

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 17.61, F.S.; authorizing the Chief Financial Officer
4 to invest funds held in a specified account; amending
5 s. 20.60, F.S.; revising required elements of a report
6 prepared by the Department of Economic Opportunity;
7 amending s. 163.08, F.S.; providing legislative
8 findings regarding sinkhole activity and qualifying
9 improvements; revising the list of qualifying
10 improvements to include stabilization and repair;
11 providing applicability; conforming provisions to
12 changes made by the act; amending s. 163.3180, F.S.;
13 prohibiting a local government from applying
14 transportation concurrency within its jurisdiction
15 unless certain conditions are met; providing
16 exceptions; providing applicability; providing for
17 expiration of the prohibition; amending s. 163.31801,
18 F.S.; prohibiting a county, municipality, or special
19 district from applying certain impact fees or other
20 fees within its jurisdiction unless certain conditions
21 are met; providing exceptions; providing
22 applicability; providing for expiration of the
23 prohibition; amending ss. 212.20 and 220.03, F.S.;
24 conforming provisions to changes made by the act;
25 transferring, renumbering, and amending s. 287.05712,
26 F.S.; revising definitions; deleting provisions

27 | creating the Public-Private Partnership Guidelines
28 | Task Force; requiring a private entity that submits an
29 | unsolicited proposal to pay an initial application fee
30 | and additional amounts if the fee does not cover
31 | certain costs; specifying payment methods; authorizing
32 | a responsible public entity to alter the statutory
33 | timeframe for accepting proposals for a qualifying
34 | project under certain circumstances; requiring a
35 | responsible public entity issuing a solicitation to
36 | include a design criteria package; specifying
37 | requirements of a design criteria package; deleting a
38 | provision that requires approval of the local
39 | governing body before a school board enters into a
40 | comprehensive agreement; revising the conditions
41 | necessary for a responsible public entity to approve a
42 | comprehensive agreement; deleting provisions relating
43 | to notice to affected local jurisdictions; providing
44 | that fees imposed by a private entity must be applied
45 | as set forth in the comprehensive agreement;
46 | restricting provisions in financing agreements that
47 | could result in a responsible public entity's losing
48 | ownership of real or tangible personal property;
49 | deleting a provision that required a responsible
50 | public entity to comply with specific financial
51 | obligations; providing duties of the Department of
52 | Management Services; revising provisions relating to

53 construction; amending s. 288.061, F.S.; requiring the
54 Department of Economic Opportunity to prescribe a form
55 regarding certain economic incentive applications;
56 providing required elements of the form; revising
57 evaluation and contract requirements of the economic
58 development incentive application process; providing
59 legislative reporting requirements for the department;
60 amending s. 288.076, F.S.; conforming a cross-
61 reference; amending s. 288.095, F.S.; removing a limit
62 on the total amount of allowable payments from the
63 Economic Development Trust Fund for certain purposes;
64 providing for disbursements of such funds under
65 specified circumstances; providing an appropriation
66 from the State Economic Enhancement and Development
67 Trust Fund and Economic Development Trust Fund for
68 specified purposes; amending s. 288.1045, F.S.;
69 revising provisions of the qualified defense
70 contractor and space flight business tax refund
71 program; revising definitions; revising, providing
72 limitations on, and authorizing waivers from, local
73 financial support requirements; authorizing specified
74 tax refund payments to qualified applicants in a rural
75 area of opportunity or certified enterprise zone;
76 authorizing certain qualified applicants to receive a
77 tax refund by providing certain information to the
78 Department of Economic Opportunity; requiring the

79 department to verify payment of taxes by applicants;
80 delaying the expiration date of the qualified defense
81 contractor and space flight business tax refund
82 program; amending s. 288.106, F.S.; revising
83 provisions of the tax refund program for qualified
84 target industry businesses; revising definitions;
85 defining the term "certified enterprise zone";
86 revising, providing limitations on, and authorizing
87 waivers from, local financial support requirements;
88 revising provisions applicable to a rural area of
89 opportunity or certified enterprise zone; authorizing
90 a qualified target industry business to receive tax
91 refund payments if a project in a certified enterprise
92 zone meets specified requirements; providing
93 limitations; authorizing the department to waive
94 certain wage requirements for projects in a certified
95 enterprise zone; repealing provisions regarding
96 economic recovery extensions of certain tax refund
97 agreements; amending s. 288.107, F.S.; revising
98 provisions relating to brownfield redevelopment bonus
99 refunds; restricting the total amount of bonus refunds
100 approved in a fiscal year; amending s. 288.108, F.S.;
101 defining the term "local financial support";
102 restricting the total amount of high-impact business
103 performance grants approved in a fiscal year;
104 authorizing certain waivers from local financial

105 support requirements; revising application
106 requirements and requiring the Department of Economic
107 Opportunity to certify high-impact business grant
108 applications; providing requirements for the Governor
109 relating to such applications; providing contract and
110 department validation requirements for such
111 applications; amending s. 288.1088, F.S.; revising
112 provisions relating to the Quick Action Closing Fund;
113 revising project eligibility requirements; providing
114 limitations on and authorizing waivers from local
115 financial support requirements; revising contract
116 requirements for certain projects eligible for funding
117 through the Quick Action Closing Fund; revising
118 approval requirements for amendments or modifications
119 of contract requirements for such projects; revising
120 requirements of the Governor relating to certain
121 projects eligible for funding through the Quick Action
122 Closing Fund; restricting the total annual amount of
123 funding for such projects; amending s. 288.1089, F.S.;
124 revising provisions relating to the Innovation
125 Incentive Program; revising definitions; defining the
126 term "certified enterprise zone"; revising provisions
127 applicable to a rural areas of opportunity;
128 authorizing the department to waive certain wage
129 requirements for projects in a rural area of
130 opportunity or certified enterprise zone; requiring an

131 innovation business project located in a certified
132 enterprise zone to meet specified requirements;
133 limiting wage requirement waivers under specified
134 circumstances; requiring certain innovation projects
135 located in a rural area of opportunity or certified
136 enterprise zone to meet specified requirements;
137 authorizing and providing limitations on waivers from
138 local financial support requirements relating to the
139 program; revising requirements of the Governor and the
140 Department of Economic Opportunity relating to certain
141 projects eligible for funding through the program;
142 revising contract requirements for such projects;
143 revising approval requirements for amendments or
144 modifications of contract requirements for such
145 projects; amending s. 288.1166, F.S.; requiring
146 certain professional golf hall of fame facilities to
147 be designated as shelter sites for the homeless during
148 specified periods; amending s. 288.1168, F.S.;
149 requiring the Department of Revenue to audit certain
150 distributions to professional golf hall of fame
151 facilities at specified intervals; requiring the
152 department to recertify such facilities at specified
153 intervals; requiring the PGA Tour Inc., to increase
154 certain funding under specified circumstances;
155 requiring the department to spend funds in a specified
156 manner in consultation with the Florida Tourism

157 Industry Marketing Corporation; requiring certain
158 applicants to provide a report to the department by a
159 specified period; providing requirements for the
160 report; providing for decertification of a facility
161 under specified circumstances; repealing s. 288.1169,
162 F.S., relating to state agency funding of the
163 International Game Fish Association World Center
164 facility; amending s. 288.1201, F.S.; providing that
165 moneys paid into the State Economic Enhancement and
166 Development Trust Fund include specified reversions;
167 amending s. 288.901, F.S.; providing that it is a
168 purpose of Enterprise Florida, Inc., to foster and
169 encourage high-technology startup and second-state
170 business development; revising expertise requirements
171 of members of the board of directors of Enterprise
172 Florida, Inc.; amending ss. 288.9602, 288.9605, and
173 288.9610, F.S.; revising provisions relating to the
174 Florida Development Finance Corporation to remove
175 references to interlocal agreements made pursuant to
176 the Florida Interlocal Cooperation Act and to remove
177 requirements that the corporation enter into such
178 agreements; amending s. 288.9604, F.S.; providing that
179 actions taken by the board of directors of the Florida
180 Development Finance Corporation during a specified
181 period are valid without regard to vacancies on the
182 board; amending s. 288.9606, F.S.; deleting a

183 requirement that the Florida Development Finance
184 Corporation receive authority to issue revenue bonds
185 from a public agency; authorizing the corporation to
186 issue revenue bonds or other evidences of
187 indebtedness; revising requirements for such issuance;
188 conforming provisions to changes made by the act;
189 amending s. 288.991, F.S.; revising a cross-reference;
190 amending ss. 288.9914 and 288.9917, F.S.; specifying
191 that certain timeframes relating to Department of
192 Economic Opportunity qualified investment applications
193 are measured in calendar days; amending s. 288.9937,
194 F.S.; requiring the Office of Program Policy Analysis
195 and Government Accountability to evaluate the
196 Microfinance Loan Program; providing requirements for
197 such evaluation; providing timeframes for reporting
198 such evaluation to the Legislature; creating s.
199 288.913, F.S.; creating the Startup Florida
200 Initiative; providing legislative findings; providing
201 definitions; requiring the Department of Economic
202 Opportunity to develop a statewide strategic plan for
203 high-technology startup and second-stage business
204 growth and development; providing requirements for the
205 plan; requiring the department to market the plan
206 inside and outside the state; requiring the department
207 to provide information about the plan in its annual
208 report; amending ss. 189.033, 288.11625, and

209 288.11631, F.S.; conforming cross-references;
210 extending and renewing certain permits subject to
211 certain expiration dates; providing applicability of
212 the extension to certain related activities; providing
213 for extension of commencement and completion dates;
214 requiring permitholders to notify authorizing agencies
215 of intent to use the extension and anticipated time of
216 the extension; specifying nonapplicability to certain
217 permits; providing applicability of certain rules to
218 extended permits; preserving the authority of counties
219 and municipalities to impose certain security and
220 sanitary requirements on property owners under certain
221 circumstances; requiring permitholders to notify
222 permitting agencies of intent to use the extension;
223 creating s. 290.50, F.S.; providing definitions;
224 providing requirements for the creation and operation
225 of a designated local enterprise zone program;
226 creating s. 290.60, F.S.; providing requirements for
227 the Department of Economic Opportunity to certify and
228 decertify a local enterprise zone; authorizing the
229 department to adopt rules; requiring the department to
230 develop certain marketing information; requiring the
231 department's annual report to contain certain
232 information; amending s. 159.27, F.S.; revising
233 definition of the term "project" to include a
234 commercial project in a certified enterprise zone for

235 purposes of certain bond financing provisions;
236 defining the term "commercial project in a certified
237 enterprise zone"; amending s. 159.803, F.S.; revising
238 definition of the term "priority project" to include
239 any project to be located in a certified enterprise
240 zone for purposes of certain bond financing
241 provisions; amending s. 163.2517, F.S.; authorizing a
242 local government to designate a certified enterprise
243 zone as an urban infill and redevelopment area using
244 specified factors; amending s. 163.503, F.S.; defining
245 the term "certified enterprise zone" for purposes of
246 the Safe Neighborhoods Act; amending s. 163.521, F.S.;
247 authorizing certain local governments to request
248 funding for capital improvements in a neighborhood
249 improvement district located in a certified enterprise
250 zone; amending s. 163.522, F.S.; directing a county or
251 municipality having a certified enterprise zone to
252 consider creating a neighborhood improvement district
253 within such zone; amending s. 166.231, F.S.;
254 authorizing a municipality to enact ordinances
255 relating to public service tax exemptions for
256 certified enterprise zones; conditioning applicability
257 of such ordinance upon state certification of such
258 zones; deleting the future expiration of the
259 authorization; amending s. 196.012, F.S.; conforming a
260 cross-reference; revising definitions of the terms

261 "new business" and "expansion of an existing business"
262 to include a business or organization located within a
263 certified enterprise zone; defining the term
264 "certified enterprise zone" for purposes of certain
265 property tax exemptions; amending s. 196.095, F.S.;
266 providing an exemption from certain property tax for a
267 licensed child care facility operating in a certified
268 enterprise zone; providing application and review
269 requirements for such exemption; amending s. 196.1995,
270 F.S.; authorizing a board of county commissioners or
271 other governing body to call a referendum regarding
272 certain ad valorem tax exemptions for new and
273 expanding businesses in a certified enterprise zone;
274 providing requirements for such referendum;
275 conditioning applicability of an approved referendum
276 upon state certification of a certified enterprise
277 zone; providing limitations; amending s. 205.022,
278 F.S.; defining the term "certified enterprise zone"
279 for purposes of local business taxes; amending s.
280 205.054, F.S.; authorizing an exemption of 50 percent
281 of business taxes for certain businesses located in a
282 certified enterprise zone; providing applicability;
283 conditioning exemption upon state certification of a
284 certified enterprise zone; deleting the future
285 expiration of the authorization; amending s. 212.02,
286 F.S.; defining the term "certified enterprise zone"

287 | for purposes of the Florida Revenue Act of 1949;
288 | deleting the future expiration of the definition;
289 | amending s. 212.08, F.S.; revising exemptions relating
290 | to building materials used in redevelopment projects
291 | to include housing projects and mixed-use projects
292 | located in a certified enterprise zone; revising
293 | eligibility criteria for community contribution tax
294 | credits to include certain projects located within a
295 | certified enterprise zone; amending s. 220.191, F.S.;;
296 | revising definition of the term "qualifying project"
297 | to include a new or expanded headquarters facility
298 | that locates in a certified enterprise zone, for
299 | purposes of the capital investment tax credit;
300 | amending s. 220.183, F.S.; revising eligibility
301 | criteria for community contribution tax credit
302 | projects to include projects located within a
303 | certified enterprise zone; amending s. 288.0001, F.S.;;
304 | revising required elements of an analysis prepared by
305 | the Office of Economic and Demographic Research and
306 | the Office of Program Policy Analysis and Government
307 | Accountability to include the enterprise zone
308 | certification program and retention of certain
309 | baseball franchises; conforming a cross-reference;
310 | making a technical change; amending s. 288.018, F.S.;;
311 | authorizing the Department of Economic Opportunity to
312 | contract for the development of a web portal or

313 website regarding certified enterprise zones;
 314 providing requirements for such portals or websites;
 315 amending s. 288.047, F.S.; requiring Workforce
 316 Florida, Inc., to set aside 30 percent of certain
 317 Quick-Response Training Program revenues to fund
 318 instructional programs for businesses located in a
 319 certified enterprise zone; amending ss. 288.11621 and
 320 288.11631, F.S.; revising evaluation criteria for
 321 state funding of a certain spring training franchises'
 322 facilities to include the facilities' location in a
 323 certified enterprise zone; amending s. 339.2821, F.S.;
 324 revising evaluation criteria for economic development
 325 transportation projects to include a project's
 326 location within a certified enterprise zone; amending
 327 s. 403.973, F.S.; authorizing regional permit action
 328 teams to expedite the review of permit applications
 329 and local comprehensive plan amendments submitted by
 330 businesses located in a certified enterprise zone that
 331 meet specified criteria; amending ss. 624.509 and
 332 624.5091, F.S.; authorizing the transfer of certain
 333 excess tax credits related to employees whose place of
 334 employment is located within a certified enterprise
 335 zone, up to a specified percentage; providing
 336 applicability; amending s. 624.5105, F.S.; requiring
 337 certain projects eligible for a community contribution
 338 tax credit to be located in a certified enterprise

339 zone; providing an effective date.

