

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; revising required elements of a report
4 prepared by the Department of Economic Opportunity;
5 amending s. 163.3180, F.S.; prohibiting a local
6 government from applying transportation concurrency
7 within its jurisdiction unless certain conditions are
8 met; providing exceptions; providing applicability;
9 providing for expiration of the prohibition; amending
10 s. 163.31801, F.S.; prohibiting a county,
11 municipality, or special district from applying
12 certain impact fees or other fees within its
13 jurisdiction unless certain conditions are met;
14 providing exceptions; providing applicability;
15 providing for expiration of the prohibition; amending
16 s. 212.20, F.S.; conforming provisions to changes made
17 by the act; amending s. 220.191, F.S.; excluding
18 certain funds from the definition of "cumulative
19 capital investment"; revising definition of the term
20 "qualifying project" to include a new or expanded
21 headquarters facility that locates in a certified
22 enterprise zone, for purposes of the capital
23 investment tax credit; amending s. 288.005, F.S.;
24 revising definition of the term "economic benefits" to
25 include all state funds; amending s. 288.061, F.S.;
26 revising evaluation and contract requirements of the

27 economic development incentive application process;
28 amending s. 288.076, F.S.; conforming a cross-
29 reference; revising definition of the term "state
30 investment" to include all state funds spent or
31 forgone to benefit a business; amending s. 288.1045,
32 F.S.; revising provisions of the qualified defense
33 contractor and space flight business tax refund
34 program; revising definitions; revising, providing
35 limitations on, and authorizing waivers from local
36 financial support requirements; authorizing specified
37 tax refund payments to qualified applicants in a rural
38 area of opportunity or certified enterprise zone;
39 authorizing certain qualified applicants to receive a
40 tax refund by providing certain information to the
41 Department of Economic Opportunity; delaying the
42 expiration date of the qualified defense contractor
43 and space flight business tax refund program; amending
44 s. 288.106, F.S.; revising provisions of the tax
45 refund program for qualified target industry
46 businesses; revising definitions; defining the term
47 "certified enterprise zone"; revising, providing
48 limitations on, and authorizing waivers from local
49 financial support requirements; revising provisions
50 applicable to a rural area of opportunity; authorizing
51 a qualified target industry business to receive tax
52 refund payments if a project in a certified enterprise

53 zone meets specified requirements; providing
54 limitations; authorizing the department to waive
55 certain wage requirements for projects in a certified
56 enterprise zone; repealing provisions regarding
57 economic recovery extensions of certain tax refund
58 agreements; amending s. 288.108, F.S.; revising
59 provisions relating to high-impact businesses;
60 defining the term "local financial support";
61 authorizing certain waivers from local financial
62 support requirements; revising application
63 requirements and requiring the Department of Economic
64 Opportunity to certify high-impact business grant
65 applications; providing requirements for the Governor
66 relating to such applications; providing contract and
67 department validation requirements for such
68 applications; amending s. 288.1088, F.S.; revising
69 provisions regarding the Quick Action Closing Fund;
70 revising project eligibility requirements; providing
71 limitations on and authorizing waivers from local
72 financial support requirements; revising contract
73 requirements for certain projects eligible for funding
74 through the Quick Action Closing Fund; revising
75 approval requirements for amendments or modifications
76 of contract requirements for such projects; revising
77 requirements of the Governor relating to certain
78 projects eligible for funding through the Quick Action

79 Closing Fund; amending s. 288.1089, F.S.; revising
80 provisions relating to the Innovation Incentive
81 Program; revising definitions; defining the term
82 "certified enterprise zone"; revising provisions
83 applicable to a rural areas of opportunity;
84 authorizing the department to waive certain wage
85 requirements for projects in a rural area of
86 opportunity or certified enterprise zone; requiring an
87 innovation business project located in a certified
88 enterprise zone to meet specified requirements;
89 limiting wage requirement waivers under specified
90 circumstances; requiring certain innovation projects
91 located in a rural area of opportunity or certified
92 enterprise zone to meet specified requirements;
93 authorizing and providing limitations on waivers from
94 local financial support requirements relating to the
95 program; revising requirements of the Governor and the
96 Department of Economic Opportunity relating to certain
97 projects eligible for funding through the program;
98 revising contract requirements for such projects;
99 revising approval requirements for amendments or
100 modifications of contract requirements for such
101 projects; repealing ss. 288.1168 and 288.1169, F.S.,
102 relating to state agency funding of the professional
103 golf hall of fame facility and the International Game
104 Fish Association World Center facility, respectively;

105 amending s. 288.901, F.S.; providing that it is a
106 purpose of Enterprise Florida, Inc., to foster and
107 encourage high-technology startup and second-state
108 business development; revising expertise requirements
109 of members of the board of directors of Enterprise
110 Florida, Inc.; amending ss. 288.9602, 288.9605, and
111 288.9610, F.S.; revising provisions relating to the
112 Florida Development Finance Corporation to remove
113 references to interlocal agreements made pursuant to
114 the Florida Interlocal Cooperation Act and to remove
115 requirements that the corporation enter into such
116 agreements; amending s. 288.9604, F.S.; providing that
117 actions taken by the board of directors of the Florida
118 Development Finance Corporation are valid without
119 regard to vacancies on the board; amending s.
120 288.9606, F.S.; deleting a requirement that the
121 Florida Development Finance Corporation receive
122 authority to issue revenue bonds from a public agency;
123 authorizing the corporation to issue revenue bonds or
124 other evidences of indebtedness; revising requirements
125 for such issuance; conforming provisions to changes
126 made by the act; amending s. 288.991, F.S.; revising a
127 short title; amending ss. 288.9914 and 288.9917, F.S.;
128 specifying that certain timeframes relating to
129 Department of Economic Opportunity qualified
130 investment applications are measured in calendar days;

131 amending s. 288.9920, F.S.; authorizing the recapture
132 of certain tax credits from qualified active low-
133 income community businesses which violate certain
134 ownership or investment restrictions after a specified
135 date; creating s. 288.9923, F.S.; restricting certain
136 qualified active low-income community businesses from
137 holding certain ownership or investment interests in
138 specified qualified community development entities or
139 affiliates after a specified period; providing
140 applicability; creating s. 288.913, F.S.; creating the
141 Startup Florida Initiative; providing legislative
142 findings; providing definitions; requiring Enterprise
143 Florida, Inc., to develop a statewide strategic plan
144 for high-technology startup and second-stage business
145 growth and development; providing requirements for the
146 plan; requiring Enterprise Florida, Inc., to market
147 the plan inside and outside the state; requiring
148 Enterprise Florida, Inc., to provide information about
149 the plan in its annual report; amending ss. 189.033,
150 288.11625, and 288.11631, F.S.; conforming cross-
151 references; extending and renewing certain permits
152 subject to certain expiration dates; providing
153 applicability of the extension to certain related
154 activities; providing for extension of commencement
155 and completion dates; requiring permitholders to
156 notify authorizing agencies of intent to use the

157 extension and anticipated time of the extension;
158 specifying nonapplicability to certain permits;
159 providing applicability of certain rules to extended
160 permits; preserving the authority of counties and
161 municipalities to impose certain security and sanitary
162 requirements on property owners under certain
163 circumstances; requiring permitholders to notify
164 permitting agencies of intent to use the extension;
165 creating s. 290.50, F.S.; providing requirements for
166 the creation and operation of a designated local
167 enterprise zone program; creating s. 290.60, F.S.;
168 providing requirements for the Department of Economic
169 Opportunity to certify and decertify a local
170 enterprise zone; authorizing the department to adopt
171 rules; requiring the department to develop certain
172 marketing information; requiring the department's
173 annual report to contain certain information; amending
174 s. 159.27, F.S.; revising definition of the term
175 "project" to include a commercial project in a
176 certified enterprise zone for purposes of certain bond
177 financing provisions; defining the term "commercial
178 project in a certified enterprise zone"; amending s.
179 159.803, F.S.; revising definition of the term
180 "priority project" to include any project to be
181 located in a certified enterprise zone for purposes of
182 certain bond financing provisions; amending s.

183 163.2517, F.S.; authorizing a local government to
184 designate a certified enterprise zone as an urban
185 infill and redevelopment area using specified factors;
186 amending s. 163.503, F.S.; defining the term
187 "certified enterprise zone" for purposes of the Safe
188 Neighborhoods Act; amending s. 163.521, F.S.;
189 authorizing certain local governments to request
190 funding for capital improvements in a neighborhood
191 improvement district located in a certified enterprise
192 zone; amending s. 163.522, F.S.; directing a county or
193 municipality containing a certified enterprise zone to
194 consider creating a neighborhood improvement district
195 within such zone; amending s. 166.231, F.S.;
196 authorizing a municipality to enact ordinances
197 relating to public service tax exemptions for
198 certified enterprise zones; conditioning applicability
199 of such ordinance upon state certification of such
200 zones; deleting the future expiration of the
201 authorization; amending s. 196.012, F.S.; conforming a
202 cross-reference; revising definitions of the terms
203 "new business" and "expansion of an existing business"
204 to include a business or organization located within a
205 certified enterprise zone; defining the term
206 "certified enterprise zone" for purposes of certain
207 property tax exemptions; amending s. 196.095, F.S.;
208 providing an exemption from certain property tax for a

209 licensed child care facility operating in a certified
 210 enterprise zone; providing application and review
 211 requirements for such exemption; amending s. 196.1995,
 212 F.S.; authorizing a board of county commissioners or
 213 other governing body to call a referendum regarding
 214 certain ad valorem tax exemptions for new and
 215 expanding businesses in a certified enterprise zone;
 216 providing requirements for such referendum;
 217 conditioning applicability of an approved referendum
 218 upon state certification of a certified enterprise
 219 zone; providing limitations; amending s. 205.022,
 220 F.S.; defining the term "certified enterprise zone"
 221 for purposes of local business taxes; amending s.
 222 205.054, F.S.; authorizing an exemption of 50 percent
 223 of business taxes for certain businesses located in a
 224 certified enterprise zone; providing applicability;
 225 conditioning exemption upon state certification of a
 226 certified enterprise zone; deleting the future
 227 expiration of the authorization; amending s. 212.02,
 228 F.S.; defining the term "certified enterprise zone"
 229 for purposes of the Florida Revenue Act of 1949;
 230 deleting the future expiration of the definition;
 231 amending s. 212.08, F.S.; revising exemptions relating
 232 to building materials used in redevelopment projects
 233 to include housing projects and mixed-use projects
 234 located in a certified enterprise zone; revising

235 | eligibility criteria for community contribution tax
236 | credits to include certain projects located within a
237 | certified enterprise zone; amending s. 220.183, F.S.;
238 | revising eligibility criteria for community
239 | contribution tax credit projects to include projects
240 | located within a certified enterprise zone; amending
241 | s. 288.0001, F.S.; revising required elements of an
242 | analysis prepared by the Office of Economic and
243 | Demographic Research and the Office of Program Policy
244 | Analysis and Government Accountability to include the
245 | enterprise zone certification program; conforming a
246 | cross-reference; making a technical change; amending
247 | s. 288.018, F.S.; authorizing the Department of
248 | Economic Opportunity to contract for the development
249 | of a web portal or website regarding certified
250 | enterprise zones; providing requirements for such
251 | portals or websites; amending s. 288.047, F.S.;
252 | requiring Workforce Florida, Inc., to set aside 30
253 | percent of certain Quick-Response Training Program
254 | revenues to fund instructional programs for businesses
255 | located in a certified enterprise zone; amending ss.
256 | 288.11621 and 288.11631, F.S.; revising evaluation
257 | criteria for state funding of a certain spring
258 | training franchises' facilities to include the
259 | facilities' location in a certified enterprise zone;
260 | amending s. 339.2821, F.S.; revising evaluation

261 criteria for economic development transportation
 262 projects to include a project's location within a
 263 certified enterprise zone; amending s. 403.973, F.S.;
 264 authorizing regional permit action teams to expedite
 265 the review of permit applications and local
 266 comprehensive plan amendments submitted by businesses
 267 located in a certified enterprise zone that meet
 268 specified criteria; amending ss. 624.509 and 624.5091,
 269 F.S.; authorizing the transfer of certain excess tax
 270 credits related to employees whose place of employment
 271 is located within a certified enterprise zone, up to a
 272 specified percentage; providing applicability;
 273 amending s. 624.5105, F.S.; requiring certain projects
 274 eligible for a community contribution tax credit to be
 275 located in a certified enterprise zone; providing an
 276 effective date.

277

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

279

280 Section 1. Subsection (10) of section 20.60, Florida
 281 Statutes, is amended to read:

282 20.60 Department of Economic Opportunity; creation; powers
 283 and duties.—

284 (10) The department, with assistance from Enterprise
 285 Florida, Inc., shall, by November 1 of each year, submit an
 286 annual report to the Governor, the President of the Senate, and

287 the Speaker of the House of Representatives on the condition of
 288 the business climate and economic development in the state.

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

291 (b) The report must incorporate annual reports of other
 292 programs, including:

293 1. The displaced homemaker program established under s.
 294 446.50.

295 2. Information provided by the Department of Revenue under
 296 s. 290.014.

297 3. ~~Information provided by enterprise zone development~~
 298 ~~agencies under s. 290.0056 and~~ An analysis of the activities and
 299 accomplishments of each certified enterprise zone.

300 4. The Economic Gardening Business Loan Pilot Program
 301 established under s. 288.1081 and the Economic Gardening
 302 Technical Assistance Pilot Program established under s.
 303 288.1082.

304 5. A detailed report of the performance of the Black
 305 Business Loan Program and a cumulative summary of quarterly
 306 report data required under s. 288.714.

307 6. The Rural Economic Development Initiative established
 308 under s. 288.0656.

309 7. A detailed analysis of the information provided by
 310 community development entities pursuant to the New Markets
 311 Development Program Act in s. 288.9918. The first annual report
 312 that includes such analysis shall analyze all data the

313 department has received from community development entities
314 since the inception of the New Markets Development Program Act.

315 Section 2. Subsection (7) is added to section 163.3180,
316 Florida Statutes, to read:

317 163.3180 Concurrency.—

318 (7) (a) Notwithstanding any other provision of law,
319 ordinance, or resolution, before July 1, 2018, a local
320 government may only apply transportation concurrency within its
321 jurisdiction or require a proportionate-share contribution or
322 construction for a new business development if authorized by
323 supermajority vote of the local government's governing
324 authority. This paragraph does not apply to:

325 1. Proportionate-share contribution or construction
326 assessed on an existing business development before July 1,
327 2015.

328 2. A new business development that consists of more than
329 6,000 square feet and has a classification other than
330 residential.

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

333 (b) In order to maintain the exemption from transportation
334 concurrency and proportionate-share contribution or construction
335 pursuant to paragraph (a), a new business development must
336 receive a certificate of occupancy on or before July 1, 2019. If
337 the certificate of occupancy is not received by July 1, 2019,
338 the local government may apply transportation concurrency and

339 require the appropriate proportionate-share contribution or
340 construction for the business development that would otherwise
341 be applied. An outstanding obligation related to the
342 proportionate-share contribution or construction runs with the
343 land and is enforceable against any person claiming a fee
344 interest in the land subject to the obligation.

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

350 (d) A developer may, upon written notification to the
351 local government, elect to have the local government apply
352 transportation concurrency and proportionate-share contribution
353 or construction to a business development.

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

355 Section 3. Subsection (6) is added to section 163.31801,
356 Florida Statutes, to read:

357 163.31801 Impact fees; short title; intent; definitions;
358 ordinances levying impact fees.-

359 (6) (a) Notwithstanding any other provision of law,
360 ordinance, or resolution, before July 1, 2018, a county,
361 municipality, or special district may only impose a new or
362 existing impact fee or a new or existing fee associated with the
363 mitigation of transportation impacts on a new business
364 development if authorized by supermajority vote of the governing

365 body of the county, municipality, or special district. This
366 paragraph does not apply to:

367 1. An impact fee or fee associated with the mitigation of
368 transportation impacts previously enacted by law, ordinance, or
369 resolution assessed on an existing business development before
370 July 1, 2015.

371 2. A new business development that consists of more than
372 6,000 square feet and has a classification other than
373 residential.

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

376 (b) The governing authority of a county, municipality, or
377 special district imposing an impact fee in existence on July 1,
378 2014, must reauthorize the imposition of the fee pursuant to
379 this subsection.

380 (c) In order to maintain the exemption from impact fees
381 and fees associated with the mitigation of transportation
382 impacts pursuant to paragraph (a), a new business development
383 must receive a certificate of occupancy on or before July 1,
384 2019. If the certificate of occupancy is not received by July 1,
385 2019, the county, municipality, or special district may impose
386 the appropriate impact fees and fees associated with the
387 mitigation of transportation impacts on the business development
388 that would otherwise be applied. An outstanding obligation
389 related to impact fees and fees associated with the mitigation
390 of transportation impacts on the business development runs with

391 the land and is enforceable against any person claiming a fee
 392 interest in the land subject to the obligation.

393 (d) This subsection does not apply if such application
 394 results in a reduction of previously pledged revenue of a
 395 county, municipality, or special district for outstanding bonds
 396 or notes or to a county, municipality, or special district with
 397 a mobility fee-based funding system in place on or before
 398 January 1, 2015.

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

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

404 Section 4. Paragraph (d) of subsection (6) of section
 405 212.20, Florida Statutes, is amended to read:

406 212.20 Funds collected, disposition; additional powers of
 407 department; operational expense; refund of taxes adjudicated
 408 unconstitutionally collected.—

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

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

414 1. In any fiscal year, the greater of \$500 million, minus
 415 an amount equal to 4.6 percent of the proceeds of the taxes
 416 collected pursuant to chapter 201, or 5.2 percent of all other

417 taxes and fees imposed pursuant to this chapter or remitted
418 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
419 monthly installments into the General Revenue Fund.

420 2. After the distribution under subparagraph 1., 8.8854
421 percent of the amount remitted by a sales tax dealer located
422 within a participating county pursuant to s. 218.61 shall be
423 transferred into the Local Government Half-cent Sales Tax
424 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
425 transferred shall be reduced by 0.1 percent, and the department
426 shall distribute this amount to the Public Employees Relations
427 Commission Trust Fund less \$5,000 each month, which shall be
428 added to the amount calculated in subparagraph 3. and
429 distributed accordingly.

430 3. After the distribution under subparagraphs 1. and 2.,
431 0.0956 percent shall be transferred to the Local Government
432 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
433 to s. 218.65.

434 4. After the distributions under subparagraphs 1., 2., and
435 3., 2.0603 percent of the available proceeds shall be
436 transferred monthly to the Revenue Sharing Trust Fund for
437 Counties pursuant to s. 218.215.

438 5. After the distributions under subparagraphs 1., 2., and
439 3., 1.3517 percent of the available proceeds shall be
440 transferred monthly to the Revenue Sharing Trust Fund for
441 Municipalities pursuant to s. 218.215. If the total revenue to
442 be distributed pursuant to this subparagraph is at least as

443 great as the amount due from the Revenue Sharing Trust Fund for
444 Municipalities and the former Municipal Financial Assistance
445 Trust Fund in state fiscal year 1999-2000, no municipality shall
446 receive less than the amount due from the Revenue Sharing Trust
447 Fund for Municipalities and the former Municipal Financial
448 Assistance Trust Fund in state fiscal year 1999-2000. If the
449 total proceeds to be distributed are less than the amount
450 received in combination from the Revenue Sharing Trust Fund for
451 Municipalities and the former Municipal Financial Assistance
452 Trust Fund in state fiscal year 1999-2000, each municipality
453 shall receive an amount proportionate to the amount it was due
454 in state fiscal year 1999-2000.

455 6. Of the remaining proceeds:

456 a. In each fiscal year, the sum of \$29,915,500 shall be
457 divided into as many equal parts as there are counties in the
458 state, and one part shall be distributed to each county. The
459 distribution among the several counties must begin each fiscal
460 year on or before January 5th and continue monthly for a total
461 of 4 months. If a local or special law required that any moneys
462 accruing to a county in fiscal year 1999-2000 under the then-
463 existing provisions of s. 550.135 be paid directly to the
464 district school board, special district, or a municipal
465 government, such payment must continue until the local or
466 special law is amended or repealed. The state covenants with
467 holders of bonds or other instruments of indebtedness issued by
468 local governments, special districts, or district school boards

469 before July 1, 2000, that it is not the intent of this
470 subparagraph to adversely affect the rights of those holders or
471 relieve local governments, special districts, or district school
472 boards of the duty to meet their obligations as a result of
473 previous pledges or assignments or trusts entered into which
474 obligated funds received from the distribution to county
475 governments under then-existing s. 550.135. This distribution
476 specifically is in lieu of funds distributed under s. 550.135
477 before July 1, 2000.

478 b. The department shall distribute \$166,667 monthly to
479 each applicant certified as a facility for a new or retained
480 professional sports franchise pursuant to s. 288.1162. Up to
481 \$41,667 shall be distributed monthly by the department to each
482 certified applicant as defined in s. 288.11621 for a facility
483 for a spring training franchise. However, not more than \$416,670
484 may be distributed monthly in the aggregate to all certified
485 applicants for facilities for spring training franchises.
486 Distributions begin 60 days after such certification and
487 continue for not more than 30 years, except as otherwise
488 provided in s. 288.11621. A certified applicant identified in
489 this sub-subparagraph may not receive more in distributions than
490 expended by the applicant for the public purposes provided in s.
491 288.1162(5) or s. 288.11621(3).

492 ~~e. Beginning 30 days after notice by the Department of~~
493 ~~Economic Opportunity to the Department of Revenue that an~~
494 ~~applicant has been certified as the professional golf hall of~~

495 ~~fame pursuant to s. 288.1168 and is open to the public, \$166,667~~
496 ~~shall be distributed monthly, for up to 300 months, to the~~
497 ~~applicant.~~

498 ~~d. Beginning 30 days after notice by the Department of~~
499 ~~Economic Opportunity to the Department of Revenue that the~~
500 ~~applicant has been certified as the International Game Fish~~
501 ~~Association World Center facility pursuant to s. 288.1169, and~~
502 ~~the facility is open to the public, \$83,333 shall be distributed~~
503 ~~monthly, for up to 168 months, to the applicant. This~~
504 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
505 ~~lump sum payment of \$999,996 shall be made after certification~~
506 ~~and before July 1, 2000.~~

507 ~~c.e.~~ The department shall distribute up to \$83,333 monthly
508 to each certified applicant as defined in s. 288.11631 for a
509 facility used by a single spring training franchise, or up to
510 \$166,667 monthly to each certified applicant as defined in s.
511 288.11631 for a facility used by more than one spring training
512 franchise. Monthly distributions begin 60 days after such
513 certification or July 1, 2016, whichever is later, and continue
514 for not more than 20 years to each certified applicant as
515 defined in s. 288.11631 for a facility used by a single spring
516 training franchise or not more than 25 years to each certified
517 applicant as defined in s. 288.11631 for a facility used by more
518 than one spring training franchise. A certified applicant
519 identified in this sub-subparagraph may not receive more in
520 distributions than expended by the applicant for the public

521 purposes provided in s. 288.11631(3).

