
1825 business contract must be submitted to the department as
1826 prescribed by the department and must include, but are not
1827 limited to, the following information:

1828 1. The applicant's federal employer identification number,
1829 the applicant's Florida sales tax registration number, and a
1830 signature of an officer of the applicant.

1831 2. The permanent location of the space flight business
1832 facility in this state where the project is or will be located.

1833 3. The new space flight business contract number, the
1834 space flight business contract numbers of the contract to be
1835 consolidated, or the request-for-proposal number of a proposed
1836 space flight business contract.

1837 4. The date the contract was executed and the date the
1838 contract is due to expire, is expected to expire, or was
1839 canceled.

1840 5. The commencement date for project operations under the
1841 contract in this state.

1842 6. The number of net new full-time equivalent Florida jobs
1843 included in the project as of December 31 of each year and the
1844 average wage of such jobs.

1845 7. The total number of full-time equivalent employees
1846 employed by the applicant in this state.

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1847 8. The percentage of the applicant's gross receipts
1848 derived from space flight business contracts during the 5
1849 taxable years immediately preceding the date the application is
1850 submitted.

1851 9. The number of full-time equivalent jobs in this state
1852 to be retained by the project.

1853 10. A brief statement concerning the applicant's need for
1854 tax refunds and the proposed uses of such refunds by the
1855 applicant.

1856 11. A resolution adopted by the governing board of the
1857 county or municipality in which the project will be located
1858 which recommends the applicant be approved as a qualified
1859 applicant and indicates that the necessary commitments of local
1860 financial support for the applicant exist. ~~Prior to the adoption
1861 of the resolution, the county commission may review the proposed
1862 public or private sources of such support and determine whether
1863 the proposed sources of local financial support can be provided
1864 or, for any applicant whose project is located in a county
1865 designated by the Rural Economic Development Initiative, a
1866 resolution adopted by the county commissioners of such county
1867 requesting that the applicant's project be exempt from the local
1868 financial support requirement.~~

1869 12. Any additional information requested by the
1870 department.

1871 (5) ANNUAL CLAIM FOR REFUND.—

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1872 (b) ~~The department shall verify claim for refund by the~~
1873 ~~qualified applicant must include a copy of all receipts~~
1874 ~~pertaining to~~ the payment of taxes for which a refund is sought,
1875 and data related to achieving each performance item contained in
1876 the tax refund agreement pursuant to subsection (4). The amount
1877 requested as a tax refund may not exceed the amount for the
1878 relevant fiscal year in the written agreement entered pursuant
1879 to subsection (4).

1880 (e) The total amount of tax refunds approved by the
1881 department under this section in any fiscal year may not exceed
1882 the amount authorized under s. 288.061(5) ~~288.095(3)~~.

1883 (h) A business that fails to timely submit documentation
1884 requested by the department, as per the agreement between the
1885 business and the department, and results in the department
1886 withholding an otherwise approved refund may receive an approved
1887 refund if:

1888 1. The business submits the documentation to the
1889 department;

1890 2. The business provides a written statement to the
1891 department detailing the extenuating circumstances which
1892 resulted in the failure to provide the required documentation by
1893 the date agreed to by the business and the department within the
1894 agreement;

1895 3. Funds appropriated for this section remain available;

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1896 4. The business was scheduled, by the terms of its
1897 agreement with the department, to submit information to the
1898 department between January 1, 2014 and December 31, 2014; and

1899 5. The business has met all other requirements of its
1900 agreement with the department.

1901 (7) EXPIRATION.—An applicant may not be certified as
1902 qualified under this section after June 30, 2020 ~~2014~~. A tax
1903 refund agreement existing on that date shall continue in effect
1904 in accordance with its terms.

1905 Section 15. Subsection (2), paragraphs (a), (b), (c), (d),
1906 (e), and (g) of subsection (3), paragraphs (b), (e), and (f) of
1907 subsection (4), paragraph (b) of subsection (5), paragraph (g)
1908 of subsection (6), and subsection (8) of section 288.106,
1909 Florida Statutes, are amended, to read:

1910 288.106 Tax refund program for qualified target industry
1911 businesses.—

1912 (2) DEFINITIONS.—As used in this section, the term:

1913 (a) "Account" means the Economic Development Incentives
1914 Account within the Economic Development Trust Fund established
1915 under s. 288.095.

1916 (b) "Authorized local economic development agency" means a
1917 public or private entity, including an entity defined in s.
1918 288.075, authorized by a county or municipality to promote the
1919 general business or industrial interests of that county or
1920 municipality.

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1921 (c) "Average private sector wage in the area" means ~~the~~
1922 ~~statewide private sector average wage or~~ the average of all
1923 private sector wages and salaries in the county or in the
1924 standard metropolitan area in which the project ~~business~~ is
1925 located or will be located.

1926 (d) "Business" means an employing unit, as defined in s.
1927 443.036, that is registered for reemployment assistance purposes
1928 with the state agency providing reemployment assistance tax
1929 collection services under an interagency agreement pursuant to
1930 s. 443.1316, or a subcategory or division of an employing unit
1931 that is accepted by the state agency providing reemployment
1932 assistance tax collection services as a reporting unit.

1933 ~~(f)-(e)~~ "Corporate headquarters business" means an
1934 international, national, or regional headquarters office of a
1935 multinational or multistate business enterprise or national
1936 trade association, whether separate from or connected with other
1937 facilities used by such business.

1938 ~~(e)-(f)~~ "Certified enterprise zone" means an area certified
1939 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

1940 (g) "Expansion of an existing business" means the
1941 expansion of an existing Florida business by or through
1942 additions to real and personal property, resulting in a net
1943 increase in employment of not less than 10 percent at such
1944 business.

1945 (h) "Fiscal year" means the fiscal year of the state.

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1946 (i) "Jobs" means full-time equivalent positions,
1947 including, but not limited to, positions obtained from a
1948 temporary employment agency or employee leasing company or
1949 through a union agreement or coemployment under a professional
1950 employer organization agreement, that result directly from a
1951 project in this state. The term does not include temporary
1952 construction jobs involved with the construction of facilities
1953 for the project or any jobs previously included in any
1954 application for tax refunds under s. 288.1045 or this section.

1955 (j) "Local financial support" means funding from local
1956 sources, public or private, that is paid to the Economic
1957 Development Trust Fund and that is equal to 20 percent of the
1958 annual tax refund for a qualified target industry business.

1959 1. A qualified target industry business may not provide,
1960 directly or indirectly, more than 5 percent of such funding in
1961 any fiscal year. The sources of such funding may not include,
1962 directly or indirectly, state funds appropriated from the
1963 General Revenue Fund or any state trust fund, excluding tax
1964 revenues shared with local governments pursuant to law.

1965 2. A qualified target industry business may not receive
1966 more than 80 percent of the total tax refunds from state funds
1967 that are allowed such business under this section.

1968 3. The department may grant a waiver that reduces the
1969 required amount of local financial support for a project to 10
1970 percent of the annual tax refund awarded to a qualified target
1971 industry business for a local government, or eliminates the

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1972 required amount of local financial support for a project for a
1973 local government located in a rural area of opportunity, as
1974 designated by the Governor pursuant to s. 288.0656. To be
1975 eligible to receive a waiver that reduces or eliminates the
1976 required amount of local financial support, a local government
1977 shall provide the department with:

1978 a. A resolution adopted by the governing body of the
1979 county or municipality in whose jurisdiction the project will be
1980 located, requesting that the applicant's project be waived from
1981 the local financial support requirement.

1982 b. A statement prepared by a Florida certified public
1983 accountant, as defined in s. 473.302, which describes the
1984 financial constraints preventing the local government from
1985 providing the local financial support required by this section,
1986 except that a county considered fiscally constrained pursuant to
1987 s. 218.67(1) is exempt from this provision.. (k) "Local
1988 financial support exemption option" means the option to exercise
1989 an exemption from the local financial support requirement
1990 available to any applicant whose project is located in a
1991 brownfield area, a rural city, or a rural community. Any
1992 applicant that exercises this option is not eligible for more
1993 than 80 percent of the total tax refunds allowed such applicant
1994 under this section.

1995 (k)(l) "New business" means a business that applies for a
1996 tax refund under this section before beginning operations in

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1997 | this state and that is a legal entity separate from any other
1998 | commercial or industrial operations owned by the same business.

1999 | ~~(l)-(m)~~ "Project" means the creation of a new business or
2000 | expansion of an existing business.

2001 | ~~(m)-(n)~~ "Qualified target industry business" means a target
2002 | industry business approved by the department to be eligible for
2003 | tax refunds under this section.

2004 | ~~(o)~~ "Rural city" means a city having a population of
2005 | 10,000 or fewer, or a city having a population of greater than
2006 | 10,000 but fewer than 20,000 that has been determined by the
2007 | department to have economic characteristics such as, but not
2008 | limited to, a significant percentage of residents on public
2009 | assistance, a significant percentage of residents with income
2010 | below the poverty level, or a significant percentage of the
2011 | city's employment base in agriculture-related industries.

2012 | ~~(p)~~ "Rural community" means:

2013 | 1. ~~A county having a population of 75,000 or fewer.~~

2014 | 2. ~~A county having a population of 125,000 or fewer that~~
2015 | ~~is contiguous to a county having a population of 75,000 or~~
2016 | ~~fewer.~~

2017 | 3. ~~A municipality within a county described in~~
2018 | ~~subparagraph 1. or subparagraph 2.~~

2019 |
2020 | ~~For purposes of this paragraph, population shall be determined~~
2021 | ~~in accordance with the most recent official estimate pursuant to~~
2022 | ~~s. 186.901.~~

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2023 (n)~~(q)~~ "Target industry business" means a corporate
2024 headquarters business or any business that is engaged in one of
2025 the target industries identified pursuant to the following
2026 criteria developed by the department in consultation with
2027 Enterprise Florida, Inc.:

2028 1. Future growth.—Industry forecasts should indicate
2029 strong expectation for future growth in both employment and
2030 output, according to the most recent available data. Special
2031 consideration should be given to businesses that export goods
2032 to, or provide services in, international markets and businesses
2033 that replace domestic and international imports of goods or
2034 services.

2035 2. Stability.—The industry should not be subject to
2036 periodic layoffs, whether due to seasonality or sensitivity to
2037 volatile economic variables such as weather. The industry should
2038 also be relatively resistant to recession, so that the demand
2039 for products of this industry is not typically subject to
2040 decline during an economic downturn.

2041 3. High wage.—The industry should pay relatively high
2042 wages compared to statewide or area averages.

2043 4. Market and resource independent.—The location of
2044 industry businesses should not be dependent on Florida markets
2045 or resources as indicated by industry analysis, except for
2046 businesses in the renewable energy industry.

2047 5. Industrial base diversification and strengthening.—The
2048 industry should contribute toward expanding or diversifying the

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2049 state's or area's economic base, as indicated by analysis of
2050 employment and output shares compared to national and regional
2051 trends. Special consideration should be given to industries that
2052 strengthen regional economies by adding value to basic products
2053 or building regional industrial clusters as indicated by
2054 industry analysis. Special consideration should also be given to
2055 the development of strong industrial clusters that include
2056 defense and homeland security businesses.

2057 6. Positive economic impact.—The industry is expected to
2058 have strong positive economic impacts on or benefits to the
2059 state or regional economies. Special consideration should be
2060 given to industries that facilitate the development of the state
2061 as a hub for domestic and global trade and logistics.

2062
2063 The term does not include any business engaged in retail
2064 industry activities; any electrical utility company as defined
2065 in s. 366.02(2); any phosphate or other solid minerals
2066 severance, mining, or processing operation; any oil or gas
2067 exploration or production operation; or any business subject to
2068 regulation by the Division of Hotels and Restaurants of the
2069 Department of Business and Professional Regulation. Any business
2070 within NAICS code 5611 or 5614, office administrative services
2071 and business support services, respectively, may be considered a
2072 target industry business only after the local governing body and
2073 Enterprise Florida, Inc., make a determination that the
2074 community where the business may locate has conditions affecting

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2075 the fiscal and economic viability of the local community or
2076 area, including but not limited to, factors such as low per
2077 capita income, high unemployment, high underemployment, and a
2078 lack of year-round stable employment opportunities, and such
2079 conditions may be improved by the location of such a business to
2080 the community. By January 1 of every 3rd year, beginning January
2081 1, 2011, the department, in consultation with Enterprise
2082 Florida, Inc., economic development organizations, the State
2083 University System, local governments, employee and employer
2084 organizations, market analysts, and economists, shall review
2085 and, as appropriate, revise the list of such target industries
2086 and submit the list to the Governor, the President of the
2087 Senate, and the Speaker of the House of Representatives.

2088 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
2089 220.03(1)(y).

2090 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

2091 (a) There shall be allowed, ~~from the account,~~ a refund to
2092 a qualified target industry business for the amount of eligible
2093 taxes certified by the department that were paid by the
2094 business. The total amount of refunds for all fiscal years for
2095 each qualified target industry business must be determined
2096 pursuant to subsection (4). The annual amount of a refund to a
2097 qualified target industry business must be determined pursuant
2098 to subsection (6).

2099 (b)1. Upon approval by the department, a qualified target
2100 industry business shall be allowed tax refund payments equal to

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2101 \$3,000 multiplied by the number of jobs specified in the tax
2102 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
2103 multiplied by the number of jobs if the project is located in a
2104 rural area of opportunity ~~community~~ or a certified ~~an~~ enterprise
2105 zone.

2106 2. A qualified target industry business shall be allowed
2107 additional tax refund payments equal to \$1,000 multiplied by the
2108 number of jobs specified in the tax refund agreement under
2109 subparagraph (5)(a)1. if such jobs pay an annual average wage of
2110 at least 150 percent of the average private sector wage in the
2111 area, or equal to \$2,000 multiplied by the number of jobs if
2112 such jobs pay an annual average wage of at least 200 percent of
2113 the average private sector wage in the area.

2114 3. A qualified target industry business shall be allowed
2115 tax refund payments in addition to the other payments authorized
2116 in this paragraph equal to \$1,000 multiplied by the number of
2117 jobs specified in the tax refund agreement under subparagraph
2118 (5)(a)1. if the local financial support is equal to that of the
2119 state's incentive award under subparagraph 1.

2120 4. In addition to the other tax refund payments authorized
2121 in this paragraph, a qualified target industry business shall be
2122 allowed a tax refund payment equal to \$2,000 multiplied by the
2123 number of jobs specified in the tax refund agreement under
2124 subparagraph (5)(a)1. if the business:

2125 a. Falls within one of the high-impact sectors designated
2126 under s. 288.108; or

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2127 b. Increases exports of its goods through a seaport or
2128 airport in the state by at least 10 percent in value or tonnage
2129 in each of the years that the business receives a tax refund
2130 under this section. For purposes of this sub-subparagraph,
2131 seaports in the state are limited to the ports of Jacksonville,
2132 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
2133 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
2134 Pensacola, Fernandina, and Key West.

2135 (c) A qualified target industry business may not receive
2136 refund payments of more than 25 percent of the total tax refunds
2137 specified in the tax refund agreement under subparagraph
2138 (5)(a)1. in any fiscal year. Further, a qualified target
2139 industry business may not receive more than \$1.5 million in
2140 refunds under this section in any single fiscal year, or more
2141 than \$2.5 million in any single fiscal year if the project is
2142 located in a certified ~~an~~ enterprise zone.

2143 (d) After entering into a tax refund agreement under
2144 subsection (5), a qualified target industry business may:

2145 1. Receive refunds ~~from the account~~ for the following taxes
2146 due and paid by that business beginning with the first taxable
2147 year of the business that begins after entering into the
2148 agreement:

2149 a. Corporate income taxes under chapter 220.

2150 b. Insurance premium tax under s. 624.509.

2151 2. Receive refunds ~~from the account~~ for the following taxes
2152 due and paid by that business after entering into the agreement:

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- 2153 a. Taxes on sales, use, and other transactions under chapter
2154 212.
- 2155 b. Intangible personal property taxes under chapter 199.
- 2156 c. Excise taxes on documents under chapter 201.
- 2157 d. Ad valorem taxes paid, as defined in s. 220.03(1).
- 2158 e. State communications services taxes administered under
2159 chapter 202. This provision does not apply to the gross receipts
2160 tax imposed under chapter 203 and administered under chapter 202
2161 or the local communications services tax authorized under s.
2162 202.19.
- 2163 (e) However, a qualified target industry business may not
2164 receive a refund under this section for any amount of credit,
2165 refund, or exemption previously granted to that business for any
2166 of the taxes listed in paragraph (d). If a refund for such taxes
2167 is provided by the department, which taxes are subsequently
2168 adjusted by the application of any credit, refund, or exemption
2169 granted to the qualified target industry business other than as
2170 provided in this section, the business shall reimburse the
2171 department ~~account~~ for the amount of that credit, refund, or
2172 exemption. A qualified target industry business shall notify and
2173 tender payment to the department within 20 days after receiving
2174 any credit, refund, or exemption other than one provided in this
2175 section.
- 2176 (g) A qualified target industry business that fraudulently
2177 claims a refund under this section:

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2178 1. Is liable for repayment of the amount of the refund to
2179 the department account, plus a mandatory penalty in the amount
2180 of 200 percent of the tax refund which shall be deposited into
2181 the General Revenue Fund.

2182 2. Commits a felony of the third degree, punishable as
2183 provided in s. 775.082, s. 775.083, or s. 775.084.

2184 (4) APPLICATION AND APPROVAL PROCESS.—

2185 (b) To qualify for review by the department, the
2186 application of a target industry business must, at a minimum,
2187 establish the following to the satisfaction of the department:

2188 1.a. The jobs proposed to be created under the
2189 application, pursuant to subparagraph (a)4., must pay an
2190 estimated annual average wage equaling at least 115 percent of
2191 the average private sector wage in the area where the business
2192 is to be located ~~or the statewide private sector average wage.~~
2193 ~~The governing board of the local governmental entity providing~~
2194 ~~the local financial support of the jurisdiction where the~~
2195 ~~qualified target industry business is to be located shall notify~~
2196 ~~the department and Enterprise Florida, Inc., which calculation~~
2197 ~~of the average private sector wage in the area must be used as~~
2198 ~~the basis for the business's wage commitment.~~ In determining the
2199 average annual wage, the department shall include only new
2200 proposed jobs, and wages for existing jobs shall be excluded
2201 from this calculation.

2202 b. The department may waive the average wage requirement
2203 at the request of the local governing body recommending the

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2204 project and Enterprise Florida, Inc. The department may waive
2205 the wage requirement for a project located in a brownfield area
2206 designated under s. 376.80, in a rural area of opportunity ~~city,~~
2207 ~~in a rural community,~~ in a certified ~~an~~ enterprise zone, or for
2208 a manufacturing project at any location in the state if the jobs
2209 proposed to be created pay an estimated annual average wage
2210 equaling at least 100 percent of the average private sector wage
2211 in the area where the business is to be located, only if the
2212 merits of the individual project or the specific circumstances
2213 in the community in relationship to the project warrant such
2214 action. If the local governing body and Enterprise Florida,
2215 Inc., make such a recommendation, it must be transmitted in
2216 writing, and the specific justification for the waiver
2217 recommendation must be explained. If the department elects to
2218 waive the wage requirement, the waiver must be stated in
2219 writing, and the reasons for granting the waiver must be
2220 explained.

2221 2. The target industry business's project must result in
2222 the creation of at least 10 jobs at the project and, in the case
2223 of an expansion of an existing business, must result in a net
2224 increase in employment of at least 10 percent at the business.
2225 At the request of the local governing body recommending the
2226 project and Enterprise Florida, Inc., the department may waive
2227 this requirement for a business located in a rural area of
2228 opportunity designated by the Governor pursuant to s. 288.0656,
2229 ~~community~~ or certified enterprise zone if the merits of the

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2230 individual project or the specific circumstances in the
2231 community in relationship to the project warrant such action. If
2232 the local governing body and Enterprise Florida, Inc., make such
2233 a request, the request must be transmitted in writing, and the
2234 specific justification for the request must be explained. If the
2235 department elects to grant the request, the grant must be stated
2236 in writing, and the reason for granting the request must be
2237 explained.

2238 3. The business activity or product for the applicant's
2239 project must be within an industry identified by the department
2240 as a target industry business that contributes to the economic
2241 growth of the state and the area in which the business is
2242 located, that produces a higher standard of living for residents
2243 of this state in the new global economy, or that can be shown to
2244 make an equivalent contribution to the area's and state's
2245 economic progress.

2246 (e) The department may not certify any target industry
2247 business as a qualified target industry business if the value of
2248 tax refunds to be included in that letter of certification
2249 exceeds the available amount of authority to certify a new
2250 business in any fiscal year ~~businesses~~ as determined pursuant to
2251 s. 288.061(5) ~~in s. 288.095(3)~~. However, if the commitments of
2252 local financial support represent less than 20 percent of the
2253 eligible tax refund payments, or to otherwise preserve the
2254 viability and fiscal integrity of the program, the department
2255 may certify a qualified target industry business to receive tax

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2256 refund payments of less than the allowable amounts specified in
2257 paragraph (3)(b). A letter of certification that approves an
2258 application must specify the maximum amount of tax refund that
2259 will be available to the qualified industry business in each
2260 fiscal year and the total amount of tax refunds that will be
2261 available to the business for all fiscal years.