340

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

342

343 Section 1. Paragraph (c) of subsection (3) of section
 344 17.61, Florida Statutes, is reenacted, and paragraph (d) of
 345 subsection (3) of that section is amended to read:

346 17.61 Chief Financial Officer; powers and duties in the
 347 investment of certain funds.—

348 (3)

349 (c) Except as provided in this paragraph and except for
 350 moneys described in paragraph (d), the following agencies may
 351 not invest trust fund moneys as provided in this section, but
 352 shall retain such moneys in their respective trust funds for
 353 investment, with interest appropriated to the General Revenue
 354 Fund, pursuant to s. 17.57:

355 1. The Agency for Health Care Administration, except for
 356 the Tobacco Settlement Trust Fund.

357 2. The Agency for Persons with Disabilities, except for:

358 a. The Federal Grants Trust Fund.

359 b. The Tobacco Settlement Trust Fund.

360 3. The Department of Children and Families, except for:

361 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

362 b. The Social Services Block Grant Trust Fund.

363 c. The Tobacco Settlement Trust Fund.

364 d. The Working Capital Trust Fund.

- 365 4. The Department of Corrections.
- 366 5. The Department of Elderly Affairs, except for:
- 367 a. The Federal Grants Trust Fund.
- 368 b. The Tobacco Settlement Trust Fund.
- 369 6. The Department of Health, except for:
- 370 a. The Federal Grants Trust Fund.
- 371 b. The Grants and Donations Trust Fund.
- 372 c. The Maternal and Child Health Block Grant Trust Fund.
- 373 d. The Tobacco Settlement Trust Fund.
- 374 7. The Department of Highway Safety and Motor Vehicles,
- 375 only for the Security Deposits Trust Fund.
- 376 8. The Department of Juvenile Justice.
- 377 9. The Department of Law Enforcement.
- 378 10. The Department of Legal Affairs.
- 379 11. The Department of State, only for:
- 380 a. The Grants and Donations Trust Fund.
- 381 b. The Records Management Trust Fund.
- 382 12. The Department of Economic Opportunity, only for the
- 383 Economic Development Trust Fund.
- 384 13. The Florida Public Service Commission, only for the
- 385 Florida Public Service Regulatory Trust Fund.
- 386 14. The Justice Administrative Commission.
- 387 15. The state courts system.
- 388 (d) Moneys in any trust funds of the agencies in paragraph
- 389 (c) may be invested pursuant to the provisions of this section
- 390 if:

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

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

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

398 4. The Executive Office of the Governor determines, after
 399 consultation with the Legislature pursuant to the procedures of
 400 s. 216.177, that federal matching funds or contributions or
 401 private grants to any trust fund would be lost to the state; or

402 5. Such moneys are held by the state within the Economic
 403 Development Incentives Account of the Economic Development Trust
 404 Fund, created pursuant to s. 288.095.

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

407 20.60 Department of Economic Opportunity; creation; powers
 408 and duties.—

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

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

416 (b) The report must incorporate annual reports of other

417 programs, including:

418 1. The displaced homemaker program established under s.
419 446.50.

420 2. Information provided by the Department of Revenue under
421 s. 290.014.

422 3. ~~Information provided by enterprise zone development~~
423 ~~agencies under s. 290.0056 and~~ An analysis of the activities and
424 accomplishments of each certified enterprise zone.

425 4. The Economic Gardening Business Loan Pilot Program
426 established under s. 288.1081 and the Economic Gardening
427 Technical Assistance Pilot Program established under s.
428 288.1082.

429 5. A detailed report of the performance of the Black
430 Business Loan Program and a cumulative summary of quarterly
431 report data required under s. 288.714.

432 6. The Rural Economic Development Initiative established
433 under s. 288.0656.

434 7. A detailed analysis of the information provided by
435 community development entities pursuant to the New Markets
436 Development Program Act in s. 288.9918. The first annual report
437 that includes such analysis shall analyze all data the
438 department has received from community development entities
439 since the inception of the New Markets Development Program Act.

440 Section 3. Paragraph (c) of subsection (1) of section
441 163.08, Florida Statutes, is redesignated as paragraph (d),
442 paragraph (b) of subsection (2) and subsections (10) and (14)

443 are amended, and a new paragraph (c) is added to subsection (1)
444 of that section, to read:

445 163.08 Supplemental authority for improvements to real
446 property.—

447 (1)

448 (c) The Legislature finds that real property damaged by
449 subsidence, including, but not limited to, sinkhole activity,
450 which is not adequately repaired may negatively affect the
451 market value of surrounding properties, resulting in the loss of
452 property tax revenues to local communities. The Legislature also
453 finds that there is a compelling state interest in providing
454 local government assistance to enable property owners to
455 voluntarily finance qualifying improvements to real property
456 damaged by subsidence.

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

458 (b) "Qualifying improvement" includes any:

459 1. Energy conservation and efficiency improvement, which
460 is a measure to reduce consumption through conservation or a
461 more efficient use of electricity, natural gas, propane, or
462 other forms of energy on the property, including, but not
463 limited to, air sealing; installation of insulation;
464 installation of energy-efficient heating, cooling, or
465 ventilation systems; building modifications to increase the use
466 of daylight; replacement of windows; installation of energy
467 controls or energy recovery systems; installation of electric
468 vehicle charging equipment; and installation of efficient

469 lighting equipment.

470 2. Renewable energy improvement, which is the installation
471 of any system in which the electrical, mechanical, or thermal
472 energy is produced from a method that uses one or more of the
473 following fuels or energy sources: hydrogen, solar energy,
474 geothermal energy, bioenergy, and wind energy.

475 3. Wind resistance improvement, which includes, but is not
476 limited to:

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

478 b. Creating a secondary water barrier to prevent water
479 intrusion;

480 c. Installing wind-resistant shingles;

481 d. Installing gable-end bracing;

482 e. Reinforcing roof-to-wall connections;

483 f. Installing storm shutters; or

484 g. Installing opening protections.

485 4. Stabilization or other repairs to real property damaged
486 by subsidence.

487 (10) A qualifying improvement shall be affixed to a
488 building or facility that is part of the real property and shall
489 constitute an improvement to the building or facility or a
490 fixture attached to the building or facility. For the purposes
491 of stabilization or other repairs to real property damaged by
492 subsidence, a qualifying improvement is deemed affixed to a
493 building or facility. An agreement between a local government
494 and a qualifying property owner may not cover wind-resistance

495 improvements in buildings or facilities under new construction
 496 or construction for which a certificate of occupancy or similar
 497 evidence of substantial completion of new construction or
 498 improvement has not been issued.

499 (14) At or before the time a purchaser executes a contract
 500 for the sale and purchase of any real property for which a non-
 501 ad valorem assessment has been levied under this section and has
 502 an unpaid balance due, the seller shall give the prospective
 503 purchaser a written disclosure statement in the following form,
 504 which shall be set forth in the contract or in a separate
 505 writing:

506 QUALIFYING IMPROVEMENTS FOR ENERGY EFFICIENCY, RENEWABLE ENERGY,
 507 ~~OR WIND RESISTANCE,~~ OR SUBSIDENCE STABILIZATION OR REPAIR.—The
 508 real property being purchased is located within the jurisdiction
 509 of a local government that has placed an assessment on the
 510 property pursuant to s. 163.08, Florida Statutes. The assessment
 511 is for a qualifying improvement to the real property relating to
 512 energy efficiency, renewable energy, ~~or~~ wind resistance, or
 513 stabilization or repair of real property damaged by subsidence,
 514 and is not based on the value of the property. You are
 515 encouraged to contact the county property appraiser's office to
 516 learn more about this and other assessments that may be provided
 517 by law.

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

520 163.3180 Concurrency.—

521 (7) (a) Notwithstanding any other provision of law,
522 ordinance, or resolution, before July 1, 2018, a local
523 government may only apply transportation concurrency within its
524 jurisdiction or require a proportionate-share contribution or
525 construction for a new business development if authorized by
526 supermajority vote of the local government's governing
527 authority. This paragraph does not apply to:

528 1. Proportionate-share contribution or construction
529 assessed on an existing business development before July 1,
530 2015.

531 2. A new business development that consists of more than
532 6,000 square feet and has a classification other than
533 residential.

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

536 (b) In order to maintain the exemption from transportation
537 concurrency and proportionate-share contribution or construction
538 pursuant to paragraph (a), a new business development must
539 receive a certificate of occupancy on or before July 1, 2019. If
540 the certificate of occupancy is not received by July 1, 2019,
541 the local government may apply transportation concurrency and
542 require the appropriate proportionate-share contribution or
543 construction for the business development that would otherwise
544 be applied. An outstanding obligation related to the
545 proportionate-share contribution or construction runs with the
546 land and is enforceable against any person claiming a fee

547 interest in the land subject to the obligation.

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

553 (d) A developer may, upon written notification to the
554 local government, elect to have the local government apply
555 transportation concurrency and proportionate-share contribution
556 or construction to a business development.

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

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

560 163.31801 Impact fees; short title; intent; definitions;
561 ordinances levying impact fees.—

562 (6) (a) Notwithstanding any other provision of law,
563 ordinance, or resolution, before July 1, 2018, a county,
564 municipality, or special district may only impose a new or
565 existing impact fee or a new or existing fee associated with the
566 mitigation of transportation impacts on a new business
567 development if authorized by supermajority vote of the governing
568 body of the county, municipality, or special district. This
569 paragraph does not apply to:

570 1. An impact fee or fee associated with the mitigation of
571 transportation impacts previously enacted by law, ordinance, or
572 resolution assessed on an existing business development before

573 July 1, 2015.

574 2. A new business development that consists of more than
575 6,000 square feet and has a classification other than
576 residential.

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

579 (b) The governing authority of a county, municipality, or
580 special district imposing an impact fee in existence on July 1,
581 2014, must reauthorize the imposition of the fee pursuant to
582 this subsection.

583 (c) In order to maintain the exemption from impact fees
584 and fees associated with the mitigation of transportation
585 impacts pursuant to paragraph (a), a new business development
586 must receive a certificate of occupancy on or before July 1,
587 2019. If the certificate of occupancy is not received by July 1,
588 2019, the county, municipality, or special district may impose
589 the appropriate impact fees and fees associated with the
590 mitigation of transportation impacts on the business development
591 that would otherwise be applied. An outstanding obligation
592 related to impact fees and fees associated with the mitigation
593 of transportation impacts on the business development runs with
594 the land and is enforceable against any person claiming a fee
595 interest in the land subject to the obligation.

596 (d) This subsection does not apply if such application
597 results in a reduction of previously pledged revenue of a
598 county, municipality, or special district for outstanding bonds

599 or notes or to a county, municipality, or special district with
 600 a mobility fee-based funding system in place on or before
 601 January 1, 2015.

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

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

607 Section 6. Paragraph (d) of subsection (6) of section
 608 212.20, Florida Statutes, is amended to read:

609 212.20 Funds collected, disposition; additional powers of
 610 department; operational expense; refund of taxes adjudicated
 611 unconstitutionally collected.—

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

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

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

623 2. After the distribution under subparagraph 1., 8.8854
 624 percent of the amount remitted by a sales tax dealer located

625 within a participating county pursuant to s. 218.61 shall be
 626 transferred into the Local Government Half-cent Sales Tax
 627 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
 628 transferred shall be reduced by 0.1 percent, and the department
 629 shall distribute this amount to the Public Employees Relations
 630 Commission Trust Fund less \$5,000 each month, which shall be
 631 added to the amount calculated in subparagraph 3. and
 632 distributed accordingly.

633 3. After the distribution under subparagraphs 1. and 2.,
 634 0.0956 percent shall be transferred to the Local Government
 635 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
 636 to s. 218.65.