522 ~~d.f.~~ Beginning 45 days after notice by the Department of
523 Economic Opportunity to the Department of Revenue that an
524 applicant has been approved by the Legislature and certified by
525 the Department of Economic Opportunity under s. 288.11625 or
526 upon a date specified by the Department of Economic Opportunity
527 as provided under s. 288.11625(6)(d), the department shall
528 distribute each month an amount equal to one-twelfth of the
529 annual distribution amount certified by the Department of
530 Economic Opportunity for the applicant. The department may not
531 distribute more than \$7 million in the 2014-2015 fiscal year or
532 more than \$13 million annually thereafter under this sub-
533 subparagraph.

534 7. All other proceeds must remain in the General Revenue
535 Fund.

536 Section 5. Paragraphs (b) and (g) of subsection (1) of
537 section 220.191, Florida Statutes, are amended to read:

538 220.191 Capital investment tax credit.—

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

540 (b) "Cumulative capital investment" means the total
541 capital investment in land, buildings, and equipment made by or
542 on behalf of the qualifying business in connection with a
543 qualifying project during the period from the beginning of
544 construction of the project to the commencement of operations.
545 The term does not include funds granted to or spent on behalf of
546 the qualifying business by the state, a local government, or

547 other governmental entity; funds appropriated in the General
548 Appropriations Act; or funds otherwise provided to the
549 qualifying business by a state agency, local government, or
550 other governmental entity.

551 (g) "Qualifying project" means a facility in this state
552 meeting one or more of the following criteria:

553 1. A new or expanding facility in this state which creates
554 at least 100 new jobs in this state and is in one of the high-
555 impact sectors identified by Enterprise Florida, Inc., and
556 certified by the Department of Economic Opportunity pursuant to
557 s. 288.108(6), including, but not limited to, aviation,
558 aerospace, automotive, and silicon technology industries.

559 However, between July 1, 2011, and June 30, 2014, the
560 requirement that a facility be in a high-impact sector is waived
561 for any otherwise eligible business from another state which
562 locates all or a portion of its business to a Disproportionally
563 Affected County. For purposes of this section, the term
564 "Disproportionally Affected County" means Bay County, Escambia
565 County, Franklin County, Gulf County, Okaloosa County, Santa
566 Rosa County, Walton County, or Wakulla County.

567 2. A new or expanded facility in this state which is
568 engaged in a target industry designated pursuant to the
569 procedure specified in s. 288.106(2) and which is induced by
570 this credit to create or retain at least 1,000 jobs in this
571 state, provided that at least 100 of those jobs are new, pay an
572 annual average wage of at least 130 percent of the average

573 private sector wage in the area as defined in s. 288.106(2), and
574 make a cumulative capital investment of at least \$100 million.
575 Jobs may be considered retained only if there is significant
576 evidence that the loss of jobs is imminent. Notwithstanding
577 subsection (2), annual credits against the tax imposed by this
578 chapter may not exceed 50 percent of the increased annual
579 corporate income tax liability or the premium tax liability
580 generated by or arising out of a project qualifying under this
581 subparagraph. A facility that qualifies under this subparagraph
582 for an annual credit against the tax imposed by this chapter may
583 take the tax credit for a period not to exceed 5 years.

584 3. A new or expanded headquarters facility in this state
585 which locates in a certified ~~an~~ enterprise zone and brownfield
586 area and is induced by this credit to create at least 1,500 jobs
587 which on average pay at least 200 percent of the statewide
588 average annual private sector wage, as published by the
589 Department of Economic Opportunity, and which new or expanded
590 headquarters facility makes a cumulative capital investment in
591 this state of at least \$250 million.

592 Section 6. Subsection (1) of section 288.005, Florida
593 Statutes, is amended to read:

594 288.005 Definitions.—As used in this chapter, the term:

595 (1) "Economic benefits" means the direct, indirect, and
596 induced gains in state revenues as a percentage of the state's
597 investment. The state's investment includes all state funds
598 spent or forgone to benefit the business, including, but not

599 limited to, state funds appropriated to public and private
600 entities, state grants, tax exemptions, tax refunds, tax
601 credits, and other state incentives.

602 Section 7. Subsection (2) and paragraph (a) of subsection
603 (3) of section 288.061, Florida Statutes, are amended to read:

604 288.061 Economic development incentive application
605 process.—

606 (2) (a) ~~Beginning July 1, 2013,~~ The department shall review
607 and evaluate each economic development incentive application for
608 the economic benefits of the proposed award of state incentives
609 proposed for the project. Such review shall occur before the
610 department approves an economic development incentive
611 application and each time an approved incentive agreement or
612 contract is amended, extended, or otherwise altered by the
613 department or Enterprise Florida, Inc. The department shall
614 notify the Legislature within 5 business days after any contract
615 amendment or use of an incentive contract extension. Except as
616 otherwise provided in this chapter, the department may not
617 execute an amendment to an incentive agreement or contract for a
618 project the economic benefits of which have been reduced unless
619 the award of state incentives outlined in the incentive
620 agreement or contract have been reduced by a proportionate
621 amount. When evaluating an economic development incentive
622 application, the department may not attribute to the business
623 any capital investment made by the business using state funds.

624 (b) As used in this subsection, the term "economic

625 benefits" has the same meaning as provided in s. 288.005. The
626 Office of Economic and Demographic Research shall establish the
627 methodology and model used to calculate the economic benefits
628 and shall establish guidelines for appropriate application of
629 the model. For purposes of this requirement, an amended
630 definition of "economic benefits" may be developed by the Office
631 of Economic and Demographic Research but must include all state
632 funds spent or forgone to benefit a business, including, but not
633 limited to, state funds appropriated to public and private
634 entities, state grants, tax exemptions, tax refunds, tax
635 credits, other state incentives, and any other source of state
636 funds which should reasonably be known to the department at the
637 time of approval.

638 (c) For the purpose of calculating the economic benefits
639 of a project, the department may not attribute to the business
640 any capital investment made by the business using state funds.

641 (d) For the purpose of evaluating economic development
642 incentive applications, the department shall consider the
643 cumulative capital investment, as defined in s. 220.191.

644 (3) Within 10 business days after the department receives
645 the submitted economic development incentive application, the
646 executive director shall approve or disapprove the application
647 and issue a letter of certification to the applicant which
648 includes a justification of that decision, unless the business
649 requests an extension of that time.

650 (a) The contract or agreement with the applicant must

651 specify the total amount of the award, the performance
652 conditions that must be met to obtain the award, the schedule
653 for payment, and sanctions that would apply for failure to meet
654 performance conditions. The contract or agreement with the
655 applicant must require that the applicant use the state's job
656 bank system to advertise job openings created as a result of the
657 state incentive agreement. The department may enter into one
658 agreement or contract covering all of the state incentives that
659 are being provided to the applicant. The contract must provide
660 that release of funds is contingent upon sufficient
661 appropriation of funds by the Legislature. The state may not
662 enter into a contract or agreement with a term of more than 10
663 years with any applicant.

664 Section 8. Paragraphs (c) and (e) of subsection (1) of
665 section 288.076, Florida Statutes, are amended to read:

666 288.076 Return on investment reporting for economic
667 development programs.—

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

669 (c) "Project" has the same meaning as provided in s.
670 288.106(2)(1) ~~288.106(2)(m)~~.

671 (e) "State investment" means all state funds spent or
672 forgone to benefit a business, including, but not limited to,
673 state funds appropriated to public and private entities, state
674 grants, tax exemptions, tax refunds, tax credits, and any other
675 source of state funds which should reasonably be known to the
676 department at the time of approval ~~any state grants, tax~~

677 ~~exemptions, tax refunds, tax credits, or other state incentives~~
678 ~~provided to a business under a program administered by the~~
679 ~~department,~~ including the capital investment tax credit under s.
680 220.191.

681 Section 9. Subsection (1), paragraph (b) of subsection
682 (2), paragraphs (b), (c), (d), and (j) of subsection (3), and
683 subsection (7) of section 288.1045, Florida Statutes, are
684 amended, to read:

685 288.1045 Qualified defense contractor and space flight
686 business tax refund program.—

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

688 (a) "Applicant" means any business entity that holds a
689 valid Department of Defense contract or space flight business
690 contract, any business entity that is a subcontractor under a
691 valid Department of Defense contract or space flight business
692 contract, or any business entity that holds a valid contract for
693 the reuse of a defense-related facility, including all members
694 of an affiliated group of corporations as defined in s.
695 220.03(1)(b).

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

700 (c) "Business unit" means an employing unit, as defined in
701 s. 443.036, that is registered with the department for
702 reemployment assistance purposes or means a subcategory or

703 division of an employing unit that is accepted by the department
704 as a reporting unit.

705 (d) "Consolidation of a Department of Defense contract"
706 means the consolidation of one or more of an applicant's
707 facilities under one or more Department of Defense contracts,
708 from outside this state or from inside and outside this state,
709 into one or more of the applicant's facilities inside this
710 state.

711 (e) "Consolidation of a space flight business contract"
712 means the consolidation of one or more of an applicant's
713 facilities under one or more space flight business contracts,
714 from outside this state or from inside and outside this state,
715 into one or more of the applicant's facilities inside this
716 state.

717 (f) "Contract for reuse of a defense-related facility"
718 means a contract with a duration of 2 or more years for the use
719 of a facility for manufacturing, assembling, fabricating,
720 research, development, or design of tangible personal property,
721 but excluding any contract to provide goods, improvements to
722 real or tangible property, or services directly to or for any
723 particular military base or installation in this state. Such
724 facility must be located within a port, as defined in s. 313.21,
725 and have been occupied by a business entity that held a valid
726 Department of Defense contract or occupied by any branch of the
727 Armed Forces of the United States, within 1 year of any contract
728 being executed for the reuse of such facility. A contract for

729 reuse of a defense-related facility may not include any contract
730 for reuse of such facility for any Department of Defense
731 contract for manufacturing, assembling, fabricating, research,
732 development, or design.

733 (g) "Department of Defense contract" means a competitively
734 bid Department of Defense contract or subcontract or a
735 competitively bid federal agency contract or subcontract issued
736 on behalf of the Department of Defense for manufacturing,
737 assembling, fabricating, research, development, or design with a
738 duration of 2 or more years, but excluding any contract or
739 subcontract to provide goods, improvements to real or tangible
740 property, or services directly to or for any particular military
741 base or installation in this state. The term includes contracts
742 or subcontracts for products or services for military use or
743 homeland security which contracts or subcontracts are approved
744 by the United States Department of Defense, the United States
745 Department of State, or the United States Department of Homeland
746 Security.

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

748 (i) "Jobs" means full-time equivalent positions,
749 including, but not limited to, positions obtained from a
750 temporary employment agency or employee leasing company or
751 through a union agreement or coemployment under a professional
752 employer organization agreement, that result directly from a
753 project in this state. This number does not include temporary
754 construction jobs involved with the construction of facilities

755 for the project.

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

760 1. Local financial support may include excess payments
761 made to a utility company under a designated program to allow
762 decreases in service by the utility company under conditions,
763 regardless of when application is made.

764 2. A qualified applicant may not provide, directly or
765 indirectly, more than 5 percent of such funding in any fiscal
766 year. The sources of such funding may not include, directly or
767 indirectly, state funds appropriated from the General Revenue
768 Fund or any state trust fund, excluding tax revenues shared with
769 local governments pursuant to law.

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

773 4. The department may grant a waiver that reduces the
774 required amount of local financial support for a project to 10
775 percent of the annual tax refund awarded to a qualified
776 applicant for a local government, or eliminates the required
777 amount of local financial support for a project for a local
778 government located in a rural area of opportunity, as designated
779 by the Governor pursuant to s. 288.0656. To be eligible to
780 receive a waiver that reduces or eliminates the required amount

781 of local financial support, a local government shall provide the
782 department with:

783 a. A resolution adopted by the governing body of the
784 county or municipality in whose jurisdiction the project will be
785 located, requesting the applicant's project be waived from the
786 local financial support requirement.

787 b. A statement prepared by a Florida certified public
788 accountant, as defined in s. 473.302, that describes the
789 financial constraints preventing the local government from
790 providing the local financial support required by this section.

791 ~~(k) "Local financial support exemption option" means the~~
792 ~~option to exercise an exemption from the local financial support~~
793 ~~requirement available to any applicant whose project is located~~
794 ~~in a county designated by the Rural Economic Development~~
795 ~~Initiative, if the county commissioners of the county in which~~
796 ~~the project will be located adopt a resolution requesting that~~
797 ~~the applicant's project be exempt from the local financial~~
798 ~~support requirement. Any applicant that exercises this option is~~
799 ~~not eligible for more than 80 percent of the total tax refunds~~
800 ~~allowed such applicant under this section.~~

801 (k)(1) "New Department of Defense contract" means a
802 Department of Defense contract entered into after the date
803 application for certification as a qualified applicant is made
804 and after January 1, 1994.

805 (l)(m) "New space flight business contract" means a space
806 flight business contract entered into after an application for

807 certification as a qualified applicant is made after July 1,
808 2008.

809 (m)~~(n)~~ "Nondefense production jobs" means employment
810 exclusively for activities that, directly or indirectly, are
811 unrelated to the Department of Defense.

812 (n)~~(o)~~ "Project" means any business undertaking in this
813 state under a new Department of Defense contract, consolidation
814 of a Department of Defense contract, new space flight business
815 contract, consolidation of a space flight business contract, or
816 conversion of defense production jobs over to nondefense
817 production jobs or reuse of defense-related facilities.

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

821 (p)~~(q)~~ "Space flight business" means the manufacturing,
822 processing, or assembly of space flight technology products,
823 space flight facilities, space flight propulsion systems, or
824 space vehicles, satellites, or stations of any kind possessing
825 the capability for space flight, as defined by s. 212.02(23), or
826 components thereof, and includes, in supporting space flight,
827 vehicle launch activities, flight operations, ground control or
828 ground support, and all administrative activities directly
829 related to such activities. The term does not include products
830 that are designed or manufactured for general commercial
831 aviation or other uses even if those products may also serve an
832 incidental use in space flight applications.

833 (q)~~(r)~~ "Space flight business contract" means a
 834 competitively bid federal agency contract, federal agency
 835 subcontract, an awarded commercial contract, or an awarded
 836 commercial subcontract for space flight business with a duration
 837 of 2 or more years.

838 (r)~~(s)~~ "Taxable year" means the same as in s.
 839 220.03(1)(y).

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

841 (b) Upon approval by the director, a qualified applicant
 842 shall be allowed tax refund payments equal to \$3,000 times the
 843 number of jobs specified in the tax refund agreement under
 844 subparagraph (4)(a)1. or equal to \$6,000 times the number of
 845 jobs if the project is located in a rural area of opportunity
 846 ~~county~~ or a certified ~~an~~ enterprise zone. Further, a qualified
 847 applicant shall be allowed additional tax refund payments equal
 848 to \$1,000 times the number of jobs specified in the tax refund
 849 agreement under subparagraph (4)(a)1. if such jobs pay an annual
 850 average wage of at least 150 percent of the average private
 851 sector wage in the area or equal to \$2,000 times the number of
 852 jobs if such jobs pay an annual average wage of at least 200
 853 percent of the average private sector wage in the area. A
 854 qualified applicant may not receive refunds of more than 25
 855 percent of the total tax refunds provided in the tax refund
 856 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
 857 provided that no qualified applicant may receive more than \$2.5
 858 million in tax refunds pursuant to this section in any fiscal

859 year.

860 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
861 DETERMINATION.—

862 (b) Applications for certification based on the
863 consolidation of a Department of Defense contract or a new
864 Department of Defense contract must be submitted to the
865 department as prescribed by the department and must include, but
866 are not limited to, the following information:

867 1. The applicant's federal employer identification number,
868 the applicant's Florida sales tax registration number, and a
869 signature of an officer of the applicant.

870 2. The permanent location of the manufacturing,
871 assembling, fabricating, research, development, or design
872 facility in this state at which the project is or is to be
873 located.

874 3. The Department of Defense contract numbers of the
875 contract to be consolidated, the new Department of Defense
876 contract number, or the "RFP" number of a proposed Department of
877 Defense contract.

878 4. The date the contract was executed or is expected to be
879 executed, and the date the contract is due to expire or is
880 expected to expire.

881 5. The commencement date for project operations under the
882 contract in this state.

883 6. The number of net new full-time equivalent Florida jobs
884 included in the project as of December 31 of each year and the

885 average wage of such jobs.

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

888 8. The percentage of the applicant's gross receipts
889 derived from Department of Defense contracts during the 5
890 taxable years immediately preceding the date the application is
891 submitted.

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

894 10. A brief statement concerning the applicant's need for
895 tax refunds, and the proposed uses of such refunds by the
896 applicant.

897 11. A resolution adopted by the governing board of the
898 county or municipality in which the project will be located,
899 which recommends the applicant be approved as a qualified
900 applicant, and which indicates that the necessary commitments of
901 local financial support for the applicant exist. ~~Prior to the~~
902 ~~adoption of the resolution, the county commission may review the~~
903 ~~proposed public or private sources of such support and determine~~
904 ~~whether the proposed sources of local financial support can be~~
905 ~~provided or, for any applicant whose project is located in a~~
906 ~~county designated by the Rural Economic Development Initiative,~~
907 ~~a resolution adopted by the county commissioners of such county~~
908 ~~requesting that the applicant's project be exempt from the local~~
909 ~~financial support requirement.~~

910 12. Any additional information requested by the

911 department.

912 (c) Applications for certification based on the conversion
 913 of defense production jobs to nondefense production jobs must be
 914 submitted to the department as prescribed by the department and
 915 must include, but are not limited to, the following information:

916 1. The applicant's federal employer identification number,
 917 the applicant's Florida sales tax registration number, and a
 918 signature of an officer of the applicant.

919 2. The permanent location of the manufacturing,
 920 assembling, fabricating, research, development, or design
 921 facility in this state at which the project is or is to be
 922 located.

923 3. The Department of Defense contract numbers of the
 924 contract under which the defense production jobs will be
 925 converted to nondefense production jobs.

926 4. The date the contract was executed, and the date the
 927 contract is due to expire or is expected to expire, or was
 928 canceled.

929 5. The commencement date for the nondefense production
 930 operations in this state.

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

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

936 8. The percentage of the applicant's gross receipts

937 derived from Department of Defense contracts during the 5
938 taxable years immediately preceding the date the application is
939 submitted.

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

942 10. A brief statement concerning the applicant's need for
943 tax refunds, and the proposed uses of such refunds by the
944 applicant.

945 11. A resolution adopted by the governing board of the
946 county or municipality in which the project will be located,
947 which recommends the applicant be approved as a qualified
948 applicant, and which indicates that the necessary commitments of
949 local financial support for the applicant exist. ~~Prior to the~~
950 ~~adoption of the resolution, the county commission may review the~~
951 ~~proposed public or private sources of such support and determine~~
952 ~~whether the proposed sources of local financial support can be~~
953 ~~provided or, for any applicant whose project is located in a~~
954 ~~county designated by the Rural Economic Development Initiative,~~
955 ~~a resolution adopted by the county commissioners of such county~~
956 ~~requesting that the applicant's project be exempt from the local~~
957 ~~financial support requirement.~~

958 12. Any additional information requested by the
959 department.

960 (d) Applications for certification based on a contract for
961 reuse of a defense-related facility must be submitted to the
962 department as prescribed by the department and must include, but

963 are not limited to, the following information:

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

966 2. The permanent location of the manufacturing,
967 assembling, fabricating, research, development, or design
968 facility in this state at which the project is or is to be
969 located.

970 3. The business entity holding a valid Department of
971 Defense contract or branch of the Armed Forces of the United
972 States that previously occupied the facility, and the date such
973 entity last occupied the facility.

974 4. A copy of the contract to reuse the facility, or such
975 alternative proof as may be prescribed by the department that
976 the applicant is seeking to contract for the reuse of such
977 facility.

978 5. The date the contract to reuse the facility was
979 executed or is expected to be executed, and the date the
980 contract is due to expire or is expected to expire.

981 6. The commencement date for project operations under the
982 contract in this state.

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

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

988 9. The number of full-time equivalent jobs in this state

989 to be retained by the project.

990 10. A brief statement concerning the applicant's need for
991 tax refunds, and the proposed uses of such refunds by the
992 applicant.

993 11. A resolution adopted by the governing board of the
994 county or municipality in which the project will be located,
995 which recommends the applicant be approved as a qualified
996 applicant, and which indicates that the necessary commitments of
997 local financial support for the applicant exist. ~~Before the~~
998 ~~adoption of the resolution, the county commission may review the~~
999 ~~proposed public or private sources of such support and determine~~
1000 ~~whether the proposed sources of local financial support can be~~
1001 ~~provided or, for any applicant whose project is located in a~~
1002 ~~county designated by the Rural Economic Development Initiative,~~
1003 ~~a resolution adopted by the county commissioners of such county~~
1004 ~~requesting that the applicant's project be exempt from the local~~
1005 ~~financial support requirement.~~

1006 12. Any additional information requested by the
1007 department.

1008 (j) Applications for certification based upon a new space
1009 flight business contract or the consolidation of a space flight
1010 business contract must be submitted to the department as
1011 prescribed by the department and must include, but are not
1012 limited to, the following information:

1013 1. The applicant's federal employer identification number,
1014 the applicant's Florida sales tax registration number, and a

- 1015 signature of an officer of the applicant.
- 1016 2. The permanent location of the space flight business
1017 facility in this state where the project is or will be located.
- 1018 3. The new space flight business contract number, the
1019 space flight business contract numbers of the contract to be
1020 consolidated, or the request-for-proposal number of a proposed
1021 space flight business contract.
- 1022 4. The date the contract was executed and the date the
1023 contract is due to expire, is expected to expire, or was
1024 canceled.
- 1025 5. The commencement date for project operations under the
1026 contract in this state.
- 1027 6. The number of net new full-time equivalent Florida jobs
1028 included in the project as of December 31 of each year and the
1029 average wage of such jobs.
- 1030 7. The total number of full-time equivalent employees
1031 employed by the applicant in this state.
- 1032 8. The percentage of the applicant's gross receipts
1033 derived from space flight business contracts during the 5
1034 taxable years immediately preceding the date the application is
1035 submitted.
- 1036 9. The number of full-time equivalent jobs in this state
1037 to be retained by the project.
- 1038 10. A brief statement concerning the applicant's need for
1039 tax refunds and the proposed uses of such refunds by the
1040 applicant.