2262 ~~(f) Notwithstanding paragraph (2)(j), the department may~~
2263 ~~reduce the local financial support requirements of this section~~
2264 ~~by one-half for a qualified target industry business located in~~
2265 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~
2266 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~
2267 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
2268 ~~department determines that such reduction of the local financial~~
2269 ~~support requirements is in the best interest of the state and~~
2270 ~~facilitates economic development, growth, or new employment~~
2271 ~~opportunities in such county. This paragraph expires June 30,~~
2272 ~~2014.~~

2273 (5) TAX REFUND AGREEMENT.—

2274 (b) Compliance with the terms and conditions of the
2275 agreement is a condition precedent for the receipt of a tax
2276 refund each year. The failure to comply with the terms and
2277 conditions of the tax refund agreement results in the loss of
2278 eligibility for receipt of all tax refunds previously authorized
2279 under this section and the revocation by the department of the
2280 certification of the business entity as a qualified target
2281 industry business, unless the business is eligible to receive

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2282 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
2283 ~~the department grants the business an economic recovery~~
2284 ~~extension.~~

2285 ~~1. A qualified target industry business may submit a~~
2286 ~~request to the department for an economic recovery extension.~~
2287 ~~The request must provide quantitative evidence demonstrating how~~
2288 ~~negative economic conditions in the business's industry, the~~
2289 ~~effects of a named hurricane or tropical storm, or specific acts~~
2290 ~~of terrorism affecting the qualified target industry business~~
2291 ~~have prevented the business from complying with the terms and~~
2292 ~~conditions of its tax refund agreement.~~

2293 ~~2. Upon receipt of a request under subparagraph 1., the~~
2294 ~~department has 45 days to notify the requesting business, in~~
2295 ~~writing, whether its extension has been granted or denied. In~~
2296 ~~determining whether an extension should be granted, the~~
2297 ~~department shall consider the extent to which negative economic~~
2298 ~~conditions in the requesting business's industry have occurred~~
2299 ~~in the state or the effects of a named hurricane or tropical~~
2300 ~~storm or specific acts of terrorism affecting the qualified~~
2301 ~~target industry business have prevented the business from~~
2302 ~~complying with the terms and conditions of its tax refund~~
2303 ~~agreement. The department shall consider current employment~~
2304 ~~statistics for this state by industry, including whether the~~
2305 ~~business's industry had substantial job loss during the prior~~
2306 ~~year, when determining whether an extension shall be granted.~~

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2307 ~~3. As a condition for receiving a prorated refund under~~
2308 ~~paragraph (6) (e) or an economic recovery extension under this~~
2309 ~~paragraph, a qualified target industry business must agree to~~
2310 ~~renegotiate its tax refund agreement with the department to, at~~
2311 ~~a minimum, ensure that the terms of the agreement comply with~~
2312 ~~current law and the department's procedures governing~~
2313 ~~application for and award of tax refunds. Upon approving the~~
2314 ~~award of a prorated refund or granting an economic recovery~~
2315 ~~extension, the department shall renegotiate the tax refund~~
2316 ~~agreement with the business as required by this subparagraph.~~
2317 ~~When amending the agreement of a business receiving an economic~~
2318 ~~recovery extension, the department may extend the duration of~~
2319 ~~the agreement for a period not to exceed 2 years.~~

2320 ~~4. A qualified target industry business may submit a~~
2321 ~~request for an economic recovery extension to the department in~~
2322 ~~lieu of any tax refund claim scheduled to be submitted after~~
2323 ~~January 1, 2009, but before July 1, 2012.~~

2324 ~~5. A qualified target industry business that receives an~~
2325 ~~economic recovery extension may not receive a tax refund for the~~
2326 ~~period covered by the extension.~~

2327 (6) ANNUAL CLAIM FOR REFUND.—

2328 (g) The total amount of tax refund claims approved by the
2329 department under this section in any fiscal year must not exceed
2330 the amount authorized under s. 288.061(5) ~~288.095(3)~~.

2331 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
2332 ~~in the best interest of the public for reasons of facilitating~~

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2333 ~~economic development, growth, or new employment opportunities~~
2334 ~~within a Disproportionally Affected County, the department may,~~
2335 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
2336 ~~or local financial support eligibility requirements and allow a~~
2337 ~~qualified target industry business from another state which~~
2338 ~~relocates all or a portion of its business to a~~
2339 ~~Disproportionally Affected County to receive a tax refund~~
2340 ~~payment of up to \$6,000 multiplied by the number of jobs~~
2341 ~~specified in the tax refund agreement under subparagraph~~
2342 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
2343 ~~waiver, the executive director of the department shall file with~~
2344 ~~the Governor a written statement of the conditions and~~
2345 ~~circumstances constituting the reason for the waiver. Such~~
2346 ~~business shall be eligible for the additional tax refund~~
2347 ~~payments specified in subparagraph (3)(b)4. if it meets the~~
2348 ~~criteria. As used in this section, the term "Disproportionally~~
2349 ~~Affected County" means Bay County, Escambia County, Franklin~~
2350 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
2351 ~~County, or Wakulla County.~~

2352 Section 16. Subsection (2) and paragraphs (d), (e), and
2353 (i) of subsection (4) of section 288.107, Florida Statutes, are
2354 amended to read:

2355 288.107 Brownfield redevelopment bonus refunds.—

2356 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
2357 shall be approved by the department as specified in the final
2358 order and allowed ~~from the account~~ as follows:

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2359 (a) A bonus refund of \$2,500 shall be allowed to any
2360 qualified target industry business as defined in s. 288.106 for
2361 each new Florida job created in a brownfield area eligible for
2362 bonus refunds which is claimed on the qualified target industry
2363 business's annual refund claim authorized in s. 288.106(6).

2364 (b) A bonus refund of up to \$2,500 shall be allowed to any
2365 other eligible business as defined in subparagraph (1)(d)2. for
2366 each new Florida job created in a brownfield area eligible for
2367 bonus refunds which is claimed under an annual claim procedure
2368 similar to the annual refund claim authorized in s. 288.106(6).
2369 The amount of the refund shall be equal to 20 percent of the
2370 average annual wage for the jobs created.

2371 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2372 (d) After entering into a tax refund agreement as provided
2373 in s. 288.106 or other similar agreement for other eligible
2374 businesses as defined in paragraph (1)(e), an eligible business
2375 may receive brownfield redevelopment bonus refunds ~~from the~~
2376 ~~account~~ pursuant to s. 288.106(3)(d).

2377 (e) An eligible business that fraudulently claims a refund
2378 under this section:

2379 1. Is liable for repayment of the amount of the refund to
2380 the department account, plus a mandatory penalty in the amount
2381 of 200 percent of the tax refund, which shall be deposited into
2382 the General Revenue Fund.

2383 2. Commits a felony of the third degree, punishable as
2384 provided in s. 775.082, s. 775.083, or s. 775.084.

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2385 (i) The total amount of the bonus refunds approved by the
2386 department under this section in any fiscal year may must not
2387 exceed the total amount specified in s. 288.061(5) ~~appropriated~~
2388 ~~to the Economic Development Incentives Account for this purpose~~
2389 ~~for the fiscal year. In the event that the Legislature does not~~
2390 ~~appropriate an amount sufficient to satisfy projections by the~~
2391 ~~department for brownfield redevelopment bonus refunds under this~~
2392 ~~section in a fiscal year, the department shall, not later than~~
2393 ~~July 15 of such year, determine the proportion of each~~
2394 ~~brownfield redevelopment bonus refund claim which shall be paid~~
2395 ~~by dividing the amount appropriated for tax refunds for the~~
2396 ~~fiscal year by the projected total of brownfield redevelopment~~
2397 ~~bonus refund claims for the fiscal year. The amount of each~~
2398 ~~claim for a brownfield redevelopment bonus tax refund shall be~~
2399 ~~multiplied by the resulting quotient. If, after the payment of~~
2400 ~~all such refund claims, funds remain in the Economic Development~~
2401 ~~Incentives Account for brownfield redevelopment tax refunds, the~~
2402 ~~department shall recalculate the proportion for each refund~~
2403 ~~claim and adjust the amount of each claim accordingly.~~

2404 Section 17. Paragraph (h) is added to subsection (2) of
2405 section 288.108, Florida Statutes, and subsections (4) and (5)
2406 of that section are amended, to read:

2407 288.108 High-impact business.—

2408 (2) DEFINITIONS.—As used in this section, the term:

2409 (h) "Local financial support" means financial, in-kind, or
2410 other quantifiable contributions from local sources that,

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2411 combined, equal 20 percent or more of the total investment in
2412 the project by state and local sources.

2413 1. The department may grant a waiver that reduces the
2414 required amount of local financial support for a project to 10
2415 percent of the award granted to a business pursuant to this
2416 section for a local government, or eliminates the local
2417 financial support for a local government located in a rural area
2418 of opportunity, as designated by the Governor pursuant to s.
2419 288.0656.

2420 2. A local government that requests a waiver that reduces
2421 or eliminates the local financial support requirement shall
2422 provide the department a statement prepared by a Florida
2423 certified public accountant as defined in s. 473.302, which
2424 describes the financial constraints preventing the local
2425 government from providing the local financial support required
2426 by this section. A county considered fiscally constrained
2427 pursuant to s. 218.67(1) is exempt from this provision.

2428 (4) AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS
2429 PERFORMANCE GRANTS.—

2430 ~~(a) The total amount of active performance grants~~
2431 ~~scheduled for payment by the department in any single fiscal~~
2432 ~~year may not exceed the amount specified in s. 288.061(5) lesser~~
2433 ~~of \$30 million or the amount appropriated by the Legislature for~~
2434 ~~that fiscal year for qualified high-impact business performance~~
2435 ~~grants. If the scheduled grant payments are not made in the year~~
2436 ~~for which they were scheduled in the qualified high-impact~~

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2437 ~~business agreement and are rescheduled as authorized in~~
2438 ~~paragraph (3) (e), they are, for purposes of this paragraph,~~
2439 ~~deemed to have been paid in the year in which they were~~
2440 ~~originally scheduled in the qualified high-impact business~~
2441 ~~agreement.~~

2442 ~~(b) If the Legislature does not appropriate an amount~~
2443 ~~sufficient to satisfy the qualified high-impact business~~
2444 ~~performance grant payments scheduled for any fiscal year, the~~
2445 ~~department shall, not later than July 15 of that year, determine~~
2446 ~~the proportion of each grant payment which may be paid by~~
2447 ~~dividing the amount appropriated for qualified high-impact~~
2448 ~~business performance grant payments for the fiscal year by the~~
2449 ~~total performance grant payments scheduled in all performance~~
2450 ~~grant agreements for the fiscal year. The amount of each grant~~
2451 ~~scheduled for payment in that fiscal year must be multiplied by~~
2452 ~~the resulting quotient. All businesses affected by this~~
2453 ~~calculation must be notified by August 1 of each fiscal year.~~
2454 ~~If, after the payment of all the refund claims, funds remain in~~
2455 ~~the appropriation for payment of qualified high-impact business~~
2456 ~~performance grants, the department shall recalculate the~~
2457 ~~proportion for each performance grant payment and adjust the~~
2458 ~~amount of each claim accordingly.~~

2459 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
2460 AGREEMENT.—

2461 (a) The department shall review and certify, pursuant to
2462 s. 288.061, an application pursuant to s. 288.061 which is

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2463 received from any eligible business, as defined in subsection
2464 (2), for consideration as a qualified high-impact business
2465 before the business has made a decision to locate or expand a
2466 facility in this state. The business must provide the following
2467 information:

2468 1. A complete description of the type of facility,
2469 business operations, and product or service associated with the
2470 project.

2471 2. The number of full-time equivalent jobs that will be
2472 created by the project and the average annual wage of those
2473 jobs.

2474 3. The cumulative amount of investment to be dedicated to
2475 this project within 3 years.

2476 4. A statement concerning any special impacts the facility
2477 is expected to stimulate in the sector, the state, or regional
2478 economy and in state universities and community colleges.

2479 5. A statement concerning the role the grant will play in
2480 the decision of the applicant business to locate or expand in
2481 this state.

2482 6. Any additional information requested by the department.

2483 (b) Within 7 business days after evaluating an
2484 application, the department shall recommend to the Governor
2485 approval or disapproval of an eligible high-impact business for
2486 receipt of funds. Recommendations to the Governor shall include
2487 the total amount of the qualified high-impact business facility
2488 performance grant award; the anticipated project performance

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2489 conditions, including, but not limited to, net new employment in
2490 the state, average salary, and total capital investment incurred
2491 by the business; a baseline of current service and a measure of
2492 enhanced capability; the methodology for validating performance;
2493 the schedule of performance grant payments; and sanctions for
2494 failure to meet performance conditions ~~Applications shall be~~
2495 ~~reviewed and certified pursuant to s. 288.061.~~

2496 (c) The Governor may approve a high-impact business
2497 performance grant of less than \$2 million without consulting the
2498 Legislature. For such grants, the Governor shall provide a
2499 written description and evaluation of the approved project to
2500 the chair and vice chair of the Legislative Budget Commission,
2501 the President of the Senate, and the Speaker of the House of
2502 Representatives, within 1 business day after approval ~~The~~
2503 ~~department and the qualified high-impact business shall enter~~
2504 ~~into a performance grant agreement setting forth the conditions~~
2505 ~~for payment of the qualified high-impact business performance~~
2506 ~~grant. The agreement shall include the total amount of the~~
2507 ~~qualified high-impact business facility performance grant award,~~
2508 ~~the performance conditions that must be met to obtain the award,~~
2509 ~~including the employment, average salary, investment, the~~
2510 ~~methodology for determining if the conditions have been met, and~~
2511 ~~the schedule of performance grant payments.~~

2512 (d) The Governor shall provide a written description and
2513 evaluation of each eligible high-impact business recommended for
2514 approval for a high-impact business performance grant of at

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2515 least \$2 million, but not more than \$7.5 million, to the chair
2516 and vice chair of the Legislative Budget Commission, the
2517 President of the Senate, and the Speaker of the House of
2518 Representatives at least 14 days before approving a qualified
2519 high-impact business performance grant. If the chair or vice
2520 chair of the Legislative Budget Commission, the President of the
2521 Senate, or the Speaker of the House of Representatives timely
2522 advises the Executive Office of the Governor in writing that the
2523 award of funds exceeds the delegated authority of the Executive
2524 Office of the Governor or is contrary to legislative policy or
2525 intent, the Executive Office of the Governor shall void the
2526 release of funds and instruct the department to immediately
2527 change action or proposed action.

2528 (e) The Governor shall provide to the Legislative Budget
2529 Commission a written description and evaluation of each eligible
2530 high-impact business recommended for approval of a high-impact
2531 business performance grant that exceeds \$7.5 million, or exceeds
2532 \$5 million and provides a waiver of program requirements. The
2533 Legislative Budget Commission must approve such an award prior
2534 to final approval by the Governor.

2535 (f) An amendment, modification, or extension of an
2536 executed contract that results in a 0.5-point or greater
2537 reduction in the economic benefit ratio of the project must be
2538 approved as provided in paragraph (e). An amendment,
2539 modification, or extension may not be made to an executed

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2540 contract if such action would result in an economic benefit
2541 ratio less than 2 to 1.

2542 (g) The department shall validate contractor performance
2543 and report such validation in the annual incentives report
2544 required by s. 288.907.

2545 Section 18. Paragraphs (c) through (e) of subsection (3)
2546 of section 288.1088, Florida Statutes, are redesignated as
2547 paragraphs (d) through (f), paragraphs (b), (d), and (e) of
2548 subsection (2) and paragraphs (a), (c), and (d) of subsection
2549 (3) are amended, and a new paragraph (f) is added to subsection
2550 (3) of that section, to read:

2551 288.1088 Quick Action Closing Fund.—

2552 (2) There is created within the department the Quick
2553 Action Closing Fund. Except as provided in subsection (3),
2554 projects eligible for receipt of funds from the Quick Action
2555 Closing Fund shall:

2556 (b) Have a positive economic benefit ratio of at least 4 ~~5~~
2557 to 1.

2558 (d) Pay an average annual wage of at least 125 percent of
2559 the average private sector wage in the area, as defined in s.
2560 288.106 areawide or statewide private sector average wage.

2561 (e) Be supported by the local community in which the
2562 project is to be located.

2563 1. Financial support by the local community shall include
2564 financial, in-kind, or other quantifiable contributions from

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2565 local sources that, combined, equal 20 percent or more of the
2566 total investment in the project by state and local sources.

2567 2. The department may grant a waiver that reduces the
2568 required amount of local financial support for a project to 10
2569 percent of the award granted to a business pursuant to this
2570 section for a local government, or eliminates the required
2571 amount of local financial support for a project for a local
2572 government located in a rural area of opportunity, as designated
2573 by the Governor pursuant to s. 288.0656.

2574 3. A local government that requests a waiver that reduces
2575 or eliminates the local financial support requirement shall
2576 provide the department a statement prepared by a Florida
2577 certified public accountant as defined in s. 473.302, which
2578 describes the financial constraints preventing the local
2579 government from providing the local financial support required
2580 by this section. A county considered fiscally constrained
2581 pursuant to s. 218.67(1) is exempt from this provision.

2582 (3) (a) The department and Enterprise Florida, Inc., shall
2583 jointly review applications pursuant to s. 288.061 and determine
2584 the eligibility of each project consistent with the criteria in
2585 subsection (2).

2586 (b) A local governing body and Enterprise Florida, Inc.,
2587 may request a waiver of the criteria in subsection (2). Such
2588 request must be transmitted in writing to the department with an
2589 explanation of the specific justification for the request. The
2590 department shall issue a written response approving or denying

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2591 the request and shall include an explanation of the reason for
2592 its decision. No more than two waivers ~~waiver~~ of these criteria
2593 may be considered under the following criteria:

- 2594 1. Based on extraordinary circumstances;
2595 2. In order to mitigate the impact of the conclusion of
2596 the space shuttle program; or
2597 3. In rural areas of opportunity if the project would
2598 significantly benefit the local or regional economy.

2599
2600 A waiver may not be granted by the department if the positive
2601 economic benefit ratio of the project is below 2 to 1, the
2602 project is not within a target industry under s. 288.106, the
2603 award of funds is not an inducement to the project's location or
2604 expansion in the state, or the average annual wage of jobs
2605 directly created by the project is below 100 percent of the
2606 average private sector wage in the area, as defined in s.
2607 288.106.

2608 (d) ~~(e)~~1. Within 7 business days after evaluating a
2609 project, the department shall recommend to the Governor approval
2610 or disapproval of a project for receipt of funds from the Quick
2611 Action Closing Fund. In recommending a project, the department
2612 shall include the total amount of recommended funds to be
2613 awarded; the anticipated project performance conditions,
2614 including, but not limited to, net new employment in the state,
2615 average salary, and total capital investment incurred by the
2616 business; a baseline of current service and a measure of

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2617 enhanced capability; the methodology for validating performance;
2618 the schedule of payments from the fund; and sanctions for
2619 failure to meet performance conditions, including any clawback
2620 provisions ~~proposed performance conditions that the project must~~
2621 ~~meet to obtain incentive funds.~~

2622 2. The Governor may approve a Quick Action Closing Fund
2623 project award of less than \$2 million in funding ~~projects~~
2624 ~~without consulting the Legislature for projects requiring less~~
2625 ~~than \$2 million in funding.~~ For such projects, the Governor
2626 shall provide a written description and evaluation of the
2627 approved project to the chair and vice chair of the Legislative
2628 Budget Commission, the President of the Senate, and the Speaker
2629 of the House of Representatives within 1 business day after
2630 approval.

2631 3. ~~For projects requiring funding in the amount of \$2~~
2632 ~~million to \$5 million,~~ The Governor shall provide a written
2633 description and evaluation of each Quick Action Closing Fund a
2634 project award recommended for approval of at least \$2 million,
2635 but not more than \$7.5 million, to the chair and vice chair of
2636 the Legislative Budget Commission, the President of the Senate,
2637 and the Speaker of the House of Representatives at least 14 ~~10~~
2638 days before ~~prior to~~ giving final approval for a project. The
2639 recommendation must include the proposed performance conditions
2640 that the project must meet in order to obtain funds.

2641 4. If the chair or vice chair of the Legislative Budget
2642 Commission, ~~or~~ the President of the Senate, or the Speaker of

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2643 the House of Representatives timely advises the Executive Office
2644 of the Governor, in writing, that such action or proposed action
2645 exceeds the delegated authority of the Executive Office of the
2646 Governor or is contrary to legislative policy or intent, the
2647 Executive Office of the Governor shall void the release of funds
2648 and instruct the department to immediately change such action or
2649 proposed action ~~until the Legislative Budget Commission or the~~
2650 ~~Legislature addresses the issue. Notwithstanding such~~
2651 ~~requirement, any project exceeding \$5 million must be approved~~
2652 ~~by the Legislative Budget Commission prior to the funds being~~
2653 ~~released.~~

2654 4. The Governor shall provide to the Legislative Budget
2655 Commission a written description and evaluation of each eligible
2656 business recommended for approval of a Quick Action Closing Fund
2657 project award that exceeds \$7.5 million, or exceeds \$5 million
2658 and provides a waiver of program requirements. The Legislative
2659 Budget Commission must approve such an award prior to final
2660 approval by the Governor.