637 4. After the distributions under subparagraphs 1., 2., and
 638 3., 2.0603 percent of the available proceeds shall be
 639 transferred monthly to the Revenue Sharing Trust Fund for
 640 Counties pursuant to s. 218.215.

641 5. After the distributions under subparagraphs 1., 2., and
 642 3., 1.3517 percent of the available proceeds shall be
 643 transferred monthly to the Revenue Sharing Trust Fund for
 644 Municipalities pursuant to s. 218.215. If the total revenue to
 645 be distributed pursuant to this subparagraph is at least as
 646 great as the amount due from the Revenue Sharing Trust Fund for
 647 Municipalities and the former Municipal Financial Assistance
 648 Trust Fund in state fiscal year 1999-2000, no municipality shall
 649 receive less than the amount due from the Revenue Sharing Trust
 650 Fund for Municipalities and the former Municipal Financial

651 Assistance Trust Fund in state fiscal year 1999-2000. If the
652 total proceeds to be distributed are less than the amount
653 received in combination from the Revenue Sharing Trust Fund for
654 Municipalities and the former Municipal Financial Assistance
655 Trust Fund in state fiscal year 1999-2000, each municipality
656 shall receive an amount proportionate to the amount it was due
657 in state fiscal year 1999-2000.

658 6. Of the remaining proceeds:

659 a. In each fiscal year, the sum of \$29,915,500 shall be
660 divided into as many equal parts as there are counties in the
661 state, and one part shall be distributed to each county. The
662 distribution among the several counties must begin each fiscal
663 year on or before January 5th and continue monthly for a total
664 of 4 months. If a local or special law required that any moneys
665 accruing to a county in fiscal year 1999-2000 under the then-
666 existing provisions of s. 550.135 be paid directly to the
667 district school board, special district, or a municipal
668 government, such payment must continue until the local or
669 special law is amended or repealed. The state covenants with
670 holders of bonds or other instruments of indebtedness issued by
671 local governments, special districts, or district school boards
672 before July 1, 2000, that it is not the intent of this
673 subparagraph to adversely affect the rights of those holders or
674 relieve local governments, special districts, or district school
675 boards of the duty to meet their obligations as a result of
676 previous pledges or assignments or trusts entered into which

677 obligated funds received from the distribution to county
678 governments under then-existing s. 550.135. This distribution
679 specifically is in lieu of funds distributed under s. 550.135
680 before July 1, 2000.

681 b. The department shall distribute \$166,667 monthly to
682 each applicant certified as a facility for a new or retained
683 professional sports franchise pursuant to s. 288.1162. Up to
684 \$41,667 shall be distributed monthly by the department to each
685 certified applicant as defined in s. 288.11621 for a facility
686 for a spring training franchise. However, not more than \$416,670
687 may be distributed monthly in the aggregate to all certified
688 applicants for facilities for spring training franchises.
689 Distributions begin 60 days after such certification and
690 continue for not more than 30 years, except as otherwise
691 provided in s. 288.11621. A certified applicant identified in
692 this sub-subparagraph may not receive more in distributions than
693 expended by the applicant for the public purposes provided in s.
694 288.1162(5) or s. 288.11621(3).

695 c. Beginning 30 days after notice by the Department of
696 Economic Opportunity to the Department of Revenue that an
697 applicant has been certified as the professional golf hall of
698 fame pursuant to s. 288.1168 and is open to the public, \$166,667
699 shall be distributed monthly, for up to 300 months, to the
700 applicant.

701 ~~d. Beginning 30 days after notice by the Department of~~
702 ~~Economic Opportunity to the Department of Revenue that the~~

703 ~~applicant has been certified as the International Game Fish~~
704 ~~Association World Center facility pursuant to s. 288.1169, and~~
705 ~~the facility is open to the public, \$83,333 shall be distributed~~
706 ~~monthly, for up to 168 months, to the applicant. This~~
707 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
708 ~~lump sum payment of \$999,996 shall be made after certification~~
709 ~~and before July 1, 2000.~~

710 d.e. The department shall distribute up to \$83,333 monthly
711 to each certified applicant as defined in s. 288.11631 for a
712 facility used by a single spring training franchise, or up to
713 \$166,667 monthly to each certified applicant as defined in s.
714 288.11631 for a facility used by more than one spring training
715 franchise. Monthly distributions begin 60 days after such
716 certification or July 1, 2016, whichever is later, and continue
717 for not more than 20 years to each certified applicant as
718 defined in s. 288.11631 for a facility used by a single spring
719 training franchise or not more than 25 years to each certified
720 applicant as defined in s. 288.11631 for a facility used by more
721 than one spring training franchise. A certified applicant
722 identified in this sub-subparagraph may not receive more in
723 distributions than expended by the applicant for the public
724 purposes provided in s. 288.11631(3).

725 e.f. Beginning 45 days after notice by the Department of
726 Economic Opportunity to the Department of Revenue that an
727 applicant has been approved by the Legislature and certified by
728 the Department of Economic Opportunity under s. 288.11625 or

729 upon a date specified by the Department of Economic Opportunity
730 as provided under s. 288.11625(6)(d), the department shall
731 distribute each month an amount equal to one-twelfth of the
732 annual distribution amount certified by the Department of
733 Economic Opportunity for the applicant. The department may not
734 distribute more than \$7 million in the 2014-2015 fiscal year or
735 more than \$13 million annually thereafter under this sub-
736 subparagraph.

737 7. All other proceeds must remain in the General Revenue
738 Fund.

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

741 220.03 Definitions.—

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

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

748 1. Cash or other liquid assets.

749 2. Real property.

750 3. Goods or inventory.

751 4. Other physical resources as identified by the
752 department.

753

754 ~~This paragraph expires on the date specified in s. 290.016 for~~

755 ~~the expiration of the Florida Enterprise Zone Act.~~

756 (t) "Project" means any activity undertaken by an eligible
757 sponsor, as defined in s. 220.183(2)(c), which is designed to
758 construct, improve, or substantially rehabilitate housing that
759 is affordable to low-income or very-low-income households as
760 defined in s. 420.9071(19) and (28); designed to provide
761 commercial, industrial, or public resources and facilities; or
762 designed to improve entrepreneurial and job-development
763 opportunities for low-income persons. A project may be the
764 investment necessary to increase access to high-speed broadband
765 capability in rural communities with enterprise zones, including
766 projects that result in improvements to communications assets
767 that are owned by a business. A project may include the
768 provision of museum educational programs and materials that are
769 directly related to any project approved between January 1,
770 1996, and December 31, 1999, and located in a certified an
771 enterprise zone ~~designated pursuant to s. 290.0065~~. This
772 paragraph does not preclude projects that propose to construct
773 or rehabilitate low-income or very-low-income housing on
774 scattered sites. With respect to housing, contributions may be
775 used to pay the following eligible project-related activities:
776 1. Project development, impact, and management fees for
777 low-income or very-low-income housing projects;
778 2. Down payment and closing costs for eligible persons, as
779 defined in s. 420.9071(19) and (28);
780 3. Administrative costs, including housing counseling and

781 marketing fees, not to exceed 10 percent of the community
 782 contribution, directly related to low-income or very-low-income
 783 projects; and

784 4. Removal of liens recorded against residential property
 785 by municipal, county, or special-district local governments when
 786 satisfaction of the lien is a necessary precedent to the
 787 transfer of the property to an eligible person, as defined in s.
 788 420.9071(19) and (28), for the purpose of promoting home
 789 ownership. Contributions for lien removal must be received from
 790 a nonrelated third party.

791
 792 ~~The provisions of this paragraph shall expire and be void on~~
 793 ~~June 30, 2015.~~

794 Section 8. Section 287.05712, Florida Statutes, is
 795 transferred, renumbered as section 255.065, Florida Statutes,
 796 and amended to read:

797 255.065 ~~287.05712~~ Public-private partnerships.-

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

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

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

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

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

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

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

815 (g) "Private entity" means any natural person,
 816 corporation, general partnership, limited liability company,
 817 limited partnership, joint venture, business trust, public
 818 benefit corporation, nonprofit entity, or other private business
 819 entity.

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

824 (i) "Qualifying project" means:

- 825 1. A facility or project that serves a public purpose,
 826 including, but not limited to, any ferry or mass transit
 827 facility, vehicle parking facility, airport or seaport facility,
 828 rail facility or project, fuel supply facility, oil or gas
 829 pipeline, medical or nursing care facility, recreational
 830 facility, sporting or cultural facility, or educational facility
 831 or other building or facility that is used or will be used by a
 832 public educational institution, or any other public facility or

833 infrastructure that is used or will be used by the public at
 834 large or in support of an accepted public purpose or activity;

835 2. An improvement, including equipment, of a building that
 836 will be principally used by a public entity or the public at
 837 large or that supports a service delivery system in the public
 838 sector;

839 3. A water, wastewater, or surface water management
 840 facility or other related infrastructure; or

841 4. Notwithstanding any provision of this section, for
 842 projects that involve a facility owned or operated by the
 843 governing board of a county, district, or municipal hospital or
 844 health care system, or projects that involve a facility owned or
 845 operated by a municipal electric utility, only those projects
 846 that the governing board designates as qualifying projects
 847 pursuant to this section.

848 (j) "Responsible public entity" means a county,
 849 municipality, school district, special district, or Florida
 850 College System institution, ~~board,~~ or any other political
 851 subdivision of the state; a public body corporate and politic;
 852 or a regional entity that serves a public purpose and is
 853 authorized to develop or operate a qualifying project.

854 (k) "Revenues" means the income, earnings, user fees,
 855 lease payments, or other service payments relating to the
 856 development or operation of a qualifying project, including, but
 857 not limited to, money received as grants or otherwise from the
 858 Federal Government, a public entity, or an agency or

859 instrumentality thereof in aid of the qualifying project.

860 (1) "Service contract" means a contract between a
861 responsible public entity and the private entity which defines
862 the terms of the services to be provided with respect to a
863 qualifying project.

864 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
865 that there is a public need for the construction or upgrade of
866 facilities that are used predominantly for public purposes and
867 that it is in the public's interest to provide for the
868 construction or upgrade of such facilities.

869 (a) The Legislature also finds that:

870 1. There is a public need for timely and cost-effective
871 acquisition, design, construction, improvement, renovation,
872 expansion, equipping, maintenance, operation, implementation, or
873 installation of projects serving a public purpose, including
874 educational facilities, transportation facilities, water or
875 wastewater management facilities and infrastructure, technology
876 infrastructure, roads, highways, bridges, and other public
877 infrastructure and government facilities within the state which
878 serve a public need and purpose, and that such public need may
879 not be wholly satisfied by existing procurement methods.

880 2. There are inadequate resources to develop new
881 educational facilities, transportation facilities, water or
882 wastewater management facilities and infrastructure, technology
883 infrastructure, roads, highways, bridges, and other public
884 infrastructure and government facilities for the benefit of

885 residents of this state, and that a public-private partnership
 886 has demonstrated that it can meet the needs by improving the
 887 schedule for delivery, lowering the cost, and providing other
 888 benefits to the public.

889 3. There may be state and federal tax incentives that
 890 promote partnerships between public and private entities to
 891 develop and operate qualifying projects.

892 4. A procurement under this section serves the public
 893 purpose of this section if such procurement facilitates the
 894 timely development or operation of a qualifying project.

895 (b) It is the intent of the Legislature to encourage
 896 investment in the state by private entities; to facilitate
 897 various bond financing mechanisms, private capital, and other
 898 funding sources for the development and operation of qualifying
 899 projects, including expansion and acceleration of such financing
 900 to meet the public need; and to provide the greatest possible
 901 flexibility to public and private entities contracting for the
 902 provision of public services.