1041 11. A resolution adopted by the governing board of the
 1042 county or municipality in which the project will be located
 1043 which recommends the applicant be approved as a qualified
 1044 applicant and indicates that the necessary commitments of local
 1045 financial support for the applicant exist. ~~Prior to the adoption~~
 1046 ~~of the resolution, the county commission may review the proposed~~
 1047 ~~public or private sources of such support and determine whether~~
 1048 ~~the proposed sources of local financial support can be provided~~
 1049 ~~or, for any applicant whose project is located in a county~~
 1050 ~~designated by the Rural Economic Development Initiative, a~~
 1051 ~~resolution adopted by the county commissioners of such county~~
 1052 ~~requesting that the applicant's project be exempt from the local~~
 1053 ~~financial support requirement.~~

1054 12. Any additional information requested by the
 1055 department.

1056 (7) EXPIRATION.—An applicant may not be certified as
 1057 qualified under this section after June 30, 2017 ~~2014~~. A tax
 1058 refund agreement existing on that date shall continue in effect
 1059 in accordance with its terms.

1060 Section 10. Subsection (2), paragraphs (b) and (c) of
 1061 subsection (3), paragraphs (b) and (f) of subsection (4),
 1062 paragraph (b) of subsection (5), and subsection (8) of section
 1063 288.106, Florida Statutes, are amended, to read:

1064 288.106 Tax refund program for qualified target industry
 1065 businesses.—

1066 (2) DEFINITIONS.—As used in this section, the term:

1067 (a) "Account" means the Economic Development Incentives
 1068 Account within the Economic Development Trust Fund established
 1069 under s. 288.095.

1070 (b) "Authorized local economic development agency" means a
 1071 public or private entity, including an entity defined in s.
 1072 288.075, authorized by a county or municipality to promote the
 1073 general business or industrial interests of that county or
 1074 municipality.

1075 (c) "Average private sector wage in the area" means ~~the~~
 1076 ~~statewide private sector average wage or~~ the average of all
 1077 private sector wages and salaries in the county ~~or in the~~
 1078 ~~standard metropolitan area~~ in which the project business is
 1079 located or will be located.

1080 (d) "Business" means an employing unit, as defined in s.
 1081 443.036, that is registered for reemployment assistance purposes
 1082 with the state agency providing reemployment assistance tax
 1083 collection services under an interagency agreement pursuant to
 1084 s. 443.1316, or a subcategory or division of an employing unit
 1085 that is accepted by the state agency providing reemployment
 1086 assistance tax collection services as a reporting unit.

1087 ~~(f)~~~~(e)~~ "Corporate headquarters business" means an
 1088 international, national, or regional headquarters office of a
 1089 multinational or multistate business enterprise or national
 1090 trade association, whether separate from or connected with other
 1091 facilities used by such business.

1092 ~~(e)~~~~(f)~~ "Certified enterprise zone" means an area certified

1093 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

1094 (g) "Expansion of an existing business" means the
 1095 expansion of an existing Florida business by or through
 1096 additions to real and personal property, resulting in a net
 1097 increase in employment of not less than 10 percent at such
 1098 business.

1099 (h) "Fiscal year" means the fiscal year of the state.

1100 (i) "Jobs" means full-time equivalent positions,
 1101 including, but not limited to, positions obtained from a
 1102 temporary employment agency or employee leasing company or
 1103 through a union agreement or coemployment under a professional
 1104 employer organization agreement, that result directly from a
 1105 project in this state. The term does not include temporary
 1106 construction jobs involved with the construction of facilities
 1107 for the project or any jobs previously included in any
 1108 application for tax refunds under s. 288.1045 or this section.

1109 (j) "Local financial support" means funding from local
 1110 sources, public or private, that is paid to the Economic
 1111 Development Trust Fund and that is equal to 20 percent of the
 1112 annual tax refund for a qualified target industry business.

1113 1. A qualified target industry business may not provide,
 1114 directly or indirectly, more than 5 percent of such funding in
 1115 any fiscal year. The sources of such funding may not include,
 1116 directly or indirectly, state funds appropriated from the
 1117 General Revenue Fund or any state trust fund, excluding tax
 1118 revenues shared with local governments pursuant to law.

1119 2. A qualified target industry business may not receive
1120 more than 80 percent of the total tax refunds from state funds
1121 that are allowed such business under this section.

1122 3. The department may grant a waiver that reduces the
1123 required amount of local financial support for a project to 10
1124 percent of the annual tax refund awarded to a qualified target
1125 industry business for a local government, or eliminates the
1126 required amount of local financial support for a project for a
1127 local government located in a rural area of opportunity, as
1128 designated by the Governor pursuant to s. 288.0656. To be
1129 eligible to receive a waiver that reduces or eliminates the
1130 required amount of local financial support, a local government
1131 shall provide the department with:

1132 a. A resolution adopted by the governing body of the
1133 county or municipality in whose jurisdiction the project will be
1134 located, requesting that the applicant's project be waived from
1135 the local financial support requirement.

1136 b. A statement prepared by a Florida certified public
1137 accountant, as defined in s. 473.302, which describes the
1138 financial constraints preventing the local government from
1139 providing the local financial support required by this section.

1140 ~~(k) "Local financial support exemption option" means the~~
1141 ~~option to exercise an exemption from the local financial support~~
1142 ~~requirement available to any applicant whose project is located~~
1143 ~~in a brownfield area, a rural city, or a rural community. Any~~
1144 ~~applicant that exercises this option is not eligible for more~~

1145 ~~than 80 percent of the total tax refunds allowed such applicant~~
 1146 ~~under this section.~~

1147 (k) ~~(l)~~ "New business" means a business that applies for a
 1148 tax refund under this section before beginning operations in
 1149 this state and that is a legal entity separate from any other
 1150 commercial or industrial operations owned by the same business.

1151 (l) ~~(m)~~ "Project" means the creation of a new business or
 1152 expansion of an existing business.

1153 (m) ~~(n)~~ "Qualified target industry business" means a target
 1154 industry business approved by the department to be eligible for
 1155 tax refunds under this section.

1156 ~~(o)~~ "Rural city" means a city having a population of
 1157 10,000 or fewer, or a city having a population of greater than
 1158 10,000 but fewer than 20,000 that has been determined by the
 1159 department to have economic characteristics such as, but not
 1160 limited to, a significant percentage of residents on public
 1161 assistance, a significant percentage of residents with income
 1162 below the poverty level, or a significant percentage of the
 1163 city's employment base in agriculture-related industries.

1164 ~~(p)~~ "Rural community" means:

- 1165 1. ~~A county having a population of 75,000 or fewer.~~
- 1166 2. ~~A county having a population of 125,000 or fewer that~~
 1167 ~~is contiguous to a county having a population of 75,000 or~~
 1168 ~~fewer.~~
- 1169 3. ~~A municipality within a county described in~~
 1170 ~~subparagraph 1. or subparagraph 2.~~

1171
1172 ~~For purposes of this paragraph, population shall be determined~~
1173 ~~in accordance with the most recent official estimate pursuant to~~
1174 ~~s. 186.901.~~

1175 (n) ~~(e)~~ "Target industry business" means a corporate
1176 headquarters business or any business that is engaged in one of
1177 the target industries identified pursuant to the following
1178 criteria developed by the department in consultation with
1179 Enterprise Florida, Inc.:

1180 1. Future growth.—Industry forecasts should indicate
1181 strong expectation for future growth in both employment and
1182 output, according to the most recent available data. Special
1183 consideration should be given to businesses that export goods
1184 to, or provide services in, international markets and businesses
1185 that replace domestic and international imports of goods or
1186 services.

1187 2. Stability.—The industry should not be subject to
1188 periodic layoffs, whether due to seasonality or sensitivity to
1189 volatile economic variables such as weather. The industry should
1190 also be relatively resistant to recession, so that the demand
1191 for products of this industry is not typically subject to
1192 decline during an economic downturn.

1193 3. High wage.—The industry should pay relatively high
1194 wages compared to statewide or area averages.

1195 4. Market and resource independent.—The location of
1196 industry businesses should not be dependent on Florida markets

1197 or resources as indicated by industry analysis, except for
1198 businesses in the renewable energy industry.

1199 5. Industrial base diversification and strengthening.—The
1200 industry should contribute toward expanding or diversifying the
1201 state's or area's economic base, as indicated by analysis of
1202 employment and output shares compared to national and regional
1203 trends. Special consideration should be given to industries that
1204 strengthen regional economies by adding value to basic products
1205 or building regional industrial clusters as indicated by
1206 industry analysis. Special consideration should also be given to
1207 the development of strong industrial clusters that include
1208 defense and homeland security businesses.

1209 6. Positive economic impact.—The industry is expected to
1210 have strong positive economic impacts on or benefits to the
1211 state or regional economies. Special consideration should be
1212 given to industries that facilitate the development of the state
1213 as a hub for domestic and global trade and logistics.

1214
1215 The term does not include any business engaged in retail
1216 industry activities; any electrical utility company as defined
1217 in s. 366.02(2); any phosphate or other solid minerals
1218 severance, mining, or processing operation; any oil or gas
1219 exploration or production operation; or any business subject to
1220 regulation by the Division of Hotels and Restaurants of the
1221 Department of Business and Professional Regulation. Any business
1222 within NAICS code 5611 or 5614, office administrative services

1223 and business support services, respectively, may be considered a
 1224 target industry business only after the local governing body and
 1225 Enterprise Florida, Inc., make a determination that the
 1226 community where the business may locate has conditions affecting
 1227 the fiscal and economic viability of the local community or
 1228 area, including but not limited to, factors such as low per
 1229 capita income, high unemployment, high underemployment, and a
 1230 lack of year-round stable employment opportunities, and such
 1231 conditions may be improved by the location of such a business to
 1232 the community. By January 1 of every 3rd year, beginning January
 1233 1, 2011, the department, in consultation with Enterprise
 1234 Florida, Inc., economic development organizations, the State
 1235 University System, local governments, employee and employer
 1236 organizations, market analysts, and economists, shall review
 1237 and, as appropriate, revise the list of such target industries
 1238 and submit the list to the Governor, the President of the
 1239 Senate, and the Speaker of the House of Representatives.

1240 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
 1241 220.03(1)(y).

1242 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1243 (b)1. Upon approval by the department, a qualified target
 1244 industry business shall be allowed tax refund payments equal to
 1245 \$3,000 multiplied by the number of jobs specified in the tax
 1246 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 1247 multiplied by the number of jobs if the project is located in a
 1248 rural area of opportunity ~~community~~ or a certified ~~an~~ enterprise

1249 zone.

1250 2. A qualified target industry business shall be allowed
 1251 additional tax refund payments equal to \$1,000 multiplied by the
 1252 number of jobs specified in the tax refund agreement under
 1253 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 1254 at least 150 percent of the average private sector wage in the
 1255 area, or equal to \$2,000 multiplied by the number of jobs if
 1256 such jobs pay an annual average wage of at least 200 percent of
 1257 the average private sector wage in the area.

1258 3. A qualified target industry business shall be allowed
 1259 tax refund payments in addition to the other payments authorized
 1260 in this paragraph equal to \$1,000 multiplied by the number of
 1261 jobs specified in the tax refund agreement under subparagraph
 1262 (5)(a)1. if the local financial support is equal to that of the
 1263 state's incentive award under subparagraph 1.

1264 4. In addition to the other tax refund payments authorized
 1265 in this paragraph, a qualified target industry business shall be
 1266 allowed a tax refund payment equal to \$2,000 multiplied by the
 1267 number of jobs specified in the tax refund agreement under
 1268 subparagraph (5)(a)1. if the business:

1269 a. Falls within one of the high-impact sectors designated
 1270 under s. 288.108; or

1271 b. Increases exports of its goods through a seaport or
 1272 airport in the state by at least 10 percent in value or tonnage
 1273 in each of the years that the business receives a tax refund
 1274 under this section. For purposes of this sub-subparagraph,

1275 seaports in the state are limited to the ports of Jacksonville,
 1276 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
 1277 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
 1278 Pensacola, Fernandina, and Key West.

1279 (c) A qualified target industry business may not receive
 1280 refund payments of more than 25 percent of the total tax refunds
 1281 specified in the tax refund agreement under subparagraph
 1282 (5)(a)1. in any fiscal year. Further, a qualified target
 1283 industry business may not receive more than \$1.5 million in
 1284 refunds under this section in any single fiscal year, or more
 1285 than \$2.5 million in any single fiscal year if the project is
 1286 located in a certified ~~an~~ enterprise zone.

1287 (4) APPLICATION AND APPROVAL PROCESS.—

1288 (b) To qualify for review by the department, the
 1289 application of a target industry business must, at a minimum,
 1290 establish the following to the satisfaction of the department:

1291 1.a. The jobs proposed to be created under the
 1292 application, pursuant to subparagraph (a)4., must pay an
 1293 estimated annual average wage equaling at least 115 percent of
 1294 the average private sector wage in the area where the business
 1295 is to be located ~~or the statewide private sector average wage.~~
 1296 ~~The governing board of the local governmental entity providing~~
 1297 ~~the local financial support of the jurisdiction where the~~
 1298 ~~qualified target industry business is to be located shall notify~~
 1299 ~~the department and Enterprise Florida, Inc., which calculation~~
 1300 ~~of the average private sector wage in the area must be used as~~

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1301 ~~the basis for the business's wage commitment.~~ In determining the
1302 average annual wage, the department shall include only new
1303 proposed jobs, and wages for existing jobs shall be excluded
1304 from this calculation.

1305 b. The department may waive the average wage requirement
1306 at the request of the local governing body recommending the
1307 project and Enterprise Florida, Inc. The department may waive
1308 the wage requirement for a project located in a brownfield area
1309 designated under s. 376.80, in a rural area of opportunity ~~city,~~
1310 ~~in a rural community,~~ in a certified ~~an~~ enterprise zone, or for
1311 a manufacturing project at any location in the state if the jobs
1312 proposed to be created pay an estimated annual average wage
1313 equaling at least 105 ~~100~~ percent of the average private sector
1314 wage in the area where the business is to be located, only if
1315 the merits of the individual project or the specific
1316 circumstances in the community in relationship to the project
1317 warrant such action. If the local governing body and Enterprise
1318 Florida, Inc., make such a recommendation, it must be
1319 transmitted in writing, and the specific justification for the
1320 waiver recommendation must be explained. If the department
1321 elects to waive the wage requirement, the waiver must be stated
1322 in writing, and the reasons for granting the waiver must be
1323 explained.

1324 2. The target industry business's project must result in
1325 the creation of at least 10 jobs at the project and, in the case
1326 of an expansion of an existing business, must result in a net

1327 increase in employment of at least 10 percent at the business.
1328 At the request of the local governing body recommending the
1329 project and Enterprise Florida, Inc., the department may waive
1330 this requirement for a business located in a rural area of
1331 opportunity designated by the Governor pursuant to s. 288.0656,
1332 ~~community~~ or certified enterprise zone if the merits of the
1333 individual project or the specific circumstances in the
1334 community in relationship to the project warrant such action. If
1335 the local governing body and Enterprise Florida, Inc., make such
1336 a request, the request must be transmitted in writing, and the
1337 specific justification for the request must be explained. If the
1338 department elects to grant the request, the grant must be stated
1339 in writing, and the reason for granting the request must be
1340 explained.

1341 3. The business activity or product for the applicant's
1342 project must be within an industry identified by the department
1343 as a target industry business that contributes to the economic
1344 growth of the state and the area in which the business is
1345 located, that produces a higher standard of living for residents
1346 of this state in the new global economy, or that can be shown to
1347 make an equivalent contribution to the area's and state's
1348 economic progress.

1349 ~~(f) Notwithstanding paragraph (2)(j), the department may~~
1350 ~~reduce the local financial support requirements of this section~~
1351 ~~by one-half for a qualified target industry business located in~~
1352 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~

1353 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~
 1354 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
 1355 ~~department determines that such reduction of the local financial~~
 1356 ~~support requirements is in the best interest of the state and~~
 1357 ~~facilitates economic development, growth, or new employment~~
 1358 ~~opportunities in such county. This paragraph expires June 30,~~
 1359 ~~2014.~~

1360 (5) TAX REFUND AGREEMENT.—

1361 (b) Compliance with the terms and conditions of the
 1362 agreement is a condition precedent for the receipt of a tax
 1363 refund each year. The failure to comply with the terms and
 1364 conditions of the tax refund agreement results in the loss of
 1365 eligibility for receipt of all tax refunds previously authorized
 1366 under this section and the revocation by the department of the
 1367 certification of the business entity as a qualified target
 1368 industry business, unless the business is eligible to receive
 1369 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
 1370 ~~the department grants the business an economic recovery~~
 1371 ~~extension.~~

1372 ~~1. A qualified target industry business may submit a~~
 1373 ~~request to the department for an economic recovery extension.~~
 1374 ~~The request must provide quantitative evidence demonstrating how~~
 1375 ~~negative economic conditions in the business's industry, the~~
 1376 ~~effects of a named hurricane or tropical storm, or specific acts~~
 1377 ~~of terrorism affecting the qualified target industry business~~
 1378 ~~have prevented the business from complying with the terms and~~

1379 ~~conditions of its tax refund agreement.~~

1380 ~~2. Upon receipt of a request under subparagraph 1., the~~
1381 ~~department has 45 days to notify the requesting business, in~~
1382 ~~writing, whether its extension has been granted or denied. In~~
1383 ~~determining whether an extension should be granted, the~~
1384 ~~department shall consider the extent to which negative economic~~
1385 ~~conditions in the requesting business's industry have occurred~~
1386 ~~in the state or the effects of a named hurricane or tropical~~
1387 ~~storm or specific acts of terrorism affecting the qualified~~
1388 ~~target industry business have prevented the business from~~
1389 ~~complying with the terms and conditions of its tax refund~~
1390 ~~agreement. The department shall consider current employment~~
1391 ~~statistics for this state by industry, including whether the~~
1392 ~~business's industry had substantial job loss during the prior~~
1393 ~~year, when determining whether an extension shall be granted.~~

1394 ~~3. As a condition for receiving a prorated refund under~~
1395 ~~paragraph (6) (e) or an economic recovery extension under this~~
1396 ~~paragraph, a qualified target industry business must agree to~~
1397 ~~renegotiate its tax refund agreement with the department to, at~~
1398 ~~a minimum, ensure that the terms of the agreement comply with~~
1399 ~~current law and the department's procedures governing~~
1400 ~~application for and award of tax refunds. Upon approving the~~
1401 ~~award of a prorated refund or granting an economic recovery~~
1402 ~~extension, the department shall renegotiate the tax refund~~
1403 ~~agreement with the business as required by this subparagraph.~~
1404 ~~When amending the agreement of a business receiving an economic~~

1405 ~~recovery extension, the department may extend the duration of~~
1406 ~~the agreement for a period not to exceed 2 years.~~

1407 ~~4. A qualified target industry business may submit a~~
1408 ~~request for an economic recovery extension to the department in~~
1409 ~~lieu of any tax refund claim scheduled to be submitted after~~
1410 ~~January 1, 2009, but before July 1, 2012.~~

1411 ~~5. A qualified target industry business that receives an~~
1412 ~~economic recovery extension may not receive a tax refund for the~~
1413 ~~period covered by the extension.~~

1414 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
1415 ~~in the best interest of the public for reasons of facilitating~~
1416 ~~economic development, growth, or new employment opportunities~~
1417 ~~within a Disproportionally Affected County, the department may,~~
1418 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
1419 ~~or local financial support eligibility requirements and allow a~~
1420 ~~qualified target industry business from another state which~~
1421 ~~relocates all or a portion of its business to a~~
1422 ~~Disproportionally Affected County to receive a tax refund~~
1423 ~~payment of up to \$6,000 multiplied by the number of jobs~~
1424 ~~specified in the tax refund agreement under subparagraph~~
1425 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
1426 ~~waiver, the executive director of the department shall file with~~
1427 ~~the Governor a written statement of the conditions and~~
1428 ~~circumstances constituting the reason for the waiver. Such~~
1429 ~~business shall be eligible for the additional tax refund~~
1430 ~~payments specified in subparagraph (3)(b)4. if it meets the~~

1431 ~~criteria. As used in this section, the term "Disproportionally~~
1432 ~~Affected County" means Bay County, Escambia County, Franklin~~
1433 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
1434 ~~County, or Wakulla County.~~

1435 Section 11. Paragraph (b) of subsection (2) of section
1436 288.108, Florida Statutes, is amended, paragraph (h) is added to
1437 that subsection, and subsection (5) of that section is amended,
1438 to read:

1439 288.108 High-impact business.—

1440 (2) DEFINITIONS.—As used in this section, the term:

1441 (b) "Cumulative investment" means the total investment in
1442 buildings and equipment made by a qualified high-impact business
1443 since the beginning of construction of such facility. The term
1444 does not include funds granted to or spent on behalf of the
1445 business by the state, a local government, or other governmental
1446 entity; funds appropriated in the General Appropriations Act; or
1447 funds otherwise provided to the business by a state agency or
1448 local government.

1449 (h) "Local financial support" means financial, in-kind, or
1450 other quantifiable contributions from local sources that,
1451 combined, equal 20 percent or more of the total investment in
1452 the project by state and local sources.

1453 1. The department may grant a waiver that reduces the
1454 required amount of local financial support for a project to 10
1455 percent of the award granted to a business pursuant to this
1456 section for a local government, or eliminates the local

1457 financial support for a local government located in a rural area
1458 of opportunity, as designated by the Governor pursuant to s.
1459 288.0656.

1460 2. A local government that requests a waiver that reduces
1461 or eliminates the local financial support requirement shall
1462 provide the department a statement prepared by a Florida
1463 certified public accountant as defined in s. 473.302, which
1464 describes the financial constraints preventing the local
1465 government from providing the local financial support required
1466 by this section.

1467 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
1468 ~~AGREEMENT.~~—

1469 (a) The department shall review and certify, pursuant to
1470 s. 288.061, an application ~~pursuant to s. 288.061~~ which is
1471 received from any eligible business, as defined in subsection
1472 (2), for consideration as a qualified high-impact business
1473 before the business has made a decision to locate or expand a
1474 facility in this state. The business must provide the following
1475 information:

1476 1. A complete description of the type of facility,
1477 business operations, and product or service associated with the
1478 project.

1479 2. The number of full-time equivalent jobs that will be
1480 created by the project and the average annual wage of those
1481 jobs.

1482 3. The cumulative amount of investment to be dedicated to

1483 | this project within 3 years.

1484 | 4. A statement concerning any special impacts the facility
1485 | is expected to stimulate in the sector, the state, or regional
1486 | economy and in state universities and community colleges.

1487 | 5. A statement concerning the role the grant will play in
1488 | the decision of the applicant business to locate or expand in
1489 | this state.

1490 | 6. Any additional information requested by the department.