2661 (e)~~(d)~~ Upon the approval of the Governor in accordance
2662 with subparagraph (c)2., or upon expiration of the 14-day
2663 legislative consultation period provided in subparagraph (c)3.,
2664 the department and the business shall enter into a contract that
2665 sets forth the conditions for payment of moneys from the fund.
2666 Such payment may not be made to the business until the scheduled
2667 goals have been achieved. The contract must include the total
2668 amount of funds awarded; the minimum and maximum number of funds

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2669 that may be awarded; the performance conditions that must be met
2670 to obtain the award, including, but not limited to, net new
2671 employment in the state, average salary, ~~and~~ total capital
2672 investment incurred by the business, and the minimum and maximum
2673 number of jobs that will be created, if applicable; demonstrate
2674 a baseline of current service and a measure of enhanced
2675 capability; the methodology for validating performance; the
2676 schedule of payments from the fund; and sanctions for failure to
2677 meet performance conditions. The contract must provide that
2678 payment of moneys from the fund is contingent upon sufficient
2679 appropriation of funds by the Legislature. The department shall
2680 not schedule more than \$35 million in total payments in any
2681 single fiscal year for projects approved under this section.

2682 (f) An amendment, modification, or extension of an
2683 existing contract that results in a 0.5-point or greater
2684 reduction in the economic benefit ratio of the project may not
2685 take effect until it is approved through the approval process in
2686 subparagraph (c)4. An amendment, modification, or extension may
2687 not be made to an executed contract if such action would result
2688 in an economic benefit ratio below 2 to 1.

2689 ~~(4) Funds appropriated by the Legislature for purposes of~~
2690 ~~implementing this section shall be placed in reserve and may~~
2691 ~~only be released pursuant to the legislative consultation and~~
2692 ~~review requirements set forth in this section.~~

2693 Section 19. Paragraphs (b), (d), (e) and (p) of subsection
2694 (2), subsection (4), paragraphs (1) and (m) of subsection (5),

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2695 and subsections (7) and (8) of section 288.1089, Florida
2696 Statutes, are amended to read:

2697 288.1089 Innovation Incentive Program.—

2698 (2) As used in this section, the term:

2699 (b) "Average private sector wage in the area" means the
2700 average of all private sector wages and salaries in the county
2701 or standard metropolitan area in which the project is located
2702 ~~the statewide average wage in the private sector or the average~~
2703 ~~of all private sector wages in the county or in the standard~~
2704 ~~metropolitan area in which the project is located as determined~~
2705 ~~by the department.~~

2706 ~~(d)~~(e) "Certified enterprise zone" means an area certified
2707 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

2708 ~~(e)~~(d) "Cumulative investment" means cumulative capital
2709 investment and all eligible capital costs, as defined in s.
2710 220.191.

2711 ~~(p)~~ "~~Rural area~~" means a ~~rural city or rural community as~~
2712 ~~defined in s. 288.106.~~

2713 (4) To qualify for review by the department, the applicant
2714 must, at a minimum, establish the following to the satisfaction
2715 of the department:

2716 (a) The jobs created by the project must pay an estimated
2717 annual average wage equaling at least 130 percent of the average
2718 private sector wage in the area. The department may waive this
2719 average wage requirement at the request of Enterprise Florida,
2720 Inc., for a project located in a rural area of opportunity, a

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2721 brownfield area, or a certified ~~an~~ enterprise zone, when the
2722 merits of the individual project or the specific circumstances
2723 in the community in relationship to the project warrant such
2724 action. A recommendation for waiver by Enterprise Florida, Inc.,
2725 must include a specific justification for the waiver and be
2726 transmitted to the department in writing. If the department
2727 elects to waive the wage requirement, the waiver must be stated
2728 in writing and the reasons for granting the waiver must be
2729 explained. The department may not waive the wage requirement for
2730 any project that does not pay an estimated annual average wage
2731 equaling at least 100 percent of the average private sector wage
2732 in the area.

2733 (b) A research and development project must:

- 2734 1. Serve as a catalyst for an emerging or evolving
2735 technology cluster.
- 2736 2. Demonstrate a plan for significant higher education
2737 collaboration.
- 2738 3. Provide the state, at a minimum, a cumulative break-
2739 even economic benefit within a 20-year period.
- 2740 4. Be provided with a one-to-one match from the local
2741 community. The match requirement may be reduced or waived in
2742 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
2743 areas, and certified enterprise zones. A local government that
2744 requests a waiver that reduces or eliminates the one-to-one
2745 match shall provide the department with a statement prepared by
2746 a Florida certified public accountant, as defined in s. 473.302,

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2747 which describes the financial constraints preventing the local
2748 government from meeting the local financial support requirement
2749 of this section. A county considered fiscally constrained
2750 pursuant to s. 218.67(1) is exempt from this provision.

2751 (c) An innovation business project in this state, other
2752 than a research and development project, must:

2753 1.a. Result in the creation of at least 1,000 direct, new
2754 jobs at the business; or

2755 b. Result in the creation of at least 500 direct, new jobs
2756 if the project is located in a rural area of opportunity, a
2757 brownfield area, or a certified ~~an~~ enterprise zone.

2758 2. Have an activity or product that is within an industry
2759 that is designated as a target industry business under s.
2760 288.106 or a designated sector under s. 288.108.

2761 3.a. Have a cumulative investment of at least \$500 million
2762 within a 5-year period; or

2763 b. Have a cumulative investment that exceeds \$250 million
2764 within a 10-year period if the project is located in a rural
2765 area of opportunity, brownfield area, or a certified ~~an~~
2766 enterprise zone.

2767 4. Be provided with a one-to-one match from the local
2768 community. The match requirement may be reduced or waived in
2769 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
2770 areas, and certified enterprise zones. A local government that
2771 requests a waiver that reduces or eliminates the one-to-one
2772 match shall provide the department with a statement prepared by

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2773 a Florida certified public accountant, as defined in s. 473.302,
2774 which describes the financial constraints preventing the local
2775 government from meeting the local financial support requirement
2776 of this section. A county considered fiscally constrained
2777 pursuant to s. 218.67(1) is exempt from this provision.

2778 (d) For an alternative and renewable energy project in
2779 this state, the project must:

2780 1. Demonstrate a plan for significant collaboration with
2781 an institution of higher education.~~†~~

2782 2. Provide the state, at a minimum, a cumulative break-
2783 even economic benefit within a 20-year period.~~†~~

2784 3. Include matching funds provided by the applicant or
2785 other available sources. The match requirement may be reduced or
2786 ~~eliminated~~ ~~waived~~ in rural areas of opportunity ~~or reduced in~~
2787 ~~rural areas~~, brownfield areas, and enterprise zones. A local
2788 government that requests a waiver that reduces or eliminates the
2789 one-to-one match shall provide the department with a statement
2790 prepared by a Florida certified public accountant, as defined in
2791 s. 473.302, which describes the financial constraints preventing
2792 the local government from meeting the one-to-one match
2793 requirement of this section. A county considered fiscally
2794 constrained pursuant to s. 218.67(1) is exempt from this
2795 provision.~~†~~

2796 4. Be located in this state.~~†~~ ~~and~~

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2797 5. Provide at least 35 direct, new jobs that pay an
2798 estimated annual average wage that equals at least 130 percent
2799 of the average private sector wage in the area.

2800 (5) The department shall review proposals pursuant to s.
2801 288.061 for all three categories of innovation incentive awards.
2802 Before making a recommendation to the executive director, the
2803 department shall solicit comments and recommendations from the
2804 Department of Agriculture and Consumer Services. For each
2805 project, the evaluation and recommendation to the department
2806 must include, but need not be limited to:

2807 (1) Additional evaluative criteria for a research and
2808 development facility project, including:

2809 1. A description of the extent to which the project has
2810 the potential to serve as catalyst for an emerging or evolving
2811 cluster.

2812 2. A description of the extent to which the project has or
2813 could have a long-term collaborative research and development
2814 relationship with one or more universities or community colleges
2815 in this state.

2816 3. A description of the existing or projected impact of
2817 the project on established clusters or targeted industry
2818 sectors.

2819 4. A description of the project's contribution to the
2820 diversity and resiliency of the innovation economy of this
2821 state.

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2822 5. A description of the project's impact on special needs
2823 communities, including, but not limited to, rural areas of
2824 opportunity, distressed urban areas, and certified enterprise
2825 zones.

2826 (m) Additional evaluative criteria for alternative and
2827 renewable energy proposals, including:

2828 1. The availability of matching funds or other in-kind
2829 contributions applied to the total project from an applicant.
2830 The Department of Agriculture and Consumer Services shall give
2831 greater preference to projects that provide such matching funds
2832 or other in-kind contributions.

2833 2. The degree to which the project stimulates in-state
2834 capital investment and economic development in metropolitan and
2835 rural areas of opportunity, including the creation of jobs and
2836 the future development of a commercial market for renewable
2837 energy technologies.

2838 3. The extent to which the proposed project has been
2839 demonstrated to be technically feasible based on pilot project
2840 demonstrations, laboratory testing, scientific modeling, or
2841 engineering or chemical theory that supports the proposal.

2842 4. The degree to which the project incorporates an
2843 innovative new technology or an innovative application of an
2844 existing technology.

2845 5. The degree to which a project generates thermal,
2846 mechanical, or electrical energy by means of a renewable energy
2847 resource that has substantial long-term production potential.

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2848 6. The degree to which a project demonstrates efficient
2849 use of energy and material resources.

2850 7. The degree to which the project fosters overall
2851 understanding and appreciation of renewable energy technologies.

2852 8. The ability to administer a complete project.

2853 9. Project duration and timeline for expenditures.

2854 10. The geographic area in which the project is to be
2855 conducted in relation to other projects.

2856 11. The degree of public visibility and interaction.

2857 (7) (a) Within 7 days after evaluating an innovation
2858 incentive award proposal, the department shall recommend to the
2859 Governor approval or disapproval of an innovation incentive
2860 award. In recommending an award, the department shall include
2861 the total amount of the innovation incentive award; the
2862 anticipated performance conditions that must be met to obtain
2863 the award, including, but not limited to, net new employment in
2864 the state, average salary, and total capital investment incurred
2865 by the business; a baseline of current service and a measure of
2866 enhanced capability; the methodology for validating performance;
2867 the schedule of payments; and sanctions for failure to meet
2868 performance conditions, including any clawback provisions ~~Upon~~
2869 ~~receipt of the evaluation and recommendation from the~~
2870 ~~department, the Governor shall approve or deny an award. In~~
2871 ~~recommending approval of an award, the department shall include~~
2872 ~~proposed performance conditions that the applicant must meet in~~
2873 ~~order to obtain incentive funds and any other conditions that~~

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2874 ~~must be met before the receipt of any incentive funds. The~~
2875 ~~Governor shall consult with the President of the Senate and the~~
2876 ~~Speaker of the House of Representatives before giving approval~~
2877 ~~for an award. Upon review and approval of an award by the~~
2878 ~~Legislative Budget Commission, the Executive Office of the~~
2879 ~~Governor shall release the funds.~~

2880 (b) The Governor may approve an innovation incentive award
2881 of less than \$2 million without consulting the Legislature. For
2882 such awards, the Governor shall provide a written description
2883 and evaluation of the approved project to the chair and vice
2884 chair of the Legislative Budget Commission, the President of the
2885 Senate, and the Speaker of the House of Representatives within 1
2886 business day after approval.

2887 (c) The Governor shall provide a written description and
2888 evaluation of each innovation incentive award proposal
2889 recommended for approval for an innovation incentive award of at
2890 least \$2 million, but not more than \$7.5 million, to the chair
2891 and vice chair of the Legislative Budget Commission, the
2892 President of the Senate, and the Speaker of the House of
2893 Representatives at least 14 days before giving final approval
2894 for an award. If the chair or vice chair of the Legislative
2895 Budget Commission, the President of the Senate, or the Speaker
2896 of the House of Representatives timely advises the Executive
2897 Office of the Governor in writing that the award of incentive
2898 funds exceeds the delegated authority of the Executive Office of
2899 the Governor or is contrary to legislative policy or intent, the

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2900 Executive Office of the Governor shall void the release of funds
2901 and instruct the department to immediately change action or
2902 proposed action.

2903 (d) The Governor shall provide to the Legislative Budget
2904 Commission a written description and evaluation of each eligible
2905 business recommended for approval of an innovation incentive
2906 award that exceeds \$7.5 million, or exceeds \$5 million and
2907 provides a waiver of program requirements. The Legislative
2908 Budget Commission must approve such an award prior to final
2909 approval by the Governor.

2910 (e) An amendment, modification, or extension of an
2911 executed contract that results in a 0.5-point or greater
2912 reduction in the economic benefit ratio of the project may not
2913 take effect until it is approved through the approval process in
2914 paragraph (d). An amendment, modification, or extension may not
2915 be made to an executed contract if such action would result in
2916 an economic benefit ratio below 1 to 1.

2917 (8)(a) In addition to the requirements provided in
2918 paragraph (7) (a), a contract between the department and an award
2919 recipient After the conditions set forth in subsection (7) have
2920 been met, the department shall issue a letter certifying the
2921 applicant as qualified for an award. The department and the
2922 award recipient shall enter into an agreement that sets forth
2923 the conditions for payment of the incentive funds. The agreement
2924 must include, at a minimum:

2925 1. The total amount of funds awarded.

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2926 ~~2. The performance conditions that must be met in order to~~
2927 ~~obtain the award or portions of the award, including, but not~~
2928 ~~limited to, net new employment in the state, average wage, and~~
2929 ~~total cumulative investment.~~

2930 ~~3. Demonstration of a baseline of current service and a~~
2931 ~~measure of enhanced capability.~~

2932 ~~4. The methodology for validating performance.~~

2933 ~~5. The schedule of payments.~~

2934 ~~6. Sanctions for failure to meet performance conditions,~~
2935 ~~including any clawback provisions.~~

2936 ~~(b) Additionally, agreements signed on or after July 1,~~
2937 ~~2009,~~ must include the following provisions:

2938 1. Notwithstanding subsection (4), a requirement that the
2939 jobs created by the recipient of the incentive funds pay an
2940 annual average wage at least equal to the relevant industry's
2941 annual average wage or at least 130 percent of the average
2942 private sector wage in the area, whichever is greater.

2943 2. A reinvestment requirement. Each recipient of an award
2944 shall reinvest up to 15 percent of net royalty revenues,
2945 including revenues from spin-off companies and the revenues from
2946 the sale of stock it receives from the licensing or transfer of
2947 inventions, methods, processes, and other patentable discoveries
2948 conceived or reduced to practice using its facilities in Florida
2949 or its Florida-based employees, in whole or in part, and to
2950 which the recipient of the grant becomes entitled during the 20
2951 years following the effective date of its agreement with the

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2952 department. Each recipient of an award also shall reinvest up to
2953 15 percent of the gross revenues it receives from naming
2954 opportunities associated with any facility it builds in this
2955 state. Reinvestment payments shall commence no later than 6
2956 months after the recipient of the grant has received the final
2957 disbursement under the contract and shall continue until the
2958 maximum reinvestment, as specified in the contract, has been
2959 paid. Reinvestment payments shall be remitted to the department
2960 for deposit in the Biomedical Research Trust Fund for companies
2961 specializing in biomedicine or life sciences, or in the Economic
2962 Development Trust Fund for companies specializing in fields
2963 other than biomedicine or the life sciences. If these trust
2964 funds no longer exist at the time of the reinvestment, the
2965 state's share of reinvestment shall be deposited in their
2966 successor trust funds as determined by law. Each recipient of an
2967 award shall annually submit a schedule of the shares of stock
2968 held by it as payment of the royalty required by this paragraph
2969 and report on any trades or activity concerning such stock. Each
2970 recipient's reinvestment obligations survive the expiration or
2971 termination of its agreement with the state.

2972 3. Requirements for the establishment of internship
2973 programs or other learning opportunities for educators and
2974 secondary, postsecondary, graduate, and doctoral students.

2975 4. A requirement that the recipient submit quarterly
2976 reports and annual reports related to activities and performance
2977 to the department, according to standardized reporting periods.

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2978 5. A requirement for an annual accounting to the
2979 department of the expenditure of funds disbursed under this
2980 section.

2981 6. A process for amending the agreement.

2982 Section 20. Subsection (1) of section 288.1166, Florida
2983 Statutes, is amended to read:

2984 288.1166 Professional sports facility; designation as
2985 shelter site for the homeless; establishment of local programs.—

2986 (1) A professional sports facility constructed with
2987 financial assistance from the state and a professional golf hall
2988 of fame facility, certified pursuant to s.288.1168, shall be

2989 designated as a shelter site for the homeless during the period
2990 of a declared federal, state, or local emergency in accordance
2991 with the criteria of locally existing homeless shelter programs
2992 unless:

2993 (a) The facility is otherwise contractually obligated for
2994 a specific event or activity;

2995 (b) The facility is designated or used by the county
2996 owning the facility as a staging area; or

2997 (c) The county owning the facility also owns or operates
2998 homeless assistance centers and the county determines there
2999 exists sufficient capacity to meet the sheltering needs of
3000 homeless persons within the county.

3001 Section 21. Subsections (5) and (6) of section 288.1168,
3002 Florida Statutes, are amended to read:

3003 288.1168 Professional golf hall of fame facility.—

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3004 (5) By January 1, 2016, and every fifth year thereafter,
3005 the Department of Revenue shall ~~may~~ audit as provided in s.
3006 213.34 to verify that the distributions under this section have
3007 been expended as required by this section.

3008 (6) Beginning in 2016, the department must annually
3009 recertify ~~every 10 years~~ that the facility is open, continues to
3010 be the only professional golf hall of fame in the United States
3011 recognized by the PGA Tour, Inc., and is meeting the minimum
3012 projections for attendance or sales tax revenue as required at
3013 the time of original certification.

3014 (a) For each year ~~if~~ the facility is not certified as
3015 meeting the minimum projections, the PGA Tour, Inc., shall
3016 increase its required advertising contribution of \$2 million
3017 annually to \$3 ~~\$2.5~~ million annually in lieu of reduction of any
3018 funds as provided by s. 212.20. The additional funds ~~\$500,000~~
3019 must be allocated in their ~~its~~ entirety for the use and
3020 promotion of generic Florida advertising as determined by the
3021 department in consultation with the Florida Tourism Industry
3022 Marketing Corporation. The facility must be prominently featured
3023 in at least 10 percent, but no more than 25 percent, of such
3024 advertising.

3025 (b) By October 1, 2015, a certified applicant must submit
3026 a report to the department detailing actions that may be taken
3027 by the applicant to increase out-of-state visitors to the
3028 facility. As part of its annual report, the department shall
3029 provide detailed information regarding the activities of the

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3030 applicant in increasing out-of-state visitors to the facility,
3031 and the total number of visitors to the facility in the previous
3032 fiscal year.

3033 (c) If the facility is not open to the public or is no
3034 longer in use as the only professional golf hall of fame in the
3035 United States recognized by the PGA Tour, Inc., the facility
3036 shall be decertified ~~the entire \$2.5 million for advertising~~
3037 ~~must be used for generic Florida advertising as determined by~~
3038 ~~the department.~~

3039 Section 22. Subsection (2) of section 288.1201, Florida
3040 Statutes, is amended to read:

3041 288.1201 State Economic Enhancement and Development Trust
3042 Fund.—

3043 (2) The trust fund is established for use as a depository
3044 for funds to be used for the purposes specified in subsection
3045 (1). Moneys to be credited to the trust fund shall consist of
3046 documentary stamp tax proceeds as specified in law, local
3047 financial support funds, interest earnings, reversions specified
3048 in law, and cash advances from other trust funds. Funds shall be
3049 expended only pursuant to legislative appropriation or an
3050 approved amendment to the department's operating budget pursuant
3051 to the provisions of chapter 216.

3052 Section 23. Section 288.1169, Florida Statutes, is
3053 repealed.

3054 Section 24. Subsection (2) and paragraph (b) of subsection
3055 (5) of section 288.901, Florida Statutes, are amended to read:

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3056 288.901 Enterprise Florida, Inc.—

3057 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
3058 economic development organization for the state, using ~~utilizing~~
3059 private sector and public sector expertise in collaboration with
3060 the department to:

3061 (a) Increase private investment in Florida.~~†~~

3062 (b) Advance international and domestic trade
3063 opportunities.~~†~~

3064 (c) Market the state both as a probusiness location for
3065 new investment and as an unparalleled tourist destination.~~†~~

3066 (d) Revitalize Florida's space and aerospace industries,
3067 and promote emerging complementary industries.~~†~~

3068 (e) Promote opportunities for minority-owned businesses.~~†~~

3069 (f) Assist and market professional and amateur sport teams
3070 and sporting events in Florida.~~†~~ ~~and~~

3071 (g) Assist, promote, and enhance economic opportunities in
3072 this state's rural and urban communities.