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

904 ~~(a) There is created the Partnership for Public Facilities~~
 905 ~~and Infrastructure Act Guidelines Task Force for the purpose of~~
 906 ~~recommending guidelines for the Legislature to consider for~~
 907 ~~purposes of creating a uniform process for establishing public-~~
 908 ~~private partnerships, including the types of factors responsible~~
 909 ~~public entities should review and consider when processing~~
 910 ~~requests for public-private partnership projects pursuant to~~

911 ~~this section.~~

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

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

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

917 ~~a. One county government official.~~

918 ~~b. One municipal government official.~~

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

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

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

922 ~~By August 31, 2013, the task force shall meet to establish~~
 923 ~~procedures for the conduct of its business and to elect a vice~~
 924 ~~chair. The task force shall meet at the call of the chair. A~~
 925 ~~majority of the members of the task force constitutes a quorum,~~
 926 ~~and a quorum is necessary for the purpose of voting on any~~
 927 ~~action or recommendation of the task force. All meetings shall~~
 928 ~~be held in Tallahassee, unless otherwise decided by the task~~
 929 ~~force, and then no more than two such meetings may be held in~~
 930 ~~other locations for the purpose of taking public testimony.~~

931 ~~Administrative and technical support shall be provided by the~~
 932 ~~department. Task force members shall serve without compensation~~
 933 ~~and are not entitled to reimbursement for per diem or travel~~
 934 ~~expenses.~~

935 ~~(d) In reviewing public-private partnerships and~~
 936 ~~developing recommendations, the task force must consider:~~

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

940 ~~2. Reasonable criteria for choosing among competing~~
941 ~~proposals.~~

942 ~~3. Suggested timelines for selecting proposals and~~
943 ~~negotiating an interim or comprehensive agreement.~~

944 ~~4. If an accelerated selection and review and~~
945 ~~documentation timelines should be considered for proposals~~
946 ~~involving a qualifying project that the responsible public~~
947 ~~entity deems a priority.~~

948 ~~5. Procedures for financial review and analysis which, at~~
949 ~~a minimum, include a cost-benefit analysis, an assessment of~~
950 ~~opportunity cost, and consideration of the results of all~~
951 ~~studies and analyses related to the proposed qualifying project.~~

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

955 ~~7. Current exemptions from public records and public~~
956 ~~meetings requirements, if any changes to those exemptions are~~
957 ~~necessary, or if any new exemptions should be created in order~~
958 ~~to maintain the confidentiality of financial and proprietary~~
959 ~~information received as part of an unsolicited proposal.~~

960 ~~8. Recommendations regarding the authority of the~~
961 ~~responsible public entity to engage the services of qualified~~
962 ~~professionals, which may include a Florida-registered~~

963 ~~professional or a certified public accountant, not otherwise~~
 964 ~~employed by the responsible public entity, to provide an~~
 965 ~~independent analysis regarding the specifics, advantages,~~
 966 ~~disadvantages, and long-term and short-term costs of a request~~
 967 ~~by a private entity for approval of a qualifying project, unless~~
 968 ~~the governing body of the public entity determines that such~~
 969 ~~analysis should be performed by employees of the public entity.~~

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

973 ~~(f) The task force is terminated December 31, 2014. The~~
 974 ~~establishment of guidelines pursuant to this section or the~~
 975 ~~adoption of such guidelines by a responsible public entity is~~
 976 ~~not required for such entity to request or receive proposals for~~
 977 ~~a qualifying project or to enter into a comprehensive agreement~~
 978 ~~for a qualifying project. A responsible public entity may adopt~~
 979 ~~guidelines so long as such guidelines are not inconsistent with~~
 980 ~~this section.~~

981 (3)~~(4)~~ PROCUREMENT PROCEDURES.—A responsible public entity
 982 may receive unsolicited proposals or may solicit proposals for
 983 qualifying projects and may thereafter enter into a
 984 comprehensive ~~an~~ agreement with a private entity, or a
 985 consortium of private entities, for the building, upgrading,
 986 operating, ownership, or financing of facilities.

987 (a) 1. The responsible public entity may establish a
 988 reasonable application fee for the submission of an unsolicited

989 proposal under this section.

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

995 3. If the initial application fee does not cover the
996 responsible public entity's costs to evaluate the unsolicited
997 proposal, the responsible public entity must request in writing
998 the additional amounts required. The private entity must pay the
999 requested additional amounts within 30 days after receipt of the
1000 notice. The responsible public entity may stop its review of the
1001 unsolicited proposal if the private entity fails to pay the
1002 additional fee.

1003 4. If the responsible public entity does not evaluate the
1004 unsolicited proposal, the responsible public entity must return
1005 the application fee ~~The fee must be sufficient to pay the costs~~
1006 ~~of evaluating the proposal. The responsible public entity may~~
1007 ~~engage the services of a private consultant to assist in the~~
1008 ~~evaluation.~~

1009 (b) The responsible public entity may request a proposal
1010 from private entities for a qualifying ~~public-private~~ project
1011 or, if the responsible public entity receives an unsolicited
1012 proposal for a qualifying ~~public-private~~ project and the
1013 responsible public entity intends to enter into a comprehensive
1014 agreement for the project described in the ~~such~~ unsolicited

1015 | proposal, the responsible public entity shall publish notice in
1016 | the Florida Administrative Register and a newspaper of general
1017 | circulation at least once a week for 2 weeks stating that the
1018 | responsible public entity has received a proposal and will
1019 | accept other proposals for the same project. The timeframe
1020 | within which the responsible public entity may accept other
1021 | proposals shall be determined by the responsible public entity
1022 | on a project-by-project basis based upon the complexity of the
1023 | qualifying project and the public benefit to be gained by
1024 | allowing a longer or shorter period of time within which other
1025 | proposals may be received; however, the timeframe for allowing
1026 | other proposals must be at least 21 days, but no more than 120
1027 | days, after the initial date of publication. If approved by a
1028 | majority vote of the responsible public entity's governing body,
1029 | the responsible public entity may alter the timeframe for
1030 | accepting proposals to more adequately suit the needs of the
1031 | qualifying project. A copy of the notice must be mailed to each
1032 | local government in the affected area.

1033 | (c) If the responsible public entity solicits proposals
1034 | under this section, the solicitation must include a design
1035 | criteria package prepared by an architect, engineer, or
1036 | landscape architect licensed in this state which is sufficient
1037 | to allow private entities to prepare a bid or a response. The
1038 | design criteria package must specify performance-based criteria
1039 | for the project, including the legal description of the site,
1040 | with survey information; interior space requirements; material

1041 quality standards; schematic layouts and conceptual design
 1042 criteria for the project; cost or budget estimates; design and
 1043 construction schedules; and site development and utility
 1044 requirements ~~A responsible public entity that is a school board~~
 1045 ~~may enter into a comprehensive agreement only with the approval~~
 1046 ~~of the local governing body.~~

1047 (d) Before approving a comprehensive agreement ~~approval~~,
 1048 the responsible public entity must determine that the proposed
 1049 project:

1050 1. Is in the public's best interest.

1051 2. Is for a facility that is owned by the responsible
 1052 public entity or for a facility for which ownership will be
 1053 conveyed to the responsible public entity.

1054 3. Has adequate safeguards in place to ensure that
 1055 additional costs or service disruptions are not imposed on the
 1056 public in the event of material default or cancellation of the
 1057 comprehensive agreement by the responsible public entity.

1058 4. Has adequate safeguards in place to ensure that the
 1059 responsible public entity or private entity has the opportunity
 1060 to add capacity to the proposed project or other facilities
 1061 serving similar predominantly public purposes.

1062 5. Will be owned by the responsible public entity upon
 1063 completion, expiration, or termination of the comprehensive
 1064 agreement and upon payment of the amounts financed.

1065 (e) Before signing a comprehensive agreement, the
 1066 responsible public entity must consider a reasonable finance

1067 plan that is consistent with subsection (9) ~~(11)~~; the qualifying
1068 project cost; revenues by source; available financing; major
1069 assumptions; internal rate of return on private investments, if
1070 governmental funds are assumed in order to deliver a cost-
1071 feasible project; and a total cash-flow analysis beginning with
1072 the implementation of the project and extending for the term of
1073 the comprehensive agreement.

1074 (f) In considering an unsolicited proposal, the
1075 responsible public entity may require from the private entity a
1076 technical study prepared by a nationally recognized expert with
1077 experience in preparing analysis for bond rating agencies. In
1078 evaluating the technical study, the responsible public entity
1079 may rely upon internal staff reports prepared by personnel
1080 familiar with the operation of similar facilities or the advice
1081 of external advisors or consultants who have relevant
1082 experience.

1083 (4) ~~(5)~~ PROJECT APPROVAL REQUIREMENTS.—An unsolicited
1084 proposal from a private entity for approval of a qualifying
1085 project must be accompanied by the following material and
1086 information, unless waived by the responsible public entity:

1087 (a) A description of the qualifying project, including the
1088 conceptual design of the facilities or a conceptual plan for the
1089 provision of services, and a schedule for the initiation and
1090 completion of the qualifying project.

1091 (b) A description of the method by which the private
1092 entity proposes to secure the necessary property interests that

1093 are required for the qualifying project.

1094 (c) A description of the private entity's general plans
 1095 for financing the qualifying project, including the sources of
 1096 the private entity's funds and the identity of any dedicated
 1097 revenue source or proposed debt or equity investment on behalf
 1098 of the private entity.

1099 (d) The name and address of a person who may be contacted
 1100 for additional information concerning the proposal.

1101 (e) The proposed user fees, lease payments, or other
 1102 service payments over the term of a comprehensive agreement, and
 1103 the methodology for and circumstances that would allow changes
 1104 to the user fees, lease payments, and other service payments
 1105 over time.

1106 (f) Additional material or information that the
 1107 responsible public entity reasonably requests.

1108
 1109 Any pricing or financial terms included in an unsolicited
 1110 proposal must be specific as to when the pricing or terms
 1111 expire.

1112 ~~(5)-(6)~~ PROJECT QUALIFICATION AND PROCESS.-

1113 (a) The private entity, or the applicable party or parties
 1114 of the private entity's team, must meet the minimum standards
 1115 contained in the responsible public entity's guidelines for
 1116 qualifying professional services and contracts for traditional
 1117 procurement projects.

1118 (b) The responsible public entity must:

1119 1. Ensure that provision is made for the private entity's
 1120 performance and payment of subcontractors, including, but not
 1121 limited to, surety bonds, letters of credit, parent company
 1122 guarantees, and lender and equity partner guarantees. For the
 1123 components of the qualifying project which involve construction
 1124 performance and payment, bonds are required and are subject to
 1125 the recordation, notice, suit limitation, and other requirements
 1126 of s. 255.05.

1127 2. Ensure the most efficient pricing of the security
 1128 package that provides for the performance and payment of
 1129 subcontractors.

1130 3. Ensure that ~~provision is made for the transfer of the~~
 1131 ~~private entity's obligations if the comprehensive agreement~~
 1132 addresses termination upon is terminated or a material default
 1133 of the comprehensive agreement occurs.

1134 (c) After the public notification period has expired in
 1135 the case of an unsolicited proposal, the responsible public
 1136 entity shall rank the proposals received in order of preference.
 1137 In ranking the proposals, the responsible public entity may
 1138 consider factors that include, but are not limited to,
 1139 professional qualifications, general business terms, innovative
 1140 design techniques or cost-reduction terms, and finance plans.
 1141 The responsible public entity may then begin negotiations for a
 1142 comprehensive agreement with the highest-ranked firm. If the
 1143 responsible public entity is not satisfied with the results of
 1144 the negotiations, the responsible public entity may terminate

1145 negotiations with the proposer and negotiate with the second-
1146 ranked or subsequent-ranked firms, in the order consistent with
1147 this procedure. If only one proposal is received, the
1148 responsible public entity may negotiate in good faith, and if
1149 the responsible public entity is not satisfied with the results
1150 of the negotiations, the responsible public entity may terminate
1151 negotiations with the proposer. Notwithstanding this paragraph,
1152 the responsible public entity may reject all proposals at any
1153 point in the process until a contract with the proposer is
1154 executed.

1155 (d) The responsible public entity shall perform an
1156 independent analysis of the proposed public-private partnership
1157 which demonstrates the cost-effectiveness and overall public
1158 benefit before the procurement process is initiated or before
1159 the contract is awarded.

1160 (e) The responsible public entity may approve the
1161 development or operation of an educational facility, a
1162 transportation facility, a water or wastewater management
1163 facility or related infrastructure, a technology infrastructure
1164 or other public infrastructure, or a government facility needed
1165 by the responsible public entity as a qualifying project, or the
1166 design or equipping of a qualifying project that is developed or
1167 operated, if:

1168 1. There is a public need for or benefit derived from a
1169 project of the type that the private entity proposes as the
1170 qualifying project.

1171 2. The estimated cost of the qualifying project is
1172 reasonable in relation to similar facilities.

1173 3. The private entity's plans will result in the timely
1174 acquisition, design, construction, improvement, renovation,
1175 expansion, equipping, maintenance, or operation of the
1176 qualifying project.

1177 (f) The responsible public entity may charge a reasonable
1178 fee to cover the costs of processing, reviewing, and evaluating
1179 the request, including, but not limited to, reasonable attorney
1180 fees and fees for financial and technical advisors or
1181 consultants and for other necessary advisors or consultants.

1182 (g) Upon approval of a qualifying project, the responsible
1183 public entity shall establish a date for the commencement of
1184 activities related to the qualifying project. The responsible
1185 public entity may extend the commencement date.

1186 (h) Approval of a qualifying project by the responsible
1187 public entity is subject to entering into a comprehensive
1188 agreement with the private entity.

1189 ~~(7) NOTICE TO AFFECTED LOCAL JURISDICTIONS.~~

1190 ~~(a) The responsible public entity must notify each
1191 affected local jurisdiction by furnishing a copy of the proposal
1192 to each affected local jurisdiction when considering a proposal
1193 for a qualifying project.~~

1194 ~~(b) Each affected local jurisdiction that is not a
1195 responsible public entity for the respective qualifying project
1196 may, within 60 days after receiving the notice, submit in~~

1197 ~~writing any comments to the responsible public entity and~~
 1198 ~~indicate whether the facility is incompatible with the local~~
 1199 ~~comprehensive plan, the local infrastructure development plan,~~
 1200 ~~the capital improvements budget, any development of regional~~
 1201 ~~impact processes or timelines, or other governmental spending~~
 1202 ~~plan. The responsible public entity shall consider the comments~~
 1203 ~~of the affected local jurisdiction before entering into a~~
 1204 ~~comprehensive agreement with a private entity. If an affected~~
 1205 ~~local jurisdiction fails to respond to the responsible public~~
 1206 ~~entity within the time provided in this paragraph, the~~
 1207 ~~nonresponse is deemed an acknowledgment by the affected local~~
 1208 ~~jurisdiction that the qualifying project is compatible with the~~
 1209 ~~local comprehensive plan, the local infrastructure development~~
 1210 ~~plan, the capital improvements budget, or other governmental~~
 1211 ~~spending plan.~~

1212 (6)~~(8)~~ INTERIM AGREEMENT.—Before or in connection with the
 1213 negotiation of a comprehensive agreement, the responsible public
 1214 entity may enter into an interim agreement with the private
 1215 entity proposing the development or operation of the qualifying
 1216 project. An interim agreement does not obligate the responsible
 1217 public entity to enter into a comprehensive agreement. The
 1218 interim agreement is discretionary with the parties and is not
 1219 required on a qualifying project for which the parties may
 1220 proceed directly to a comprehensive agreement without the need
 1221 for an interim agreement. An interim agreement must be limited
 1222 to provisions that:

1223 (a) Authorize the private entity to commence activities
 1224 for which it may be compensated related to the proposed
 1225 qualifying project, including, but not limited to, project
 1226 planning and development, design, environmental analysis and
 1227 mitigation, survey, other activities concerning any part of the
 1228 proposed qualifying project, and ascertaining the availability
 1229 of financing for the proposed facility or facilities.