1491 | (b) Within 7 business days after evaluating an
1492 | application, the department shall recommend to the Governor
1493 | approval or disapproval of an eligible high-impact business for
1494 | receipt of funds. Recommendations to the Governor shall include
1495 | a memorandum of understanding between the department and the
1496 | applicant, which shall be incorporated into the final contract,
1497 | setting forth the conditions for payment of the qualified high-
1498 | impact business performance grant. The memorandum of
1499 | understanding must include the total amount of the qualified
1500 | high-impact business facility performance grant award; the
1501 | performance conditions that must be met to obtain the award,
1502 | including, but not limited to, net new employment in the state,
1503 | average salary, and total capital investment incurred by the
1504 | business; a baseline of current service and a measure of
1505 | enhanced capability; the methodology for validating performance;
1506 | the schedule of performance grant payments; and sanctions for
1507 | failure to meet performance conditions ~~Applications shall be~~
1508 | ~~reviewed and certified pursuant to s. 288.061.~~

1509 (c) The Governor may approve a high-impact business
1510 performance grant of less than \$2 million without consulting the
1511 Legislature. For such grants, the Governor shall provide a
1512 written description and evaluation of the approved project and a
1513 memorandum of understanding meeting the requirements of
1514 paragraph (b) to the chair and vice chair of the Legislative
1515 Budget Commission, the President of the Senate, and the Speaker
1516 of the House of Representatives, within 1 business day after
1517 approval ~~The department and the qualified high-impact business~~
1518 ~~shall enter into a performance grant agreement setting forth the~~
1519 ~~conditions for payment of the qualified high-impact business~~
1520 ~~performance grant. The agreement shall include the total amount~~
1521 ~~of the qualified high-impact business facility performance grant~~
1522 ~~award, the performance conditions that must be met to obtain the~~
1523 ~~award, including the employment, average salary, investment, the~~
1524 ~~methodology for determining if the conditions have been met, and~~
1525 ~~the schedule of performance grant payments.~~

1526 (d) The Governor shall provide a written description and
1527 evaluation of each eligible high-impact business recommended for
1528 approval for a high-impact business performance grant that
1529 equals or exceeds \$2 million to the chair and vice chair of the
1530 Legislative Budget Commission, the President of the Senate, and
1531 the Speaker of the House of Representatives at least 14 days
1532 before approving a qualified high-impact business performance
1533 grant. The recommendation shall include a memorandum of
1534 understanding that meets the requirements provided in paragraph

1535 (b). If the chair or vice chair of the Legislative Budget
1536 Commission, the President of the Senate, or the Speaker of the
1537 House of Representatives timely advises the Executive Office of
1538 the Governor in writing that the award of funds exceeds the
1539 delegated authority of the Executive Office of the Governor or
1540 is contrary to legislative policy or intent, the Executive
1541 Office of the Governor shall void the release of funds and
1542 instruct the department to immediately change action or proposed
1543 action.

1544 (e) An amendment, modification, or extension of an
1545 executed contract that results in a 0.5-point or greater
1546 reduction in the economic benefit ratio of the project must be
1547 approved as provided in paragraph (d). An amendment,
1548 modification, or extension may not be made to an executed
1549 contract if such action would result in an economic benefit
1550 ratio less than 2 to 1.

1551 (f) The department shall validate contractor performance
1552 and report such validation in the annual incentives report
1553 required by s. 288.907.

1554 Section 12. Paragraph (e) of subsection (3) of section
1555 288.1088, Florida Statutes, is redesignated as paragraph (f),
1556 paragraphs (b), (d), and (e) of subsection (2) and paragraphs
1557 (a), (c), and (d) of subsection (3) are amended, and a new
1558 paragraph (e) is added to subsection (3) of that section, to
1559 read:

1560 288.1088 Quick Action Closing Fund.—

1561 (2) There is created within the department the Quick
 1562 Action Closing Fund. Projects eligible for receipt of funds from
 1563 the Quick Action Closing Fund shall:

1564 (b) Have a positive economic benefit ratio of at least 4 ~~5~~
 1565 to 1.

1566 (d) Pay an average annual wage of at least 125 percent of
 1567 the average private sector wage in the area, as defined in s.
 1568 288.106 areawide or statewide private sector average wage.

1569 (e) Be supported by the local community in which the
 1570 project is to be located.

1571 1. Financial support by the local community shall include
 1572 financial, in-kind, or other quantifiable contributions from
 1573 local sources that, combined, equal 20 percent or more of the
 1574 total investment in the project by state and local sources.

1575 2. The department may grant a waiver that reduces the
 1576 required amount of local financial support for a project to 10
 1577 percent of the award granted to a business pursuant to this
 1578 section for a local government, or eliminates the required
 1579 amount of local financial support for a project for a local
 1580 government located in a rural area of opportunity, as designated
 1581 by the Governor pursuant to s. 288.0656.

1582 3. A local government that requests a waiver that reduces
 1583 or eliminates the local financial support requirement shall
 1584 provide the department a statement prepared by a Florida
 1585 certified public accountant as defined in s. 473.302, which
 1586 describes the financial constraints preventing the local

1587 government from providing the local financial support required
1588 by this section.

1589 (f) Create at least 10 new jobs if the project is a new
1590 business, or increase the number of jobs by at least 10 percent
1591 if the project is an expanding business.

1592 (3)(a) The department and Enterprise Florida, Inc., shall
1593 jointly review applications pursuant to s. 288.061 and determine
1594 the eligibility of each project consistent with the criteria in
1595 subsection (2). No more than two waivers ~~waiver~~ of these
1596 criteria may be considered under the following criteria:

- 1597 1. Based on extraordinary circumstances;
1598 2. In order to mitigate the impact of the conclusion of
1599 the space shuttle program; or
1600 3. In rural areas of opportunity if the project would
1601 significantly benefit the local or regional economy.

1602
1603 A waiver may not be granted by the department if the positive
1604 economic benefit ratio of the project is below 2 to 1, the
1605 project is not within a target industry under s. 288.106, the
1606 award of funds is not an inducement to the project's location or
1607 expansion in the state, or the average annual wage of jobs
1608 directly created by the project is below 105 percent of the
1609 average private sector wage in the area, as defined in s.
1610 288.106.

1611 (c)1. Within 7 business days after evaluating a project,
1612 the department shall recommend to the Governor approval or

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1613 disapproval of a project for receipt of funds from the Quick
1614 Action Closing Fund. In recommending a project, the department
1615 shall include a memorandum of understanding between the
1616 department and the applicant, which shall be incorporated into
1617 the final contract, setting forth the conditions for payment of
1618 moneys from the fund. The memorandum of understanding must
1619 include the total amount of recommended funds to be awarded; the
1620 performance conditions that must be met to obtain the award,
1621 including, but not limited to, net new employment in the state,
1622 average salary, and total capital investment incurred by the
1623 business; a baseline of current service and a measure of
1624 enhanced capability; the methodology for validating performance;
1625 the schedule of payments from the fund; and sanctions for
1626 failure to meet performance conditions, including any clawback
1627 provisions ~~proposed performance conditions that the project must~~
1628 ~~meet to obtain incentive funds.~~

1629 2. The Governor may approve a Quick Action Closing Fund
1630 project award requiring less than \$2 million in funding ~~projects~~
1631 ~~without consulting the Legislature for projects requiring less~~
1632 ~~than \$2 million in funding.~~ For such projects, the Governor
1633 shall provide a written description and evaluation of the
1634 approved project and a memorandum of understanding meeting the
1635 requirements of the subparagraph 1. to the chair and vice chair
1636 of the Legislative Budget Commission, the President of the
1637 Senate, and the Speaker of the House of Representatives within 1
1638 business day after approval.

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1639 3. ~~For projects requiring funding in the amount of \$2~~
1640 ~~million to \$5 million,~~ The Governor shall provide a written
1641 description and evaluation of each Quick Action Closing Fund a
1642 project award recommended for approval that requires funding of
1643 \$2 million or more to the chair and vice chair of the
1644 Legislative Budget Commission, the President of the Senate, and
1645 the Speaker of the House of Representatives at least 14 ~~10~~ days
1646 before ~~prior to~~ giving final approval for a project. The
1647 recommendation must include a memorandum of understanding
1648 meeting the requirements of subparagraph 1 ~~proposed performance~~
1649 ~~conditions that the project must meet in order to obtain funds.~~

1650 4. If the chair or vice chair of the Legislative Budget
1651 Commission, ~~or~~ the President of the Senate, or the Speaker of
1652 the House of Representatives timely advises the Executive Office
1653 of the Governor, in writing, that such action or proposed action
1654 exceeds the delegated authority of the Executive Office of the
1655 Governor or is contrary to legislative policy or intent, the
1656 Executive Office of the Governor shall void the release of funds
1657 and instruct the department to immediately change such action or
1658 proposed action ~~until the Legislative Budget Commission or the~~
1659 ~~Legislature addresses the issue. Notwithstanding such~~
1660 ~~requirement, any project exceeding \$5 million must be approved~~
1661 ~~by the Legislative Budget Commission prior to the funds being~~
1662 ~~released.~~

1663 (d) Upon the approval of the Governor in accordance with
1664 subparagraph (c)2., or upon expiration of the 14-day legislative

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1665 consultation period provided in subparagraph (c)3., the
1666 department and the business shall enter into a contract that
1667 sets forth the conditions for payment of moneys from the fund.
1668 The contract must include the total amount of funds awarded; the
1669 performance conditions that must be met to obtain the award,
1670 including, but not limited to, net new employment in the state,
1671 average salary, and total capital investment; demonstrate a
1672 baseline of current service and a measure of enhanced
1673 capability; the methodology for validating performance; the
1674 schedule of payments from the fund; and sanctions for failure to
1675 meet performance conditions. The contract must provide that
1676 payment of moneys from the fund is contingent upon sufficient
1677 appropriation of funds by the Legislature.

1678 (e) An amendment, modification, or extension of an
1679 existing contract that results in a 0.5-point or greater
1680 reduction in the economic benefit ratio of the project may not
1681 take effect until it is approved through the approval process in
1682 subparagraph (c)3. An amendment, modification, or extension may
1683 not be made to an executed contract if such action would result
1684 in an economic benefit ratio below 2 to 1.

1685 Section 13. Paragraphs (b), (d), (e) and (p) of subsection
1686 (2), subsection (4), paragraphs (l) and (m) of subsection (5),
1687 and subsections (7) and (8) of section 288.1089, Florida
1688 Statutes, are amended to read:

1689 288.1089 Innovation Incentive Program.—

1690 (2) As used in this section, the term:

1691 (b) "Average private sector wage in the area" means the
 1692 average of all private sector wages and salaries in the county
 1693 in which the project is located ~~the statewide average wage in~~
 1694 ~~the private sector or the average of all private sector wages in~~
 1695 ~~the county or in the standard metropolitan area in which the~~
 1696 ~~project is located as determined by the department.~~

1697 ~~(d)~~ ~~(e)~~ "Certified enterprise zone" means an area certified
 1698 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

1699 ~~(e)~~ ~~(d)~~ "Cumulative investment" means cumulative capital
 1700 investment and all eligible capital costs, as defined in s.
 1701 220.191.

1702 ~~(p)~~ "~~Rural area~~" ~~means a rural city or rural community as~~
 1703 ~~defined in s. 288.106.~~

1704 (4) To qualify for review by the department, the applicant
 1705 must, at a minimum, establish the following to the satisfaction
 1706 of the department:

1707 (a) The jobs created by the project must pay an estimated
 1708 annual average wage equaling at least 130 percent of the average
 1709 private sector wage in the area. The department may waive this
 1710 average wage requirement at the request of Enterprise Florida,
 1711 Inc., for a project located in a rural area of opportunity, a
 1712 brownfield area, or a certified ~~an~~ enterprise zone, when the
 1713 merits of the individual project or the specific circumstances
 1714 in the community in relationship to the project warrant such
 1715 action. A recommendation for waiver by Enterprise Florida, Inc.,
 1716 must include a specific justification for the waiver and be

1717 transmitted to the department in writing. If the department
1718 elects to waive the wage requirement, the waiver must be stated
1719 in writing and the reasons for granting the waiver must be
1720 explained. The department may not waive the wage requirement for
1721 any project that does not pay an estimated annual average wage
1722 equaling at least 105 percent of the average private sector wage
1723 in the area.

1724 (b) A research and development project must:

1725 1. Serve as a catalyst for an emerging or evolving
1726 technology cluster.

1727 2. Demonstrate a plan for significant higher education
1728 collaboration.

1729 3. Provide the state, at a minimum, a cumulative break-
1730 even economic benefit within a 20-year period.

1731 4. Be provided with a one-to-one match from the local
1732 community. The match requirement may be reduced or waived in
1733 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
1734 areas, and enterprise zones. A local government that requests a
1735 waiver that reduces or eliminates the one-to-one match shall
1736 provide the department with a statement prepared by a Florida
1737 certified public accountant, as defined in s. 473.302, which
1738 describes the financial constraints preventing the local
1739 government from meeting the local financial support requirement
1740 of this section.

1741 (c) An innovation business project in this state, other
1742 than a research and development project, must:

1743 1.a. Result in the creation of at least 1,000 direct, new
 1744 jobs at the business; or

1745 b. Result in the creation of at least 500 direct, new jobs
 1746 if the project is located in a rural area of opportunity, a
 1747 brownfield area, or a certified ~~an~~ enterprise zone.

1748 2. Have an activity or product that is within an industry
 1749 that is designated as a target industry business under s.
 1750 288.106 or a designated sector under s. 288.108.

1751 3.a. Have a cumulative investment of at least \$500 million
 1752 within a 5-year period; or

1753 b. Have a cumulative investment that exceeds \$250 million
 1754 within a 10-year period if the project is located in a rural
 1755 area of opportunity, brownfield area, or a certified ~~an~~
 1756 enterprise zone.

1757 4. Be provided with a one-to-one match from the local
 1758 community. The match requirement may be reduced or waived in
 1759 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
 1760 areas, and certified enterprise zones. A local government that
 1761 requests a waiver that reduces or eliminates the one-to-one
 1762 match shall provide the department with a statement prepared by
 1763 a Florida certified public accountant, as defined in s. 473.302,
 1764 which describes the financial constraints preventing the local
 1765 government from meeting the local financial support requirement
 1766 of this section.

1767 (d) For an alternative and renewable energy project in
 1768 this state, the project must:

1769 1. Demonstrate a plan for significant collaboration with
 1770 an institution of higher education.†

1771 2. Provide the state, at a minimum, a cumulative break-
 1772 even economic benefit within a 20-year period.†

1773 3. Include matching funds provided by the applicant or
 1774 other available sources. The match requirement may be reduced or
 1775 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~
 1776 ~~rural areas~~, brownfield areas, and enterprise zones. A local
 1777 government that requests a waiver that reduces or eliminates the
 1778 one-to-one match shall provide the department with a statement
 1779 prepared by a Florida certified public accountant, as defined in
 1780 s. 473.302, which describes the financial constraints preventing
 1781 the local government from meeting the one-to-one match
 1782 requirement of this section.†

1783 4. Be located in this state.† ~~and~~

1784 5. Provide at least 35 direct, new jobs that pay an
 1785 estimated annual average wage that equals at least 130 percent
 1786 of the average private sector wage in the area.

1787 (5) The department shall review proposals pursuant to s.
 1788 288.061 for all three categories of innovation incentive awards.
 1789 Before making a recommendation to the executive director, the
 1790 department shall solicit comments and recommendations from the
 1791 Department of Agriculture and Consumer Services. For each
 1792 project, the evaluation and recommendation to the department
 1793 must include, but need not be limited to:

1794 (1) Additional evaluative criteria for a research and

1795 development facility project, including:

1796 1. A description of the extent to which the project has
 1797 the potential to serve as catalyst for an emerging or evolving
 1798 cluster.

1799 2. A description of the extent to which the project has or
 1800 could have a long-term collaborative research and development
 1801 relationship with one or more universities or community colleges
 1802 in this state.

1803 3. A description of the existing or projected impact of
 1804 the project on established clusters or targeted industry
 1805 sectors.

1806 4. A description of the project's contribution to the
 1807 diversity and resiliency of the innovation economy of this
 1808 state.

1809 5. A description of the project's impact on special needs
 1810 communities, including, but not limited to, rural areas of
 1811 opportunity, distressed urban areas, and enterprise zones.

1812 (m) Additional evaluative criteria for alternative and
 1813 renewable energy proposals, including:

1814 1. The availability of matching funds or other in-kind
 1815 contributions applied to the total project from an applicant.
 1816 The Department of Agriculture and Consumer Services shall give
 1817 greater preference to projects that provide such matching funds
 1818 or other in-kind contributions.

1819 2. The degree to which the project stimulates in-state
 1820 capital investment and economic development in metropolitan and

1821 rural areas of opportunity, including the creation of jobs and
1822 the future development of a commercial market for renewable
1823 energy technologies.

1824 3. The extent to which the proposed project has been
1825 demonstrated to be technically feasible based on pilot project
1826 demonstrations, laboratory testing, scientific modeling, or
1827 engineering or chemical theory that supports the proposal.

1828 4. The degree to which the project incorporates an
1829 innovative new technology or an innovative application of an
1830 existing technology.

1831 5. The degree to which a project generates thermal,
1832 mechanical, or electrical energy by means of a renewable energy
1833 resource that has substantial long-term production potential.

1834 6. The degree to which a project demonstrates efficient
1835 use of energy and material resources.

1836 7. The degree to which the project fosters overall
1837 understanding and appreciation of renewable energy technologies.

1838 8. The ability to administer a complete project.

1839 9. Project duration and timeline for expenditures.

1840 10. The geographic area in which the project is to be
1841 conducted in relation to other projects.

1842 11. The degree of public visibility and interaction.

1843 (7) (a) Within 7 days after evaluating an innovation
1844 incentive award proposal, the department shall recommend to the
1845 Governor approval or disapproval of an award. In recommending an
1846 award, the department shall include a memorandum of

1847 understanding between the department and the applicant, which
1848 shall be incorporated into the final contract, setting forth the
1849 conditions for payment of the incentive funds. The memorandum of
1850 understanding shall include the total amount of funds awarded;
1851 the performance conditions that must be met to obtain the award,
1852 including, but not limited to, net new employment in the state,
1853 average salary, and total capital investment incurred by the
1854 business; a baseline of current service and a measure of
1855 enhanced capability; the methodology for validating performance;
1856 the schedule of payments; and sanctions for failure to meet
1857 performance conditions, including any clawback provisions ~~Upon~~
1858 ~~receipt of the evaluation and recommendation from the~~
1859 ~~department, the Governor shall approve or deny an award. In~~
1860 ~~recommending approval of an award, the department shall include~~
1861 ~~proposed performance conditions that the applicant must meet in~~
1862 ~~order to obtain incentive funds and any other conditions that~~
1863 ~~must be met before the receipt of any incentive funds. The~~
1864 ~~Governor shall consult with the President of the Senate and the~~
1865 ~~Speaker of the House of Representatives before giving approval~~
1866 ~~for an award. Upon review and approval of an award by the~~
1867 ~~Legislative Budget Commission, the Executive Office of the~~
1868 ~~Governor shall release the funds.~~

1869 (b) The Governor may approve an innovation incentive award
1870 of less than \$2 million without consulting the Legislature. For
1871 such awards, the Governor shall provide a written description
1872 and evaluation of the approved project and a copy of the

1873 memorandum of understanding between the department and business
1874 meeting the requirements of paragraph (a) to the chair and vice
1875 chair of the Legislative Budget Commission, the President of the
1876 Senate, and the Speaker of the House of Representatives within 1
1877 business day after approval.

1878 (c) The Governor shall provide a written description and
1879 evaluation of each innovation incentive award proposal
1880 recommended for approval for an innovation incentive award that
1881 equals or exceeds \$2 million to the chair and vice chair of the
1882 Legislative Budget Commission, the President of the Senate, and
1883 the Speaker of the House of Representatives at least 14 days
1884 before giving final approval for an award. The recommendation
1885 must include a copy of the memorandum of understanding between
1886 the department and business meeting the requirements of
1887 paragraph (a). If the chair or vice chair of the Legislative
1888 Budget Commission, the President of the Senate, or the Speaker
1889 of the House of Representatives timely advises the Executive
1890 Office of the Governor in writing that the award of incentive
1891 funds exceeds the delegated authority of the Executive Office of
1892 the Governor or is contrary to legislative policy or intent, the
1893 Executive Office of the Governor shall void the release of funds
1894 and instruct the department to immediately change action or
1895 proposed action.

1896 (d) An amendment, modification, or extension of an
1897 executed contract that results in a 0.5-point or greater
1898 reduction in the economic benefit ratio of the project may not

1899 take effect until it is approved through the approval process in
 1900 paragraph (c). An amendment, modification, or extension may not
 1901 be made to an executed contract if such action would result in
 1902 an economic benefit ratio below 1 to 1.

1903 (8)(a) In addition to the requirements provided in
 1904 paragraph (7) (a), a contract between the department and an award
 1905 recipient ~~After the conditions set forth in subsection (7) have~~
 1906 ~~been met, the department shall issue a letter certifying the~~
 1907 ~~applicant as qualified for an award. The department and the~~
 1908 ~~award recipient shall enter into an agreement that sets forth~~
 1909 ~~the conditions for payment of the incentive funds. The agreement~~
 1910 ~~must include, at a minimum:~~

- 1911 ~~1. The total amount of funds awarded.~~
- 1912 ~~2. The performance conditions that must be met in order to~~
 1913 ~~obtain the award or portions of the award, including, but not~~
 1914 ~~limited to, net new employment in the state, average wage, and~~
 1915 ~~total cumulative investment.~~
- 1916 ~~3. Demonstration of a baseline of current service and a~~
 1917 ~~measure of enhanced capability.~~
- 1918 ~~4. The methodology for validating performance.~~
- 1919 ~~5. The schedule of payments.~~
- 1920 ~~6. Sanctions for failure to meet performance conditions,~~
 1921 ~~including any clawback provisions.~~

1922 ~~(b) Additionally, agreements signed on or after July 1,~~
 1923 ~~2009,~~ must include the following provisions:

- 1924 1. Notwithstanding subsection (4), a requirement that the

1925 jobs created by the recipient of the incentive funds pay an
1926 annual average wage at least equal to the relevant industry's
1927 annual average wage or at least 130 percent of the average
1928 private sector wage in the area, whichever is greater.