3073 (h) Foster and encourage high-technology startup and
3074 second-stage business development within the state.

3075 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3076 (b) In making their appointments, the Governor, the
3077 President of the Senate, and the Speaker of the House of
3078 Representatives shall ensure that the composition of the board
3079 of directors reflects the diversity of Florida's business
3080 community and is representative of the economic development
3081 goals in subsection (2). The board must include at least one

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3082 director for each of the following areas of expertise:
3083 international business, tourism marketing, the space or
3084 aerospace industry, managing or financing a minority-owned
3085 business, manufacturing, finance and accounting, rural economic
3086 development, and sports marketing.

3087 Section 25. Subsection (8) of section 288.9602, Florida
3088 Statutes, is amended to read:

3089 288.9602 Findings and declarations of necessity.—The
3090 Legislature finds and declares that:

3091 (8) In order to efficiently and effectively achieve the
3092 purposes of this act, it is necessary and in the public interest
3093 to create a special development finance authority to cooperate
3094 and act in conjunction with public agencies of this state and
3095 local governments of this state, ~~through interlocal agreements~~
3096 ~~pursuant to the Florida Interlocal Cooperation Act of 1969~~, in
3097 the promotion and advancement of projects related to economic
3098 development, including redevelopment of brownfield areas,
3099 throughout the state.

3100 Section 26. Paragraph (b) of subsection (3) of section
3101 288.9604, Florida Statutes, is amended to read:

3102 288.9604 Creation of the authority.—

3103 (3)

3104 (b) The powers of the corporation shall be exercised by
3105 the directors thereof. A majority of the directors constitutes a
3106 quorum for the purposes of conducting business and exercising
3107 the powers of the corporation and for all other purposes. Any

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3108 and all actions taken by the qualified directors in furtherance
3109 of the purposes of the Act during the pendency of one or more
3110 vacancies occurring on or after January 1, 2008 shall be deemed
3111 to be valid and binding actions of the corporation as of the
3112 date of such actions, without regard to such vacancies. Action
3113 may be taken by the corporation upon a vote of a majority of the
3114 directors present, unless in any case the bylaws require a
3115 larger number. Any person may be appointed as director if he or
3116 she resides, or is engaged in business, which means owning a
3117 business, practicing a profession, or performing a service for
3118 compensation or serving as an officer or director of a
3119 corporation or other business entity so engaged, within the
3120 state.

3121 Section 27. Paragraph (e) of subsection (2) of section
3122 288.9605, Florida Statutes, is amended to read:

3123 288.9605 Corporation powers.—

3124 (2) The corporation is authorized and empowered to:

3125 (e) Enter into interlocal agreements ~~pursuant to s.~~
3126 ~~163.01(7)~~ with public agencies of this state for the exercise of
3127 any power, privilege, or authority consistent with the purposes
3128 of this act.

3129 Section 28. Subsections (1), (2), (3), and (7) of section
3130 288.9606, Florida Statutes, are amended, and a new subsection
3131 (8) is added to that section, to read:

3132 288.9606 Issue of revenue bonds.—

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3133 (1) ~~When authorized by a public agency pursuant to s.~~
3134 ~~163.01(7),~~ The corporation has power in its corporate capacity,
3135 in its discretion, to issue revenue bonds or other evidences of
3136 indebtedness ~~which a public agency has the power to issue,~~ from
3137 time to time to finance the undertaking of any purpose of this
3138 act, including, without limiting the generality thereof, the
3139 payment of principal and interest upon any advances for surveys
3140 and plans or preliminary loans, and has the power to issue
3141 refunding bonds for the payment or retirement of bonds
3142 previously issued. Bonds issued pursuant to this section shall
3143 bear the name "Florida Development Finance Corporation Revenue
3144 Bonds." The security for such bonds may be based upon such
3145 revenues as are legally available. In anticipation of the sale
3146 of such revenue bonds, the corporation may issue bond
3147 anticipation notes and may renew such notes from time to time,
3148 but the maximum maturity of any such note, including renewals
3149 thereof, may not exceed 5 years from the date of issuance of the
3150 original note. Such notes shall be paid from any revenues of the
3151 corporation available therefor and not otherwise pledged or from
3152 the proceeds of sale of the revenue bonds in anticipation of
3153 which they were issued. Any bond, note, or other form of
3154 indebtedness issued pursuant to this act shall mature no later
3155 than the end of the 30th fiscal year after the fiscal year in
3156 which the bond, note, or other form of indebtedness was issued.

3157 (2) Bonds issued under this section do not constitute an
3158 indebtedness within the meaning of any constitutional or

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3159 statutory debt limitation or restriction, and are not subject to
3160 the provisions of any other law or charter relating to the
3161 authorization, issuance, or sale of bonds. Bonds issued under
3162 ~~the provisions of this act~~ are declared to be for an essential
3163 public and governmental purpose. Bonds issued under this act,
3164 ~~the interest on which is exempt from income taxes of the United~~
3165 ~~States,~~ together with interest thereon and income therefrom, are
3166 exempted from all taxes, except those taxes imposed by chapter
3167 220, on interest, income, or profits on debt obligations owned
3168 by corporations, pursuant to s. 159.31. All bonds issued under
3169 the provisions of this act shall not be deemed to constitute a
3170 debt, liability, or obligation of the state or of any political
3171 subdivision thereof, or a pledge of the faith and credit of the
3172 corporation or of the state or of any such political
3173 subdivision, but shall be payable solely from the revenues
3174 provided therefor. Each bond issued under this part shall
3175 contain on the face thereof a statement to the effect that the
3176 corporation shall not be obligated to pay the same nor interest
3177 thereon from the revenues and proceeds pledged therefor, and
3178 that neither the faith and credit nor the taxing power of the
3179 corporation or of the state or of any political subdivision
3180 thereof is pledged to the payment of the principal of or the
3181 interest on such bonds.

3182 (3) Bonds issued under this section ~~shall be authorized by~~
3183 ~~a public agency of this state pursuant to the terms of an~~
3184 ~~interlocal agreement, unless such bonds are issued pursuant to~~

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3185 ~~subsection (7);~~ may be issued in one or more series; and shall
3186 bear such date or dates, be payable upon demand or mature at
3187 such time or times, bear interest rate or rates, be in such
3188 denomination or denominations, be in such form either with or
3189 without coupon or registered, carry such conversion or
3190 registration privileges, have such rank or priority, be executed
3191 in such manner, be payable in such medium of payments at such
3192 place or places, be subject to such terms of redemption, with or
3193 without premium, be secured in such manner, and have such other
3194 characteristics as may be provided by the corporation. Bonds
3195 issued under this section may be sold in such manner, either at
3196 public or private sale, and for such price as the corporation
3197 may determine will effectuate the purpose of this act.

3198 (7) Notwithstanding any provision of this section, the
3199 corporation in its corporate capacity may, ~~without authorization~~
3200 ~~from a public agency under s. 163.01(7),~~ in addition to bonds
3201 otherwise authorized to be issued under this act, issue revenue
3202 bonds or other evidence of indebtedness under this section, to:

3203 (a) Finance the undertaking of any project within the
3204 state that promotes renewable energy as defined in s. 366.91 or
3205 s. 377.803;

3206 (b) Finance the undertaking of any project within the
3207 state that is a project contemplated or allowed under s. 406 of
3208 the American Recovery and Reinvestment Act of 2009; or

3209 (c) ~~If permitted by federal law,~~ Finance qualifying
3210 improvement projects within the state pursuant to ~~under~~ s.

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3211 163.08. Such projects shall be financed under this paragraph by
3212 encumbering property for special assessment calculation purposes
3213 and imposing only those special assessments that are requested
3214 by or on behalf of the property owner or property owners
3215 entering into a financing agreement and receiving the benefit of
3216 the qualifying improvements. Such special assessments are
3217 limited to those prescribed by s. 163.08 for local governments.
3218 The corporation shall have no additional power to impose any
3219 assessments, liens, taxes, or any other powers of a local
3220 government entity.

3221 (8) Notwithstanding s. 163.08(13), no more than 30 days
3222 after entering into a financing agreement, the property owner
3223 shall provide to the holders or loan servicers of any existing
3224 mortgages encumbering or otherwise secured by the property a
3225 notice of the owner's intent to enter into a financing agreement
3226 together with the maximum principal amount to be financed and
3227 the maximum annual assessment necessary to repay that amount. A
3228 verified copy or other proof of such notice shall be provided to
3229 the local government. A provision in any agreement between a
3230 mortgagee or other lienholder and a property owner, or otherwise
3231 now or hereafter binding upon a property owner, which allows for
3232 acceleration of payment of the mortgage, note, or lien or other
3233 unilateral modification solely as a result of entering into a
3234 financing agreement as provided for in this section is not
3235 enforceable. This subsection does not limit the authority of the
3236 holder or loan servicer to increase the required monthly escrow

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3237 by an amount necessary to annually pay the qualifying
3238 improvement assessment.

3239 Section 29. Section 288.9610, Florida Statutes, is amended
3240 to read:

3241 288.9610 Annual reports of Florida Development Finance
3242 Corporation.—On or before 90 days after the close of the Florida
3243 Development Finance Corporation's fiscal year, the corporation
3244 shall submit to the Governor, the Legislature, and the Auditor
3245 General, ~~and the governing body of each public entity with which~~
3246 ~~it has entered into an interlocal agreement~~ a complete and
3247 detailed report setting forth:

3248 (1) The results of any audit conducted pursuant to s.
3249 11.45.

3250 (2) The activities, operations, and accomplishments of the
3251 Florida Development Finance Corporation, including the number of
3252 businesses assisted by the corporation.

3253 (3) Its assets, liabilities, income, and operating
3254 expenses at the end of its most recent fiscal year, including a
3255 description of all of its outstanding revenue bonds.

3256 Section 30. Section 288.991, Florida Statutes, is amended
3257 to read:

3258 288.991 Short title.—This part ~~Sections 288.991–288.9922~~
3259 may be cited as the "New Markets Development Program Act."

3260 Section 31. Subsections (3), (5), and (6) of section
3261 288.9914, Florida Statutes, are amended to read:

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3262 288.9914 Certification of qualified investments; investment
3263 issuance reporting.—

3264 (3) REVIEW.—

3265 (a) The department shall review applications to approve an
3266 investment as a qualified investment in the order received. The
3267 department shall approve or deny an application within 30
3268 calendar days after receipt.

3269 (b) If the department intends to deny the application, the
3270 department shall inform the applicant of the basis of the
3271 proposed denial. The applicant shall have 15 calendar days after
3272 it receives the notice of the intent to deny the application to
3273 submit a revised application to the department. The department
3274 shall issue a final order approving or denying the revised
3275 application within 30 calendar days after receipt.

3276 (c) The department may not approve a cumulative amount of
3277 qualified investments that may result in the claim of more than
3278 \$216.34 million in tax credits during the existence of the
3279 program or more than \$36.6 million in tax credits in a single
3280 state fiscal year. However, the potential for a taxpayer to
3281 carry forward an unused tax credit may not be considered in
3282 calculating the annual limit.

3283 (5) DURATION OF APPROVAL.—The qualified community
3284 development entity must issue the qualified investment in
3285 exchange for cash within 60 calendar days after it receives the
3286 order approving an investment as a qualified investment,
3287 otherwise the order is void.

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3288 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
3289 qualified community development entity must provide the
3290 department with evidence of the receipt of the cash in exchange
3291 for the qualified investment within 30 calendar ~~business~~ days
3292 after receipt.

3293 Section 32. Subsection (1) of section 288.9917, Florida
3294 Statutes, is amended to read:

3295 288.9917 Community development entity reporting after a
3296 credit allowance date; certification of tax credit amount.—

3297 (1) A qualified community development entity that has
3298 issued a qualified investment shall submit the following to the
3299 department within 30 calendar days after each credit allowance
3300 date:

3301 (a) A list of all qualified active low-income community
3302 businesses in which a qualified low-income community investment
3303 was made since the last credit allowance date. The list shall
3304 also describe the type and amount of investment in each business
3305 and the address of the principal location of each business. The
3306 list must be verified by the chief executive officer of the
3307 community development entity.

3308 (b) Bank records, wire transfer records, or similar
3309 documents that provide evidence of the qualified low-income
3310 community investments made since the last credit allowance date.

3311 (c) A verified statement by the chief financial or
3312 accounting officer of the community development entity that no

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3313 redemption or principal repayment was made with respect to the
3314 qualified investment since the previous credit allowance date.

3315 (d) Information relating to the recapture of the federal
3316 new markets tax credit since the last credit allowance date.

3317 Section 33. Section 288.9937, Florida Statutes, is amended
3318 to read:

3319 288.9937 Evaluation of programs.—The Office of Economic
3320 and Demographic Research and the Office of Program Policy
3321 Analysis and Government Accountability shall analyze and
3322 evaluate, and determine the economic benefits, as defined in s.
3323 288.005, of the first 3 years of the Microfinance Loan Program
3324 and the Microfinance Guarantee Program. The analysis by the
3325 Office of Economic and Demographic Research must ~~also~~ evaluate
3326 the number of jobs created, the increase or decrease in personal
3327 income, and the impact on state gross domestic product from the
3328 direct, indirect, and induced effects of the state's investment.
3329 The analysis by the Office of Program Policy Analysis and
3330 Government Accountability must ~~also~~ identify any inefficiencies
3331 in the programs and provide recommendations for changes to the
3332 programs. Each ~~The~~ office shall submit a report to the President
3333 of the Senate and the Speaker of the House of Representatives by
3334 January 15 ~~4~~, 2018. This section expires January 31, 2018.

3335 Section 34. Section 288.913, Florida Statutes, is created
3336 to read:

3337 288.913 Startup Florida Initiative.—

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3338 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
3339 finds that successful high-technology startup and second-stage
3340 businesses are critical to the state's overall economic growth
3341 and such businesses play an outsized role in job creation. The
3342 Legislature also finds that Enterprise Florida, Inc., the
3343 state's economic development organization, is uniquely suited to
3344 foster and encourage more high-technology startup and second-
3345 stage business development within the state. Therefore, the
3346 Legislature declares that it is the policy of the state to
3347 prioritize high-technology startup and second-stage business
3348 development within the state and directs Enterprise Florida,
3349 Inc., to develop the Startup Florida Initiative to further said
3350 policy.

3351 (2) DEFINITIONS.—As used in this section, the term:

3352 (a) "Advanced technology products" means high-technology
3353 products produced by a business that employs a high proportion
3354 of scientists, engineers, and technicians. Such products may be
3355 classified within, but not be limited to, the following fields:

3356 1. Biotechnology products related to advanced scientific
3357 discoveries in genetics.

3358 2. Life science products related to the application of
3359 nonbiological scientific advances to medical science.

3360 3. Optoelectronic products related to the emission or
3361 detection of light.

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3362 4. Information and communications products related to the
3363 processing of increased volumes of information in shorter
3364 periods of time.

3365 5. Electronics products related to design advances in
3366 electronic components that result in improved performance and
3367 capacity, or reduced size.

3368 6. Flexible manufacturing products related to robotics,
3369 numerically-controlled machine tools, and similar products
3370 involving industrial automation that allows for greater
3371 flexibility in the manufacturing process and reduction in the
3372 amount of human intervention.

3373 7. Advanced materials products related to advances in the
3374 development of materials that allow for further development and
3375 application of other advanced technologies.

3376 8. Aerospace products related to military and civil
3377 helicopters, airplanes, and spacecraft.

3378 9. Weapons products related to products with military
3379 application.

3380 10. Nuclear technology products related to nuclear power
3381 production apparatus.

3382 (b) "High-technology startup" means a business unit that
3383 has been in operation for less than 5 years and employs fewer
3384 than 10 employees, which produces a high proportion of advanced
3385 technology products.

3386 (c) "Second-stage business" means a business unit that
3387 employs at least 10 but not more than 50 employees, generates at

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3388 least \$1 million but not more than \$25 million in annual
3389 revenue, and produces a high proportion of advanced technology
3390 products.

3391 (3) STATEWIDE STRATEGIC PLAN.—

3392 (a) The department shall develop a statewide strategic
3393 plan for high-technology startup and second-stage business
3394 growth and development in consultation with Enterprise Florida,
3395 Inc., the Institute for the Commercialization of Public
3396 Research, the Florida Economic Gardening Institute, the state's
3397 local and regional economic development organizations, and other
3398 stakeholders, public and private, that have experience and
3399 expertise in high-technology startup and second-stage business
3400 growth and development activities.

3401 (b) In developing the strategic plan, the department shall
3402 evaluate best practices, examine the startup, entrepreneurship,
3403 and second-stage business programs of other states, and survey
3404 high-technology startups and second-stage businesses and support
3405 organizations, both within and outside the state.

3406 (c) The strategic plan shall include actionable steps to
3407 provide technical support to local and regional economic
3408 development organizations to enhance high-technology startup and
3409 second-stage business growth at local and regional levels.

3410 (d) The strategic plan shall include an evaluation of the
3411 accessibility of the state's economic development incentive and
3412 loan programs to high-technology startups and second-stage
3413 businesses.

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3414 (e) By January 1, 2016, the department shall deliver the
3415 strategic plan to the Governor, the President of the Senate, and
3416 the Speaker of the House of Representatives.

3417 (f) Upon completion, the strategic plan shall become part
3418 of the 5-year statewide strategic plan developed by the Division
3419 of Strategic Business Development required by s. 20.60.

3420 (4) MARKETING.—Enterprise Florida, Inc., shall market the
3421 state's economic development activities related to the growth
3422 and development of high-technology startups and second-stage
3423 businesses both inside and outside the state.

3424 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
3425 information regarding its activities related to the growth and
3426 development of high-technology startups and second-stage
3427 businesses in its annual report required by s. 288.906.

3428 Section 35. Section 189.033, Florida Statutes, is amended
3429 to read:

3430 189.033 Independent special district services in
3431 disproportionally affected county; rate reduction for providers
3432 providing economic benefits.—If the governing body of an
3433 independent special district that provides water, wastewater,
3434 and sanitation services in a disproportionally affected county,
3435 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
3436 new user or the expansion of an existing user of one or more of
3437 its utility systems will provide a significant benefit to the
3438 community in terms of increased job opportunities, economies of
3439 scale, or economic development in the area, the governing body

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3440 may authorize a reduction of its rates, fees, or charges for
3441 that user for a specified period of time. A governing body that
3442 exercises this power must do so by resolution that states the
3443 anticipated economic benefit justifying the reduction as well as
3444 the period of time that the reduction will remain in place.

3445 Section 36. Subsections (1) and (3), paragraph (a) of
3446 subsection (5), and paragraph (e) of subsection (7) of section
3447 288.11625, Florida Statutes, are amended to read:

3448 288.11625 Sports development.—

3449 (1) ADMINISTRATION.—The department shall serve as the
3450 state agency responsible for screening applicants for state
3451 funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

3452 (3) PURPOSE.—The purpose of this section is to provide
3453 applicants state funding under s. 212.20(6)(d)6.e.
3454 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
3455 reconstructing, renovating, or improving a facility.

3456 (5) EVALUATION PROCESS.—

3457 (a) Before recommending an applicant to receive a state
3458 distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the
3459 department must verify that:

3460 1. The applicant or beneficiary is responsible for the
3461 construction, reconstruction, renovation, or improvement of a
3462 facility and obtained at least three bids for the project.

3463 2. If the applicant is not a unit of local government, a
3464 unit of local government holds title to the property on which
3465 the facility and project are, or will be, located.

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3466 3. If the applicant is a unit of local government in whose
3467 jurisdiction the facility is, or will be, located, the unit of
3468 local government has an exclusive intent agreement to negotiate
3469 in this state with the beneficiary.

3470 4. A unit of local government in whose jurisdiction the
3471 facility is, or will be, located supports the application for
3472 state funds. Such support must be verified by the adoption of a
3473 resolution, after a public hearing, that the project serves a
3474 public purpose.

3475 5. The applicant or beneficiary has not previously
3476 defaulted or failed to meet any statutory requirements of a
3477 previous state-administered sports-related program under s.
3478 288.1162, s. 288.11621, s. 288.11631, or this section.
3479 Additionally, the applicant or beneficiary is not currently
3480 receiving state distributions under s. 212.20 for the facility
3481 that is the subject of the application, unless the applicant
3482 demonstrates that the franchise that applied for a distribution
3483 under s. 212.20 no longer plays at the facility that is the
3484 subject of the application.

3485 6. The applicant or beneficiary has sufficiently
3486 demonstrated a commitment to employ residents of this state,
3487 contract with Florida-based firms, and purchase locally
3488 available building materials to the greatest extent possible.