1230 (b) Establish the process and timing of the negotiation of
 1231 the comprehensive agreement.

1232 (c) Contain such other provisions related to an aspect of
 1233 the development or operation of a qualifying project that the
 1234 responsible public entity and the private entity deem
 1235 appropriate.

1236 (7)~~(9)~~ COMPREHENSIVE AGREEMENT.—

1237 (a) Before developing or operating the qualifying project,
 1238 the private entity must enter into a comprehensive agreement
 1239 with the responsible public entity. The comprehensive agreement
 1240 must provide for:

1241 1. Delivery of performance and payment bonds, letters of
 1242 credit, or other security acceptable to the responsible public
 1243 entity in connection with the development or operation of the
 1244 qualifying project in the form and amount satisfactory to the
 1245 responsible public entity. For the components of the qualifying
 1246 project which involve construction, the form and amount of the
 1247 bonds must comply with s. 255.05.

1248 2. Review of the design for the qualifying project by the

1249 responsible public entity and, if the design conforms to
1250 standards acceptable to the responsible public entity, the
1251 approval of the responsible public entity. This subparagraph
1252 does not require the private entity to complete the design of
1253 the qualifying project before the execution of the comprehensive
1254 agreement.

1255 3. Inspection of the qualifying project by the responsible
1256 public entity to ensure that the private entity's activities are
1257 acceptable to the responsible public entity in accordance with
1258 the comprehensive agreement.

1259 4. Maintenance of a policy of public liability insurance,
1260 a copy of which must be filed with the responsible public entity
1261 and accompanied by proofs of coverage, or self-insurance, each
1262 in the form and amount satisfactory to the responsible public
1263 entity and reasonably sufficient to ensure coverage of tort
1264 liability to the public and employees and to enable the
1265 continued operation of the qualifying project.

1266 5. Monitoring by the responsible public entity of the
1267 maintenance practices to be performed by the private entity to
1268 ensure that the qualifying project is properly maintained.

1269 6. Periodic filing by the private entity of the
1270 appropriate financial statements that pertain to the qualifying
1271 project.

1272 7. Procedures that govern the rights and responsibilities
1273 of the responsible public entity and the private entity in the
1274 course of the construction and operation of the qualifying

1275 project and in the event of the termination of the comprehensive
1276 agreement or a material default by the private entity. The
1277 procedures must include conditions that govern the assumption of
1278 the duties and responsibilities of the private entity by an
1279 entity that funded, in whole or part, the qualifying project or
1280 by the responsible public entity, and must provide for the
1281 transfer or purchase of property or other interests of the
1282 private entity by the responsible public entity.

1283 8. Fees, lease payments, or service payments. In
1284 negotiating user fees, the fees must be the same for persons
1285 using the facility under like conditions and must not materially
1286 discourage use of the qualifying project. The execution of the
1287 comprehensive agreement or a subsequent amendment is conclusive
1288 evidence that the fees, lease payments, or service payments
1289 provided for in the comprehensive agreement comply with this
1290 section. Fees or lease payments established in the comprehensive
1291 agreement as a source of revenue may be in addition to, or in
1292 lieu of, service payments.

1293 9. Duties of the private entity, including the terms and
1294 conditions that the responsible public entity determines serve
1295 the public purpose of this section.

1296 (b) The comprehensive agreement may include:

1297 1. An agreement by the responsible public entity to make
1298 grants or loans to the private entity from amounts received from
1299 the federal, state, or local government or an agency or
1300 instrumentality thereof.

1301 2. A provision under which each entity agrees to provide
 1302 notice of default and cure rights for the benefit of the other
 1303 entity, including, but not limited to, a provision regarding
 1304 unavoidable delays.

1305 3. A provision that terminates the authority and duties of
 1306 the private entity under this section and dedicates the
 1307 qualifying project to the responsible public entity or, if the
 1308 qualifying project was initially dedicated by an affected local
 1309 jurisdiction, to the affected local jurisdiction for public use.

1310 (8)-(10) FEES.—A comprehensive ~~An~~ agreement entered into
 1311 pursuant to this section may authorize the private entity to
 1312 impose fees to members of the public for the use of the
 1313 facility. The following provisions apply to the comprehensive
 1314 agreement:

1315 (a) The responsible public entity may develop new
 1316 facilities or increase capacity in existing facilities through a
 1317 comprehensive agreement with a private entity ~~agreements with~~
 1318 ~~public-private partnerships.~~

1319 (b) The comprehensive ~~public-private partnership~~ agreement
 1320 must ensure that the facility is properly operated, maintained,
 1321 or improved in accordance with standards set forth in the
 1322 comprehensive agreement.

1323 (c) The responsible public entity may lease existing fee-
 1324 for-use facilities through a comprehensive ~~public-private~~
 1325 ~~partnership~~ agreement.

1326 (d) Any revenues must be authorized by and applied in the

1327 manner set forth in ~~regulated by the responsible public entity~~
 1328 ~~pursuant to~~ the comprehensive agreement.

1329 (e) A negotiated portion of revenues from fee-generating
 1330 uses may ~~must~~ be returned to the responsible public entity over
 1331 the life of the comprehensive agreement.

1332 (9) ~~(11)~~ FINANCING.—

1333 (a) A private entity may enter into a private-source
 1334 financing agreement between financing sources and the private
 1335 entity. A financing agreement and any liens on the property or
 1336 facility must be paid in full at the applicable closing that
 1337 transfers ownership or operation of the facility to the
 1338 responsible public entity at the conclusion of the term of the
 1339 comprehensive agreement.

1340 (b) The responsible public entity may lend funds to
 1341 private entities that construct projects containing facilities
 1342 that are approved under this section.

1343 (c) The responsible public entity may use innovative
 1344 finance techniques associated with a public-private partnership
 1345 under this section, including, but not limited to, federal loans
 1346 as provided in Titles 23 and 49 C.F.R., commercial bank loans,
 1347 and hedges against inflation from commercial banks or other
 1348 private sources. In addition, the responsible public entity may
 1349 provide its own capital or operating budget to support a
 1350 qualifying project. The budget may be from any legally
 1351 permissible funding sources of the responsible public entity,
 1352 including the proceeds of debt issuances. A responsible public

1353 entity may use the model financing agreement provided in s.
 1354 489.145(6) for its financing of a facility owned by a
 1355 responsible public entity. A financing agreement may not require
 1356 the responsible public entity to indemnify the financing source,
 1357 subject the responsible public entity's facility to liens in
 1358 violation of s. 11.066(5), or secure financing of ~~by~~ the
 1359 responsible public entity by a mortgage on, or security interest
 1360 in, the real or tangible personal property of the responsible
 1361 public entity in a manner that could result in the loss of the
 1362 fee ownership of the property by the responsible public entity
 1363 ~~with a pledge of security interest, and any such provision is~~
 1364 void.

1365 ~~(d) A responsible public entity shall appropriate on a~~
 1366 ~~priority basis as required by the comprehensive agreement a~~
 1367 ~~contractual payment obligation, annual or otherwise, from the~~
 1368 ~~enterprise or other government fund from which the qualifying~~
 1369 ~~projects will be funded. This required payment obligation must~~
 1370 ~~be appropriated before other noncontractual obligations payable~~
 1371 ~~from the same enterprise or other government fund.~~

1372 (10) ~~(12)~~ POWERS AND DUTIES OF THE PRIVATE ENTITY.—

1373 (a) The private entity shall:

1374 1. Develop or operate the qualifying project in a manner
 1375 that is acceptable to the responsible public entity in
 1376 accordance with the provisions of the comprehensive agreement.

1377 2. Maintain, or provide by contract for the maintenance or
 1378 improvement of, the qualifying project if required by the

1379 comprehensive agreement.

1380 3. Cooperate with the responsible public entity in making
1381 best efforts to establish interconnection between the qualifying
1382 project and any other facility or infrastructure as requested by
1383 the responsible public entity in accordance with the provisions
1384 of the comprehensive agreement.

1385 4. Comply with the comprehensive agreement and any lease
1386 or service contract.

1387 (b) Each private facility that is constructed pursuant to
1388 this section must comply with the requirements of federal,
1389 state, and local laws; state, regional, and local comprehensive
1390 plans; the responsible public entity's rules, procedures, and
1391 standards for facilities; and such other conditions that the
1392 responsible public entity determines to be in the public's best
1393 interest and that are included in the comprehensive agreement.

1394 (c) The responsible public entity may provide services to
1395 the private entity. An agreement for maintenance and other
1396 services entered into pursuant to this section must provide for
1397 full reimbursement for services rendered for qualifying
1398 projects.

1399 (d) A private entity of a qualifying project may provide
1400 additional services for the qualifying project to the public or
1401 to other private entities if the provision of additional
1402 services does not impair the private entity's ability to meet
1403 its commitments to the responsible public entity pursuant to the
1404 comprehensive agreement.

1405 (11)~~(13)~~ EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the
1406 expiration or termination of a comprehensive agreement, the
1407 responsible public entity may use revenues from the qualifying
1408 project to pay current operation and maintenance costs of the
1409 qualifying project. If the private entity materially defaults
1410 under the comprehensive agreement, the compensation that is
1411 otherwise due to the private entity is payable to satisfy all
1412 financial obligations to investors and lenders on the qualifying
1413 project in the same way that is provided in the comprehensive
1414 agreement or any other agreement involving the qualifying
1415 project, if the costs of operating and maintaining the
1416 qualifying project are paid in the normal course. Revenues in
1417 excess of the costs for operation and maintenance costs may be
1418 paid to the investors and lenders to satisfy payment obligations
1419 under their respective agreements. A responsible public entity
1420 may terminate with cause and without prejudice a comprehensive
1421 agreement and may exercise any other rights or remedies that may
1422 be available to it in accordance with the provisions of the
1423 comprehensive agreement. The full faith and credit of the
1424 responsible public entity may not be pledged to secure the
1425 financing of the private entity. The assumption of the
1426 development or operation of the qualifying project does not
1427 obligate the responsible public entity to pay any obligation of
1428 the private entity from sources other than revenues from the
1429 qualifying project unless stated otherwise in the comprehensive
1430 agreement.

1431 ~~(12)-(14)~~ SOVEREIGN IMMUNITY.—This section does not waive
1432 the sovereign immunity of a responsible public entity, an
1433 affected local jurisdiction, or an officer or employee thereof
1434 with respect to participation in, or approval of, any part of a
1435 qualifying project or its operation, including, but not limited
1436 to, interconnection of the qualifying project with any other
1437 infrastructure or project. A county or municipality in which a
1438 qualifying project is located possesses sovereign immunity with
1439 respect to the project, including, but not limited to, its
1440 design, construction, and operation.

1441 (13) DEPARTMENT OF MANAGEMENT SERVICES.—

1442 (a) A responsible public entity may provide a copy of its
1443 comprehensive agreement to the Department of Management
1444 Services. A responsible public entity must redact any
1445 confidential or exempt information from the copy of the
1446 comprehensive agreement before providing it to the Department of
1447 Management Services.

1448 (b) The Department of Management Services may accept and
1449 maintain copies of comprehensive agreements received from
1450 responsible public entities for the purpose of sharing
1451 comprehensive agreements with other responsible public entities.

1452 (c) This subsection does not require a responsible public
1453 entity to provide a copy of its comprehensive agreement to the
1454 Department of Management Services.

1455 ~~(14)-(15)~~ CONSTRUCTION.—

1456 (a) This section shall be liberally construed to

1457 effectuate the purposes of this section.

1458 (b) This section shall be construed as cumulative and
1459 supplemental to any other authority or power vested in or
1460 exercised by the governing body ~~board~~ of a county, municipality,
1461 special district, or municipal hospital or health care system
1462 including those contained in acts of the Legislature
1463 ~~establishing such public hospital boards or s. 155.40.~~

1464 (c) This section does not affect any agreement or existing
1465 relationship with a supporting organization involving such
1466 governing body ~~board~~ or system in effect as of January 1, 2013.

1467 (d) ~~(a)~~ This section provides an alternative method and
1468 does not limit a county, municipality, special district, or
1469 other political subdivision of the state in the procurement or
1470 operation of a qualifying project ~~acquisition, design, or~~
1471 ~~construction of a public project~~ pursuant to other statutory or
1472 constitutional authority.

1473 (e) ~~(b)~~ Except as otherwise provided in this section, this
1474 section does not amend existing laws by granting additional
1475 powers to, or further restricting, a local governmental entity
1476 from regulating and entering into cooperative arrangements with
1477 the private sector for the planning, construction, or operation
1478 of a facility.

1479 (f) ~~(e)~~ This section does not waive any requirement of s.
1480 287.055.