1929 2. A reinvestment requirement. Each recipient of an award
1930 shall reinvest up to 15 percent of net royalty revenues,
1931 including revenues from spin-off companies and the revenues from
1932 the sale of stock it receives from the licensing or transfer of
1933 inventions, methods, processes, and other patentable discoveries
1934 conceived or reduced to practice using its facilities in Florida
1935 or its Florida-based employees, in whole or in part, and to
1936 which the recipient of the grant becomes entitled during the 20
1937 years following the effective date of its agreement with the
1938 department. Each recipient of an award also shall reinvest up to
1939 15 percent of the gross revenues it receives from naming
1940 opportunities associated with any facility it builds in this
1941 state. Reinvestment payments shall commence no later than 6
1942 months after the recipient of the grant has received the final
1943 disbursement under the contract and shall continue until the
1944 maximum reinvestment, as specified in the contract, has been
1945 paid. Reinvestment payments shall be remitted to the department
1946 for deposit in the Biomedical Research Trust Fund for companies
1947 specializing in biomedicine or life sciences, or in the Economic
1948 Development Trust Fund for companies specializing in fields
1949 other than biomedicine or the life sciences. If these trust
1950 funds no longer exist at the time of the reinvestment, the

1951 state's share of reinvestment shall be deposited in their
 1952 successor trust funds as determined by law. Each recipient of an
 1953 award shall annually submit a schedule of the shares of stock
 1954 held by it as payment of the royalty required by this paragraph
 1955 and report on any trades or activity concerning such stock. Each
 1956 recipient's reinvestment obligations survive the expiration or
 1957 termination of its agreement with the state.

1958 3. Requirements for the establishment of internship
 1959 programs or other learning opportunities for educators and
 1960 secondary, postsecondary, graduate, and doctoral students.

1961 4. A requirement that the recipient submit quarterly
 1962 reports and annual reports related to activities and performance
 1963 to the department, according to standardized reporting periods.

1964 5. A requirement for an annual accounting to the
 1965 department of the expenditure of funds disbursed under this
 1966 section.

1967 6. A process for amending the agreement.

1968 Section 14. Sections 288.1168 and 288.1169, Florida
 1969 Statutes, are repealed.

1970 Section 15. Subsection (2) and paragraph (b) of subsection
 1971 (5) of section 288.901, Florida Statutes, are amended to read:

1972 288.901 Enterprise Florida, Inc.—

1973 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 1974 economic development organization for the state, using ~~utilizing~~
 1975 private sector and public sector expertise in collaboration with
 1976 the department to:

1977 (a) Increase private investment in Florida.~~†~~
 1978 (b) Advance international and domestic trade
 1979 opportunities.~~†~~
 1980 (c) Market the state both as a probusiness location for
 1981 new investment and as an unparalleled tourist destination.~~†~~
 1982 (d) Revitalize Florida's space and aerospace industries,
 1983 and promote emerging complementary industries.~~†~~
 1984 (e) Promote opportunities for minority-owned businesses.~~†~~
 1985 (f) Assist and market professional and amateur sport teams
 1986 and sporting events in Florida.~~†~~ ~~and~~
 1987 (g) Assist, promote, and enhance economic opportunities in
 1988 this state's rural and urban communities.
 1989 (h) Foster and encourage high-technology startup and
 1990 second-stage business development within the state.
 1991 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
 1992 (b) In making their appointments, the Governor, the
 1993 President of the Senate, and the Speaker of the House of
 1994 Representatives shall ensure that the composition of the board
 1995 of directors reflects the diversity of Florida's business
 1996 community and is representative of the economic development
 1997 goals in subsection (2). The board must include at least one
 1998 director for each of the following areas of expertise:
 1999 international business, tourism marketing, the space or
 2000 aerospace industry, managing or financing a minority-owned
 2001 business, manufacturing, finance and accounting, rural economic
 2002 development, and sports marketing.

2003 Section 16. Subsection (8) of section 288.9602, Florida
 2004 Statutes, is amended to read:

2005 288.9602 Findings and declarations of necessity.—The
 2006 Legislature finds and declares that:

2007 (8) In order to efficiently and effectively achieve the
 2008 purposes of this act, it is necessary and in the public interest
 2009 to create a special development finance authority to cooperate
 2010 and act in conjunction with public agencies of this state and
 2011 local governments of this state, ~~through interlocal agreements~~
 2012 ~~pursuant to the Florida Interlocal Cooperation Act of 1969,~~ in
 2013 the promotion and advancement of projects related to economic
 2014 development, including redevelopment of brownfield areas,
 2015 throughout the state.

2016 Section 17. Paragraph (b) of subsection (3) of section
 2017 288.9604, Florida Statutes, is amended to read:

2018 288.9604 Creation of the authority.—

2019 (3)

2020 (b) The powers of the corporation shall be exercised by
 2021 the directors thereof. A majority of the directors constitutes a
 2022 quorum for the purposes of conducting business and exercising
 2023 the powers of the corporation and for all other purposes. An
 2024 action taken by the directors in furtherance of the purposes of
 2025 this act during the pendency of one or more vacancies is deemed
 2026 a valid and binding action of the corporation on the date taken,
 2027 without regard to the vacancy or vacancies. Action may be taken
 2028 by the corporation upon a vote of a majority of the directors

2029 present, unless in any case the bylaws require a larger number.
 2030 Any person may be appointed as director if he or she resides, or
 2031 is engaged in business, which means owning a business,
 2032 practicing a profession, or performing a service for
 2033 compensation or serving as an officer or director of a
 2034 corporation or other business entity so engaged, within the
 2035 state.

2036 Section 18. Paragraph (e) of subsection (2) of section
 2037 288.9605, Florida Statutes, is amended to read:

2038 288.9605 Corporation powers.—

2039 (2) The corporation is authorized and empowered to:

2040 (e) Enter into interlocal agreements ~~pursuant to s.~~
 2041 ~~163.01(7)~~ with public agencies of this state for the exercise of
 2042 any power, privilege, or authority consistent with the purposes
 2043 of this act.

2044 Section 19. Subsections (1), (2), (3), and (7) of section
 2045 288.9606, Florida Statutes, are amended to read:

2046 288.9606 Issue of revenue bonds.—

2047 (1) ~~When authorized by a public agency pursuant to s.~~
 2048 ~~163.01(7)~~, The corporation has power in its corporate capacity,
 2049 in its discretion, to issue revenue bonds or other evidences of
 2050 indebtedness ~~which a public agency has the power to issue~~, from
 2051 time to time to finance the undertaking of any purpose of this
 2052 act, including, without limiting the generality thereof, the
 2053 payment of principal and interest upon any advances for surveys
 2054 and plans or preliminary loans, and has the power to issue

2055 refunding bonds for the payment or retirement of bonds
 2056 previously issued. Bonds issued pursuant to this section shall
 2057 bear the name "Florida Development Finance Corporation Revenue
 2058 Bonds." The security for such bonds may be based upon such
 2059 revenues as are legally available. In anticipation of the sale
 2060 of such revenue bonds, the corporation may issue bond
 2061 anticipation notes and may renew such notes from time to time,
 2062 but the maximum maturity of any such note, including renewals
 2063 thereof, may not exceed 5 years from the date of issuance of the
 2064 original note. Such notes shall be paid from any revenues of the
 2065 corporation available therefor and not otherwise pledged or from
 2066 the proceeds of sale of the revenue bonds in anticipation of
 2067 which they were issued. Any bond, note, or other form of
 2068 indebtedness issued pursuant to this act shall mature no later
 2069 than the end of the 30th fiscal year after the fiscal year in
 2070 which the bond, note, or other form of indebtedness was issued.

2071 (2) Bonds issued under this section do not constitute an
 2072 indebtedness within the meaning of any constitutional or
 2073 statutory debt limitation or restriction, and are not subject to
 2074 the provisions of any other law or charter relating to the
 2075 authorization, issuance, or sale of bonds. Bonds issued under
 2076 ~~the provisions of~~ this act are declared to be for an essential
 2077 public and governmental purpose. Bonds issued under this act,
 2078 ~~the interest on which is exempt from income taxes of the United~~
 2079 ~~States,~~ together with interest thereon and income therefrom, are
 2080 exempted from all taxes, except those taxes imposed by chapter

2081 220, on interest, income, or profits on debt obligations owned
 2082 by corporations, pursuant to s. 159.31.

2083 (3) Bonds issued under this section ~~shall be authorized by~~
 2084 ~~a public agency of this state pursuant to the terms of an~~
 2085 ~~interlocal agreement, unless such bonds are issued pursuant to~~
 2086 ~~subsection (7);~~ may be issued in one or more series; and shall
 2087 bear such date or dates, be payable upon demand or mature at
 2088 such time or times, bear interest rate or rates, be in such
 2089 denomination or denominations, be in such form either with or
 2090 without coupon or registered, carry such conversion or
 2091 registration privileges, have such rank or priority, be executed
 2092 in such manner, be payable in such medium of payments at such
 2093 place or places, be subject to such terms of redemption, with or
 2094 without premium, be secured in such manner, and have such other
 2095 characteristics as may be provided by the corporation. Bonds
 2096 issued under this section may be sold in such manner, either at
 2097 public or private sale, and for such price as the corporation
 2098 may determine will effectuate the purpose of this act.

2099 (7) Notwithstanding any provision of this section, the
 2100 corporation in its corporate capacity may, ~~without authorization~~
 2101 ~~from a public agency under s. 163.01(7),~~ issue revenue bonds or
 2102 other evidence of indebtedness under this section to:

2103 (a) Finance the undertaking of any project within the
 2104 state that promotes renewable energy as defined in s. 366.91 or
 2105 s. 377.803;

2106 (b) Finance the undertaking of any project within the

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2107 state that is a project contemplated or allowed under s. 406 of
 2108 the American Recovery and Reinvestment Act of 2009; or

2109 (c) If permitted by federal law, finance qualifying
 2110 improvement projects within the state under s. 163.08.

2111 Section 20. Section 288.9610, Florida Statutes, is amended
 2112 to read:

2113 288.9610 Annual reports of Florida Development Finance
 2114 Corporation.—On or before 90 days after the close of the Florida
 2115 Development Finance Corporation's fiscal year, the corporation
 2116 shall submit to the Governor, the Legislature, and the Auditor
 2117 General, ~~and the governing body of each public entity with which~~
 2118 ~~it has entered into an interlocal agreement~~ a complete and
 2119 detailed report setting forth:

2120 (1) The results of any audit conducted pursuant to s.
 2121 11.45.

2122 (2) The activities, operations, and accomplishments of the
 2123 Florida Development Finance Corporation, including the number of
 2124 businesses assisted by the corporation.

2125 (3) Its assets, liabilities, income, and operating
 2126 expenses at the end of its most recent fiscal year, including a
 2127 description of all of its outstanding revenue bonds.

2128 Section 21. Section 288.991, Florida Statutes, is amended
 2129 to read:

2130 288.991 Short title.—This part ~~Sections 288.991–288.9922~~
 2131 may be cited as the "New Markets Development Program Act."

2132 Section 22. Subsections (3), (5), and (6) of section

2133 288.9914, Florida Statutes, are amended to read:

2134 288.9914 Certification of qualified investments; investment
 2135 issuance reporting.—

2136 (3) REVIEW.—

2137 (a) The department shall review applications to approve an
 2138 investment as a qualified investment in the order received. The
 2139 department shall approve or deny an application within 30
 2140 calendar days after receipt.

2141 (b) If the department intends to deny the application, the
 2142 department shall inform the applicant of the basis of the
 2143 proposed denial. The applicant shall have 15 calendar days after
 2144 it receives the notice of the intent to deny the application to
 2145 submit a revised application to the department. The department
 2146 shall issue a final order approving or denying the revised
 2147 application within 30 calendar days after receipt.

2148 (c) The department may not approve a cumulative amount of
 2149 qualified investments that may result in the claim of more than
 2150 \$216.34 million in tax credits during the existence of the
 2151 program or more than \$36.6 million in tax credits in a single
 2152 state fiscal year. However, the potential for a taxpayer to
 2153 carry forward an unused tax credit may not be considered in
 2154 calculating the annual limit.

2155 (5) DURATION OF APPROVAL.—The qualified community
 2156 development entity must issue the qualified investment in
 2157 exchange for cash within 60 calendar days after it receives the
 2158 order approving an investment as a qualified investment,

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2159 otherwise the order is void.

2160 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
2161 qualified community development entity must provide the
2162 department with evidence of the receipt of the cash in exchange
2163 for the qualified investment within 30 calendar ~~business~~ days
2164 after receipt.

2165 Section 23. Subsection (1) of section 288.9917, Florida
2166 Statutes, is amended to read:

2167 288.9917 Community development entity reporting after a
2168 credit allowance date; certification of tax credit amount.—

2169 (1) A qualified community development entity that has
2170 issued a qualified investment shall submit the following to the
2171 department within 30 calendar days after each credit allowance
2172 date:

2173 (a) A list of all qualified active low-income community
2174 businesses in which a qualified low-income community investment
2175 was made since the last credit allowance date. The list shall
2176 also describe the type and amount of investment in each business
2177 and the address of the principal location of each business. The
2178 list must be verified by the chief executive officer of the
2179 community development entity.

2180 (b) Bank records, wire transfer records, or similar
2181 documents that provide evidence of the qualified low-income
2182 community investments made since the last credit allowance date.

2183 (c) A verified statement by the chief financial or
2184 accounting officer of the community development entity that no

2185 redemption or principal repayment was made with respect to the
 2186 qualified investment since the previous credit allowance date.

2187 (d) Information relating to the recapture of the federal
 2188 new markets tax credit since the last credit allowance date.

2189 Section 24. Paragraph (f) is added to subsection (1) of
 2190 section 288.9920, Florida Statutes, to read:

2191 288.9920 Recapture and penalties.—

2192 (1) Notwithstanding s. 95.091, the department shall direct
 2193 the Department of Revenue, at any time before December 31, 2022,
 2194 to recapture all or a portion of a tax credit authorized
 2195 pursuant to the New Markets Development Program Act if one or
 2196 more of the following occur:

2197 (f) For qualified investments issued after July 1, 2015,
 2198 any violation of s. 288.9923.

2199 Section 25. Section 288.9923, Florida Statutes, is created
 2200 to read:

2201 288.9923 New capital requirement.—Effective July 1, 2015,
 2202 a qualified active low-income community business that receives a
 2203 qualified low-income community investment from a qualified
 2204 community development entity that issues qualified investments
 2205 under the New Markets Development Program Act, or any affiliates
 2206 of such qualified active low-income community business, may not
 2207 directly or indirectly:

2208 (1) Own or have the right to acquire an ownership interest
 2209 in a qualified community development entity or member or
 2210 affiliate of a qualified community development entity,

2211 including, but not limited to, a holder of a qualified
 2212 investment issued by the qualified community development entity;
 2213 or

2214 (2) Loan to or invest in a qualified community development
 2215 entity or member or affiliate of a qualified community
 2216 development entity, including, but not limited to, a holder of a
 2217 qualified investment issued by a qualified community development
 2218 entity if the proceeds of such loan or investment are directly
 2219 or indirectly used to fund or refinance the purchase of a
 2220 qualified investment under this part.

2221
 2222 For purposes of this section, a qualified community development
 2223 entity is not considered an affiliate of a qualified active low-
 2224 income community business solely as a result of its qualified
 2225 low-income community investment in such business.

2226 Section 26. Section 288.913, Florida Statutes, is created
 2227 to read:

2228 288.913 Startup Florida Initiative.-

2229 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.-The Legislature
 2230 finds that successful high-technology startup and second-stage
 2231 businesses are critical to the state's overall economic growth
 2232 and such businesses play an outsized role in job creation. The
 2233 Legislature also finds that Enterprise Florida, Inc., the
 2234 state's economic development organization, is uniquely suited to
 2235 foster and encourage more high-technology startup and second-
 2236 stage business development within the state. Therefore, the

2237 Legislature declares that it is the policy of the state to
2238 prioritize high-technology startup and second-stage business
2239 development within the state and directs Enterprise Florida,
2240 Inc., to develop the Startup Florida Initiative to further said
2241 policy.

2242 (2) DEFINITIONS.—As used in this section, the term:

2243 (a) "Advanced technology products" means high-technology
2244 products produced by a business that employs a high proportion
2245 of scientists, engineers, and technicians. Such products may be
2246 classified within, but not be limited to, the following fields:

2247 1. Biotechnology products related to advanced scientific
2248 discoveries in genetics.

2249 2. Life science products related to the application of
2250 nonbiological scientific advances to medical science.

2251 3. Optoelectronic products related to the emission or
2252 detection of light.

2253 4. Information and communications products related to the
2254 processing of increased volumes of information in shorter
2255 periods of time.

2256 5. Electronics products related to design advances in
2257 electronic components that result in improved performance and
2258 capacity, or reduced size.

2259 6. Flexible manufacturing products related to robotics,
2260 numerically-controlled machine tools, and similar products
2261 involving industrial automation that allows for greater
2262 flexibility in the manufacturing process and reduction in the

2263 amount of human intervention.

2264 7. Advanced materials products related to advances in the
2265 development of materials that allow for further development and
2266 application of other advanced technologies.

2267 8. Aerospace products related to military and civil
2268 helicopters, airplanes, and spacecraft.

2269 9. Weapons products related to products with military
2270 application.

2271 10. Nuclear technology products related to nuclear power
2272 production apparatus.

2273 (b) "High-technology startup" means a business unit that
2274 has been in operation for less than 5 years and employs fewer
2275 than 10 employees, which produces a high proportion of advanced
2276 technology products.

2277 (c) "Second-stage business" means a business unit that
2278 employs at least 10 but not more than 50 employees, generates at
2279 least \$1 million but not more than \$25 million in annual
2280 revenue, and produces a high proportion of advanced technology
2281 products.

2282 (3) STATEWIDE STRATEGIC PLAN.—

2283 (a) Enterprise Florida, Inc., shall develop a statewide
2284 strategic plan for high-technology startup and second-stage
2285 business growth and development in consultation with the
2286 Institute for the Commercialization of Public Research, the
2287 Florida Economic Gardening Institute, the state's local and
2288 regional economic development organizations, and other

2289 stakeholders, public and private, that have experience and
2290 expertise in high-technology startup and second-stage business
2291 growth and development activities.

2292 (b) In developing the strategic plan, Enterprise Florida,
2293 Inc., shall evaluate best practices, examine the startup,
2294 entrepreneurship, and second-stage business programs of other
2295 states, and survey high-technology startups and second-stage
2296 businesses and support organizations, both within and outside
2297 the state.

2298 (c) The strategic plan shall include actionable steps to
2299 provide technical support to local and regional economic
2300 development organizations to enhance high-technology startup and
2301 second-stage business growth at local and regional levels.

2302 (d) The strategic plan shall include an evaluation of the
2303 accessibility of the state's economic development incentive and
2304 loan programs to high-technology startups and second-stage
2305 businesses.

2306 (e) By January 1, 2016, Enterprise Florida, Inc., shall
2307 deliver the strategic plan to the Governor, the President of the
2308 Senate, and the Speaker of the House of Representatives.

2309 (f) Upon completion, the strategic plan shall become part
2310 of the 5-year statewide strategic plan developed by the Division
2311 of Strategic Business Development required by s. 20.60.

2312 (4) MARKETING.—Enterprise Florida, Inc., shall market the
2313 state's economic development activities related to the growth
2314 and development of high-technology startups and second-stage

2315 businesses both inside and outside the state.

2316 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
 2317 information regarding its activities related to the growth and
 2318 development of high-technology startups and second-stage
 2319 businesses in its annual report required by s. 288.906.

2320 Section 27. Section 189.033, Florida Statutes, is amended
 2321 to read:

2322 189.033 Independent special district services in
 2323 disproportionally affected county; rate reduction for providers
 2324 providing economic benefits.—If the governing body of an
 2325 independent special district that provides water, wastewater,
 2326 and sanitation services in a disproportionally affected county,
 2327 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
 2328 new user or the expansion of an existing user of one or more of
 2329 its utility systems will provide a significant benefit to the
 2330 community in terms of increased job opportunities, economies of
 2331 scale, or economic development in the area, the governing body
 2332 may authorize a reduction of its rates, fees, or charges for
 2333 that user for a specified period of time. A governing body that
 2334 exercises this power must do so by resolution that states the
 2335 anticipated economic benefit justifying the reduction as well as
 2336 the period of time that the reduction will remain in place.

2337 Section 28. Subsections (1) and (3), paragraph (a) of
 2338 subsection (5), and paragraph (e) of subsection (7) of section
 2339 288.11625, Florida Statutes, are amended to read:

2340 288.11625 Sports development.—

2341 (1) ADMINISTRATION.—The department shall serve as the
 2342 state agency responsible for screening applicants for state
 2343 funding under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~

2344 (3) PURPOSE.—The purpose of this section is to provide
 2345 applicants state funding under s. 212.20(6)(d)6.d.
 2346 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 2347 reconstructing, renovating, or improving a facility.

2348 (5) EVALUATION PROCESS.—

2349 (a) Before recommending an applicant to receive a state
 2350 distribution under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~, the
 2351 department must verify that:

2352 1. The applicant or beneficiary is responsible for the
 2353 construction, reconstruction, renovation, or improvement of a
 2354 facility and obtained at least three bids for the project.

2355 2. If the applicant is not a unit of local government, a
 2356 unit of local government holds title to the property on which
 2357 the facility and project are, or will be, located.

2358 3. If the applicant is a unit of local government in whose
 2359 jurisdiction the facility is, or will be, located, the unit of
 2360 local government has an exclusive intent agreement to negotiate
 2361 in this state with the beneficiary.

2362 4. A unit of local government in whose jurisdiction the
 2363 facility is, or will be, located supports the application for
 2364 state funds. Such support must be verified by the adoption of a
 2365 resolution, after a public hearing, that the project serves a
 2366 public purpose.

2367 5. The applicant or beneficiary has not previously
2368 defaulted or failed to meet any statutory requirements of a
2369 previous state-administered sports-related program under s.
2370 288.1162, s. 288.11621, s. 288.11631, or this section.
2371 Additionally, the applicant or beneficiary is not currently
2372 receiving state distributions under s. 212.20 for the facility
2373 that is the subject of the application, unless the applicant
2374 demonstrates that the franchise that applied for a distribution
2375 under s. 212.20 no longer plays at the facility that is the
2376 subject of the application.

2377 6. The applicant or beneficiary has sufficiently
2378 demonstrated a commitment to employ residents of this state,
2379 contract with Florida-based firms, and purchase locally
2380 available building materials to the greatest extent possible.

2381 7. If the applicant is a unit of local government, the
2382 applicant has a certified copy of a signed agreement with a
2383 beneficiary for the use of the facility. If the applicant is a
2384 beneficiary, the beneficiary must enter into an agreement with
2385 the department. The applicant's or beneficiary's agreement must
2386 also require the following:

2387 a. The beneficiary must reimburse the state for state
2388 funds that will be distributed if the beneficiary relocates or
2389 no longer occupies or uses the facility as the facility's
2390 primary tenant before the agreement expires. Reimbursements must
2391 be sent to the Department of Revenue for deposit into the
2392 General Revenue Fund.

2393 b. The beneficiary must pay for signage or advertising
2394 within the facility. The signage or advertising must be placed
2395 in a prominent location as close to the field of play or
2396 competition as is practicable, must be displayed consistent with
2397 signage or advertising in the same location and of like value,
2398 and must feature Florida advertising approved by the Florida
2399 Tourism Industry Marketing Corporation.