3489 7. If the applicant is a unit of local government, the
3490 applicant has a certified copy of a signed agreement with a
3491 beneficiary for the use of the facility. If the applicant is a

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3492 beneficiary, the beneficiary must enter into an agreement with
3493 the department. The applicant's or beneficiary's agreement must
3494 also require the following: a. The beneficiary must reimburse
3495 the state for state funds that will be distributed if the
3496 beneficiary relocates or no longer occupies or uses the facility
3497 as the facility's primary tenant before the agreement expires.
3498 Reimbursements must be sent to the Department of Revenue for
3499 deposit into the General Revenue Fund. b. The beneficiary must
3500 pay for signage or advertising within the facility. The signage
3501 or advertising must be placed in a prominent location as close
3502 to the field of play or competition as is practicable, must be
3503 displayed consistent with signage or advertising in the same
3504 location and of like value, and must feature Florida advertising
3505 approved by the Florida Tourism Industry Marketing Corporation.

3506 8. The project will commence within 12 months after
3507 receiving state funds or did not commence before January 1,
3508 2013.

3509 (7) CONTRACT.—An applicant approved by the Legislature and
3510 certified by the department must enter into a contract with the
3511 department which:

3512 (e) Requires the applicant to reimburse the state by
3513 electing to do one of the following:

3514 1. After all distributions have been made, reimburse at
3515 the end of the contract term any amount by which the total
3516 distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~
3517 exceed actual new incremental state sales taxes generated by

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3518 sales at the facility during the contract, plus a 5 percent
3519 penalty on that amount.

3520 2. After the applicant begins to submit the independent
3521 analysis under paragraph (c), reimburse each year any amount by
3522 which the previous year's annual distribution exceeds 75 percent
3523 of the actual new incremental state sales taxes generated by
3524 sales at the facility. Any reimbursement due to the state must
3525 be made within 90 days after the applicable distribution under
3526 this paragraph. If the applicant is unable or unwilling to
3527 reimburse the state for such amount, the department may place a
3528 lien on the applicant's facility. If the applicant is a
3529 municipality or county, it may reimburse the state from its
3530 half-cent sales tax allocation, as provided in s. 218.64(3).
3531 Reimbursements must be sent to the Department of Revenue for
3532 deposit into the General Revenue Fund.

3533 Section 37. Paragraph (c) of subsection (2) and paragraphs
3534 (a), (c), and (d) of subsection (3) of section 288.11631,
3535 Florida Statutes, are amended to read: 288.11631 Retention of
3536 Major League Baseball spring training baseball franchises.-

3537 (2) CERTIFICATION PROCESS.- (c) Each applicant certified
3538 on or after July 1, 2013, shall enter into an agreement with the
3539 department which:

3540 1. Specifies the amount of the state incentive funding to
3541 be distributed. The amount of state incentive funding per
3542 certified applicant may not exceed \$20 million. However, if a
3543 certified applicant's facility is used by more than one spring

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3544 training franchise, the maximum amount may not exceed \$50
3545 million, and the Department of Revenue shall make distributions
3546 to the applicant pursuant to s. 212.20(6)(d)6.d.
3547 ~~212.20(6)(d)6.e.~~

3548 2. States the criteria that the certified applicant must
3549 meet in order to remain certified. These criteria must include a
3550 provision stating that the spring training franchise must
3551 reimburse the state for any funds received if the franchise does
3552 not comply with the terms of the contract. If bonds were issued
3553 to construct or renovate a facility for a spring training
3554 franchise, the required reimbursement must be equal to the total
3555 amount of state distributions expected to be paid from the date
3556 the franchise violates the agreement with the applicant through
3557 the final maturity of the bonds.

3558 3. States that the certified applicant is subject to
3559 decertification if the certified applicant fails to comply with
3560 this section or the agreement.

3561 4. States that the department may recover state incentive
3562 funds if the certified applicant is decertified.

3563 5. Specifies the information that the certified applicant
3564 must report to the department.

3565 6. Includes any provision deemed prudent by the
3566 department.

3567 (3) USE OF FUNDS.—

3568 (a) A certified applicant may use funds provided under s.
3569 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

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3570 1. Serve the public purpose of constructing or renovating
3571 a facility for a spring training franchise.

3572 2. Pay or pledge for the payment of debt service on, or to
3573 fund debt service reserve funds, arbitrage rebate obligations,
3574 or other amounts payable with respect thereto, bonds issued for
3575 the construction or renovation of such facility, or for the
3576 reimbursement of such costs or the refinancing of bonds issued
3577 for such purposes.

3578 (c) The Department of Revenue may not distribute funds
3579 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
3580 Further, the Department of Revenue may not distribute funds to
3581 an applicant certified on or after July 1, 2013, until it
3582 receives notice from the department that:

3583 1. The certified applicant has encumbered funds under
3584 either subparagraph (a)1. or subparagraph (a)2.; and

3585 2. If applicable, any existing agreement with a spring
3586 training franchise for the use of a facility has expired.

3587 (d)1. All certified applicants shall place unexpended
3588 state funds received pursuant to s. 212.20(6)(d)6.d.
3589 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
3590 only as authorized in this section.

3591 2. A certified applicant may request that the department
3592 notify the Department of Revenue to suspend further
3593 distributions of state funds made available under s.
3594 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration
3595 of an existing agreement with a spring training franchise to

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3596 provide the certified applicant with an opportunity to enter
3597 into a new agreement with a spring training franchise, at which
3598 time the distributions shall resume.

3599 3. The expenditure of state funds distributed to an
3600 applicant certified after July 1, 2013, must begin within 48
3601 months after the initial receipt of the state funds. In
3602 addition, the construction or renovation of a spring training
3603 facility must be completed within 24 months after the project's
3604 commencement.

3605 Section 38. (1) Any building permit, and any permit
3606 issued by the Department of Environmental Protection or by a
3607 water management district pursuant to part IV of chapter 373,
3608 Florida Statutes, which has an expiration date of January 1,
3609 2015, through January 1, 2017, is extended and renewed for a
3610 period of 2 years after its expiration date. This extension
3611 includes any local government-issued development order or
3612 building permit including certificates of levels of service.
3613 This section does not prohibit conversion from the construction
3614 phase to the operation phase upon completion of construction.
3615 This extension is in addition to any existing permit extension.
3616 Extensions granted pursuant to this section; s. 14 of chapter
3617 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
3618 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
3619 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
3620 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
3621 2014-218, Laws of Florida, may not exceed 4 years in total.

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3622 Further, specific development order extensions granted pursuant
3623 to s. 380.06(19)(c)2., Florida Statutes, may not be further
3624 extended by this section.

3625 (2) The commencement and completion dates for any required
3626 mitigation associated with a phased construction project are
3627 extended so that mitigation takes place in the same timeframe
3628 relative to the phase as originally permitted.

3629 (3) The holder of a valid permit or other authorization
3630 that is eligible for the 2-year extension must notify the
3631 authorizing agency in writing by December 31, 2015, identifying
3632 the specific authorization for which the holder intends to use
3633 the extension and the anticipated timeframe for acting on the
3634 authorization.

3635 (4) The extension provided in subsection (1) does not
3636 apply to:

3637 (a) A permit or other authorization under any programmatic
3638 or regional general permit issued by the United States Army
3639 Corps of Engineers.

3640 (b) A permit or other authorization held by an owner or
3641 operator determined to be in significant noncompliance with the
3642 conditions of the permit or authorization as established through
3643 the issuance of a warning letter or notice of violation, the
3644 initiation of formal enforcement, or other equivalent action by
3645 the authorizing agency.

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3646 (c) A permit or other authorization, if granted an
3647 extension, that would delay or prevent compliance with a court
3648 order.

3649 (5) Permits extended under this section continue to be
3650 governed by the rules in effect at the time the permit was
3651 issued unless it is demonstrated that the rules in effect at the
3652 time the permit was issued would create an immediate threat to
3653 public safety or health. This provision applies to any
3654 modification of the plans, terms, and conditions of the permit
3655 that lessens the environmental impact, except that any such
3656 modification does not extend the time limit beyond 2 additional
3657 years.

3658 (6) This section does not impair the authority of a county
3659 or municipality to require the owner of a property who has
3660 notified the county or municipality of the owner's intent to
3661 receive the extension of time granted pursuant to this section
3662 to maintain and secure the property in a safe and sanitary
3663 condition in compliance with applicable laws and ordinances.

3664 Section 34. Section 290.50, Florida Statutes, is created
3665 to read:

3666 290.50 Local enterprise zone program.—

3667 (1) DEFINITIONS.—As used in this section, the term:

3668 (a) "Designated local enterprise zone area" means a
3669 defined geographic area identified by the governing body of a
3670 county or municipality, or by the governing bodies of a county
3671 and one or more municipalities, that is targeted for accelerated

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3672 economic growth through the reduction of local taxes and
3673 regulations. A designated local enterprise zone area must be
3674 created by a local resolution as part of a local enterprise zone
3675 program.

3676 (b) "Employee" means any person who receives remuneration
3677 from an employer or third party for the performance of any work
3678 or service while engaged in any employment, contract for hire,
3679 or apprenticeship.

3680 (c) "Expanding business" means a business entity
3681 authorized to do business in the state that increases its total
3682 number of full-time employees by at least 10 percent and is
3683 located in a designated local enterprise zone area.

3684 Notwithstanding the type of employee that is utilized by a
3685 business, a business entity shall qualify as an "expanding
3686 business" for the purposes of this section, regardless of its
3687 utilization of any such type of employee.

3688 (d) "Local enterprise zone program" means a program
3689 established by a local government pursuant to subsection (2).

3690 (e) "Newly established business" means any business entity
3691 authorized to do business in the state that has conducted
3692 operations for less than 1 year and is located in a designated
3693 local enterprise zone area.

3694 (2) A local government may adopt a resolution establishing
3695 a local enterprise zone program through which it creates 1 or
3696 more designated local enterprise zone areas and grants

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3697 exemptions from specified local taxes, fees, permits, and
3698 licenses to newly established or expanding businesses.

3699 (3) A local government that establishes a local enterprise
3700 zone program shall submit a copy of the resolution establishing
3701 the program to the Department of Economic Opportunity within 20
3702 calendar days after enacting the resolution.

3703 (4) A local enterprise zone program must exempt all newly
3704 established or expanding businesses from the following
3705 ordinances, taxes, and fees imposed by the local government for
3706 a minimum of 24 consecutive months:

3707 (a) Business taxes.

3708 (b) Impact fees.

3709 (c) Business, professional, and occupational regulatory
3710 fees.

3711 (d) Green utility fees.

3712 (e) Building permit fees.

3713 (f) Special assessments, including but not limited to
3714 services associated with beach renourishment and restoration,
3715 downtown redevelopment, solid waste disposal, fire and rescue
3716 services, fire protection, parking facilities, sewer
3717 improvements, stormwater management services, street
3718 improvements, and water and sewer line extensions.

3719 (g) Sign ordinance requirements, permits, and fees.

3720 (h) Tree and landscape ordinance requirements, permits,
3721 and fees.

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3722 (5) A local government may not issue a citation for a
3723 violation of a municipal code or ordinance applicable to:

3724 (a) A newly established business, for a period no less
3725 than 24 months after commencement of the business's operations.

3726 (b) An expanding business, for a period of no less than 24
3727 months after an expansion of the business that results in an
3728 increase of the business's number of full-time employees of 10
3729 percent or more.

3730 (c) Any business located within a designated local
3731 enterprise zone area for a period no less than 24 months after
3732 the creation of such zone.

3733
3734 This subsection does not apply to violations of a municipal code
3735 or ordinance that pose a direct threat to the health and safety
3736 of the public.

3737 (6) A local government that establishes a local enterprise
3738 zone program is not prohibited from providing local financial
3739 incentives to businesses of any industry type, including those
3740 not identified as target industries pursuant to s. 288.106.

3741 Section 35. Section 290.60, Florida Statutes, is created
3742 to read:

3743 290.60 Enterprise zone certification program.-

3744 (1) PURPOSE.-The enterprise zone certification program is
3745 hereby created for the purpose of certifying designated local
3746 enterprise zone areas, as defined in s. 290.50, that are

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3747 submitted to the Department of Economic Opportunity pursuant to
3748 s. 290.50(3).

3749 (2) APPLICATION.-

3750 (a) The governing body of a county or municipality or the
3751 governing bodies of a county and one or more municipalities may
3752 submit an application to the Department of Economic Opportunity
3753 for certification of a designated local enterprise zone area as
3754 an enterprise zone. An application for certification must be
3755 received by the Department of Economic Opportunity by January 1
3756 of each year and must include the following:

3757 1. An aerial map and legal description of the proposed
3758 enterprise zone.

3759 2. Demographic information regarding the proposed
3760 enterprise zone which includes unemployment, poverty, crime,
3761 income, and property value metrics. The Department of Economic
3762 Opportunity shall consult with the Office of Economic and
3763 Demographic Research to develop or identify standard sources and
3764 units of measurement for each required metric and make such
3765 approved sources and units of measurement accessible to the
3766 public on its website.

3767 3. Verification that the applicant has made available to
3768 the public on its official county or municipal website a list of
3769 local taxes, licenses, and fee data and information related to
3770 the creation of a new business, the expansion of an existing
3771 business, and the operation of an existing business, located in
3772 the applicant's jurisdiction.

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3773 4. A list and description of the local financial
3774 incentives that have been or will be enacted by the applicant
3775 for the purpose of assisting in the redevelopment of the
3776 enterprise zone. These incentives may include the municipal
3777 service tax exemption provided in s. 166.231, the economic
3778 development ad valorem tax exemption provided in s. 205.054,
3779 local impact fee abatement or reduction, low-interest or
3780 interest-free loans or grants to businesses to encourage
3781 economic growth within the enterprise zone, and other local
3782 financial incentives.

3783 5. A copy of the resolution adopted pursuant to s.
3784 290.50(2), identifying the designated local enterprise zone
3785 area.

3786 (b) The Department of Economic Opportunity may adopt rules
3787 to develop forms and administer the requirements of this
3788 section.

3789 (3) CERTIFICATION.-All timely submitted and completed
3790 applications shall be certified by the Department of Economic
3791 Opportunity and assigned a unique identification number by June
3792 30 of each year. A certified enterprise zone is not required to
3793 reapply for certification.

3794 (4) MARKETING.-The Department of Economic Opportunity
3795 shall develop a marketing and advertising plan in coordination
3796 with local governments for the purpose of highlighting the
3797 benefits of the enterprise zone program and encouraging

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3798 increased business activity within certified enterprise zones.

3799 (5) ANNUAL REPORT.-

3800 (a) By October 1 of each year each local government
3801 containing a certified enterprise zone within its jurisdiction
3802 shall submit to the Department of Economic Opportunity for
3803 inclusion in the annual report required under s. 20.60:

3804 1. The number and types of businesses established within
3805 the certified enterprise zone during the previous fiscal year.

3806 2. The number of jobs created within the certified
3807 enterprise zone during the previous fiscal year.

3808 3. A detailed description of the local and state financial
3809 incentives granted to businesses located in the certified
3810 enterprise zone during the previous fiscal year.

3811 4. A detailed description of the local regulatory
3812 incentives granted to businesses within the certified enterprise
3813 zone during the previous fiscal year.

3814 5. Any other information requested by the Department of
3815 Economic Opportunity.

3816 (b) The Department of Economic Opportunity shall include
3817 in its annual report updated demographic information described
3818 in subparagraph (2)(a)2., for each certified enterprise zone.

3819 (6) DECERTIFICATION.-A certified enterprise zone shall be
3820 decertified by the Department of Economic Opportunity if:

3821 (a) The resolution creating the local enterprise zone
3822 program has been repealed.

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3823 (b) The local governing body or bodies in whose
3824 jurisdiction the certified enterprise zone is located has
3825 submitted a written request that the certified enterprise zone
3826 be decertified. Such notification must include a resolution,
3827 adopted by the governing body or bodies after a public meeting,
3828 stating that decertification of the enterprise zone is in the
3829 best interest of the community.

3830 Section 39. Subsections (5) and (19) of section 159.27,
3831 Florida Statutes, are amended to read:

3832 159.27 Definitions.—The following words and terms, unless
3833 the context clearly indicates a different meaning, shall have
3834 the following meanings:

3835 (5) "Project" means any capital project comprising an
3836 industrial or manufacturing plant, a research and development
3837 park, an agricultural processing or storage facility, a
3838 warehousing or distribution facility, a headquarters facility, a
3839 tourism facility, a convention or trade show facility, an urban
3840 parking facility, a trade center, a health care facility, an
3841 educational facility, a correctional or detention facility, a
3842 motion picture production facility, a preservation or
3843 rehabilitation of a certified historic structure, an airport or
3844 port facility, a commercial project in a certified ~~an~~ enterprise
3845 zone, a pollution-control facility, a hazardous or solid waste
3846 facility, a social service center, or a mass commuting facility,
3847 including one or more buildings and other structures, whether or
3848 not on the same site or sites; any rehabilitation, improvement,

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3849 renovation, or enlargement of, or any addition to, any buildings
3850 or structures for use as a factory, a mill, a processing plant,
3851 an assembly plant, a fabricating plant, an industrial
3852 distribution center, a repair, overhaul, or service facility, a
3853 test facility, an agricultural processing or storage facility, a
3854 warehousing or distribution facility, a headquarters facility, a
3855 tourism facility, a convention or trade show facility, an urban
3856 parking facility, a trade center, a health care facility, an
3857 educational facility, a correctional or detention facility, a
3858 motion picture production facility, a preservation or
3859 rehabilitation of a certified historic structure, an airport or
3860 port facility, a commercial project in a certified ~~an~~ enterprise
3861 zone, a pollution-control facility, a hazardous or solid waste
3862 facility, a social service center, or a mass commuting facility,
3863 and other facilities, including research and development
3864 facilities, for manufacturing, processing, assembling,
3865 repairing, overhauling, servicing, testing, or handling of any
3866 products or commodities embraced in any industrial or
3867 manufacturing plant, in connection with the purposes of a
3868 research and development park, or other facilities for or used
3869 in connection with an agricultural processing or storage
3870 facility, a warehousing or distribution facility, a headquarters
3871 facility, a tourism facility, a convention or trade show
3872 facility, an urban parking facility, a trade center, a health
3873 care facility, an educational facility, a correctional or
3874 detention facility, a motion picture production facility, a

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3875 preservation or rehabilitation of a certified historic
3876 structure, an airport or port facility, or a commercial project
3877 in a certified ~~an~~ enterprise zone or for controlling air or
3878 water pollution or for the disposal, processing, conversion, or
3879 reclamation of hazardous or solid waste, a social service
3880 center, or a mass commuting facility; and including also the
3881 sites thereof and other rights in land therefor whether improved
3882 or unimproved, machinery, equipment, site preparation and
3883 landscaping, and all appurtenances and facilities incidental
3884 thereto, such as warehouses, utilities, access roads, railroad
3885 sidings, truck docking and similar facilities, parking
3886 facilities, office or storage or training facilities, public
3887 lodging and restaurant facilities, dockage, wharfage, solar
3888 energy facilities, and other improvements necessary or
3889 convenient for any manufacturing or industrial plant, research
3890 and development park, agricultural processing or storage
3891 facility, warehousing or distribution facility, tourism
3892 facility, convention or trade show facility, urban parking
3893 facility, trade center, health care facility, educational
3894 facility, a correctional or detention facility, motion picture
3895 production facility, preservation or rehabilitation of a
3896 certified historic structure, airport or port facility,
3897 commercial project in a certified ~~an~~ enterprise zone, pollution-
3898 control facility, hazardous or solid waste facility, social
3899 service center, or a mass commuting facility and any one or more
3900 combinations of the foregoing.

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3901 (19) "Commercial project in a certified ~~an~~ enterprise
3902 zone" means buildings, building additions or renovations, or
3903 other structures to be newly constructed and suitable for use by
3904 a commercial enterprise, and includes the site on which such
3905 buildings or structures are located, located in a certified ~~an~~
3906 ~~area designated as an enterprise zone pursuant to s. 290.0065.~~

3907 Section 40. Subsection (5) of section 159.803, Florida
3908 Statutes, is amended to read:

3909 159.803 Definitions.—As used in this part, the term:

3910 (5) "Priority project" means a solid waste disposal
3911 facility or a sewage facility, as such terms are defined in s.
3912 142 of the Code, or a water facility, as defined in s. 142 of
3913 the Code, which is operated by a member-owned, not-for-profit
3914 utility, or any project which is to be located in an area which
3915 is a certified ~~an~~ enterprise zone ~~designated pursuant to s.~~
3916 ~~290.0065.~~

3917 Section 41. Subsection (3) of section 163.2517, Florida
3918 Statutes, is amended to read:

3919 163.2517 Designation of urban infill and redevelopment
3920 area.—

3921 (3) A local government seeking to designate a geographic
3922 area within its jurisdiction as an urban infill and
3923 redevelopment area shall prepare a plan that describes the
3924 infill and redevelopment objectives of the local government
3925 within the proposed area. In lieu of preparing a new plan, the
3926 local government may demonstrate that an existing plan or

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3927 combination of plans associated with a community redevelopment
3928 area, Florida Main Street program, Front Porch Florida
3929 Community, sustainable community, certified enterprise zone, or
3930 neighborhood improvement district includes the factors listed in
3931 paragraphs (a)-(n), including a collaborative and holistic
3932 community participation process, or amend such existing plans to
3933 include these factors. The plan shall demonstrate the local
3934 government and community's commitment to comprehensively address
3935 the urban problems within the urban infill and redevelopment
3936 area and identify activities and programs to accomplish locally
3937 identified goals such as code enforcement; improved educational
3938 opportunities; reduction in crime; neighborhood revitalization
3939 and preservation; provision of infrastructure needs, including
3940 mass transit and multimodal linkages; and mixed-use planning to
3941 promote multifunctional redevelopment to improve both the
3942 residential and commercial quality of life in the area. The plan
3943 shall also:

3944 (a) Contain a map depicting the geographic area or areas
3945 to be included within the designation.