1481 Section 9. Section 288.061, Florida Statutes, is amended
1482 to read:

1483 288.061 Economic development incentive application
1484 process.—

1485 (1) Beginning January 1, 2016, the department shall
1486 prescribe a form upon which an application for an incentive
1487 shall be made. At a minimum, the incentive application must
1488 include the following:

1489 (a) The applicant's federal employee identification
1490 number, reemployment assistance account number, and state sales
1491 tax registration number. If such numbers are not available at
1492 the time of application, the numbers must be submitted to the
1493 department in writing before the disbursement of any economic
1494 incentive payments or the grant of any tax credits or refunds.

1495 (b) The applicant's signature.

1496 (c) The location of the project.

1497 (d) The anticipated commencement date of the project.

1498 (e) A description of the type of business activity,
1499 product, or research and development undertaken by the
1500 applicant, including the six-digit North American Industry
1501 Classification System code or codes associated with the project.

1502 (f) An attestation verifying that the information provided
1503 on the application is true and correct.

1504 (2)-(1) Upon receiving a submitted economic development
1505 incentive application, the Division of Strategic Business
1506 Development of the department ~~of Economic Opportunity~~ and
1507 designated staff of Enterprise Florida, Inc., shall review the
1508 application to ensure that the application is complete, whether

1509 and what type of state and local permits may be necessary for
1510 the applicant's project, whether it is possible to waive such
1511 permits, and what state incentives and amounts of such
1512 incentives may be available to the applicant. The department
1513 shall recommend to the executive director to approve or
1514 disapprove an applicant business. If review of the application
1515 demonstrates that the application is incomplete, the executive
1516 director shall notify the applicant business within the first 5
1517 business days after receiving the application.

1518 (3) (a) ~~(2)~~ Beginning July 1, 2013, The department shall
1519 review and evaluate each economic development incentive
1520 application for the economic benefits of the proposed award of
1521 state incentives proposed for the project. Such review shall
1522 occur before the department approves an economic development
1523 incentive application and each time an approved incentive
1524 agreement or contract is amended, extended, or otherwise altered
1525 by the department or Enterprise Florida, Inc. The department
1526 shall notify the Legislature of each incentive contract
1527 extension and each contract amendment which alters a performance
1528 condition that a project must meet to obtain incentive funds.
1529 Except as otherwise provided in this chapter, the department may
1530 not execute an amendment to an incentive agreement or contract
1531 for a project the economic benefits of which have been reduced
1532 unless the award of state incentives outlined in the incentive
1533 agreement or contract have been reduced by a proportionate
1534 amount. The department shall include in its annual report

1535 information pertaining to each incentive contract extension and
1536 each contract amendment that alters a performance condition that
1537 a project must meet to obtain incentive funds.

1538 (b) As used in this subsection, the term "economic
1539 benefits" has the same meaning as provided in s. 288.005. The
1540 Office of Economic and Demographic Research shall establish the
1541 methodology and model used to calculate the economic benefits,
1542 including guidelines for the appropriate application of the
1543 department's internal model. For purposes of this requirement,
1544 an amended definition of "economic benefits" may be developed by
1545 the Office of Economic and Demographic Research.

1546 (4) The department's evaluation of the application must
1547 also include the following:

1548 (a) A financial analysis of the company, including
1549 information regarding liens and pending or ongoing litigation,
1550 credit ratings, and regulatory filings.

1551 (b) A review of any independent evaluations of the
1552 company.

1553 (c) A review of the historical market performance of the
1554 company.

1555 (d) A review of the latest audit of the company's
1556 financial statement and the related auditor management letter.

1557 (e) A review of any other audits that are related to the
1558 internal controls or management of the company.

1559 (f) A review of performance in connection with any
1560 incentives previously awarded by state or local governments.

1561 (g) Any other review deemed necessary by the department.

1562 (5) (a) ~~(3)~~ Except as provided in paragraph (b), within 10
1563 business days after the department receives a complete ~~the~~
1564 ~~submitted~~ economic development incentive application, the
1565 executive director shall approve or disapprove the application
1566 and issue a letter of certification to the applicant which
1567 includes a justification of that decision, unless the business
1568 requests an extension of ~~that~~ time.

1569 (b) Within 10 business days after the department receives
1570 a complete economic development incentive application for a
1571 project, the executive director shall recommend to the Governor
1572 approval or disapproval of the application. The recommendation
1573 must include a justification for the recommendation and the
1574 proposed performance conditions that the project must meet to
1575 obtain incentive funds.

1576 (c) ~~(a)~~ The contract or agreement with the applicant must
1577 specify the total amount of the award, the performance
1578 conditions that must be met to obtain the award, the schedule
1579 for payment, and sanctions that would apply for failure to meet
1580 performance conditions. The contract or agreement with the
1581 applicant must require that the applicant use the state's job
1582 bank system to advertise job openings created as a result of the
1583 state incentive agreement. Any agreement or contract that
1584 requires capital investment to be made by the business shall
1585 also require that such investment remain in this state for the
1586 duration of the agreement or contract, except an investment made

1587 in transportation-related assets specifically used for the
1588 purpose of transporting goods or employees. The department may
1589 enter into one agreement or contract covering all of the state
1590 incentives that are being provided to the applicant. The
1591 contract must provide that release of funds is contingent upon
1592 sufficient appropriation of funds by the Legislature. The state
1593 may not enter into a contract or agreement with a term of more
1594 than 10 years with any applicant. However, the department may
1595 enter into a successive agreement or contract for a specific
1596 project to extend the initial 10-year term, provided that each
1597 successive agreement or contract is contingent upon the
1598 successful completion of the previous agreement or contract. If
1599 all of the state incentives for one agreement or contract total
1600 \$20 million or greater or the agreement or contract is for a
1601 project receiving an innovation incentive program award pursuant
1602 to s. 288.1089 or a capital investment tax credit pursuant to s.
1603 220.191, the restriction on the term of the agreement or
1604 contract does not apply.

1605 (d) The department may only provide payments and tax
1606 refunds after the department verifies that the applicant has met
1607 the required project performance criteria, and only in the year
1608 in which the payment or tax refund is scheduled to be paid
1609 pursuant to the contract. Funds appropriated may only be paid to
1610 the applicant and not to a third party. Any funds unexpended by
1611 June 30 of each year shall revert in accordance with s. 216.301
1612 and may not be transferred to an escrow account. Any funds

1613 transferred before July 1, 2015, to an escrow account held by
1614 Enterprise Florida, Inc., for payments for a contract entered
1615 into pursuant to s. 288.1088 or s. 288.1089 before July 1, 2015,
1616 may be used to make payment to applicants who have met
1617 performance criteria until all such funds are expended. Any
1618 funds deposited in the escrow account encumbered under a
1619 contract whose requirements are not met, or that has been
1620 terminated, must be returned by Enterprise Florida, Inc., to the
1621 state within 10 calendar days after notification by the
1622 department.

1623 (e) The total amount of payments and tax refunds approved
1624 for payment by the department based on actual project
1625 performance may not exceed the amount appropriated for such
1626 purposes for the fiscal year. Claims for payments and tax
1627 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,
1628 288.1088, and 288.1089 shall be paid in the order that the
1629 claims are approved by the department. The Legislature shall
1630 annually appropriate in the General Appropriations Act an amount
1631 estimated to sufficiently satisfy payments and tax refunds under
1632 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1633 288.1089 in a fiscal year. If the Legislature does not
1634 appropriate an amount sufficient to satisfy the payments and tax
1635 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,
1636 288.1088, and 288.1089 in a fiscal year, the department shall
1637 pay the claims from the appropriation for the following fiscal
1638 year. By March 1 of each year, the department shall notify the

1639 legislative appropriations committees of any anticipated
1640 shortfall in the amount of funds needed to satisfy claims for
1641 payments and tax refunds from the appropriation for the current
1642 fiscal year.

1643 (f) By January 2 of each year, the department shall
1644 provide to the Legislature a list of potential payment and tax
1645 refund claims that may be filed for payment in the following
1646 fiscal year under ss. 288.0659, 288.1045, 288.106, 288.107,
1647 288.108, 288.1088, and 288.1089.

1648 (g) By March 1 of each year, the department shall provide
1649 to the Legislature a list of actual payment and tax refund
1650 claims filed for payment in the following fiscal year under ss.
1651 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1652 288.1089.

1653 (h) The department may approve applications for
1654 certification pursuant to ss. 288.0659, 288.1045, 288.106,
1655 288.107, 288.108, 288.1088, and 288.1089. The total payments and
1656 tax refunds scheduled to be paid may not exceed \$60 million in
1657 any one fiscal year.

1658 ~~(b) The release of funds for the incentive or incentives~~
1659 ~~awarded to the applicant depends upon the statutory requirements~~
1660 ~~of the particular incentive program.~~

1661 ~~(6)-(4)~~ The department shall validate contractor
1662 performance and report such validation in the annual incentives
1663 report required under s. 288.907.

1664 ~~(7)-(5)~~(a) The executive director may not approve an

1665 economic development incentive application unless the
 1666 application includes a signed written declaration by the
 1667 applicant which states that the applicant has read the
 1668 information in the application and that the information is true,
 1669 correct, and complete to the best of the applicant's knowledge
 1670 and belief.

1671 (b) After an economic development incentive application is
 1672 approved, the awardee shall provide, in each year that the
 1673 department is required to validate contractor performance, a
 1674 signed written declaration. The written declaration must state
 1675 that the awardee has reviewed the information and that the
 1676 information is true, correct, and complete to the best of the
 1677 awardee's knowledge and belief.

1678 (8)~~(6)~~ The department is authorized to adopt rules to
 1679 implement this section.

1680 Section 10. Paragraph (c) of subsection (1) of section
 1681 288.076, Florida Statutes, is amended to read:

1682 288.076 Return on investment reporting for economic
 1683 development programs.—

1684 (1) As used in this section, the term:

1685 (c) "Project" has the same meaning as provided in s.
 1686 288.106(2)(1) ~~288.106(2)(m)~~.

1687 Section 11. Subsection (3) of section 288.095, Florida
 1688 Statutes, is amended to read:

1689 288.095 Economic Development Trust Fund.—

1690 (3) (a) ~~The department may approve applications for~~

1691 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
 1692 ~~the total state share of tax refund payments may not exceed \$35~~
 1693 ~~million.~~

1694 ~~(b)~~ The total amount of tax refund claims approved for
 1695 payment by the department based on actual project performance
 1696 may not exceed the amount appropriated to the Economic
 1697 Development Incentives Account for such purposes for the fiscal
 1698 year. Claims for tax refunds under ss. 288.1045 and 288.106
 1699 shall be paid in the order the claims are approved by the
 1700 department. In the event the Legislature does not appropriate an
 1701 amount sufficient to satisfy the tax refunds under ss. 288.1045
 1702 and 288.106 in a fiscal year, the department shall pay the tax
 1703 refunds from the appropriation for the following fiscal year. By
 1704 March 1 of each year, the department shall notify the
 1705 legislative appropriations committees of the Senate and House of
 1706 Representatives of any anticipated shortfall in the amount of
 1707 funds needed to satisfy claims for tax refunds from the
 1708 appropriation for the current fiscal year.

1709 (b)~~(e)~~ Moneys in the Economic Development Incentives
 1710 Account may be used only to pay tax refunds and make other
 1711 payments authorized under s. 288.1045, s. 288.106, or s.
 1712 288.107.

1713 (c)~~(d)~~ The department may adopt rules necessary to carry
 1714 out the provisions of this subsection, including rules providing
 1715 for the use of moneys in the Economic Development Incentives
 1716 Account and for the administration of the Economic Development

1717 Incentives Account.

1718 Section 12. The sum of \$20 million of nonrecurring funds
1719 in the State Economic Enhancement and Development Trust Fund and
1720 the sum of \$3.8 million of nonrecurring funds in the Economic
1721 Development Trust Fund are appropriated to the Department of
1722 Economic Opportunity to provide payments and tax refunds
1723 pursuant to s. 288.061, Florida Statutes, for programs under ss.
1724 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1725 288.1089, Florida Statutes, for fiscal year 2015-2016. Payments
1726 may only be made for projects that meet statutory eligibility
1727 requirements. Funds may not be released for any other purpose
1728 and may only be made for projects that meet statutory
1729 eligibility requirements. Funds may not be released for any
1730 other purpose and may only be disbursed directly to the
1731 applicant when projects are certified to have met contracted
1732 performance requirements. Funds provided from the Economic
1733 Development Trust Fund represent local matching funds.

1734 Section 13. Subsection (1), paragraphs (a), (b), (c), (e),
1735 and (f) of subsection (2), paragraphs (b), (c), (d), (h), and
1736 (j) of subsection (3), paragraphs (b) and (e) of subsection (5),
1737 and subsection (7) of section 288.1045, Florida Statutes, are
1738 amended, and paragraph (h) is added to subsection (5) of that
1739 section, to read:

1740 288.1045 Qualified defense contractor and space flight
1741 business tax refund program.—

1742 (1) DEFINITIONS.—As used in this section:

1743 (a) "Applicant" means any business entity that holds a
 1744 valid Department of Defense contract or space flight business
 1745 contract, any business entity that is a subcontractor under a
 1746 valid Department of Defense contract or space flight business
 1747 contract, or any business entity that holds a valid contract for
 1748 the reuse of a defense-related facility, including all members
 1749 of an affiliated group of corporations as defined in s.
 1750 220.03(1)(b).

1751 (b) "Average private sector wage in the area" means the
 1752 average of all wages and salaries in ~~the state~~, the county, or
 1753 in the standard metropolitan area in which the project ~~business~~
 1754 ~~unit~~ is located.