2400 8. The project will commence within 12 months after
2401 receiving state funds or did not commence before January 1,
2402 2013.

2403 (7) CONTRACT.—An applicant approved by the Legislature and
2404 certified by the department must enter into a contract with the
2405 department which:

2406 (e) Requires the applicant to reimburse the state by
2407 electing to do one of the following:

2408 1. After all distributions have been made, reimburse at
2409 the end of the contract term any amount by which the total
2410 distributions made under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~
2411 exceed actual new incremental state sales taxes generated by
2412 sales at the facility during the contract, plus a 5 percent
2413 penalty on that amount.

2414 2. After the applicant begins to submit the independent
2415 analysis under paragraph (c), reimburse each year any amount by
2416 which the previous year's annual distribution exceeds 75 percent
2417 of the actual new incremental state sales taxes generated by
2418 sales at the facility.

2419
 2420 Any reimbursement due to the state must be made within 90 days
 2421 after the applicable distribution under this paragraph. If the
 2422 applicant is unable or unwilling to reimburse the state for such
 2423 amount, the department may place a lien on the applicant's
 2424 facility. If the applicant is a municipality or county, it may
 2425 reimburse the state from its half-cent sales tax allocation, as
 2426 provided in s. 218.64(3). Reimbursements must be sent to the
 2427 Department of Revenue for deposit into the General Revenue Fund.

2428 Section 29. Paragraph (c) of subsection (2) and paragraphs
 2429 (a), (c), and (d) of subsection (3) of section 288.11631,
 2430 Florida Statutes, are amended to read:

2431 288.11631 Retention of Major League Baseball spring
 2432 training baseball franchises.—

2433 (2) CERTIFICATION PROCESS.—

2434 (c) Each applicant certified on or after July 1, 2013,
 2435 shall enter into an agreement with the department which:

2436 1. Specifies the amount of the state incentive funding to
 2437 be distributed. The amount of state incentive funding per
 2438 certified applicant may not exceed \$20 million. However, if a
 2439 certified applicant's facility is used by more than one spring
 2440 training franchise, the maximum amount may not exceed \$50
 2441 million, and the Department of Revenue shall make distributions
 2442 to the applicant pursuant to s. 212.20(6)(d)6.c.

2443 ~~212.20(6)(d)6.e.~~

2444 2. States the criteria that the certified applicant must

2445 meet in order to remain certified. These criteria must include a
 2446 provision stating that the spring training franchise must
 2447 reimburse the state for any funds received if the franchise does
 2448 not comply with the terms of the contract. If bonds were issued
 2449 to construct or renovate a facility for a spring training
 2450 franchise, the required reimbursement must be equal to the total
 2451 amount of state distributions expected to be paid from the date
 2452 the franchise violates the agreement with the applicant through
 2453 the final maturity of the bonds.

2454 3. States that the certified applicant is subject to
 2455 decertification if the certified applicant fails to comply with
 2456 this section or the agreement.

2457 4. States that the department may recover state incentive
 2458 funds if the certified applicant is decertified.

2459 5. Specifies the information that the certified applicant
 2460 must report to the department.

2461 6. Includes any provision deemed prudent by the
 2462 department.

2463 (3) USE OF FUNDS.—

2464 (a) A certified applicant may use funds provided under s.
 2465 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ only to:

2466 1. Serve the public purpose of constructing or renovating
 2467 a facility for a spring training franchise.

2468 2. Pay or pledge for the payment of debt service on, or to
 2469 fund debt service reserve funds, arbitrage rebate obligations,
 2470 or other amounts payable with respect thereto, bonds issued for

2471 the construction or renovation of such facility, or for the
2472 reimbursement of such costs or the refinancing of bonds issued
2473 for such purposes.

2474 (c) The Department of Revenue may not distribute funds
2475 under s. 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
2476 Further, the Department of Revenue may not distribute funds to
2477 an applicant certified on or after July 1, 2013, until it
2478 receives notice from the department that:

2479 1. The certified applicant has encumbered funds under
2480 either subparagraph (a)1. or subparagraph (a)2.; and

2481 2. If applicable, any existing agreement with a spring
2482 training franchise for the use of a facility has expired.

2483 (d)1. All certified applicants shall place unexpended
2484 state funds received pursuant to s. 212.20(6)(d)6.c.
2485 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
2486 only as authorized in this section.

2487 2. A certified applicant may request that the department
2488 notify the Department of Revenue to suspend further
2489 distributions of state funds made available under s.
2490 212.20(6)(d)6.e. for 12 months after expiration of an existing
2491 agreement with a spring training franchise to provide the
2492 certified applicant with an opportunity to enter into a new
2493 agreement with a spring training franchise, at which time the
2494 distributions shall resume.

2495 3. The expenditure of state funds distributed to an
2496 applicant certified after July 1, 2013, must begin within 48

2497 months after the initial receipt of the state funds. In
2498 addition, the construction or renovation of a spring training
2499 facility must be completed within 24 months after the project's
2500 commencement.

2501 Section 30. (1) Any building permit, and any permit
2502 issued by the Department of Environmental Protection or by a
2503 water management district pursuant to part IV of chapter 373,
2504 Florida Statutes, which has an expiration date of January 1,
2505 2016, through January 1, 2018, is extended and renewed for a
2506 period of 2 years after its expiration date. This extension
2507 includes any local government-issued development order or
2508 building permit including certificates of levels of service.
2509 This section does not prohibit conversion from the construction
2510 phase to the operation phase upon completion of construction.
2511 This extension is in addition to any existing permit extension.
2512 Extensions granted pursuant to this section; s. 14 of chapter
2513 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
2514 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
2515 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
2516 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
2517 2014-218, Laws of Florida, may not exceed 4 years in total.
2518 Further, specific development order extensions granted pursuant
2519 to s. 380.06(19)(c)2., Florida Statutes, may not be further
2520 extended by this section.

2521 (2) The commencement and completion dates for any required
2522 mitigation associated with a phased construction project are

2523 extended so that mitigation takes place in the same timeframe
2524 relative to the phase as originally permitted.

2525 (3) The holder of a valid permit or other authorization
2526 that is eligible for the 2-year extension must notify the
2527 authorizing agency in writing by December 31, 2015, identifying
2528 the specific authorization for which the holder intends to use
2529 the extension and the anticipated timeframe for acting on the
2530 authorization.

2531 (4) The extension provided in subsection (1) does not
2532 apply to:

2533 (a) A permit or other authorization under any programmatic
2534 or regional general permit issued by the United States Army
2535 Corps of Engineers.

2536 (b) A permit or other authorization held by an owner or
2537 operator determined to be in significant noncompliance with the
2538 conditions of the permit or authorization as established through
2539 the issuance of a warning letter or notice of violation, the
2540 initiation of formal enforcement, or other equivalent action by
2541 the authorizing agency.

2542 (c) A permit or other authorization, if granted an
2543 extension, that would delay or prevent compliance with a court
2544 order.

2545 (5) Permits extended under this section continue to be
2546 governed by the rules in effect at the time the permit was
2547 issued unless it is demonstrated that the rules in effect at the
2548 time the permit was issued would create an immediate threat to

2549 public safety or health. This provision applies to any
2550 modification of the plans, terms, and conditions of the permit
2551 that lessens the environmental impact, except that any such
2552 modification does not extend the time limit beyond 2 additional
2553 years.

2554 (6) This section does not impair the authority of a county
2555 or municipality to require the owner of a property who has
2556 notified the county or municipality of the owner's intent to
2557 receive the extension of time granted pursuant to this section
2558 to maintain and secure the property in a safe and sanitary
2559 condition in compliance with applicable laws and ordinances.

2560 Section 31. Section 290.50, Florida Statutes, is created
2561 to read:

2562 290.50 Local enterprise zone program.-

2563 (1) DEFINITIONS.-As used in this section, the term:

2564 (a) "Designated local enterprise zone area" means a
2565 defined geographic area identified by the governing body of a
2566 county or municipality, or by the governing bodies of a county
2567 and one or more municipalities, that is targeted for accelerated
2568 economic growth through the reduction of local taxes and
2569 regulations. A designated local enterprise zone area must be
2570 created by a local resolution as part of a local enterprise zone
2571 program.

2572 (b) "Expanding business" means a business entity
2573 authorized to do business in the state that increases its total
2574 number of full-time employees by at least 10 percent and is

2575 located in a designated local enterprise zone area.

2576 (c) "Local enterprise zone program" means a program
2577 established by a local government pursuant to subsection (2).

2578 (d) "Newly established business" means any business entity
2579 authorized to do business in the state that has conducted
2580 operations for less than 1 year and is located in a designated
2581 local enterprise zone area.

2582 (2) A local government may adopt a resolution establishing
2583 a local enterprise zone program through which it creates 1 or
2584 more designated local enterprise zone areas and grants
2585 exemptions from specified local taxes, fees, permits, and
2586 licenses to newly established or expanding businesses.

2587 (3) A local government that establishes a local enterprise
2588 zone program shall submit a copy of the resolution establishing
2589 the program to the Department of Economic Opportunity within 20
2590 calendar days after enacting the resolution.

2591 (4) A local enterprise zone program must exempt all newly
2592 established or expanding businesses from the following
2593 ordinances, taxes, and fees imposed by the local government for
2594 a minimum of 24 consecutive months:

2595 (a) Business taxes.

2596 (b) Impact fees.

2597 (c) Business, professional, and occupational regulatory
2598 fees.

2599 (d) Green utility fees.

2600 (e) Building permit fees.

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2601 (f) Special assessments, including but not limited to
2602 services associated with beach renourishment and restoration,
2603 downtown redevelopment, solid waste disposal, fire and rescue
2604 services, fire protection, parking facilities, sewer
2605 improvements, stormwater management services, street
2606 improvements, and water and sewer line extensions.

2607 (g) Sign ordinance requirements, permits, and fees.

2608 (h) Tree and landscape ordinance requirements, permits,
2609 and fees.

2610 (5) A local government may not issue a citation for a
2611 violation of a municipal code or ordinance applicable to:

2612 (a) A newly established business, for a period no less
2613 than 24 months after commencement of the business's operations.

2614 (b) An expanding business, for a period of no less than 24
2615 months after an expansion of the business that results in an
2616 increase of the business's number of full-time employees of 10
2617 percent or more.

2618 (c) Any business located within a designated local
2619 enterprise zone area for a period no less than 24 months after
2620 the creation of such zone.

2621
2622 This subsection does not apply to violations of a municipal code
2623 or ordinance that pose a direct threat to the health and safety
2624 of the public.

2625 Section 32. Section 290.60, Florida Statutes, is created
2626 to read:

2627 290.60 Enterprise zone certification program.-

2628 (1) PURPOSE.-The enterprise zone certification program is
2629 hereby created for the purpose of certifying designated local
2630 enterprise zone areas, as defined in s. 290.50, that are
2631 submitted to the Department of Economic Opportunity pursuant to
2632 s. 290.50(3).

2633 (2) APPLICATION.-

2634 (a) The governing body of a county or municipality or the
2635 governing bodies of a county and one or more municipalities may
2636 submit an application to the Department of Economic Opportunity
2637 for certification of a designated local enterprise zone area as
2638 an enterprise zone. An application for certification must be
2639 received by the Department of Economic Opportunity by January 1
2640 of each year and must include the following:

2641 1. An aerial map and legal description of the proposed
2642 enterprise zone.

2643 2. Demographic information regarding the proposed
2644 enterprise zone which includes unemployment, poverty, crime,
2645 income, and property value metrics. The Department of Economic
2646 Opportunity shall consult with the Office of Economic and
2647 Demographic Research to develop or identify standard sources and
2648 units of measurement for each required metric and make such
2649 approved sources and units of measurement accessible to the
2650 public on its website.

2651 3. Verification that the applicant has made available to
2652 the public on its official county or municipal website a list of

2653 local taxes, licenses, and fee data and information related to
2654 the creation of a new business, the expansion of an existing
2655 business, and the operation of an existing business, located in
2656 the applicant's jurisdiction.

2657 4. A list and description of the local financial
2658 incentives that have been or will be enacted by the applicant
2659 for the purpose of assisting in the redevelopment of the
2660 enterprise zone. These incentives may include the municipal
2661 service tax exemption provided in s. 166.231, the economic
2662 development ad valorem tax exemption provided in s. 205.054,
2663 local impact fee abatement or reduction, low-interest or
2664 interest-free loans or grants to businesses to encourage
2665 economic growth within the enterprise zone, and other local
2666 financial incentives.

2667 5. A copy of the resolution adopted pursuant to s.
2668 290.50(2), identifying the designated local enterprise zone
2669 area.

2670 (b) The Department of Economic Opportunity may adopt rules
2671 to develop forms and administer the requirements of this
2672 section.

2673 (3) CERTIFICATION.-All timely submitted and completed
2674 applications shall be certified by the Department of Economic
2675 Opportunity and assigned a unique identification number by June
2676 30 of each year. A certified enterprise zone is not required to
2677 reapply for certification.

2678 (4) MARKETING.-The Department of Economic Opportunity

2679 shall develop a marketing and advertising plan in coordination
2680 with local governments for the purpose of highlighting the
2681 benefits of the enterprise zone program and encouraging
2682 increased business activity within certified enterprise zones.

2683 (5) ANNUAL REPORT.-

2684 (a) By October 1 of each year each local government
2685 containing a certified enterprise zone within its jurisdiction
2686 shall submit to the Department of Economic Opportunity for
2687 inclusion in the annual report required under s. 20.60:

2688 1. The number and types of businesses established within
2689 the certified enterprise zone during the previous fiscal year.

2690 2. The number of jobs created within the certified
2691 enterprise zone during the previous fiscal year.

2692 3. A detailed description of the local and state financial
2693 incentives granted to businesses located in the certified
2694 enterprise zone during the previous fiscal year.

2695 4. A detailed description of the local regulatory
2696 incentives granted to businesses within the certified enterprise
2697 zone during the previous fiscal year.

2698 5. Any other information requested by the Department of
2699 Economic Opportunity.

2700 (b) The Department of Economic Opportunity shall include
2701 in its annual report updated demographic information described
2702 in subparagraph (2)(a)2., for each certified enterprise zone.

2703 (6) DECERTIFICATION.-A certified enterprise zone shall be
2704 decertified by the Department of Economic Opportunity if:

2705 (a) The resolution creating the local enterprise zone
 2706 program has been repealed.

2707 (b) The local governing body or bodies in whose
 2708 jurisdiction the certified enterprise zone is located has
 2709 submitted a written request that the certified enterprise zone
 2710 be decertified. Such notification must include a resolution,
 2711 adopted by the governing body or bodies after a public meeting,
 2712 stating that decertification of the enterprise zone is in the
 2713 best interest of the community.

2714 Section 33. Subsections (5) and (19) of section 159.27,
 2715 Florida Statutes, are amended to read:

2716 159.27 Definitions.—The following words and terms, unless
 2717 the context clearly indicates a different meaning, shall have
 2718 the following meanings:

2719 (5) "Project" means any capital project comprising an
 2720 industrial or manufacturing plant, a research and development
 2721 park, an agricultural processing or storage facility, a
 2722 warehousing or distribution facility, a headquarters facility, a
 2723 tourism facility, a convention or trade show facility, an urban
 2724 parking facility, a trade center, a health care facility, an
 2725 educational facility, a correctional or detention facility, a
 2726 motion picture production facility, a preservation or
 2727 rehabilitation of a certified historic structure, an airport or
 2728 port facility, a commercial project in a certified ~~an~~ enterprise
 2729 zone, a pollution-control facility, a hazardous or solid waste
 2730 facility, a social service center, or a mass commuting facility,

2731 including one or more buildings and other structures, whether or
 2732 not on the same site or sites; any rehabilitation, improvement,
 2733 renovation, or enlargement of, or any addition to, any buildings
 2734 or structures for use as a factory, a mill, a processing plant,
 2735 an assembly plant, a fabricating plant, an industrial
 2736 distribution center, a repair, overhaul, or service facility, a
 2737 test facility, an agricultural processing or storage facility, a
 2738 warehousing or distribution facility, a headquarters facility, a
 2739 tourism facility, a convention or trade show facility, an urban
 2740 parking facility, a trade center, a health care facility, an
 2741 educational facility, a correctional or detention facility, a
 2742 motion picture production facility, a preservation or
 2743 rehabilitation of a certified historic structure, an airport or
 2744 port facility, a commercial project in a certified ~~an~~ enterprise
 2745 zone, a pollution-control facility, a hazardous or solid waste
 2746 facility, a social service center, or a mass commuting facility,
 2747 and other facilities, including research and development
 2748 facilities, for manufacturing, processing, assembling,
 2749 repairing, overhauling, servicing, testing, or handling of any
 2750 products or commodities embraced in any industrial or
 2751 manufacturing plant, in connection with the purposes of a
 2752 research and development park, or other facilities for or used
 2753 in connection with an agricultural processing or storage
 2754 facility, a warehousing or distribution facility, a headquarters
 2755 facility, a tourism facility, a convention or trade show
 2756 facility, an urban parking facility, a trade center, a health

2757 care facility, an educational facility, a correctional or
 2758 detention facility, a motion picture production facility, a
 2759 preservation or rehabilitation of a certified historic
 2760 structure, an airport or port facility, or a commercial project
 2761 in a certified ~~an~~ enterprise zone or for controlling air or
 2762 water pollution or for the disposal, processing, conversion, or
 2763 reclamation of hazardous or solid waste, a social service
 2764 center, or a mass commuting facility; and including also the
 2765 sites thereof and other rights in land therefor whether improved
 2766 or unimproved, machinery, equipment, site preparation and
 2767 landscaping, and all appurtenances and facilities incidental
 2768 thereto, such as warehouses, utilities, access roads, railroad
 2769 sidings, truck docking and similar facilities, parking
 2770 facilities, office or storage or training facilities, public
 2771 lodging and restaurant facilities, dockage, wharfage, solar
 2772 energy facilities, and other improvements necessary or
 2773 convenient for any manufacturing or industrial plant, research
 2774 and development park, agricultural processing or storage
 2775 facility, warehousing or distribution facility, tourism
 2776 facility, convention or trade show facility, urban parking
 2777 facility, trade center, health care facility, educational
 2778 facility, a correctional or detention facility, motion picture
 2779 production facility, preservation or rehabilitation of a
 2780 certified historic structure, airport or port facility,
 2781 commercial project in a certified ~~an~~ enterprise zone, pollution-
 2782 control facility, hazardous or solid waste facility, social

2783 service center, or a mass commuting facility and any one or more
 2784 combinations of the foregoing.

2785 (19) "Commercial project in a certified ~~an~~ enterprise
 2786 zone" means buildings, building additions or renovations, or
 2787 other structures to be newly constructed and suitable for use by
 2788 a commercial enterprise, and includes the site on which such
 2789 buildings or structures are located, located in a certified ~~an~~
 2790 ~~area designated as an~~ enterprise zone ~~pursuant to s. 290.0065.~~

2791 Section 34. Subsection (5) of section 159.803, Florida
 2792 Statutes, is amended to read:

2793 159.803 Definitions.—As used in this part, the term:

2794 (5) "Priority project" means a solid waste disposal
 2795 facility or a sewage facility, as such terms are defined in s.
 2796 142 of the Code, or a water facility, as defined in s. 142 of
 2797 the Code, which is operated by a member-owned, not-for-profit
 2798 utility, or any project which is to be located in an area which
 2799 is a certified ~~an~~ enterprise zone ~~designated pursuant to s.~~
 2800 ~~290.0065.~~

2801 Section 35. Subsection (3) of section 163.2517, Florida
 2802 Statutes, is amended to read:

2803 163.2517 Designation of urban infill and redevelopment
 2804 area.—

2805 (3) A local government seeking to designate a geographic
 2806 area within its jurisdiction as an urban infill and
 2807 redevelopment area shall prepare a plan that describes the
 2808 infill and redevelopment objectives of the local government

2809 within the proposed area. In lieu of preparing a new plan, the
2810 local government may demonstrate that an existing plan or
2811 combination of plans associated with a community redevelopment
2812 area, Florida Main Street program, Front Porch Florida
2813 Community, sustainable community, certified enterprise zone, or
2814 neighborhood improvement district includes the factors listed in
2815 paragraphs (a)-(n), including a collaborative and holistic
2816 community participation process, or amend such existing plans to
2817 include these factors. The plan shall demonstrate the local
2818 government and community's commitment to comprehensively address
2819 the urban problems within the urban infill and redevelopment
2820 area and identify activities and programs to accomplish locally
2821 identified goals such as code enforcement; improved educational
2822 opportunities; reduction in crime; neighborhood revitalization
2823 and preservation; provision of infrastructure needs, including
2824 mass transit and multimodal linkages; and mixed-use planning to
2825 promote multifunctional redevelopment to improve both the
2826 residential and commercial quality of life in the area. The plan
2827 shall also:

2828 (a) Contain a map depicting the geographic area or areas
2829 to be included within the designation.

2830 (b) Confirm that the infill and redevelopment area is
2831 within an area designated for urban uses in the local
2832 government's comprehensive plan.

2833 (c) Identify and map existing enterprise zones, community
2834 redevelopment areas, community development corporations,

2835 brownfield areas, downtown redevelopment districts, safe
2836 neighborhood improvement districts, historic preservation
2837 districts, and empowerment zones or enterprise communities
2838 located within the area proposed for designation as an urban
2839 infill and redevelopment area and provide a framework for
2840 coordinating infill and redevelopment programs within the urban
2841 core.

2842 (d) Identify a memorandum of understanding between the
2843 district school board and the local government jurisdiction
2844 regarding public school facilities located within the urban
2845 infill and redevelopment area to identify how the school board
2846 will provide priority to enhancing public school facilities and
2847 programs in the designated area, including the reuse of existing
2848 buildings for schools within the area.

2849 (e) Identify each neighborhood within the proposed area
2850 and state community preservation and revitalization goals and
2851 projects identified through a collaborative and holistic
2852 community participation process and how such projects will be
2853 implemented.

2854 (f) Identify how the local government and community-based
2855 organizations intend to implement affordable housing programs,
2856 including, but not limited to, economic and community
2857 development programs administered by federal and state agencies,
2858 within the urban infill and redevelopment area.

2859 (g) Identify strategies for reducing crime.

2860 (h) If applicable, provide guidelines for the adoption of

2861 land development regulations specific to the urban infill and
 2862 redevelopment area which include, for example, setbacks and
 2863 parking requirements appropriate to urban development.

2864 (i) Identify and map any existing transportation
 2865 concurrency exception areas and any relevant public
 2866 transportation corridors designated by a metropolitan planning
 2867 organization in its long-range transportation plans or by the
 2868 local government in its comprehensive plan for which the local
 2869 government seeks designation as a transportation concurrency
 2870 exception area. For those areas, describe how public
 2871 transportation, pedestrian ways, and bikeways will be
 2872 implemented as an alternative to increased automobile use.