3946 (b) Confirm that the infill and redevelopment area is
3947 within an area designated for urban uses in the local
3948 government's comprehensive plan.

3949 (c) Identify and map existing enterprise zones, community
3950 redevelopment areas, community development corporations,
3951 brownfield areas, downtown redevelopment districts, safe
3952 neighborhood improvement districts, historic preservation

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3953 districts, and empowerment zones or enterprise communities
3954 located within the area proposed for designation as an urban
3955 infill and redevelopment area and provide a framework for
3956 coordinating infill and redevelopment programs within the urban
3957 core.

3958 (d) Identify a memorandum of understanding between the
3959 district school board and the local government jurisdiction
3960 regarding public school facilities located within the urban
3961 infill and redevelopment area to identify how the school board
3962 will provide priority to enhancing public school facilities and
3963 programs in the designated area, including the reuse of existing
3964 buildings for schools within the area.

3965 (e) Identify each neighborhood within the proposed area
3966 and state community preservation and revitalization goals and
3967 projects identified through a collaborative and holistic
3968 community participation process and how such projects will be
3969 implemented.

3970 (f) Identify how the local government and community-based
3971 organizations intend to implement affordable housing programs,
3972 including, but not limited to, economic and community
3973 development programs administered by federal and state agencies,
3974 within the urban infill and redevelopment area.

3975 (g) Identify strategies for reducing crime.

3976 (h) If applicable, provide guidelines for the adoption of
3977 land development regulations specific to the urban infill and

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3978 redevelopment area which include, for example, setbacks and
3979 parking requirements appropriate to urban development.

3980 (i) Identify and map any existing transportation
3981 concurrency exception areas and any relevant public
3982 transportation corridors designated by a metropolitan planning
3983 organization in its long-range transportation plans or by the
3984 local government in its comprehensive plan for which the local
3985 government seeks designation as a transportation concurrency
3986 exception area. For those areas, describe how public
3987 transportation, pedestrian ways, and bikeways will be
3988 implemented as an alternative to increased automobile use.

3989 (j) Identify and adopt a package of financial and local
3990 government incentives which the local government will offer for
3991 new development, expansion of existing development, and
3992 redevelopment within the urban infill and redevelopment area.
3993 Examples of such incentives include:

- 3994 1. Waiver of license and permit fees.
- 3995 2. Exemption of sales made in the urban infill and
3996 redevelopment area from local option sales surtaxes imposed
3997 pursuant to s. 212.055.
- 3998 3. Waiver of delinquent local taxes or fees to promote the
3999 return of property to productive use.
- 4000 4. Expedited permitting.
- 4001 5. Lower transportation impact fees for development which
4002 encourages more use of public transit, pedestrian, and bicycle
4003 modes of transportation.

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4004 6. Prioritization of infrastructure spending within the
4005 urban infill and redevelopment area.

4006 7. Local government absorption of developers' concurrency
4007 costs. In order to be authorized to recognize the exemption
4008 from local option sales surtaxes pursuant to subparagraph 2.,
4009 the owner, lessee, or lessor of the new development, expanding
4010 existing development, or redevelopment within the urban infill
4011 and redevelopment area must file an application under oath with
4012 the governing body having jurisdiction over the urban infill and
4013 redevelopment area where the business is located. The
4014 application must include the name and address of the business
4015 claiming the exclusion from collecting local option surtaxes; an
4016 address and assessment roll parcel number of the urban infill
4017 and redevelopment area for which the exemption is being sought;
4018 a description of the improvements made to accomplish the new
4019 development, expanding development, or redevelopment of the real
4020 property; a copy of the building permit application or the
4021 building permit issued for the development of the real property;
4022 a new application for a certificate of registration with the
4023 Department of Revenue with the address of the new development,
4024 expanding development, or redevelopment; and the location of the
4025 property. The local government must review and approve the
4026 application and submit the completed application and
4027 documentation along with a copy of the ordinance adopted
4028 pursuant to subsection (5) to the Department of Revenue in order
4029 for the business to become eligible to make sales exempt from

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4030 local option sales surtaxes in the urban infill and
4031 redevelopment area.

4032 (k) Identify how activities and incentives within the
4033 urban infill and redevelopment area will be coordinated and what
4034 administrative mechanism the local government will use for the
4035 coordination.

4036 (l) Identify how partnerships with the financial and
4037 business community will be developed.

4038 (m) Identify the governance structure that the local
4039 government will use to involve community representatives in the
4040 implementation of the plan.

4041 (n) Identify performance measures to evaluate the success
4042 of the local government in implementing the urban infill and
4043 redevelopment plan.

4044 Section 42. Subsection (8) of section 163.503, Florida
4045 Statutes, is amended to read:

4046 163.503 Definitions.—

4047 (8) "Certified enterprise zone" means an area certified
4048 ~~designated~~ pursuant to s. 290.60 ~~290.0065~~.

4049 Section 43. Section 163.521, Florida Statutes, is amended
4050 to read:

4051 163.521 Neighborhood improvement district located in
4052 certified ~~inside~~ enterprise zone; funding.—The local governing
4053 body of any municipality or county in which the boundaries of a
4054 certified ~~an~~ enterprise zone include a neighborhood improvement
4055 district in whole or in part, prior to October 1 of each year,

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4056 | may request the Department of Legal Affairs to submit within its
4057 | budget request to the Legislature provisions to fund capital
4058 | improvements. A request may be made for 100 percent of the
4059 | capital improvement costs for 25 percent of the area of the
4060 | certified enterprise zone which overlaps the district. The local
4061 | governing body may also request a 100-percent matching grant for
4062 | capital improvement costs for the remaining 75 percent of the
4063 | area of the certified enterprise zone which overlaps the
4064 | district. Local governments must demonstrate the capacity to
4065 | implement the project within 2 years after the date of the
4066 | appropriation. Funds appropriated under this provision may not
4067 | be expended until after completion and approval of the safe
4068 | neighborhood improvement plan pursuant to ss. 163.516 and
4069 | 163.519(11). Capital improvements contained within the request
4070 | submitted by the local governing body must be specifically
4071 | related to crime prevention through community policing
4072 | innovations, environmental design, environmental security, and
4073 | defensible space and must be reviewed by the department for
4074 | compliance with the principles of crime prevention through
4075 | community policing innovations, environmental design,
4076 | environmental security, and defensible space. The department
4077 | shall rank order all requests received for capital improvements
4078 | funding based on the necessity of the improvements to the
4079 | overall implementation of the safe neighborhood plan; the degree
4080 | to which the improvements help the plan achieve crime prevention
4081 | through community policing innovations, environmental design,

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4082 environmental security, and defensible space objectives; the
4083 effect of the improvements on residents of low or moderate
4084 income; and the fiscal inability of local government to perform
4085 the improvements without state assistance.

4086 Section 44. Subsection (1) of section 163.522, Florida
4087 Statutes, is amended to read:

4088 163.522 State redevelopment programs.—

4089 (1) Any county or municipality containing a certified
4090 ~~which has nominated an area as an enterprise zone pursuant to s.~~
4091 ~~290.0055 which has been so designated pursuant to s. 290.0065~~ is
4092 directed to give consideration to the creation of a neighborhood
4093 improvement district within said area.

4094 Section 45. Subsection (8) of section 166.231, Florida
4095 Statutes, is amended to read:

4096 166.231 Municipalities; public service tax.—

4097 (8) (a) ~~Beginning July 1, 1995,~~ A municipality may by
4098 ordinance exempt not less than 50 percent of the tax imposed
4099 under this section on purchasers of electrical energy who are
4100 located within a certified enterprise zone or determined to be
4101 eligible for the exemption provided by s. 212.08(15) by the
4102 Department of Revenue. The exemption shall be administered as
4103 provided in that section. A copy of any ordinance adopted
4104 pursuant to this subsection shall be provided to the Department
4105 of Revenue not less than 14 days prior to its effective date.

4106 (b) If an area submitted for enterprise zone certification
4107 ~~that is nominated as an enterprise zone pursuant to s. 290.60~~

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4108 ~~290.0055~~ has not yet been certified ~~designated pursuant to s.~~
4109 ~~290.0065~~, a municipality may enact an ordinance for such
4110 exemption; however, the ordinance shall not be effective until
4111 such area is certified ~~designated pursuant to s. 290.0065.~~

4112 ~~(c) This subsection expires on the date specified in s.~~
4113 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
4114 ~~except that any qualified business that has satisfied the~~
4115 ~~requirements of this subsection before that date shall be~~
4116 ~~allowed the full benefit of the exemption allowed under this~~
4117 ~~subsection as if this subsection had not expired on that date.~~

4118 Section 46. Paragraphs (a) and (b) of subsection (14),
4119 paragraph (b) of subsection (15), and subsection (18) of section
4120 196.012, Florida Statutes, are amended to read:

4121 196.012 Definitions.—For the purpose of this chapter, the
4122 following terms are defined as follows, except where the context
4123 clearly indicates otherwise:

4124 (14) "New business" means:

4125 (a)1. A business or organization establishing 10 or more
4126 new jobs to employ 10 or more full-time employees in this state,
4127 paying an average wage for such new jobs that is above the
4128 average wage in the area, which principally engages in any one
4129 or more of the following operations:

4130 a. Manufactures, processes, compounds, fabricates, or
4131 produces for sale items of tangible personal property at a fixed
4132 location and which comprises an industrial or manufacturing
4133 plant; or

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4134 b. Is a target industry business as defined in s.

4135 288.106(2)(n) ~~288.106(2)(g)~~;

4136 2. A business or organization establishing 25 or more new
4137 jobs to employ 25 or more full-time employees in this state, the
4138 sales factor of which, as defined by s. 220.15(5), for the
4139 facility with respect to which it requests an economic
4140 development ad valorem tax exemption is less than 0.50 for each
4141 year the exemption is claimed; or

4142 3. An office space in this state owned and used by a
4143 business or organization newly domiciled in this state; provided
4144 such office space houses 50 or more full-time employees of such
4145 business or organization; provided that such business or
4146 organization office first begins operation on a site clearly
4147 separate from any other commercial or industrial operation owned
4148 by the same business or organization.

4149 (b) Any business or organization located in a certified an
4150 enterprise zone or brownfield area that first begins operation
4151 on a site clearly separate from any other commercial or
4152 industrial operation owned by the same business or organization.

4153 (15) "Expansion of an existing business" means:

4154 (b) Any business or organization located in a certified an
4155 enterprise zone or brownfield area that increases operations on
4156 a site located within the same zone or area colocated with a
4157 commercial or industrial operation owned by the same business or
4158 organization under common control with the same business or
4159 organization.

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4160 (18) "Certified enterprise zone" means an enterprise zone
4161 certified area ~~designated as an enterprise zone~~ pursuant to s.
4162 290.60 ~~290.0065~~. ~~This subsection expires on the date specified~~
4163 ~~in s. 290.016 for the expiration of the Florida Enterprise Zone~~
4164 ~~Act.~~

4165 Section 47. Section 196.095, Florida Statutes, is amended
4166 to read:

4167 196.095 Exemption for a licensed child care facility
4168 operating in a certified ~~an~~ enterprise zone.—

4169 (1) Any real estate used and owned as a child care
4170 facility as defined in s. 402.302 which operates in a certified
4171 ~~an~~ enterprise zone pursuant to chapter 290 is exempt from
4172 taxation.

4173 (2) To claim a certified ~~an~~ enterprise zone child care
4174 property tax exemption authorized by this section, a child care
4175 facility must file an application under oath with the governing
4176 body ~~or enterprise zone development agency~~ having jurisdiction
4177 over the certified enterprise zone where the child care center
4178 is located. Within 10 working days after receipt of an
4179 application, the governing body ~~or enterprise zone development~~
4180 ~~agency~~ shall review the application to determine if it contains
4181 all the information required pursuant to this section and meets
4182 the criteria set out in this section. The governing body or
4183 agency shall certify all applications that contain the
4184 information required pursuant to this section and meet the
4185 criteria set out in this section as eligible to receive an ad

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4186 valorem tax exemption. The child care center shall be
4187 responsible for forwarding all application materials to the
4188 governing body ~~or enterprise zone development agency~~.

4189 (3) The production by the child care facility operator of
4190 a current license by the Department of Children and Families or
4191 local licensing authority and certification by the governing
4192 body ~~or enterprise zone~~ where the child care center is located
4193 is prima facie evidence that the child care facility owner is
4194 entitled to such exemptions.

4195 Section 48. Subsections (3) and (5) of section 196.1995,
4196 Florida Statutes, are amended to read:

4197 196.1995 Economic development ad valorem tax exemption.—

4198 (3) The board of county commissioners or the governing
4199 authority of the municipality that calls a referendum within its
4200 total jurisdiction to determine whether its respective
4201 jurisdiction may grant economic development ad valorem tax
4202 exemptions may vote to limit the effect of the referendum to
4203 authority to grant economic development tax exemptions for new
4204 businesses and expansions of existing businesses located in a
4205 certified ~~an~~ enterprise zone or a brownfield area, as defined in
4206 s. 376.79(4). If an area submitted for enterprise zone
4207 certification ~~nominated to be an enterprise zone~~ pursuant to s.
4208 290.60 ~~290.0055~~ has not yet been certified ~~designated~~ pursuant
4209 ~~to s. 290.0065~~, the board of county commissioners or the
4210 governing authority of the municipality may call such referendum
4211 prior to such certification ~~designation~~; however, the authority

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4212 to grant economic development ad valorem tax exemptions does not
4213 apply until such area is certified ~~designated pursuant to s.~~
4214 ~~290.0065~~. The ballot question in such referendum shall be in
4215 substantially the following form and shall be used in lieu of
4216 the ballot question prescribed in subsection (2):

4217 Shall the board of county commissioners of this county (or
4218 the governing authority of this municipality, or both) be
4219 authorized to grant, pursuant to s. 3, Art. VII of the State
4220 Constitution, property tax exemptions for new businesses and
4221 expansions of existing businesses that are located in a
4222 certified ~~an~~ enterprise zone or a brownfield area and that are
4223 expected to create new, full-time jobs in the county (or
4224 municipality, or both)?

4225 Yes-For authority to grant exemptions.

4226 No-Against authority to grant exemptions.

4227 (5) Upon a majority vote in favor of such authority, the
4228 board of county commissioners or the governing authority of the
4229 municipality, at its discretion, by ordinance may exempt from ad
4230 valorem taxation up to 100 percent of the assessed value of all
4231 improvements to real property made by or for the use of a new
4232 business and of all tangible personal property of such new
4233 business, or up to 100 percent of the assessed value of all
4234 added improvements to real property made to facilitate the
4235 expansion of an existing business and of the net increase in all
4236 tangible personal property acquired to facilitate such expansion
4237 of an existing business. To qualify for this exemption, the

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4238 improvements to real property must be made or the tangible
4239 personal property must be added or increased after approval by
4240 motion or resolution of the local governing body, subject to
4241 ordinance adoption or on or after the day the ordinance is
4242 adopted. However, if the authority to grant exemptions is
4243 approved in a referendum in which the ballot question contained
4244 in subsection (3) appears on the ballot, the authority of the
4245 board of county commissioners or the governing authority of the
4246 municipality to grant exemptions is limited solely to new
4247 businesses and expansions of existing businesses that are
4248 located in a certified ~~an~~ enterprise zone or brownfield area.
4249 Property acquired to replace existing property shall not be
4250 considered to facilitate a business expansion. The exemption
4251 applies only to taxes levied by the respective unit of
4252 government granting the exemption. The exemption does not apply,
4253 however, to taxes levied for the payment of bonds or to taxes
4254 authorized by a vote of the electors pursuant to s. 9(b) or s.
4255 12, Art. VII of the State Constitution. Any such exemption shall
4256 remain in effect for up to 10 years with respect to any
4257 particular facility, regardless of any change in the authority
4258 of the county or municipality to grant such exemptions. The
4259 exemption shall not be prolonged or extended by granting
4260 exemptions from additional taxes or by virtue of any
4261 reorganization or sale of the business receiving the exemption.

4262 Section 49. Subsection (4) of section 205.022, Florida
4263 Statutes, is amended to read:

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4264 205.022 Definitions.—When used in this chapter, the
4265 following terms and phrases shall have the meanings ascribed to
4266 them in this section, except when the context clearly indicates
4267 a different meaning:

4268 (4) "Certified enterprise zone" means an area certified
4269 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.
4270 ~~This subsection expires on the date specified in s. 290.016 for~~
4271 ~~the expiration of the Florida Enterprise Zone Act.~~

4272 Section 50. Section 205.054, Florida Statutes, is amended
4273 to read:

4274 205.054 Business tax; partial exemption for engaging in
4275 business or occupation in certified enterprise zone.—

4276 (1) Notwithstanding the provisions of s. 205.033(1)(a) or
4277 s. 205.043(1)(a), the governing body of a county or municipality
4278 may authorize by appropriate resolution or ordinance, adopted
4279 pursuant to the procedure established in s. 205.032 or s.
4280 205.042, the exemption of 50 percent of the business tax levied
4281 for the privilege of engaging in or managing any business,
4282 profession, or occupation in the respective jurisdiction of the
4283 county or municipality when such privilege is exercised at a
4284 permanent business location or branch office located in a
4285 certified ~~an~~ enterprise zone.

4286 Section 51. Paragraphs (o) and (p) of subsection (5) of
4287 section 212.08, Florida Statutes, are amended to read:

4288 212.08 Sales, rental, use, consumption, distribution, and
4289 storage tax; specified exemptions.—The sale at retail, the

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4290 rental, the use, the consumption, the distribution, and the
4291 storage to be used or consumed in this state of the following
4292 are hereby specifically exempt from the tax imposed by this
4293 chapter.

4294 (5) EXEMPTIONS; ACCOUNT OF USE.— (o) Building materials
4295 in redevelopment projects.—

4296 1. As used in this paragraph, the term:

4297 a. "Building materials" means tangible personal property
4298 that becomes a component part of a housing project or a mixed-
4299 use project.

4300 b. "Housing project" means the conversion of an existing
4301 manufacturing or industrial building to a housing unit which is
4302 in an urban high-crime area, a certified ~~an~~ enterprise zone, an
4303 empowerment zone, a Front Porch Community, a designated
4304 brownfield site for which a rehabilitation agreement with the
4305 Department of Environmental Protection or a local government
4306 delegated by the Department of Environmental Protection has been
4307 executed under s. 376.80 and any abutting real property parcel
4308 within a brownfield area, or an urban infill area; and in which
4309 the developer agrees to set aside at least 20 percent of the
4310 housing units in the project for low-income and moderate-income
4311 persons or the construction in a designated brownfield area of
4312 affordable housing for persons described in s. 420.0004(9),
4313 (11), (12), or (17) or in s. 159.603(7).

4314 c. "Mixed-use project" means the conversion of an existing
4315 manufacturing or industrial building to mixed-use units that

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4316 include artists' studios, art and entertainment services, or
4317 other compatible uses. A mixed-use project must be located in an
4318 urban high-crime area, a certified ~~an~~ enterprise zone, an
4319 empowerment zone, a Front Porch Community, a designated
4320 brownfield site for which a rehabilitation agreement with the
4321 Department of Environmental Protection or a local government
4322 delegated by the Department of Environmental Protection has been
4323 executed under s. 376.80 and any abutting real property parcel
4324 within a brownfield area, or an urban infill area; and the
4325 developer must agree to set aside at least 20 percent of the
4326 square footage of the project for low-income and moderate-income
4327 housing.

4328 d. "Substantially completed" has the same meaning as
4329 provided in s. 192.042(1).

4330 2. Building materials used in the construction of a
4331 housing project or mixed-use project are exempt from the tax
4332 imposed by this chapter upon an affirmative showing to the
4333 satisfaction of the department that the requirements of this
4334 paragraph have been met. This exemption inures to the owner
4335 through a refund of previously paid taxes. To receive this
4336 refund, the owner must file an application under oath with the
4337 department which includes:

4338 a. The name and address of the owner.

4339 b. The address and assessment roll parcel number of the
4340 project for which a refund is sought.

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4341 c. A copy of the building permit issued for the project.

4342 d. A certification by the local building code inspector
4343 that the project is substantially completed.