1755 (c) "Business unit" means an employing unit, as defined in
 1756 s. 443.036, that is registered with the department for
 1757 reemployment assistance purposes or means a subcategory or
 1758 division of an employing unit that is accepted by the department
 1759 as a reporting unit.

1760 (d) "Consolidation of a Department of Defense contract"
 1761 means the consolidation of one or more of an applicant's
 1762 facilities under one or more Department of Defense contracts,
 1763 from outside this state or from inside and outside this state,
 1764 into one or more of the applicant's facilities inside this
 1765 state.

1766 (e) "Consolidation of a space flight business contract"
 1767 means the consolidation of one or more of an applicant's
 1768 facilities under one or more space flight business contracts,

1769 from outside this state or from inside and outside this state,
1770 into one or more of the applicant's facilities inside this
1771 state.

1772 (f) "Contract for reuse of a defense-related facility"
1773 means a contract with a duration of 2 or more years for the use
1774 of a facility for manufacturing, assembling, fabricating,
1775 research, development, or design of tangible personal property,
1776 but excluding any contract to provide goods, improvements to
1777 real or tangible property, or services directly to or for any
1778 particular military base or installation in this state. Such
1779 facility must be located within a port, as defined in s. 313.21,
1780 and have been occupied by a business entity that held a valid
1781 Department of Defense contract or occupied by any branch of the
1782 Armed Forces of the United States, within 1 year of any contract
1783 being executed for the reuse of such facility. A contract for
1784 reuse of a defense-related facility may not include any contract
1785 for reuse of such facility for any Department of Defense
1786 contract for manufacturing, assembling, fabricating, research,
1787 development, or design.

1788 (g) "Department of Defense contract" means a competitively
1789 bid Department of Defense contract or subcontract or a
1790 competitively bid federal agency contract or subcontract issued
1791 on behalf of the Department of Defense for manufacturing,
1792 assembling, fabricating, research, development, or design with a
1793 duration of 2 or more years, but excluding any contract or
1794 subcontract to provide goods, improvements to real or tangible

1795 property, or services directly to or for any particular military
1796 base or installation in this state. The term includes contracts
1797 or subcontracts for products or services for military use or
1798 homeland security which contracts or subcontracts are approved
1799 by the United States Department of Defense, the United States
1800 Department of State, or the United States Department of Homeland
1801 Security.

1802 (h) "Fiscal year" means the fiscal year of the state.

1803 (i) "Jobs" means full-time equivalent positions,
1804 including, but not limited to, positions obtained from a
1805 temporary employment agency or employee leasing company or
1806 through a union agreement or coemployment under a professional
1807 employer organization agreement, that result directly from a
1808 project in this state. This number does not include temporary
1809 construction jobs involved with the construction of facilities
1810 for the project.

1811 (j) "Local financial support" means funding from local
1812 sources, public or private, which is paid to the Economic
1813 Development Trust Fund and which is equal to 20 percent of the
1814 annual tax refund for a qualified applicant.

1815 1. Local financial support may include excess payments
1816 made to a utility company under a designated program to allow
1817 decreases in service by the utility company under conditions,
1818 regardless of when application is made.

1819 2. A qualified applicant may not provide, directly or
1820 indirectly, more than 5 percent of such funding in any fiscal

1821 year. The sources of such funding may not include, directly or
1822 indirectly, state funds appropriated from the General Revenue
1823 Fund or any state trust fund, excluding tax revenues shared with
1824 local governments pursuant to law.

1825 3. A qualified applicant may not receive more than 80
1826 percent of the total tax refunds from state funds that are
1827 allowed such applicant under this section.

1828 4. The department may grant a waiver that reduces the
1829 required amount of local financial support for a project to 10
1830 percent of the annual tax refund awarded to a qualified
1831 applicant for a local government, or eliminates the required
1832 amount of local financial support for a project for a local
1833 government located in a rural area of opportunity, as designated
1834 by the Governor pursuant to s. 288.0656. To be eligible to
1835 receive a waiver that reduces or eliminates the required amount
1836 of local financial support, a local government shall provide the
1837 department with:

1838 a. A resolution adopted by the governing body of the
1839 county or municipality in whose jurisdiction the project will be
1840 located, requesting the applicant's project be waived from the
1841 local financial support requirement.

1842 b. A statement prepared by a Florida certified public
1843 accountant, as defined in s. 473.302, that describes the
1844 financial constraints preventing the local government from
1845 providing the local financial support required by this section.
1846 This sub-subparagraph does not apply to a county considered

1847 fiscally constrained pursuant to s. 218.67(1).

1848 ~~(k) "Local financial support exemption option" means the~~
1849 ~~option to exercise an exemption from the local financial support~~
1850 ~~requirement available to any applicant whose project is located~~
1851 ~~in a county designated by the Rural Economic Development~~
1852 ~~Initiative, if the county commissioners of the county in which~~
1853 ~~the project will be located adopt a resolution requesting that~~
1854 ~~the applicant's project be exempt from the local financial~~
1855 ~~support requirement. Any applicant that exercises this option is~~
1856 ~~not eligible for more than 80 percent of the total tax refunds~~
1857 ~~allowed such applicant under this section.~~

1858 (k)(1) "New Department of Defense contract" means a
1859 Department of Defense contract entered into after the date
1860 application for certification as a qualified applicant is made
1861 and after January 1, 1994.

1862 (l)(m) "New space flight business contract" means a space
1863 flight business contract entered into after an application for
1864 certification as a qualified applicant is made after July 1,
1865 2008.

1866 (m)(n) "Nondefense production jobs" means employment
1867 exclusively for activities that, directly or indirectly, are
1868 unrelated to the Department of Defense.

1869 (n)(o) "Project" means any business undertaking in this
1870 state under a new Department of Defense contract, consolidation
1871 of a Department of Defense contract, new space flight business
1872 contract, consolidation of a space flight business contract, or

1873 conversion of defense production jobs over to nondefense
 1874 production jobs or reuse of defense-related facilities.

1875 (o)~~(p)~~ "Qualified applicant" means an applicant that has
 1876 been approved by the department to be eligible for tax refunds
 1877 pursuant to this section.

1878 (p)~~(q)~~ "Space flight business" means the manufacturing,
 1879 processing, or assembly of space flight technology products,
 1880 space flight facilities, space flight propulsion systems, or
 1881 space vehicles, satellites, or stations of any kind possessing
 1882 the capability for space flight, as defined by s. 212.02(23), or
 1883 components thereof, and includes, in supporting space flight,
 1884 vehicle launch activities, flight operations, ground control or
 1885 ground support, and all administrative activities directly
 1886 related to such activities. The term does not include products
 1887 that are designed or manufactured for general commercial
 1888 aviation or other uses even if those products may also serve an
 1889 incidental use in space flight applications.

1890 (q)~~(r)~~ "Space flight business contract" means a
 1891 competitively bid federal agency contract, federal agency
 1892 subcontract, an awarded commercial contract, or an awarded
 1893 commercial subcontract for space flight business with a duration
 1894 of 2 or more years.

1895 (r)~~(s)~~ "Taxable year" means the same as in s.
 1896 220.03(1)(y).

1897 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1898 (a) There shall be allowed, from the Economic Development

1899 Trust Fund, a refund to a qualified applicant for the amount of
 1900 eligible taxes certified by the department which were paid by
 1901 such qualified applicant. The total amount of refunds for all
 1902 fiscal years for each qualified applicant shall be determined
 1903 pursuant to subsection (3). The annual amount of a refund to a
 1904 qualified applicant shall be determined pursuant to subsection
 1905 (5).

1906 (b) Upon approval by the director, a qualified applicant
 1907 shall be allowed tax refund payments equal to \$3,000 times the
 1908 number of jobs specified in the tax refund agreement under
 1909 subparagraph (4)(a)1. or equal to \$6,000 times the number of
 1910 jobs if the project is located in a rural area of opportunity
 1911 ~~county~~ or a certified ~~an~~ enterprise zone. Further, a qualified
 1912 applicant shall be allowed additional tax refund payments equal
 1913 to \$1,000 times the number of jobs specified in the tax refund
 1914 agreement under subparagraph (4)(a)1. if such jobs pay an annual
 1915 average wage of at least 150 percent of the average private
 1916 sector wage in the area or equal to \$2,000 times the number of
 1917 jobs if such jobs pay an annual average wage of at least 200
 1918 percent of the average private sector wage in the area. A
 1919 qualified applicant may not receive refunds of more than 25
 1920 percent of the total tax refunds provided in the tax refund
 1921 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
 1922 provided that no qualified applicant may receive more than \$2.5
 1923 million in tax refunds pursuant to this section in any fiscal
 1924 year.

1925 (c) ~~Contingent upon an annual appropriation by the~~
 1926 ~~Legislature,~~ The department may not approve ~~not~~ more in tax
 1927 refunds ~~than the amount appropriated to the Economic Development~~
 1928 ~~Trust Fund for tax refunds,~~ for a fiscal year than the amount
 1929 specified in s. 288.061 pursuant to subsection (5) and s.
 1930 288.095.

1931 (e) After entering into a tax refund agreement pursuant to
 1932 subsection (4), a qualified applicant may:

1933 1. Receive refunds from the account for corporate income
 1934 taxes due and paid pursuant to chapter 220 by that business
 1935 beginning with the first taxable year of the business which
 1936 begins after entering into the agreement.

1937 2. Receive refunds from the account for the following
 1938 taxes due and paid by that business after entering into the
 1939 agreement:

1940 a. Taxes on sales, use, and other transactions paid
 1941 pursuant to chapter 212.

1942 b. Intangible personal property taxes paid pursuant to
 1943 chapter 199.

1944 c. Excise taxes paid on documents pursuant to chapter 201.

1945 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
 1946 June 1, 1996.

1947 e. State communications services taxes administered under
 1948 chapter 202. This provision does not apply to the gross receipts
 1949 tax imposed under chapter 203 and administered under chapter 202
 1950 or the local communications services tax authorized under s.

1951 | 202.19.
 1952 |
 1953 | However, a qualified applicant may not receive a tax refund
 1954 | pursuant to this section for any amount of credit, refund, or
 1955 | exemption granted such contractor for any of such taxes. If a
 1956 | refund for such taxes is provided by the department, which taxes
 1957 | are subsequently adjusted by the application of any credit,
 1958 | refund, or exemption granted to the qualified applicant other
 1959 | than that provided in this section, the qualified applicant
 1960 | shall reimburse the Economic Development Trust Fund for the
 1961 | amount of such credit, refund, or exemption. A qualified
 1962 | applicant must notify and tender payment to the department
 1963 | within 20 days after receiving a credit, refund, or exemption,
 1964 | other than that provided in this section.

1965 | (f) Any qualified applicant who fraudulently claims this
 1966 | refund is liable for repayment of the refund to the Economic
 1967 | Development Trust Fund plus a mandatory penalty of 200 percent
 1968 | of the tax refund which shall be deposited into the General
 1969 | Revenue Fund. Any qualified applicant who fraudulently claims
 1970 | this refund commits a felony of the third degree, punishable as
 1971 | provided in s. 775.082, s. 775.083, or s. 775.084.

1972 | (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 1973 | DETERMINATION.—

1974 | (b) Applications for certification based on the
 1975 | consolidation of a Department of Defense contract or a new
 1976 | Department of Defense contract must be submitted to the

1977 department as prescribed by the department and must include, but
 1978 are not limited to, the following information:

1979 1. The applicant's federal employer identification number,
 1980 the applicant's Florida sales tax registration number, and a
 1981 signature of an officer of the applicant.

1982 2. The permanent location of the manufacturing,
 1983 assembling, fabricating, research, development, or design
 1984 facility in this state at which the project is or is to be
 1985 located.

1986 3. The Department of Defense contract numbers of the
 1987 contract to be consolidated, the new Department of Defense
 1988 contract number, or the "RFP" number of a proposed Department of
 1989 Defense contract.

1990 4. The date the contract was executed or is expected to be
 1991 executed, and the date the contract is due to expire or is
 1992 expected to expire.

1993 5. The commencement date for project operations under the
 1994 contract in this state.

1995 6. The number of net new full-time equivalent Florida jobs
 1996 included in the project as of December 31 of each year and the
 1997 average wage of such jobs.

1998 7. The total number of full-time equivalent employees
 1999 employed by the applicant in this state.

2000 8. The percentage of the applicant's gross receipts
 2001 derived from Department of Defense contracts during the 5
 2002 taxable years immediately preceding the date the application is

2003 submitted.

2004 9. The number of full-time equivalent jobs in this state
2005 to be retained by the project.

2006 10. A brief statement concerning the applicant's need for
2007 tax refunds, and the proposed uses of such refunds by the
2008 applicant.

2009 11. A resolution adopted by the governing board of the
2010 county or municipality in which the project will be located,
2011 which recommends the applicant be approved as a qualified
2012 applicant, and which indicates that the necessary commitments of
2013 local financial support for the applicant exist. ~~Prior to the~~
2014 ~~adoption of the resolution, the county commission may review the~~
2015 ~~proposed public or private sources of such support and determine~~
2016 ~~whether the proposed sources of local financial support can be~~
2017 ~~provided or, for any applicant whose project is located in a~~
2018 ~~county designated by the Rural Economic Development Initiative,~~
2019 ~~a resolution adopted by the county commissioners of such county~~
2020 ~~requesting that the applicant's project be exempt from the local~~
2021 ~~financial support requirement.~~

2022 12. Any additional information requested by the
2023 department.