2873 (j) Identify and adopt a package of financial and local
 2874 government incentives which the local government will offer for
 2875 new development, expansion of existing development, and
 2876 redevelopment within the urban infill and redevelopment area.

2877 Examples of such incentives include:

- 2878 1. Waiver of license and permit fees.
- 2879 2. Exemption of sales made in the urban infill and
 2880 redevelopment area from local option sales surtaxes imposed
 2881 pursuant to s. 212.055.
- 2882 3. Waiver of delinquent local taxes or fees to promote the
 2883 return of property to productive use.
- 2884 4. Expedited permitting.
- 2885 5. Lower transportation impact fees for development which
 2886 encourages more use of public transit, pedestrian, and bicycle

2887 modes of transportation.

2888 6. Prioritization of infrastructure spending within the
2889 urban infill and redevelopment area.

2890 7. Local government absorption of developers' concurrency
2891 costs.

2892
2893 In order to be authorized to recognize the exemption from local
2894 option sales surtaxes pursuant to subparagraph 2., the owner,
2895 lessee, or lessor of the new development, expanding existing
2896 development, or redevelopment within the urban infill and
2897 redevelopment area must file an application under oath with the
2898 governing body having jurisdiction over the urban infill and
2899 redevelopment area where the business is located. The
2900 application must include the name and address of the business
2901 claiming the exclusion from collecting local option surtaxes; an
2902 address and assessment roll parcel number of the urban infill
2903 and redevelopment area for which the exemption is being sought;
2904 a description of the improvements made to accomplish the new
2905 development, expanding development, or redevelopment of the real
2906 property; a copy of the building permit application or the
2907 building permit issued for the development of the real property;
2908 a new application for a certificate of registration with the
2909 Department of Revenue with the address of the new development,
2910 expanding development, or redevelopment; and the location of the
2911 property. The local government must review and approve the
2912 application and submit the completed application and

2913 documentation along with a copy of the ordinance adopted
 2914 pursuant to subsection (5) to the Department of Revenue in order
 2915 for the business to become eligible to make sales exempt from
 2916 local option sales surtaxes in the urban infill and
 2917 redevelopment area.

2918 (k) Identify how activities and incentives within the
 2919 urban infill and redevelopment area will be coordinated and what
 2920 administrative mechanism the local government will use for the
 2921 coordination.

2922 (l) Identify how partnerships with the financial and
 2923 business community will be developed.

2924 (m) Identify the governance structure that the local
 2925 government will use to involve community representatives in the
 2926 implementation of the plan.

2927 (n) Identify performance measures to evaluate the success
 2928 of the local government in implementing the urban infill and
 2929 redevelopment plan.

2930 Section 36. Subsection (8) of section 163.503, Florida
 2931 Statutes, is amended to read:

2932 163.503 Definitions.—

2933 (8) "Certified enterprise zone" means an area certified
 2934 ~~designated~~ pursuant to s. 290.60 ~~290.0065~~.

2935 Section 37. Section 163.521, Florida Statutes, is amended
 2936 to read:

2937 163.521 Neighborhood improvement district located in
 2938 certified ~~inside~~ enterprise zone; funding.—The local governing

2939 body of any municipality or county in which the boundaries of a
2940 certified ~~an~~ enterprise zone include a neighborhood improvement
2941 district in whole or in part, prior to October 1 of each year,
2942 may request the Department of Legal Affairs to submit within its
2943 budget request to the Legislature provisions to fund capital
2944 improvements. A request may be made for 100 percent of the
2945 capital improvement costs for 25 percent of the area of the
2946 certified enterprise zone which overlaps the district. The local
2947 governing body may also request a 100-percent matching grant for
2948 capital improvement costs for the remaining 75 percent of the
2949 area of the certified enterprise zone which overlaps the
2950 district. Local governments must demonstrate the capacity to
2951 implement the project within 2 years after the date of the
2952 appropriation. Funds appropriated under this provision may not
2953 be expended until after completion and approval of the safe
2954 neighborhood improvement plan pursuant to ss. 163.516 and
2955 163.519(11). Capital improvements contained within the request
2956 submitted by the local governing body must be specifically
2957 related to crime prevention through community policing
2958 innovations, environmental design, environmental security, and
2959 defensible space and must be reviewed by the department for
2960 compliance with the principles of crime prevention through
2961 community policing innovations, environmental design,
2962 environmental security, and defensible space. The department
2963 shall rank order all requests received for capital improvements
2964 funding based on the necessity of the improvements to the

2965 overall implementation of the safe neighborhood plan; the degree
 2966 to which the improvements help the plan achieve crime prevention
 2967 through community policing innovations, environmental design,
 2968 environmental security, and defensible space objectives; the
 2969 effect of the improvements on residents of low or moderate
 2970 income; and the fiscal inability of local government to perform
 2971 the improvements without state assistance.

2972 Section 38. Subsection (1) of section 163.522, Florida
 2973 Statutes, is amended to read:

2974 163.522 State redevelopment programs.—

2975 (1) Any county or municipality containing a certified
 2976 ~~which has nominated an area as an enterprise zone pursuant to s.~~
 2977 ~~290.0055 which has been so designated pursuant to s. 290.0065~~ is
 2978 directed to give consideration to the creation of a neighborhood
 2979 improvement district within said area.

2980 Section 39. Subsection (8) of section 166.231, Florida
 2981 Statutes, is amended to read:

2982 166.231 Municipalities; public service tax.—

2983 (8) (a) ~~Beginning July 1, 1995,~~ A municipality may by
 2984 ordinance exempt not less than 50 percent of the tax imposed
 2985 under this section on purchasers of electrical energy who are
 2986 located within a certified enterprise zone or determined to be
 2987 eligible for the exemption provided by s. 212.08(15) by the
 2988 Department of Revenue. The exemption shall be administered as
 2989 provided in that section. A copy of any ordinance adopted
 2990 pursuant to this subsection shall be provided to the Department

2991 of Revenue not less than 14 days prior to its effective date.

2992 (b) If an area submitted for enterprise zone certification
 2993 ~~that is nominated as an enterprise zone pursuant to s. 290.60~~
 2994 ~~290.0055~~ has not yet been certified ~~designated pursuant to s.~~
 2995 ~~290.0065~~, a municipality may enact an ordinance for such
 2996 exemption; however, the ordinance shall not be effective until
 2997 such area is certified ~~designated pursuant to s. 290.0065~~.

2998 ~~(c) This subsection expires on the date specified in s.~~
 2999 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
 3000 ~~except that any qualified business that has satisfied the~~
 3001 ~~requirements of this subsection before that date shall be~~
 3002 ~~allowed the full benefit of the exemption allowed under this~~
 3003 ~~subsection as if this subsection had not expired on that date.~~

3004 Section 40. Paragraphs (a) and (b) of subsection (14),
 3005 paragraph (b) of subsection (15), and subsection (18) of section
 3006 196.012, Florida Statutes, are amended to read:

3007 196.012 Definitions.—For the purpose of this chapter, the
 3008 following terms are defined as follows, except where the context
 3009 clearly indicates otherwise:

3010 (14) "New business" means:

3011 (a)1. A business or organization establishing 10 or more
 3012 new jobs to employ 10 or more full-time employees in this state,
 3013 paying an average wage for such new jobs that is above the
 3014 average wage in the area, which principally engages in any one
 3015 or more of the following operations:

3016 a. Manufactures, processes, compounds, fabricates, or

3017 produces for sale items of tangible personal property at a fixed
 3018 location and which comprises an industrial or manufacturing
 3019 plant; or

3020 b. Is a target industry business as defined in s.
 3021 288.106(2)(n) ~~288.106(2)(q)~~;

3022 2. A business or organization establishing 25 or more new
 3023 jobs to employ 25 or more full-time employees in this state, the
 3024 sales factor of which, as defined by s. 220.15(5), for the
 3025 facility with respect to which it requests an economic
 3026 development ad valorem tax exemption is less than 0.50 for each
 3027 year the exemption is claimed; or

3028 3. An office space in this state owned and used by a
 3029 business or organization newly domiciled in this state; provided
 3030 such office space houses 50 or more full-time employees of such
 3031 business or organization; provided that such business or
 3032 organization office first begins operation on a site clearly
 3033 separate from any other commercial or industrial operation owned
 3034 by the same business or organization.

3035 (b) Any business or organization located in a certified ~~an~~
 3036 enterprise zone or brownfield area that first begins operation
 3037 on a site clearly separate from any other commercial or
 3038 industrial operation owned by the same business or organization.

3039 (15) "Expansion of an existing business" means:

3040 (b) Any business or organization located in a certified ~~an~~
 3041 enterprise zone or brownfield area that increases operations on
 3042 a site located within the same zone or area colocated with a

3043 commercial or industrial operation owned by the same business or
 3044 organization under common control with the same business or
 3045 organization.

3046 (18) "Certified enterprise zone" means an enterprise zone
 3047 certified area designated as an enterprise zone pursuant to s.
 3048 290.60 ~~290.0065~~. ~~This subsection expires on the date specified~~
 3049 ~~in s. 290.016 for the expiration of the Florida Enterprise Zone~~
 3050 ~~Act.~~

3051 Section 41. Section 196.095, Florida Statutes, is amended
 3052 to read:

3053 196.095 Exemption for a licensed child care facility
 3054 operating in a certified ~~an~~ enterprise zone.—

3055 (1) Any real estate used and owned as a child care
 3056 facility as defined in s. 402.302 which operates in a certified
 3057 ~~an~~ enterprise zone pursuant to chapter 290 is exempt from
 3058 taxation.

3059 (2) To claim a certified ~~an~~ enterprise zone child care
 3060 property tax exemption authorized by this section, a child care
 3061 facility must file an application under oath with the governing
 3062 body ~~or enterprise zone development agency~~ having jurisdiction
 3063 over the certified enterprise zone where the child care center
 3064 is located. Within 10 working days after receipt of an
 3065 application, the governing body ~~or enterprise zone development~~
 3066 ~~agency~~ shall review the application to determine if it contains
 3067 all the information required pursuant to this section and meets
 3068 the criteria set out in this section. The governing body or

3069 agency shall certify all applications that contain the
 3070 information required pursuant to this section and meet the
 3071 criteria set out in this section as eligible to receive an ad
 3072 valorem tax exemption. The child care center shall be
 3073 responsible for forwarding all application materials to the
 3074 governing body ~~or enterprise zone development agency.~~

3075 (3) The production by the child care facility operator of
 3076 a current license by the Department of Children and Families or
 3077 local licensing authority and certification by the governing
 3078 body ~~or enterprise zone~~ where the child care center is located
 3079 is prima facie evidence that the child care facility owner is
 3080 entitled to such exemptions.

3081 Section 42. Subsections (3) and (5) of section 196.1995,
 3082 Florida Statutes, are amended to read:

3083 196.1995 Economic development ad valorem tax exemption.—

3084 (3) The board of county commissioners or the governing
 3085 authority of the municipality that calls a referendum within its
 3086 total jurisdiction to determine whether its respective
 3087 jurisdiction may grant economic development ad valorem tax
 3088 exemptions may vote to limit the effect of the referendum to
 3089 authority to grant economic development tax exemptions for new
 3090 businesses and expansions of existing businesses located in a
 3091 certified ~~an~~ enterprise zone or a brownfield area, as defined in
 3092 s. 376.79(4). If an area submitted for enterprise zone
 3093 certification ~~nominated to be an enterprise zone~~ pursuant to s.
 3094 290.60 ~~290.0055~~ has not yet been certified ~~designated~~ pursuant

3095 ~~to s. 290.0065,~~ the board of county commissioners or the
 3096 governing authority of the municipality may call such referendum
 3097 prior to such certification ~~designation~~; however, the authority
 3098 to grant economic development ad valorem tax exemptions does not
 3099 apply until such area is certified ~~designated pursuant to s.~~
 3100 ~~290.0065~~. The ballot question in such referendum shall be in
 3101 substantially the following form and shall be used in lieu of
 3102 the ballot question prescribed in subsection (2):

3103 Shall the board of county commissioners of this county (or the
 3104 governing authority of this municipality, or both) be authorized
 3105 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 3106 property tax exemptions for new businesses and expansions of
 3107 existing businesses that are located in a certified ~~an~~
 3108 enterprise zone or a brownfield area and that are expected to
 3109 create new, full-time jobs in the county (or municipality, or
 3110 both)?

3111 Yes-For authority to grant exemptions.

3112 No-Against authority to grant exemptions.

3113 (5) Upon a majority vote in favor of such authority, the
 3114 board of county commissioners or the governing authority of the
 3115 municipality, at its discretion, by ordinance may exempt from ad
 3116 valorem taxation up to 100 percent of the assessed value of all
 3117 improvements to real property made by or for the use of a new
 3118 business and of all tangible personal property of such new
 3119 business, or up to 100 percent of the assessed value of all
 3120 added improvements to real property made to facilitate the

3121 expansion of an existing business and of the net increase in all
3122 tangible personal property acquired to facilitate such expansion
3123 of an existing business. To qualify for this exemption, the
3124 improvements to real property must be made or the tangible
3125 personal property must be added or increased after approval by
3126 motion or resolution of the local governing body, subject to
3127 ordinance adoption or on or after the day the ordinance is
3128 adopted. However, if the authority to grant exemptions is
3129 approved in a referendum in which the ballot question contained
3130 in subsection (3) appears on the ballot, the authority of the
3131 board of county commissioners or the governing authority of the
3132 municipality to grant exemptions is limited solely to new
3133 businesses and expansions of existing businesses that are
3134 located in a certified ~~an~~ enterprise zone or brownfield area.
3135 Property acquired to replace existing property shall not be
3136 considered to facilitate a business expansion. The exemption
3137 applies only to taxes levied by the respective unit of
3138 government granting the exemption. The exemption does not apply,
3139 however, to taxes levied for the payment of bonds or to taxes
3140 authorized by a vote of the electors pursuant to s. 9(b) or s.
3141 12, Art. VII of the State Constitution. Any such exemption shall
3142 remain in effect for up to 10 years with respect to any
3143 particular facility, regardless of any change in the authority
3144 of the county or municipality to grant such exemptions. The
3145 exemption shall not be prolonged or extended by granting
3146 exemptions from additional taxes or by virtue of any

3147 reorganization or sale of the business receiving the exemption.

3148 Section 43. Subsection (4) of section 205.022, Florida
 3149 Statutes, is amended to read:

3150 205.022 Definitions.—When used in this chapter, the
 3151 following terms and phrases shall have the meanings ascribed to
 3152 them in this section, except when the context clearly indicates
 3153 a different meaning:

3154 (4) "Certified enterprise zone" means an area certified
 3155 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.
 3156 ~~This subsection expires on the date specified in s. 290.016 for~~
 3157 ~~the expiration of the Florida Enterprise Zone Act.~~

3158 Section 44. Section 205.054, Florida Statutes, is amended
 3159 to read:

3160 205.054 Business tax; partial exemption for engaging in
 3161 business or occupation in certified enterprise zone.—

3162 (1) Notwithstanding the provisions of s. 205.033(1)(a) or
 3163 s. 205.043(1)(a), the governing body of a county or municipality
 3164 may authorize by appropriate resolution or ordinance, adopted
 3165 pursuant to the procedure established in s. 205.032 or s.
 3166 205.042, the exemption of 50 percent of the business tax levied
 3167 for the privilege of engaging in or managing any business,
 3168 profession, or occupation in the respective jurisdiction of the
 3169 county or municipality when such privilege is exercised at a
 3170 permanent business location or branch office located in a
 3171 certified ~~an~~ enterprise zone.

3172 (2) Such exemption applies to each classification for

3173 which a business tax receipt is required in the jurisdiction.
3174 Classifications shall be the same in a certified ~~an~~ enterprise
3175 zone as elsewhere in the jurisdiction. Each county or municipal
3176 business tax receipt issued with the exemption authorized in
3177 this section shall be in the same general form as the other
3178 county or municipal business tax receipts and shall expire at
3179 the same time as those other receipts expire as fixed by law.
3180 Any receipt issued with the exemption authorized in this section
3181 is nontransferable. The exemption authorized in this section
3182 does not apply to any penalty authorized in s. 205.053.

3183 (3) Each tax collecting authority of a county or
3184 municipality which provides the exemption authorized in this
3185 section shall issue to each person who may be entitled to the
3186 exemption a receipt pursuant to the provisions contained in this
3187 section. Before a receipt with such exemption is issued to an
3188 applicant, the tax collecting authority must, in each case, be
3189 provided proof that the applicant is entitled to such exemption.
3190 Such proof shall be made by means of a statement filed under
3191 oath with the tax collecting authority, which statement
3192 indicates that the permanent business location or branch office
3193 of the applicant is located in a certified ~~an~~ enterprise zone of
3194 a jurisdiction which has authorized the exemption permitted in
3195 this section.

3196 (4) Any receipt obtained with the exemption authorized in
3197 this subsection by the commission of fraud upon the issuing
3198 authority is void. Any person who has fraudulently obtained such

3199 exemption and thereafter engages, under color of the receipt, in
 3200 any business, profession, or occupation requiring the business
 3201 tax receipt is subject to prosecution for engaging in a
 3202 business, profession, or occupation without having the required
 3203 receipt under the laws of the state.

3204 (5) If an area has been submitted for certification
 3205 ~~nominated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0055~~
 3206 ~~has not yet been designated pursuant to s. 290.0065~~, the
 3207 governing body of a county or municipality may enact the
 3208 appropriate ordinance or resolution authorizing the exemption
 3209 permitted in this section; however, such ordinance or resolution
 3210 will not be effective until such area is certified ~~designated~~
 3211 pursuant to s. 290.60 ~~290.0065~~.

3212 ~~(6) This section expires on the date specified in s.~~
 3213 ~~290.016 for the expiration of the Florida Enterprise Zone Act;~~
 3214 ~~and a receipt may not be issued with the exemption authorized in~~
 3215 ~~this section for any period beginning on or after that date.~~

3216 Section 45. Subsection (6) of section 212.02, Florida
 3217 Statutes, is amended to read:

3218 212.02 Definitions.—The following terms and phrases when
 3219 used in this chapter have the meanings ascribed to them in this
 3220 section, except where the context clearly indicates a different
 3221 meaning:

3222 (6) "Certified enterprise zone" means an enterprise zone
 3223 certified ~~an area of the state designated pursuant to s. 290.60~~
 3224 ~~290.0065. This subsection expires on the date specified in s.~~

3225 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

3226 Section 46. Paragraphs (o) and (p) of subsection (5) of
 3227 section 212.08, Florida Statutes, are amended to read:

3228 212.08 Sales, rental, use, consumption, distribution, and
 3229 storage tax; specified exemptions.—The sale at retail, the
 3230 rental, the use, the consumption, the distribution, and the
 3231 storage to be used or consumed in this state of the following
 3232 are hereby specifically exempt from the tax imposed by this
 3233 chapter.

3234 (5) EXEMPTIONS; ACCOUNT OF USE.—

3235 (o) Building materials in redevelopment projects.—

3236 1. As used in this paragraph, the term:

3237 a. "Building materials" means tangible personal property
 3238 that becomes a component part of a housing project or a mixed-
 3239 use project.

3240 b. "Housing project" means the conversion of an existing
 3241 manufacturing or industrial building to a housing unit which is
 3242 in an urban high-crime area, a certified ~~an~~ enterprise zone, an
 3243 empowerment zone, a Front Porch Community, a designated
 3244 brownfield site for which a rehabilitation agreement with the
 3245 Department of Environmental Protection or a local government
 3246 delegated by the Department of Environmental Protection has been
 3247 executed under s. 376.80 and any abutting real property parcel
 3248 within a brownfield area, or an urban infill area; and in which
 3249 the developer agrees to set aside at least 20 percent of the
 3250 housing units in the project for low-income and moderate-income

3251 persons or the construction in a designated brownfield area of
 3252 affordable housing for persons described in s. 420.0004(9),
 3253 (11), (12), or (17) or in s. 159.603(7).

3254 c. "Mixed-use project" means the conversion of an existing
 3255 manufacturing or industrial building to mixed-use units that
 3256 include artists' studios, art and entertainment services, or
 3257 other compatible uses. A mixed-use project must be located in an
 3258 urban high-crime area, a certified ~~an~~ enterprise zone, an
 3259 empowerment zone, a Front Porch Community, a designated
 3260 brownfield site for which a rehabilitation agreement with the
 3261 Department of Environmental Protection or a local government
 3262 delegated by the Department of Environmental Protection has been
 3263 executed under s. 376.80 and any abutting real property parcel
 3264 within a brownfield area, or an urban infill area; and the
 3265 developer must agree to set aside at least 20 percent of the
 3266 square footage of the project for low-income and moderate-income
 3267 housing.

3268 d. "Substantially completed" has the same meaning as
 3269 provided in s. 192.042(1).

3270 2. Building materials used in the construction of a
 3271 housing project or mixed-use project are exempt from the tax
 3272 imposed by this chapter upon an affirmative showing to the
 3273 satisfaction of the department that the requirements of this
 3274 paragraph have been met. This exemption inures to the owner
 3275 through a refund of previously paid taxes. To receive this
 3276 refund, the owner must file an application under oath with the

3277 department which includes:

3278 a. The name and address of the owner.

3279 b. The address and assessment roll parcel number of the

3280 project for which a refund is sought.

3281 c. A copy of the building permit issued for the project.

3282 d. A certification by the local building code inspector

3283 that the project is substantially completed.

3284 e. A sworn statement, under penalty of perjury, from the

3285 general contractor licensed in this state with whom the owner

3286 contracted to construct the project, which statement lists the

3287 building materials used in the construction of the project and

3288 the actual cost thereof, and the amount of sales tax paid on

3289 these materials. If a general contractor was not used, the owner

3290 shall provide this information in a sworn statement, under

3291 penalty of perjury. Copies of invoices evidencing payment of

3292 sales tax must be attached to the sworn statement.

3293 3. An application for a refund under this paragraph must

3294 be submitted to the department within 6 months after the date

3295 the project is deemed to be substantially completed by the local

3296 building code inspector. Within 30 working days after receipt of

3297 the application, the department shall determine if it meets the

3298 requirements of this paragraph. A refund approved pursuant to

3299 this paragraph shall be made within 30 days after formal

3300 approval of the application by the department.

3301 4. The department shall establish by rule an application

3302 form and criteria for establishing eligibility for exemption

3303 under this paragraph.

3304 5. The exemption shall apply to purchases of materials on
3305 or after July 1, 2000.

3306 (p) Community contribution tax credit for donations.—

3307 1. Authorization.—Persons who are registered with the
3308 department under s. 212.18 to collect or remit sales or use tax
3309 and who make donations to eligible sponsors are eligible for tax
3310 credits against their state sales and use tax liabilities as
3311 provided in this paragraph:

3312 a. The credit shall be computed as 50 percent of the
3313 person's approved annual community contribution.