4344 e. A sworn statement, under penalty of perjury, from the
4345 general contractor licensed in this state with whom the owner
4346 contracted to construct the project, which statement lists the
4347 building materials used in the construction of the project and
4348 the actual cost thereof, and the amount of sales tax paid on
4349 these materials. If a general contractor was not used, the owner
4350 shall provide this information in a sworn statement, under
4351 penalty of perjury. Copies of invoices evidencing payment of
4352 sales tax must be attached to the sworn statement.

4353 3. An application for a refund under this paragraph must
4354 be submitted to the department within 6 months after the date
4355 the project is deemed to be substantially completed by the local
4356 building code inspector. Within 30 working days after receipt of
4357 the application, the department shall determine if it meets the
4358 requirements of this paragraph. A refund approved pursuant to
4359 this paragraph shall be made within 30 days after formal
4360 approval of the application by the department.

4361 4. The department shall establish by rule an application
4362 form and criteria for establishing eligibility for exemption
4363 under this paragraph.

4364 5. The exemption shall apply to purchases of materials on
4365 or after July 1, 2000.

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- 4366 (p) Community contribution tax credit for donations.—
4367 1. Authorization.—Persons who are registered with the
4368 department under s. 212.18 to collect or remit sales or use tax
4369 and who make donations to eligible sponsors are eligible for tax
4370 credits against their state sales and use tax liabilities as
4371 provided in this paragraph:
- 4372 a. The credit shall be computed as 50 percent of the
4373 person's approved annual community contribution.
- 4374 b. The credit shall be granted as a refund against state
4375 sales and use taxes reported on returns and remitted in the 12
4376 months preceding the date of application to the department for
4377 the credit as required in sub-subparagraph 3.c. If the annual
4378 credit is not fully used through such refund because of
4379 insufficient tax payments during the applicable 12-month period,
4380 the unused amount may be included in an application for a refund
4381 made pursuant to sub-subparagraph 3.c. in subsequent years
4382 against the total tax payments made for such year. Carryover
4383 credits may be applied for a 3-year period without regard to any
4384 time limitation that would otherwise apply under s. 215.26.
- 4385 c. A person may not receive more than \$200,000 in annual
4386 tax credits for all approved community contributions made in any
4387 one year.
- 4388 d. All proposals for the granting of the tax credit
4389 require the prior approval of the Department of Economic
4390 Opportunity.

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4391 e. The total amount of tax credits which may be granted
4392 for all programs approved under this paragraph, s. 220.183, and
4393 s. 624.5105 is \$18.4 million annually for projects that provide
4394 homeownership opportunities for low-income households or very-
4395 low-income households as those terms are defined in s. 420.9071
4396 and \$3.5 million annually for all other projects.

4397 f. A person who is eligible to receive the credit provided
4398 in this paragraph, s. 220.183, or s. 624.5105 may receive the
4399 credit only under one section of the person's choice.

4400 2. Eligibility requirements.-

4401 a. A community contribution by a person must be in the
4402 following form:

4403 (I) Cash or other liquid assets;

4404 (II) Real property;

4405 (III) Goods or inventory; or

4406 (IV) Other physical resources identified by the Department
4407 of Economic Opportunity.

4408 b. All community contributions must be reserved
4409 exclusively for use in a project. As used in this sub-
4410 subparagraph, the term "project" means activity undertaken by an
4411 eligible sponsor which is designed to construct, improve, or
4412 substantially rehabilitate housing that is affordable to low-
4413 income households or very-low-income households as those terms
4414 are defined in s. 420.9071; designed to provide commercial,
4415 industrial, or public resources and facilities; or designed to
4416 improve entrepreneurial and job-development opportunities for

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4417 low-income persons. A project may be the investment necessary to
4418 increase access to high-speed broadband capability in rural
4419 communities with enterprise zones, including projects that
4420 result in improvements to communications assets that are owned
4421 by a business. A project may include the provision of museum
4422 educational programs and materials that are directly related to
4423 a project approved between January 1, 1996, and December 31,
4424 1999, and located in a certified ~~an~~ enterprise zone ~~designated~~
4425 ~~pursuant to s. 290.0065~~. This paragraph does not preclude
4426 projects that propose to construct or rehabilitate housing for
4427 low-income households or very-low-income households on scattered
4428 sites. With respect to housing, contributions may be used to pay
4429 the following eligible low-income and very-low-income housing-
4430 related activities:

4431 (I) Project development impact and management fees for
4432 low-income or very-low-income housing projects;

4433 (II) Down payment and closing costs for low-income persons
4434 and very-low-income persons, as those terms are defined in s.
4435 420.9071;

4436 (III) Administrative costs, including housing counseling
4437 and marketing fees, not to exceed 10 percent of the community
4438 contribution, directly related to low-income or very-low-income
4439 projects; and

4440 (IV) Removal of liens recorded against residential
4441 property by municipal, county, or special district local
4442 governments if satisfaction of the lien is a necessary precedent

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4443 to the transfer of the property to a low-income person or very-
4444 low-income person, as those terms are defined in s. 420.9071,
4445 for the purpose of promoting home ownership. Contributions for
4446 lien removal must be received from a nonrelated third party.

4447 c. The project must be undertaken by an "eligible
4448 sponsor," which includes:

4449 (I) A community action program;

4450 (II) A nonprofit community-based development organization
4451 whose mission is the provision of housing for low-income
4452 households or very-low-income households or increasing
4453 entrepreneurial and job-development opportunities for low-income
4454 persons;

4455 (III) A neighborhood housing services corporation;

4456 (IV) A local housing authority created under chapter 421;

4457 (V) A community redevelopment agency created under s.
4458 163.356;

4459 (VI) A historic preservation district agency or
4460 organization;

4461 (VII) A regional workforce board;

4462 (VIII) A direct-support organization as provided in s.
4463 1009.983;

4464 (IX) An enterprise zone development agency created under
4465 s. 290.0056;

4466 (X) A community-based organization incorporated under
4467 chapter 617 which is recognized as educational, charitable, or
4468 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code

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4469 and whose bylaws and articles of incorporation include
4470 affordable housing, economic development, or community
4471 development as the primary mission of the corporation;

4472 (XI) Units of local government;

4473 (XII) Units of state government; or

4474 (XIII) Any other agency that the Department of Economic
4475 Opportunity designates by rule. A contributing person may not
4476 have a financial interest in the eligible sponsor.

4477 d. The project must be located in an area designated a
4478 certified ~~an~~ enterprise zone or a Front Porch Florida Community,
4479 unless the project increases access to high-speed broadband
4480 capability for rural communities that have enterprise zones but
4481 is physically located outside the designated rural zone
4482 boundaries. Any project designed to construct or rehabilitate
4483 housing for low-income households or very-low-income households
4484 as those terms are defined in s. 420.9071 is exempt from the
4485 area requirement of this sub-subparagraph.

4486 e.(I) If, during the first 10 business days of the state
4487 fiscal year, eligible tax credit applications for projects that
4488 provide homeownership opportunities for low-income households or
4489 very-low-income households as those terms are defined in s.
4490 420.9071 are received for less than the annual tax credits
4491 available for those projects, the Department of Economic
4492 Opportunity shall grant tax credits for those applications and
4493 grant remaining tax credits on a first-come, first-served basis
4494 for subsequent eligible applications received before the end of

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4495 the state fiscal year. If, during the first 10 business days of
4496 the state fiscal year, eligible tax credit applications for
4497 projects that provide homeownership opportunities for low-income
4498 households or very-low-income households as those terms are
4499 defined in s. 420.9071 are received for more than the annual tax
4500 credits available for those projects, the Department of Economic
4501 Opportunity shall grant the tax credits for those applications
4502 as follows:

4503 (A) If tax credit applications submitted for approved
4504 projects of an eligible sponsor do not exceed \$200,000 in total,
4505 the credits shall be granted in full if the tax credit
4506 applications are approved.

4507 (B) If tax credit applications submitted for approved
4508 projects of an eligible sponsor exceed \$200,000 in total, the
4509 amount of tax credits granted pursuant to sub-sub-sub-
4510 subparagraph (A) shall be subtracted from the amount of
4511 available tax credits, and the remaining credits shall be
4512 granted to each approved tax credit application on a pro rata
4513 basis.

4514 (II) If, during the first 10 business days of the state
4515 fiscal year, eligible tax credit applications for projects other
4516 than those that provide homeownership opportunities for low-
4517 income households or very-low-income households as those terms
4518 are defined in s. 420.9071 are received for less than the annual
4519 tax credits available for those projects, the Department of
4520 Economic Opportunity shall grant tax credits for those

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4521 applications and shall grant remaining tax credits on a first-
4522 come, first-served basis for subsequent eligible applications
4523 received before the end of the state fiscal year. If, during the
4524 first 10 business days of the state fiscal year, eligible tax
4525 credit applications for projects other than those that provide
4526 homeownership opportunities for low-income households or very-
4527 low-income households as those terms are defined in s. 420.9071
4528 are received for more than the annual tax credits available for
4529 those projects, the Department of Economic Opportunity shall
4530 grant the tax credits for those applications on a pro rata
4531 basis.

4532 3. Application requirements.—

4533 a. Any eligible sponsor seeking to participate in this
4534 program must submit a proposal to the Department of Economic
4535 Opportunity which sets forth the name of the sponsor, a
4536 description of the project, and the area in which the project is
4537 located, together with such supporting information as is
4538 prescribed by rule. The proposal must also contain a resolution
4539 from the local governmental unit in which the project is located
4540 certifying that the project is consistent with local plans and
4541 regulations.

4542 b. Any person seeking to participate in this program must
4543 submit an application for tax credit to the Department of
4544 Economic Opportunity which sets forth the name of the sponsor, a
4545 description of the project, and the type, value, and purpose of
4546 the contribution. The sponsor shall verify, in writing, the

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4547 terms of the application and indicate its receipt of the
4548 contribution, and such verification must accompany the
4549 application for tax credit. The person must submit a separate
4550 tax credit application to the Department of Economic Opportunity
4551 for each individual contribution that it makes to each
4552 individual project.

4553 c. Any person who has received notification from the
4554 Department of Economic Opportunity that a tax credit has been
4555 approved must apply to the department to receive the refund.
4556 Application must be made on the form prescribed for claiming
4557 refunds of sales and use taxes and be accompanied by a copy of
4558 the notification. A person may submit only one application for
4559 refund to the department within a 12-month period.

4560 4. Administration.—

4561 a. The Department of Economic Opportunity may adopt rules
4562 necessary to administer this paragraph, including rules for the
4563 approval or disapproval of proposals by a person.

4564 b. The decision of the Department of Economic Opportunity
4565 must be in writing, and, if approved, the notification shall
4566 state the maximum credit allowable to the person. Upon approval,
4567 the Department of Economic Opportunity shall transmit a copy of
4568 the decision to the department.

4569 c. The Department of Economic Opportunity shall
4570 periodically monitor all projects in a manner consistent with
4571 available resources to ensure that resources are used in

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4572 accordance with this paragraph; however, each project must be
4573 reviewed at least once every 2 years.

4574 d. The Department of Economic Opportunity shall, in
4575 consultation with the statewide and regional housing and
4576 financial intermediaries, market the availability of the
4577 community contribution tax credit program to community-based
4578 organizations.

4579 5. Expiration.—This paragraph expires June 30, 2016;
4580 however, any accrued credit carryover that is unused on that
4581 date may be used until the expiration of the 3-year carryover
4582 period for such credit.

4583 Section 52. Paragraph (g) of subsection (1) of section
4584 220.191, Florida Statutes, are amended to read:

4585 220.191 Capital investment tax credit.—

4586 (1) DEFINITIONS.—For purposes of this section:

4587 (g) "Qualifying project" means a facility in this state
4588 meeting one or more of the following criteria:

4589 1. A new or expanding facility in this state which creates
4590 at least 100 new jobs in this state and is in one of the high-
4591 impact sectors identified by Enterprise Florida, Inc., and
4592 certified by the Department of Economic Opportunity pursuant to
4593 s. 288.108(6), including, but not limited to, aviation,
4594 aerospace, automotive, and silicon technology industries.
4595 However, between July 1, 2011, and June 30, 2014, the
4596 requirement that a facility be in a high-impact sector is waived
4597 for any otherwise eligible business from another state which

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4598 locates all or a portion of its business to a Disproportionally
4599 Affected County. For purposes of this section, the term
4600 "Disproportionally Affected County" means Bay County, Escambia
4601 County, Franklin County, Gulf County, Okaloosa County, Santa
4602 Rosa County, Walton County, or Wakulla County.

4603 2. A new or expanded facility in this state which is
4604 engaged in a target industry designated pursuant to the
4605 procedure specified in s. 288.106(2) and which is induced by
4606 this credit to create or retain at least 1,000 jobs in this
4607 state, provided that at least 100 of those jobs are new, pay an
4608 annual average wage of at least 130 percent of the average
4609 private sector wage in the area as defined in s. 288.106(2), and
4610 make a cumulative capital investment of at least \$100 million.
4611 Jobs may be considered retained only if there is significant
4612 evidence that the loss of jobs is imminent. Notwithstanding
4613 subsection (2), annual credits against the tax imposed by this
4614 chapter may not exceed 50 percent of the increased annual
4615 corporate income tax liability or the premium tax liability
4616 generated by or arising out of a project qualifying under this
4617 subparagraph. A facility that qualifies under this subparagraph
4618 for an annual credit against the tax imposed by this chapter may
4619 take the tax credit for a period not to exceed 5 years.

4620 3. A new or expanded headquarters facility in this state
4621 which locates in a certified ~~an~~ enterprise zone and brownfield
4622 area and is induced by this credit to create at least 1,500 jobs
4623 which on average pay at least 200 percent of the statewide

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4624 average annual private sector wage, as published by the
4625 Department of Economic Opportunity, and which new or expanded
4626 headquarters facility makes a cumulative capital investment in
4627 this state of at least \$250 million.

4628 Section 53. Paragraph (d) of subsection (2) of section
4629 220.183, Florida Statutes, is amended to read:

4630 220.183 Community contribution tax credit.—

4631 (2) ELIGIBILITY REQUIREMENTS.—

4632 (d) The project shall be located in a certified ~~an area~~
4633 ~~designated as an~~ enterprise zone or a Front Porch Florida
4634 Community. Any project designed to construct or rehabilitate
4635 housing for low-income or very-low-income households as defined
4636 in s. 420.9071(19) and (28) is exempt from the area requirement
4637 of this paragraph. This section does not preclude projects that
4638 propose to construct or rehabilitate housing for low-income or
4639 very-low-income households on scattered sites. Any project
4640 designed to provide increased access to high-speed broadband
4641 capabilities which includes coverage of a rural enterprise zone
4642 may locate the project's infrastructure in any area of a rural
4643 county.

4644 Section 54. Paragraphs (a), (b), and (e) of subsection (2)
4645 of section 288.0001, Florida Statutes, are amended to read:

4646 288.0001 Economic Development Programs Evaluation.—The
4647 Office of Economic and Demographic Research and the Office of
4648 Program Policy Analysis and Government Accountability (OPPAGA)
4649 shall develop and present to the Governor, the President of the

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4650 Senate, the Speaker of the House of Representatives, and the
4651 chairs of the legislative appropriations committees the Economic
4652 Development Programs Evaluation.

4653 (2) The Office of Economic and Demographic Research and
4654 OPPAGA shall provide a detailed analysis of economic development
4655 programs as provided in the following schedule:

4656 (a) By January 1, 2014, and every 3 years thereafter, an
4657 analysis of the following:

4658 1. The capital investment tax credit established under s.
4659 220.191.

4660 2. The qualified target industry tax refund established
4661 under s. 288.106.

4662 3. The brownfield redevelopment bonus refund established
4663 under s. 288.107.

4664 4. High-impact business performance grants established
4665 under s. 288.108.

4666 5. The Quick Action Closing Fund established under s.
4667 288.1088.

4668 6. The Innovation Incentive Program established under s.
4669 288.1089.

4670 7. Enterprise zone program incentives established under
4671 ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

4672 8. The New Markets Development Program established under
4673 ss. 288.991-288.9922.

4674 9. The enterprise zone certification program established
4675 under s. 290.60.

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4676 (b) By January 1, 2015, and every 3 years thereafter, an
4677 analysis of the following:

4678 1. The entertainment industry financial incentive program
4679 established under s. 288.1254.

4680 2. The entertainment industry sales tax exemption program
4681 established under s. 288.1258.

4682 3. The Florida Tourism Industry Marketing Corporation
4683 ~~VISIT Florida~~ and its programs established or funded under ss.
4684 288.122, 288.1226, 288.12265, and 288.124.

4685 4. The Florida Sports Foundation and related programs
4686 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
4687 288.1168, ~~288.1169~~, and 288.1171.

4688 (e) Beginning January 1, 2018, and every 3 years
4689 thereafter, an analysis of the Sports Development Program
4690 established under s. 288.11625 and the retention of Major League
4691 Baseball spring training baseball franchises under s. 288.11631.

4692 Section 52. Subsection (3) of section 288.018, Florida
4693 Statutes, is amended to read:

4694 288.018 Regional Rural Development Grants Program.—

4695 (3) The department may also contract for the development
4696 of a certified ~~an~~ enterprise zone web portal or websites for
4697 each certified enterprise zone which will be used to market the
4698 program for job creation in disadvantaged urban and rural
4699 certified enterprise zones. Each certified enterprise zone web
4700 page should include downloadable links to state forms and
4701 information, as well as local message boards that help

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4702 businesses and residents receive information concerning zone
4703 boundaries, job openings, zone programs, and neighborhood
4704 improvement activities.

4705 Section 55. Subsection (4) of section 288.047, Florida
4706 Statutes, is amended to read:

4707 288.047 Quick-response training for economic development.—

4708 (4) For the first 6 months of each fiscal year, Workforce
4709 Florida, Inc., shall set aside 30 percent of the amount
4710 appropriated for the Quick-Response Training Program by the
4711 Legislature to fund instructional programs for businesses
4712 located in a certified ~~an~~ enterprise zone or brownfield area.
4713 Any unencumbered funds remaining undisbursed from this set-aside
4714 at the end of the 6-month period may be used to provide funding
4715 for any program qualifying for funding pursuant to this section.

4716 Section 56. Paragraph (b) of subsection (2) of section
4717 288.11621, Florida Statutes, is amended to read:

4718 288.11621 Spring training baseball franchises.—

4719 (2) CERTIFICATION PROCESS.—

4720 (b) The department shall competitively evaluate
4721 applications for state funding of a facility for a spring
4722 training franchise. The total number of certifications may not
4723 exceed 10 at any time. The evaluation criteria must include,
4724 with priority given in descending order to, the following items:

4725 1. The anticipated effect on the economy of the local
4726 community where the spring training facility is to be built,
4727 including projections on paid attendance, local and state tax

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4728 collections generated by spring training games, and direct and
4729 indirect job creation resulting from the spring training
4730 activities. Priority shall be given to applicants who can
4731 demonstrate the largest projected economic impact.

4732 2. The amount of the local matching funds committed to a
4733 facility relative to the amount of state funding sought, with
4734 priority given to applicants that commit the largest amount of
4735 local matching funds relative to the amount of state funding
4736 sought.

4737 3. The potential for the facility to serve multiple uses.

4738 4. The intended use of the funds by the applicant, with
4739 priority given to the funds being used to acquire a facility,
4740 construct a new facility, or renovate an existing facility.

4741 5. The length of time that a spring training franchise has
4742 been under an agreement to conduct spring training activities
4743 within an applicant's geographic location or jurisdiction, with
4744 priority given to applicants having agreements with the same
4745 franchise for the longest period of time.

4746 6. The length of time that an applicant's facility has
4747 been used by one or more spring training franchises, with
4748 priority given to applicants whose facilities have been in
4749 continuous use as facilities for spring training the longest.

4750 7. The term remaining on a lease between an applicant and
4751 a spring training franchise for a facility, with priority given
4752 to applicants having the shortest lease terms remaining.

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4753 8. The length of time that a spring training franchise
4754 agrees to use an applicant's facility if an application is
4755 granted under this section, with priority given to applicants
4756 having agreements for the longest future use.

4757 9. The net increase of total active recreation space owned
4758 by the applicant after an acquisition of land for the facility,
4759 with priority given to applicants having the largest percentage
4760 increase of total active recreation space that will be available
4761 for public use.

4762 10. The location of the facility in a brownfield, a
4763 certified ~~an~~ enterprise zone, a community redevelopment area, or
4764 other area of targeted development or revitalization included in
4765 an urban infill redevelopment plan, with priority given to
4766 applicants having facilities located in these areas.

4767 Section 57. Paragraph (b) of subsection (2) of section
4768 288.11631, Florida Statutes, is amended to read:

4769 288.11631 Retention of Major League Baseball spring
4770 training baseball franchises.—

4771 (2) CERTIFICATION PROCESS.—

4772 (b) The department shall evaluate applications for state
4773 funding of the construction or renovation of the facility for a
4774 spring training franchise. The evaluation criteria must include
4775 the following items:

4776 1. The anticipated effect on the economy of the local
4777 community where the facility is to be constructed or renovated,
4778 including projections on paid attendance, local and state tax

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4779 collections generated by spring training games, and direct and
4780 indirect job creation resulting from the spring training
4781 activities.

4782 2. The amount of the local matching funds committed to a
4783 facility relative to the amount of state funding sought.

4784 3. The potential for the facility to be used as a multiple
4785 purpose, year-round facility.

4786 4. The intended use of the funds by the applicant.

4787 5. The length of time that a spring training franchise has
4788 been under an agreement to conduct spring training activities
4789 within an applicant's geographic location or jurisdiction.

4790 6. The length of time that an applicant's facility has
4791 been used by one or more spring training franchises, including
4792 continuous use as facilities for spring training.

4793 7. The term remaining on a lease between an applicant and
4794 a spring training franchise for a facility.

4795 8. The length of time that a spring training franchise
4796 agrees to use an applicant's facility if an application is
4797 granted under this section.

4798 9. The location of the facility in a brownfield, a
4799 certified ~~an~~ enterprise zone, a community redevelopment area, or
4800 other area of targeted development or revitalization included in
4801 an urban infill redevelopment plan.

4802 Section 58. Paragraph (f) of subsection (2) of section
4803 339.2821, Florida Statutes, is amended to read:

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4804 339.2821 Economic development transportation projects.—

4805 (2) The department, in consultation with the Department of
4806 Economic Opportunity, shall review each transportation project
4807 for approval and funding. In the review, the department must
4808 consider:

4809 (f) The location of the transportation project in a
4810 certified ~~an~~ enterprise zone ~~as designated in s. 290.0055~~; The
4811 department may contact any agency it deems appropriate for
4812 additional information regarding the approval of a
4813 transportation project. A transportation project must be
4814 approved by the department to be eligible for funding.

4815

4816 Section 59. Paragraph (a) of subsection (3) of section
4817 403.973, Florida Statutes, is amended to read:

4818 403.973 Expedited permitting; amendments to comprehensive
4819 plans.—

4820 (3) (a) The secretary shall direct the creation of regional
4821 permit action teams for the purpose of expediting review of
4822 permit applications and local comprehensive plan amendments
4823 submitted by:

4824 1. Businesses creating at least 50 jobs or a commercial or
4825 industrial development project that will be occupied by
4826 businesses that would individually or collectively create at
4827 least 50 jobs; or

4828 2. Businesses creating at least 25 jobs if the project is
4829 located in a certified ~~an~~ enterprise zone, or in a county having

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4830 a population of fewer than 75,000 or in a county having a
4831 population of fewer than 125,000 which is contiguous to a county
4832 having a population of fewer than 75,000, as determined by the
4833 most recent decennial census, residing in incorporated and
4834 unincorporated areas of the county.

4835 Section 60. Paragraph (b) of subsection (6) of section
4836 624.509, Florida Statutes, is amended to read:

4837 624.509 Premium tax; rate and computation.—

4838 (6) (b) To the extent that any credits granted by
4839 subsection (5) remain as a result of the limitation set forth in
4840 paragraph (a), such excess credits related to salaries and wages
4841 of employees whose place of employment is located within a
4842 certified ~~an~~ enterprise zone created pursuant to chapter 290 may
4843 be transferred, in an aggregate amount not to exceed 25 percent
4844 of such excess salary credits, to any insurer that is a member
4845 of an affiliated group of corporations, as defined in sub-
4846 subparagraph (5)(b)4.a., that includes the original insurer
4847 qualifying for the credits under subsection (5). The amount of
4848 such excess credits to be transferred shall be calculated by
4849 multiplying the amount of such excess credits by a fraction, the
4850 numerator of which is the sum of the salaries qualifying for the
4851 credit allowed by subsection (5) of employees whose place of
4852 employment is located in a certified ~~an~~ enterprise zone and the
4853 denominator of which is the sum of the salaries qualifying for
4854 the credit allowed by subsection (5). Any such transferred
4855 credits shall be subject to the same provisions and limitations

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4856 set forth within part IV of this chapter. The provisions of this
4857 paragraph do not apply to an affiliated group of corporations
4858 that participate in a common paymaster arrangement as defined in
4859 s. 443.1216.

4860 Section 61. Paragraph (b) of subsection (1) of section
4861 624.5091, Florida Statutes, is amended to read:

4862 624.5091 Retaliatory provision, insurers.—

4863 (1)

4864 (b) As used in this subsection, the term "portion of the
4865 remaining 20 percent" shall be calculated by multiplying the
4866 remaining 20 percent by a fraction, the numerator of which is
4867 the sum of the salaries qualifying for the credit allowed by s.
4868 624.509(5) of employees whose place of employment is located in
4869 a certified ~~an~~ enterprise zone created pursuant to chapter 290
4870 and the denominator of which is the sum of the salaries
4871 qualifying for the credit allowed by s. 624.509(5).

4872 Section 62. Paragraph (d) of subsection (2) of section
4873 624.5105, Florida Statutes, is amended to read:

4874 624.5105 Community contribution tax credit; authorization;
4875 limitations; eligibility and application requirements;
4876 administration; definitions; expiration.—

4877 (2) ELIGIBILITY REQUIREMENTS.—

4878 (d) The project shall be located in a certified ~~an area~~
4879 ~~designated as an~~ enterprise zone or a Front Porch Community. Any
4880 project designed to construct or rehabilitate housing for low-
4881 income or very-low-income households as defined in s.

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4882 420.9071(19) and (28) is exempt from the area requirement of
4883 this paragraph.

4884 Section 63. This act shall take effect July 1, 2015.
4885

4886 -----

4887 **T I T L E A M E N D M E N T**

4888 Remove everything before the enacting clause and insert:

4889 A bill to be entitled

4890 An act relating to economic development; amending s. 17.61,
4891 F.S.; revising the duties of the Chief Financial Officer to
4892 conform to changes made by the act; amending s. 20.60, F.S.;
4893 revising required elements of a report prepared by the
4894 Department of Economic Opportunity; amending s. 163.08, F.S.;
4895 providing Legislative findings regarding sinkhole activity and
4896 qualifying improvements; revising the list of qualifying
4897 improvements to include stabilization and repair; amending s.
4898 163.3180, F.S.; prohibiting a local government from applying
4899 transportation concurrency within its jurisdiction unless
4900 certain conditions are met; providing exceptions; providing
4901 applicability; providing for expiration of the prohibition;
4902 amending s. 163.31801, F.S.; prohibiting a county, municipality,
4903 or special district from applying certain impact fees or other
4904 fees within its jurisdiction unless certain conditions are met;
4905 providing exceptions; providing applicability; providing for
4906 expiration of the prohibition; amending ss. 212.20 and 220.03,
4907 F.S.; conforming provisions to changes made by the act; An act

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4908 relating to public-private partnerships; transferring,
4909 renumbering, and amending s. 287.05712, F.S.; revising
4910 definitions; deleting provisions creating the Public-Private
4911 Partnership Guidelines Task Force; requiring a private entity
4912 that submits an unsolicited proposal to pay an initial
4913 application fee and additional amounts if the fee does not cover
4914 certain costs; specifying payment methods; authorizing a
4915 responsible public entity to alter the statutory timeframe for
4916 accepting proposals for a qualifying project under certain
4917 circumstances; deleting a provision that requires approval of
4918 the local governing body before a school board enters into a
4919 comprehensive agreement; revising the conditions necessary for a
4920 responsible public entity to approve a comprehensive agreement;
4921 deleting provisions relating to notice to affected local
4922 jurisdictions; providing that fees imposed by a private entity
4923 must be applied as set forth in the comprehensive agreement;
4924 restricting provisions in financing agreements that could result
4925 in a responsible public entity's losing ownership of real or
4926 tangible personal property; deleting a provision that required a
4927 responsible public entity to comply with specific financial
4928 obligations; providing duties of the Department of Management
4929 Services; revising provisions relating to construction of the
4930 act; amending s. 288.061, F.S.; requiring the Department of
4931 Economic Opportunity to promulgate a form regarding certain
4932 economic incentive applications; providing required elements of
4933 the form; revising evaluation and contract requirements of the

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4934 economic development incentive application process; providing
4935 legislative reporting requirements for the department; amending
4936 s. 288.076, F.S.; conforming a cross-reference; revising
4937 definition of the term "state investment" to include all state
4938 funds spent or forgone to benefit a business; amending s.
4939 288.095, F.S.; revising sources of income for the Economic
4940 Development Trust Fund to include certain local financial
4941 support funds and certain funds held in the Quick Action Closing
4942 Fund; providing for disbursements of such funds under specified
4943 circumstances; creating the Quick Action Closing Fund Escrow
4944 Account within the Trust Fund; providing for disbursements from
4945 the account under specified circumstances; providing for
4946 expiration of the account; providing that Enterprise Florida,
4947 Inc., shall transfer certain escrow account funds to the Quick
4948 Action Closing Fund Escrow Account by a specified date;
4949 appropriating funds from the State Economic Enhancement and
4950 Development Trust Fund and Economic Development Trust Fund for
4951 specified purposes; amending s. 288.1045, F.S.; revising
4952 provisions of the qualified defense contractor and space flight
4953 business tax refund program; revising definitions; revising,
4954 providing limitations on, and authorizing waivers from local
4955 financial support requirements; authorizing specified tax refund
4956 payments to qualified applicants in a rural area of opportunity
4957 or certified enterprise zone; authorizing certain qualified
4958 applicants to receive a tax refund by providing certain
4959 information to the Department of Economic Opportunity; requiring

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4960 the department to verify payment of taxes by applicants;
4961 delaying the expiration date of the qualified defense contractor
4962 and space flight business tax refund program; amending s.
4963 288.106, F.S.; revising provisions of the tax refund program for
4964 qualified target industry businesses; revising definitions;
4965 defining the term "certified enterprise zone"; revising,
4966 providing limitations on, and authorizing waivers from local
4967 financial support requirements; revising provisions applicable
4968 to a rural area of opportunity; authorizing a qualified target
4969 industry business to receive tax refund payments if a project in
4970 a certified enterprise zone meets specified requirements;
4971 providing limitations; authorizing the department to waive
4972 certain wage requirements for projects in a certified enterprise
4973 zone; repealing provisions regarding economic recovery
4974 extensions of certain tax refund agreements; amending s.
4975 288.107, F.S.; revising provisions relating to brownfield
4976 redevelopment bonus refunds; restricting the total amount of
4977 bonus refunds approved in a fiscal year; amending s. 288.108,
4978 F.S.; defining the term "local financial support"; restricting
4979 the total amount of high-impact business performance grants
4980 approved in a fiscal year; authorizing certain waivers from
4981 local financial support requirements; revising application
4982 requirements and requiring the Department of Economic
4983 Opportunity to certify high-impact business grant applications;
4984 providing requirements for the Governor relating to such
4985 applications; providing contract and department validation

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4986 requirements for such applications; amending s. 288.1088, F.S.;

4987 revising provisions regarding the Quick Action Closing Fund;

4988 revising project eligibility requirements; providing limitations

4989 on and authorizing waivers from local financial support

4990 requirements; revising contract requirements for certain

4991 projects eligible for funding through the Quick Action Closing

4992 Fund; revising approval requirements for amendments or

4993 modifications of contract requirements for such projects;

4994 revising requirements of the Governor relating to certain

4995 projects eligible for funding through the Quick Action Closing

4996 Fund; amending s. 288.1089, F.S.; revising provisions relating

4997 to the Innovation Incentive Program; revising definitions;

4998 defining the term "certified enterprise zone"; revising

4999 provisions applicable to a rural areas of opportunity;

5000 authorizing the department to waive certain wage requirements

5001 for projects in a rural area of opportunity or certified

5002 enterprise zone; requiring an innovation business project

5003 located in a certified enterprise zone to meet specified

5004 requirements; limiting wage requirement waivers under specified

5005 circumstances; requiring certain innovation projects located in

5006 a rural area of opportunity or certified enterprise zone to meet

5007 specified requirements; authorizing and providing limitations on

5008 waivers from local financial support requirements relating to

5009 the program; revising requirements of the Governor and the

5010 Department of Economic Opportunity relating to certain projects

5011 eligible for funding through the program; revising contract

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5012 requirements for such projects; revising approval requirements
5013 for amendments or modifications of contract requirements for
5014 such projects; amending s. 288.1166, F.S.; requiring certain
5015 professional golf hall of fame facilities to be designated as
5016 shelter sites for the homeless during specified periods;
5017 amending s. 288.1168, F.S.; requiring the Department of Revenue
5018 to audit certain distributions to professional golf hall of fame
5019 facilities at specified intervals; requiring the department to
5020 recertify such facilities at specified intervals; requiring the
5021 PGA Tour Inc., to increase certain funding under specified
5022 circumstances; requiring the department to spend funds in a
5023 specified manner in consultation with the Florida Tourism
5024 Industry Marketing Corporation; requiring certain applicants to
5025 provide a report to the department by a specified period;
5026 providing requirements for the report; providing for
5027 decertification of a facility under specified circumstances;
5028 repealing s. 288.1169, F.S., relating to state agency funding of
5029 the International Game Fish Association World Center facility;
5030 amending s. 288.1201, F.S.; providing that moneys paid into the
5031 State Economic Enhancement and Development Trust Fund include
5032 specified reversions; amending s. 288.901, F.S.; providing that
5033 it is a purpose of Enterprise Florida, Inc., to foster and
5034 encourage high-technology startup and second-state business
5035 development; revising expertise requirements of members of the
5036 board of directors of Enterprise Florida, Inc.; amending ss.
5037 288.9602, 288.9605, and 288.9610, F.S.; revising provisions

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5038 relating to the Florida Development Finance Corporation to
5039 remove references to interlocal agreements made pursuant to the
5040 Florida Interlocal Cooperation Act and to remove requirements
5041 that the corporation enter into such agreements; amending s.
5042 288.9604, F.S.; providing that actions taken by the board of
5043 directors of the Florida Development Finance Corporation are
5044 valid without regard to vacancies on the board; amending s.
5045 288.9606, F.S.; deleting a requirement that the Florida
5046 Development Finance Corporation receive authority to issue
5047 revenue bonds from a public agency; authorizing the corporation
5048 to issue revenue bonds or other evidences of indebtedness;
5049 revising requirements for such issuance; conforming provisions
5050 to changes made by the act; amending s. 288.991, F.S.; revising
5051 a short title; amending ss. 288.9914 and 288.9917, F.S.;
5052 specifying that certain timeframes relating to Department of
5053 Economic Opportunity qualified investment applications are
5054 measured in calendar days; amending s. 288.9937, F.S.; requiring
5055 the Office of Program Policy Analysis and Government
5056 Accountability to evaluate the Microfinance Loan Program;
5057 provides requirements for such evaluation; provides timeframes
5058 for reporting such evaluation to the legislature; creating s.
5059 288.913, F.S.; creating the Startup Florida Initiative;
5060 providing legislative findings; providing definitions; requiring
5061 the Department of Economic Opportunity to develop a statewide
5062 strategic plan for high-technology startup and second-stage
5063 business growth and development; providing requirements for the

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5064 plan; requiring the department to market the plan inside and
5065 outside the state; requiring the department to provide
5066 information about the plan in its annual report; amending ss.
5067 189.033, 288.11625, and 288.11631, F.S.; conforming cross-
5068 references; extending and renewing certain permits subject to
5069 certain expiration dates; providing applicability of the
5070 extension to certain related activities; providing for extension
5071 of commencement and completion dates; requiring permit holders to
5072 notify authorizing agencies of intent to use the extension and
5073 anticipated time of the extension; specifying nonapplicability
5074 to certain permits; providing applicability of certain rules to
5075 extended permits; preserving the authority of counties and
5076 municipalities to impose certain security and sanitary
5077 requirements on property owners under certain circumstances;
5078 requiring permit holders to notify permitting agencies of intent
5079 to use the extension; creating s. 290.50, F.S.; providing
5080 requirements for the creation and operation of a designated
5081 local enterprise zone program; creating s. 290.60, F.S.;
5082 providing requirements for the Department of Economic
5083 Opportunity to certify and decertify a local enterprise zone;
5084 authorizing the department to adopt rules; requiring the
5085 department to develop certain marketing information; requiring
5086 the department's annual report to contain certain information;
5087 amending s. 159.27, F.S.; revising definition of the term
5088 "project" to include a commercial project in a certified
5089 enterprise zone for purposes of certain bond financing

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5090 provisions; defining the term "commercial project in a certified
5091 enterprise zone"; amending s. 159.803, F.S.; revising definition
5092 of the term "priority project" to include any project to be
5093 located in a certified enterprise zone for purposes of certain
5094 bond financing provisions; amending s. 163.2517, F.S.;
5095 authorizing a local government to designate a certified
5096 enterprise zone as an urban infill and redevelopment area using
5097 specified factors; amending s. 163.503, F.S.; defining the term
5098 "certified enterprise zone" for purposes of the Safe
5099 Neighborhoods Act; amending s. 163.521, F.S.; authorizing
5100 certain local governments to request funding for capital
5101 improvements in a neighborhood improvement district located in a
5102 certified enterprise zone; amending s. 163.522, F.S.; directing
5103 a county or municipality containing a certified enterprise zone
5104 to consider creating a neighborhood improvement district within
5105 such zone; amending s. 166.231, F.S.; authorizing a municipality
5106 to enact ordinances relating to public service tax exemptions
5107 for certified enterprise zones; conditioning applicability of
5108 such ordinance upon state certification of such zones; deleting
5109 the future expiration of the authorization; amending s. 196.012,
5110 F.S.; conforming a cross-reference; revising definitions of the
5111 terms "new business" and "expansion of an existing business" to
5112 include a business or organization located within a certified
5113 enterprise zone; defining the term "certified enterprise zone"
5114 for purposes of certain property tax exemptions; amending s.
5115 196.095, F.S.; providing an exemption from certain property tax

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5116 for a licensed child care facility operating in a certified
5117 enterprise zone; providing application and review requirements
5118 for such exemption; amending s. 196.1995, F.S.; authorizing a
5119 board of county commissioners or other governing body to call a
5120 referendum regarding certain ad valorem tax exemptions for new
5121 and expanding businesses in a certified enterprise zone;
5122 providing requirements for such referendum; conditioning
5123 applicability of an approved referendum upon state certification
5124 of a certified enterprise zone; providing limitations; amending
5125 s. 205.022, F.S.; defining the term "certified enterprise zone"
5126 for purposes of local business taxes; amending s. 205.054, F.S.;
5127 authorizing an exemption of 50 percent of business taxes for
5128 certain businesses located in a certified enterprise zone;
5129 providing applicability; conditioning exemption upon state
5130 certification of a certified enterprise zone; deleting the
5131 future expiration of the authorization; amending s. 212.02,
5132 F.S.; defining the term "certified enterprise zone" for purposes
5133 of the Florida Revenue Act of 1949; deleting the future
5134 expiration of the definition; amending s. 212.08, F.S.; revising
5135 exemptions relating to building materials used in redevelopment
5136 projects to include housing projects and mixed-use projects
5137 located in a certified enterprise zone; revising eligibility
5138 criteria for community contribution tax credits to include
5139 certain projects located within a certified enterprise zone;
5140 amending s. 220.183, F.S.; revising eligibility criteria for
5141 community contribution tax credit projects to include projects

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5142 | located within a certified enterprise zone; amending s. 220.191,
5143 | F.S.; revising the term "qualifying project" for purposes of the
5144 | capital investment tax credit to include new or expanded
5145 | headquarters facilities located in a certified enterprise zone;
5146 | amending s. 288.0001, F.S.; revising required elements of an
5147 | analysis prepared by the Office of Economic and Demographic
5148 | Research and the Office of Program Policy Analysis and
5149 | Government Accountability to include the enterprise zone
5150 | certification program and retention of certain baseball
5151 | franchises; conforming a cross-reference; making a technical
5152 | change; amending s. 288.018, F.S.; authorizing the Department of
5153 | Economic Opportunity to contract for the development of a web
5154 | portal or website regarding certified enterprise zones;
5155 | providing requirements for such portals or websites; amending s.
5156 | 288.047, F.S.; requiring Workforce Florida, Inc., to set aside
5157 | 30 percent of certain Quick-Response Training Program revenues
5158 | to fund instructional programs for businesses located in a
5159 | certified enterprise zone; amending ss. 288.11621 and 288.11631,
5160 | F.S.; revising evaluation criteria for state funding of a
5161 | certain spring training franchises' facilities to include the
5162 | facilities' location in a certified enterprise zone; amending s.
5163 | 339.2821, F.S.; revising evaluation criteria for economic
5164 | development transportation projects to include a project's
5165 | location within a certified enterprise zone; amending s.
5166 | 403.973, F.S.; authorizing regional permit action teams to
5167 | expedite the review of permit applications and local

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5168 comprehensive plan amendments submitted by businesses located in
5169 a certified enterprise zone that meet specified criteria;
5170 amending ss. 624.509 and 624.5091, F.S.; authorizing the
5171 transfer of certain excess tax credits related to employees
5172 whose place of employment is located within a certified
5173 enterprise zone, up to a specified percentage; providing
5174 applicability; amending s. 624.5105, F.S.; requiring certain
5175 projects eligible for a community contribution tax credit to be
5176 located in a certified enterprise zone; providing an effective
5177 date.