3314 b. The credit shall be granted as a refund against state
3315 sales and use taxes reported on returns and remitted in the 12
3316 months preceding the date of application to the department for
3317 the credit as required in sub-subparagraph 3.c. If the annual
3318 credit is not fully used through such refund because of
3319 insufficient tax payments during the applicable 12-month period,
3320 the unused amount may be included in an application for a refund
3321 made pursuant to sub-subparagraph 3.c. in subsequent years
3322 against the total tax payments made for such year. Carryover
3323 credits may be applied for a 3-year period without regard to any
3324 time limitation that would otherwise apply under s. 215.26.

3325 c. A person may not receive more than \$200,000 in annual
3326 tax credits for all approved community contributions made in any
3327 one year.

3328 d. All proposals for the granting of the tax credit

3329 require the prior approval of the Department of Economic
 3330 Opportunity.

3331 e. The total amount of tax credits which may be granted
 3332 for all programs approved under this paragraph, s. 220.183, and
 3333 s. 624.5105 is \$18.4 million annually for projects that provide
 3334 homeownership opportunities for low-income households or very-
 3335 low-income households as those terms are defined in s. 420.9071
 3336 and \$3.5 million annually for all other projects.

3337 f. A person who is eligible to receive the credit provided
 3338 in this paragraph, s. 220.183, or s. 624.5105 may receive the
 3339 credit only under one section of the person's choice.

3340 2. Eligibility requirements.—

3341 a. A community contribution by a person must be in the
 3342 following form:

3343 (I) Cash or other liquid assets;

3344 (II) Real property;

3345 (III) Goods or inventory; or

3346 (IV) Other physical resources identified by the Department
 3347 of Economic Opportunity.

3348 b. All community contributions must be reserved
 3349 exclusively for use in a project. As used in this sub-
 3350 subparagraph, the term "project" means activity undertaken by an
 3351 eligible sponsor which is designed to construct, improve, or
 3352 substantially rehabilitate housing that is affordable to low-
 3353 income households or very-low-income households as those terms
 3354 are defined in s. 420.9071; designed to provide commercial,

3355 industrial, or public resources and facilities; or designed to
 3356 improve entrepreneurial and job-development opportunities for
 3357 low-income persons. A project may be the investment necessary to
 3358 increase access to high-speed broadband capability in rural
 3359 communities with enterprise zones, including projects that
 3360 result in improvements to communications assets that are owned
 3361 by a business. A project may include the provision of museum
 3362 educational programs and materials that are directly related to
 3363 a project approved between January 1, 1996, and December 31,
 3364 1999, and located in a certified ~~an~~ enterprise zone ~~designated~~
 3365 ~~pursuant to s. 290.0065~~. This paragraph does not preclude
 3366 projects that propose to construct or rehabilitate housing for
 3367 low-income households or very-low-income households on scattered
 3368 sites. With respect to housing, contributions may be used to pay
 3369 the following eligible low-income and very-low-income housing-
 3370 related activities:

- 3371 (I) Project development impact and management fees for
- 3372 low-income or very-low-income housing projects;
- 3373 (II) Down payment and closing costs for low-income persons
- 3374 and very-low-income persons, as those terms are defined in s.
- 3375 420.9071;
- 3376 (III) Administrative costs, including housing counseling
- 3377 and marketing fees, not to exceed 10 percent of the community
- 3378 contribution, directly related to low-income or very-low-income
- 3379 projects; and
- 3380 (IV) Removal of liens recorded against residential

3381 property by municipal, county, or special district local
 3382 governments if satisfaction of the lien is a necessary precedent
 3383 to the transfer of the property to a low-income person or very-
 3384 low-income person, as those terms are defined in s. 420.9071,
 3385 for the purpose of promoting home ownership. Contributions for
 3386 lien removal must be received from a nonrelated third party.

3387 c. The project must be undertaken by an "eligible
 3388 sponsor," which includes:

3389 (I) A community action program;

3390 (II) A nonprofit community-based development organization
 3391 whose mission is the provision of housing for low-income
 3392 households or very-low-income households or increasing
 3393 entrepreneurial and job-development opportunities for low-income
 3394 persons;

3395 (III) A neighborhood housing services corporation;

3396 (IV) A local housing authority created under chapter 421;

3397 (V) A community redevelopment agency created under s.
 3398 163.356;

3399 (VI) A historic preservation district agency or
 3400 organization;

3401 (VII) A regional workforce board;

3402 (VIII) A direct-support organization as provided in s.
 3403 1009.983;

3404 (IX) An enterprise zone development agency created under
 3405 s. 290.0056;

3406 (X) A community-based organization incorporated under

3407 chapter 617 which is recognized as educational, charitable, or
 3408 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 3409 and whose bylaws and articles of incorporation include
 3410 affordable housing, economic development, or community
 3411 development as the primary mission of the corporation;

3412 (XI) Units of local government;

3413 (XII) Units of state government; or

3414 (XIII) Any other agency that the Department of Economic
 3415 Opportunity designates by rule.

3416

3417 A contributing person may not have a financial interest in the
 3418 eligible sponsor.

3419 d. The project must be located in an area designated a
 3420 certified ~~an~~ enterprise zone or a Front Porch Florida Community,
 3421 unless the project increases access to high-speed broadband
 3422 capability for rural communities that have enterprise zones but
 3423 is physically located outside the designated rural zone
 3424 boundaries. Any project designed to construct or rehabilitate
 3425 housing for low-income households or very-low-income households
 3426 as those terms are defined in s. 420.9071 is exempt from the
 3427 area requirement of this sub-subparagraph.

3428 e.(I) If, during the first 10 business days of the state
 3429 fiscal year, eligible tax credit applications for projects that
 3430 provide homeownership opportunities for low-income households or
 3431 very-low-income households as those terms are defined in s.
 3432 420.9071 are received for less than the annual tax credits

3433 available for those projects, the Department of Economic
3434 Opportunity shall grant tax credits for those applications and
3435 grant remaining tax credits on a first-come, first-served basis
3436 for subsequent eligible applications received before the end of
3437 the state fiscal year. If, during the first 10 business days of
3438 the state fiscal year, eligible tax credit applications for
3439 projects that provide homeownership opportunities for low-income
3440 households or very-low-income households as those terms are
3441 defined in s. 420.9071 are received for more than the annual tax
3442 credits available for those projects, the Department of Economic
3443 Opportunity shall grant the tax credits for those applications
3444 as follows:

3445 (A) If tax credit applications submitted for approved
3446 projects of an eligible sponsor do not exceed \$200,000 in total,
3447 the credits shall be granted in full if the tax credit
3448 applications are approved.

3449 (B) If tax credit applications submitted for approved
3450 projects of an eligible sponsor exceed \$200,000 in total, the
3451 amount of tax credits granted pursuant to sub-sub-sub-
3452 subparagraph (A) shall be subtracted from the amount of
3453 available tax credits, and the remaining credits shall be
3454 granted to each approved tax credit application on a pro rata
3455 basis.

3456 (II) If, during the first 10 business days of the state
3457 fiscal year, eligible tax credit applications for projects other
3458 than those that provide homeownership opportunities for low-

3459 income households or very-low-income households as those terms
3460 are defined in s. 420.9071 are received for less than the annual
3461 tax credits available for those projects, the Department of
3462 Economic Opportunity shall grant tax credits for those
3463 applications and shall grant remaining tax credits on a first-
3464 come, first-served basis for subsequent eligible applications
3465 received before the end of the state fiscal year. If, during the
3466 first 10 business days of the state fiscal year, eligible tax
3467 credit applications for projects other than those that provide
3468 homeownership opportunities for low-income households or very-
3469 low-income households as those terms are defined in s. 420.9071
3470 are received for more than the annual tax credits available for
3471 those projects, the Department of Economic Opportunity shall
3472 grant the tax credits for those applications on a pro rata
3473 basis.

3474 3. Application requirements.—

3475 a. Any eligible sponsor seeking to participate in this
3476 program must submit a proposal to the Department of Economic
3477 Opportunity which sets forth the name of the sponsor, a
3478 description of the project, and the area in which the project is
3479 located, together with such supporting information as is
3480 prescribed by rule. The proposal must also contain a resolution
3481 from the local governmental unit in which the project is located
3482 certifying that the project is consistent with local plans and
3483 regulations.

3484 b. Any person seeking to participate in this program must

3485 submit an application for tax credit to the Department of
3486 Economic Opportunity which sets forth the name of the sponsor, a
3487 description of the project, and the type, value, and purpose of
3488 the contribution. The sponsor shall verify, in writing, the
3489 terms of the application and indicate its receipt of the
3490 contribution, and such verification must accompany the
3491 application for tax credit. The person must submit a separate
3492 tax credit application to the Department of Economic Opportunity
3493 for each individual contribution that it makes to each
3494 individual project.

3495 c. Any person who has received notification from the
3496 Department of Economic Opportunity that a tax credit has been
3497 approved must apply to the department to receive the refund.
3498 Application must be made on the form prescribed for claiming
3499 refunds of sales and use taxes and be accompanied by a copy of
3500 the notification. A person may submit only one application for
3501 refund to the department within a 12-month period.

3502 4. Administration.—

3503 a. The Department of Economic Opportunity may adopt rules
3504 necessary to administer this paragraph, including rules for the
3505 approval or disapproval of proposals by a person.

3506 b. The decision of the Department of Economic Opportunity
3507 must be in writing, and, if approved, the notification shall
3508 state the maximum credit allowable to the person. Upon approval,
3509 the Department of Economic Opportunity shall transmit a copy of
3510 the decision to the department.

3511 c. The Department of Economic Opportunity shall
 3512 periodically monitor all projects in a manner consistent with
 3513 available resources to ensure that resources are used in
 3514 accordance with this paragraph; however, each project must be
 3515 reviewed at least once every 2 years.

3516 d. The Department of Economic Opportunity shall, in
 3517 consultation with the statewide and regional housing and
 3518 financial intermediaries, market the availability of the
 3519 community contribution tax credit program to community-based
 3520 organizations.

3521 5. Expiration.—This paragraph expires June 30, 2016;
 3522 however, any accrued credit carryover that is unused on that
 3523 date may be used until the expiration of the 3-year carryover
 3524 period for such credit.

3525 Section 47. Paragraph (d) of subsection (2) of section
 3526 220.183, Florida Statutes, is amended to read:

3527 220.183 Community contribution tax credit.—

3528 (2) ELIGIBILITY REQUIREMENTS.—

3529 (d) The project shall be located in a certified ~~an area~~
 3530 ~~designated as an~~ enterprise zone or a Front Porch Florida
 3531 Community. Any project designed to construct or rehabilitate
 3532 housing for low-income or very-low-income households as defined
 3533 in s. 420.9071(19) and (28) is exempt from the area requirement
 3534 of this paragraph. This section does not preclude projects that
 3535 propose to construct or rehabilitate housing for low-income or
 3536 very-low-income households on scattered sites. Any project

3537 | designed to provide increased access to high-speed broadband
 3538 | capabilities which includes coverage of a rural enterprise zone
 3539 | may locate the project's infrastructure in any area of a rural
 3540 | county.

3541 | Section 48. Paragraphs (a) and (b) of subsection (2) of
 3542 | section 288.0001, Florida Statutes, are amended to read:

3543 | 288.0001 Economic Development Programs Evaluation.—The
 3544 | Office of Economic and Demographic Research and the Office of
 3545 | Program Policy Analysis and Government Accountability (OPPAGA)
 3546 | shall develop and present to the Governor, the President of the
 3547 | Senate, the Speaker of the House of Representatives, and the
 3548 | chairs of the legislative appropriations committees the Economic
 3549 | Development Programs Evaluation.

3550 | (2) The Office of Economic and Demographic Research and
 3551 | OPPAGA shall provide a detailed analysis of economic development
 3552 | programs as provided in the following schedule:

3553 | (a) By January 1, 2014, and every 3 years thereafter, an
 3554 | analysis of the following:

3555 | 1. The capital investment tax credit established under s.
 3556 | 220.191.

3557 | 2. The qualified target industry tax refund established
 3558 | under s. 288.106.

3559 | 3. The brownfield redevelopment bonus refund established
 3560 | under s. 288.107.

3561 | 4. High-impact business performance grants established
 3562 | under s. 288.108.

3563 5. The Quick Action Closing Fund established under s.
3564 288.1088.

3565 6. The Innovation Incentive Program established under s.
3566 288.1089.

3567 7. Enterprise zone program incentives established under
3568 ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

3569 8. The New Markets Development Program established under
3570 ss. 288.991-288.9922.

3571 9. The enterprise zone certification program established
3572 under s. 290.60.

3573 (b) By January 1, 2015, and every 3 years thereafter, an
3574 analysis of the following:

3575 1. The entertainment industry financial incentive program
3576 established under s. 288.1254.

3577 2. The entertainment industry sales tax exemption program
3578 established under s. 288.1258.

3579 3. The Florida Tourism Industry Marketing Corporation
3580 ~~VISIT Florida~~ and its programs established or funded under ss.
3581 288.122, 288.1226, 288.12265, and 288.124.

3582 4. The Florida Sports Foundation and related programs
3583 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
3584 ~~288.1168, 288.1169,~~ and 288.1171.

3585 Section 49. Subsection (3) of section 288.018, Florida
3586 Statutes, is amended to read:

3587 288.018 Regional Rural Development Grants Program.—

3588 (3) The department may also contract for the development

3589 of a certified ~~an~~ enterprise zone web portal or websites for
3590 each certified enterprise zone which will be used to market the
3591 program for job creation in disadvantaged urban and rural
3592 certified enterprise zones. Each certified enterprise zone web
3593 page should include downloadable links to state forms and
3594 information, as well as local message boards that help
3595 businesses and residents receive information concerning zone
3596 boundaries, job openings, zone programs, and neighborhood
3597 improvement activities.

3598 Section 50. Subsection (4) of section 288.047, Florida
3599 Statutes, is amended to read:

3600 288.047 Quick-response training for economic development.—

3601 (4) For the first 6 months of each fiscal year, Workforce
3602 Florida, Inc., shall set aside 30 percent of the amount
3603 appropriated for the Quick-Response Training Program by the
3604 Legislature to fund instructional programs for businesses
3605 located in a certified ~~an~~ enterprise zone or brownfield area.
3606 Any unencumbered funds remaining undisbursed from this set-aside
3607 at the end of the 6-month period may be used to provide funding
3608 for any program qualifying for funding pursuant to this section.

3609 Section 51. Paragraph (b) of subsection (2) of section
3610 288.11621, Florida Statutes, is amended to read:

3611 288.11621 Spring training baseball franchises.—

3612 (2) CERTIFICATION PROCESS.—

3613 (b) The department shall competitively evaluate
3614 applications for state funding of a facility for a spring

3615 training franchise. The total number of certifications may not
3616 exceed 10 at any time. The evaluation criteria must include,
3617 with priority given in descending order to, the following items:

3618 1. The anticipated effect on the economy of the local
3619 community where the spring training facility is to be built,
3620 including projections on paid attendance, local and state tax
3621 collections generated by spring training games, and direct and
3622 indirect job creation resulting from the spring training
3623 activities. Priority shall be given to applicants who can
3624 demonstrate the largest projected economic impact.

3625 2. The amount of the local matching funds committed to a
3626 facility relative to the amount of state funding sought, with
3627 priority given to applicants that commit the largest amount of
3628 local matching funds relative to the amount of state funding
3629 sought.

3630 3. The potential for the facility to serve multiple uses.

3631 4. The intended use of the funds by the applicant, with
3632 priority given to the funds being used to acquire a facility,
3633 construct a new facility, or renovate an existing facility.

3634 5. The length of time that a spring training franchise has
3635 been under an agreement to conduct spring training activities
3636 within an applicant's geographic location or jurisdiction, with
3637 priority given to applicants having agreements with the same
3638 franchise for the longest period of time.

3639 6. The length of time that an applicant's facility has
3640 been used by one or more spring training franchises, with

3641 priority given to applicants whose facilities have been in
 3642 continuous use as facilities for spring training the longest.

3643 7. The term remaining on a lease between an applicant and
 3644 a spring training franchise for a facility, with priority given
 3645 to applicants having the shortest lease terms remaining.

3646 8. The length of time that a spring training franchise
 3647 agrees to use an applicant's facility if an application is
 3648 granted under this section, with priority given to applicants
 3649 having agreements for the longest future use.

3650 9. The net increase of total active recreation space owned
 3651 by the applicant after an acquisition of land for the facility,
 3652 with priority given to applicants having the largest percentage
 3653 increase of total active recreation space that will be available
 3654 for public use.

3655 10. The location of the facility in a brownfield, a
 3656 certified ~~an~~ enterprise zone, a community redevelopment area, or
 3657 other area of targeted development or revitalization included in
 3658 an urban infill redevelopment plan, with priority given to
 3659 applicants having facilities located in these areas.

3660 Section 52. Paragraph (b) of subsection (2) of section
 3661 288.11631, Florida Statutes, is amended to read:

3662 288.11631 Retention of Major League Baseball spring
 3663 training baseball franchises.—

3664 (2) CERTIFICATION PROCESS.—

3665 (b) The department shall evaluate applications for state
 3666 funding of the construction or renovation of the facility for a

3667 spring training franchise. The evaluation criteria must include
3668 the following items:

3669 1. The anticipated effect on the economy of the local
3670 community where the facility is to be constructed or renovated,
3671 including projections on paid attendance, local and state tax
3672 collections generated by spring training games, and direct and
3673 indirect job creation resulting from the spring training
3674 activities.

3675 2. The amount of the local matching funds committed to a
3676 facility relative to the amount of state funding sought.

3677 3. The potential for the facility to be used as a multiple
3678 purpose, year-round facility.

3679 4. The intended use of the funds by the applicant.

3680 5. The length of time that a spring training franchise has
3681 been under an agreement to conduct spring training activities
3682 within an applicant's geographic location or jurisdiction.

3683 6. The length of time that an applicant's facility has
3684 been used by one or more spring training franchises, including
3685 continuous use as facilities for spring training.

3686 7. The term remaining on a lease between an applicant and
3687 a spring training franchise for a facility.

3688 8. The length of time that a spring training franchise
3689 agrees to use an applicant's facility if an application is
3690 granted under this section.

3691 9. The location of the facility in a brownfield, a
3692 certified ~~an~~ enterprise zone, a community redevelopment area, or

3693 other area of targeted development or revitalization included in
 3694 an urban infill redevelopment plan.

3695 Section 53. Paragraph (f) of subsection (2) of section
 3696 339.2821, Florida Statutes, is amended to read:

3697 339.2821 Economic development transportation projects.—

3698 (2) The department, in consultation with the Department of
 3699 Economic Opportunity, shall review each transportation project
 3700 for approval and funding. In the review, the department must
 3701 consider:

3702 (f) The location of the transportation project in a
 3703 certified ~~an~~ enterprise zone ~~as designated in s. 290.0055;~~

3704
 3705 The department may contact any agency it deems appropriate for
 3706 additional information regarding the approval of a
 3707 transportation project. A transportation project must be
 3708 approved by the department to be eligible for funding.

3709 Section 54. Paragraph (a) of subsection (3) of section
 3710 403.973, Florida Statutes, is amended to read:

3711 403.973 Expedited permitting; amendments to comprehensive
 3712 plans.—

3713 (3) (a) The secretary shall direct the creation of regional
 3714 permit action teams for the purpose of expediting review of
 3715 permit applications and local comprehensive plan amendments
 3716 submitted by:

3717 1. Businesses creating at least 50 jobs or a commercial or
 3718 industrial development project that will be occupied by

3719 businesses that would individually or collectively create at
 3720 least 50 jobs; or

3721 2. Businesses creating at least 25 jobs if the project is
 3722 located in a certified ~~an~~ enterprise zone, or in a county having
 3723 a population of fewer than 75,000 or in a county having a
 3724 population of fewer than 125,000 which is contiguous to a county
 3725 having a population of fewer than 75,000, as determined by the
 3726 most recent decennial census, residing in incorporated and
 3727 unincorporated areas of the county.

3728 Section 55. Paragraph (b) of subsection (6) of section
 3729 624.509, Florida Statutes, is amended to read:

3730 624.509 Premium tax; rate and computation.—

3731 (6)

3732 (b) To the extent that any credits granted by subsection
 3733 (5) remain as a result of the limitation set forth in paragraph
 3734 (a), such excess credits related to salaries and wages of
 3735 employees whose place of employment is located within a
 3736 certified ~~an~~ enterprise zone created pursuant to chapter 290 may
 3737 be transferred, in an aggregate amount not to exceed 25 percent
 3738 of such excess salary credits, to any insurer that is a member
 3739 of an affiliated group of corporations, as defined in sub-
 3740 subparagraph (5)(b)4.a., that includes the original insurer
 3741 qualifying for the credits under subsection (5). The amount of
 3742 such excess credits to be transferred shall be calculated by
 3743 multiplying the amount of such excess credits by a fraction, the
 3744 numerator of which is the sum of the salaries qualifying for the

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3745 credit allowed by subsection (5) of employees whose place of
3746 employment is located in a certified ~~an~~ enterprise zone and the
3747 denominator of which is the sum of the salaries qualifying for
3748 the credit allowed by subsection (5). Any such transferred
3749 credits shall be subject to the same provisions and limitations
3750 set forth within part IV of this chapter. The provisions of this
3751 paragraph do not apply to an affiliated group of corporations
3752 that participate in a common paymaster arrangement as defined in
3753 s. 443.1216.

3754 Section 56. Paragraph (b) of subsection (1) of section
3755 624.5091, Florida Statutes, is amended to read:

3756 624.5091 Retaliatory provision, insurers.—

3757 (1)

3758 (b) As used in this subsection, the term "portion of the
3759 remaining 20 percent" shall be calculated by multiplying the
3760 remaining 20 percent by a fraction, the numerator of which is
3761 the sum of the salaries qualifying for the credit allowed by s.
3762 624.509(5) of employees whose place of employment is located in
3763 a certified ~~an~~ enterprise zone created pursuant to chapter 290
3764 and the denominator of which is the sum of the salaries
3765 qualifying for the credit allowed by s. 624.509(5).

3766 Section 57. Paragraph (d) of subsection (2) of section
3767 624.5105, Florida Statutes, is amended to read:

3768 624.5105 Community contribution tax credit; authorization;
3769 limitations; eligibility and application requirements;
3770 administration; definitions; expiration.—

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3771 (2) ELIGIBILITY REQUIREMENTS.—

3772 (d) The project shall be located in a certified ~~an area~~
3773 ~~designated as an~~ enterprise zone or a Front Porch Community. Any
3774 project designed to construct or rehabilitate housing for low-
3775 income or very-low-income households as defined in s.
3776 420.9071(19) and (28) is exempt from the area requirement of
3777 this paragraph.

3778 Section 58. This act shall take effect July 1, 2015.