2024 (c) Applications for certification based on the conversion
2025 of defense production jobs to nondefense production jobs must be
2026 submitted to the department as prescribed by the department and
2027 must include, but are not limited to, the following information:

2028 1. The applicant's federal employer identification number,

2029 the applicant's Florida sales tax registration number, and a
2030 signature of an officer of the applicant.

2031 2. The permanent location of the manufacturing,
2032 assembling, fabricating, research, development, or design
2033 facility in this state at which the project is or is to be
2034 located.

2035 3. The Department of Defense contract numbers of the
2036 contract under which the defense production jobs will be
2037 converted to nondefense production jobs.

2038 4. The date the contract was executed, and the date the
2039 contract is due to expire or is expected to expire, or was
2040 canceled.

2041 5. The commencement date for the nondefense production
2042 operations in this state.

2043 6. The number of net new full-time equivalent Florida jobs
2044 included in the nondefense production project as of December 31
2045 of each year and the average wage of such jobs.

2046 7. The total number of full-time equivalent employees
2047 employed by the applicant in this state.

2048 8. The percentage of the applicant's gross receipts
2049 derived from Department of Defense contracts during the 5
2050 taxable years immediately preceding the date the application is
2051 submitted.

2052 9. The number of full-time equivalent jobs in this state
2053 to be retained by the project.

2054 10. A brief statement concerning the applicant's need for

2055 tax refunds, and the proposed uses of such refunds by the
 2056 applicant.

2057 11. A resolution adopted by the governing board of the
 2058 county or municipality in which the project will be located,
 2059 which recommends the applicant be approved as a qualified
 2060 applicant, and which indicates that the necessary commitments of
 2061 local financial support for the applicant exist. ~~Prior to the~~
 2062 ~~adoption of the resolution, the county commission may review the~~
 2063 ~~proposed public or private sources of such support and determine~~
 2064 ~~whether the proposed sources of local financial support can be~~
 2065 ~~provided or, for any applicant whose project is located in a~~
 2066 ~~county designated by the Rural Economic Development Initiative,~~
 2067 ~~a resolution adopted by the county commissioners of such county~~
 2068 ~~requesting that the applicant's project be exempt from the local~~
 2069 ~~financial support requirement.~~

2070 12. Any additional information requested by the
 2071 department.

2072 (d) Applications for certification based on a contract for
 2073 reuse of a defense-related facility must be submitted to the
 2074 department as prescribed by the department and must include, but
 2075 are not limited to, the following information:

2076 1. The applicant's Florida sales tax registration number
 2077 and a signature of an officer of the applicant.

2078 2. The permanent location of the manufacturing,
 2079 assembling, fabricating, research, development, or design
 2080 facility in this state at which the project is or is to be

2081 | located.

2082 | 3. The business entity holding a valid Department of
 2083 | Defense contract or branch of the Armed Forces of the United
 2084 | States that previously occupied the facility, and the date such
 2085 | entity last occupied the facility.

2086 | 4. A copy of the contract to reuse the facility, or such
 2087 | alternative proof as may be prescribed by the department that
 2088 | the applicant is seeking to contract for the reuse of such
 2089 | facility.

2090 | 5. The date the contract to reuse the facility was
 2091 | executed or is expected to be executed, and the date the
 2092 | contract is due to expire or is expected to expire.

2093 | 6. The commencement date for project operations under the
 2094 | contract in this state.

2095 | 7. The number of net new full-time equivalent Florida jobs
 2096 | included in the project as of December 31 of each year and the
 2097 | average wage of such jobs.

2098 | 8. The total number of full-time equivalent employees
 2099 | employed by the applicant in this state.

2100 | 9. The number of full-time equivalent jobs in this state
 2101 | to be retained by the project.

2102 | 10. A brief statement concerning the applicant's need for
 2103 | tax refunds, and the proposed uses of such refunds by the
 2104 | applicant.

2105 | 11. A resolution adopted by the governing board of the
 2106 | county or municipality in which the project will be located,

2107 | which recommends the applicant be approved as a qualified
2108 | applicant, and which indicates that the necessary commitments of
2109 | local financial support for the applicant exist. ~~Before the~~
2110 | ~~adoption of the resolution, the county commission may review the~~
2111 | ~~proposed public or private sources of such support and determine~~
2112 | ~~whether the proposed sources of local financial support can be~~
2113 | ~~provided or, for any applicant whose project is located in a~~
2114 | ~~county designated by the Rural Economic Development Initiative,~~
2115 | ~~a resolution adopted by the county commissioners of such county~~
2116 | ~~requesting that the applicant's project be exempt from the local~~
2117 | ~~financial support requirement.~~

2118 | 12. Any additional information requested by the
2119 | department.

2120 | (h) The department may not certify any applicant as a
2121 | qualified applicant when the value of tax refunds to be included
2122 | in that letter of certification exceeds the available amount of
2123 | authority to certify a new business in any fiscal year
2124 | ~~businesses~~ as determined pursuant to s. 288.061(5) in s.
2125 | ~~288.095(3)~~. A letter of certification that approves an
2126 | application must specify the maximum amount of a tax refund that
2127 | is to be available to the contractor for each fiscal year and
2128 | the total amount of tax refunds for all fiscal years.

2129 | (j) Applications for certification based upon a new space
2130 | flight business contract or the consolidation of a space flight
2131 | business contract must be submitted to the department as
2132 | prescribed by the department and must include, but are not

2133 limited to, the following information:

2134 1. The applicant's federal employer identification number,
 2135 the applicant's Florida sales tax registration number, and a
 2136 signature of an officer of the applicant.

2137 2. The permanent location of the space flight business
 2138 facility in this state where the project is or will be located.

2139 3. The new space flight business contract number, the
 2140 space flight business contract numbers of the contract to be
 2141 consolidated, or the request-for-proposal number of a proposed
 2142 space flight business contract.

2143 4. The date the contract was executed and the date the
 2144 contract is due to expire, is expected to expire, or was
 2145 canceled.

2146 5. The commencement date for project operations under the
 2147 contract in this state.

2148 6. The number of net new full-time equivalent Florida jobs
 2149 included in the project as of December 31 of each year and the
 2150 average wage of such jobs.

2151 7. The total number of full-time equivalent employees
 2152 employed by the applicant in this state.

2153 8. The percentage of the applicant's gross receipts
 2154 derived from space flight business contracts during the 5
 2155 taxable years immediately preceding the date the application is
 2156 submitted.

2157 9. The number of full-time equivalent jobs in this state
 2158 to be retained by the project.

2159 10. A brief statement concerning the applicant's need for
 2160 tax refunds and the proposed uses of such refunds by the
 2161 applicant.

2162 11. A resolution adopted by the governing board of the
 2163 county or municipality in which the project will be located
 2164 which recommends the applicant be approved as a qualified
 2165 applicant and indicates that the necessary commitments of local
 2166 financial support for the applicant exist. ~~Prior to the adoption~~
 2167 ~~of the resolution, the county commission may review the proposed~~
 2168 ~~public or private sources of such support and determine whether~~
 2169 ~~the proposed sources of local financial support can be provided~~
 2170 ~~or, for any applicant whose project is located in a county~~
 2171 ~~designated by the Rural Economic Development Initiative, a~~
 2172 ~~resolution adopted by the county commissioners of such county~~
 2173 ~~requesting that the applicant's project be exempt from the local~~
 2174 ~~financial support requirement.~~

2175 12. Any additional information requested by the
 2176 department.

2177 (5) ANNUAL CLAIM FOR REFUND.—

2178 (b) The department shall verify ~~claim for refund by the~~
 2179 ~~qualified applicant must include a copy of all receipts~~
 2180 ~~pertaining to~~ the payment of taxes for which a refund is sought,
 2181 and data related to achieving each performance item contained in
 2182 the tax refund agreement pursuant to subsection (4). The amount
 2183 requested as a tax refund may not exceed the amount for the
 2184 relevant fiscal year in the written agreement entered pursuant

2185 to subsection (4).

2186 (e) The total amount of tax refunds approved by the
2187 department under this section in any fiscal year may not exceed
2188 the amount authorized under s. 288.061(5) ~~288.095(3)~~.

2189 (h) A business that fails to timely submit documentation
2190 requested by the department, as per the agreement between the
2191 business and the department, and results in the department
2192 withholding an otherwise approved refund, may receive an
2193 approved refund if:

2194 1. The business submits the documentation to the
2195 department.

2196 2. The business provides a written statement to the
2197 department detailing the extenuating circumstances that resulted
2198 in the failure to timely submit the documentation required by
2199 the agreement.

2200 3. Funds appropriated for this section remain available.

2201 4. The business was scheduled, by the terms of the
2202 agreement, to submit information to the department between
2203 January 1, 2014, and December 31, 2014.

2204 5. The business has met all other requirements of the
2205 agreement.

2206 (7) EXPIRATION.—An applicant may not be certified as
2207 qualified under this section after June 30, 2017 ~~2014~~. A tax
2208 refund agreement existing on that date shall continue in effect
2209 in accordance with its terms.

2210 Section 14. Subsection (2), paragraphs (b) and (c) of

2211 subsection (3), paragraphs (b), (e), and (f) of subsection (4),
 2212 paragraph (b) of subsection (5), paragraph (g) of subsection
 2213 (6), and subsection (8) of section 288.106, Florida Statutes,
 2214 are amended to read:

2215 288.106 Tax refund program for qualified target industry
 2216 businesses.—

2217 (2) DEFINITIONS.—As used in this section, the term:

2218 (a) "Account" means the Economic Development Incentives
 2219 Account within the Economic Development Trust Fund established
 2220 under s. 288.095.

2221 (b) "Authorized local economic development agency" means a
 2222 public or private entity, including an entity defined in s.
 2223 288.075, authorized by a county or municipality to promote the
 2224 general business or industrial interests of that county or
 2225 municipality.

2226 (c) "Average private sector wage in the area" means ~~the~~
 2227 ~~statewide private sector average wage or~~ the average of all
 2228 private sector wages and salaries in the county or in the
 2229 standard metropolitan area in which the project ~~business~~ is
 2230 located or will be located.

2231 (d) "Business" means an employing unit, as defined in s.
 2232 443.036, that is registered for reemployment assistance purposes
 2233 with the state agency providing reemployment assistance tax
 2234 collection services under an interagency agreement pursuant to
 2235 s. 443.1316, or a subcategory or division of an employing unit
 2236 that is accepted by the state agency providing reemployment

2237 assistance tax collection services as a reporting unit.

2238 (e)~~(f)~~ "Certified enterprise zone" means an area certified
 2239 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

2240 (f)~~(e)~~ "Corporate headquarters business" means an
 2241 international, national, or regional headquarters office of a
 2242 multinational or multistate business enterprise or national
 2243 trade association, whether separate from or connected with other
 2244 facilities used by such business.

2245 (g) "Expansion of an existing business" means the
 2246 expansion of an existing Florida business by or through
 2247 additions to real and personal property, resulting in a net
 2248 increase in employment of not less than 10 percent at such
 2249 business.

2250 (h) "Fiscal year" means the fiscal year of the state.

2251 (i) "Jobs" means full-time equivalent positions,
 2252 including, but not limited to, positions obtained from a
 2253 temporary employment agency or employee leasing company or
 2254 through a union agreement or coemployment under a professional
 2255 employer organization agreement, that result directly from a
 2256 project in this state. The term does not include temporary
 2257 construction jobs involved with the construction of facilities
 2258 for the project or any jobs previously included in any
 2259 application for tax refunds under s. 288.1045 or this section.

2260 (j) "Local financial support" means funding from local
 2261 sources, public or private, that is paid to the Economic
 2262 Development Trust Fund and that is equal to 20 percent of the

2263 annual tax refund for a qualified target industry business.

2264 1. A qualified target industry business may not provide,
2265 directly or indirectly, more than 5 percent of such funding in
2266 any fiscal year. The sources of such funding may not include,
2267 directly or indirectly, state funds appropriated from the
2268 General Revenue Fund or any state trust fund, excluding tax
2269 revenues shared with local governments pursuant to law.

2270 2. A qualified target industry business may not receive
2271 more than 80 percent of the total tax refunds from state funds
2272 that are allowed such business under this section.

2273 3. The department may grant a waiver that reduces the
2274 required amount of local financial support for a project to 10
2275 percent of the annual tax refund awarded to a qualified target
2276 industry business for a local government, or eliminates the
2277 required amount of local financial support for a project for a
2278 local government located in a rural area of opportunity, as
2279 designated by the Governor pursuant to s. 288.0656. To be
2280 eligible to receive a waiver that reduces or eliminates the
2281 required amount of local financial support, a local government
2282 shall provide the department with:

2283 a. A resolution adopted by the governing body of the
2284 county or municipality in whose jurisdiction the project will be
2285 located, requesting that the applicant's project be waived from
2286 the local financial support requirement.

2287 b. A statement prepared by a Florida certified public
2288 accountant, as defined in s. 473.302, which describes the

2289 financial constraints preventing the local government from
 2290 providing the local financial support required by this section.
 2291 This sub-subparagraph does not apply to a county considered
 2292 fiscally constrained pursuant to s. 218.67(1).

2293 ~~(k) "Local financial support exemption option" means the~~
 2294 ~~option to exercise an exemption from the local financial support~~
 2295 ~~requirement available to any applicant whose project is located~~
 2296 ~~in a brownfield area, a rural city, or a rural community. Any~~
 2297 ~~applicant that exercises this option is not eligible for more~~
 2298 ~~than 80 percent of the total tax refunds allowed such applicant~~
 2299 ~~under this section.~~

2300 (k)(1) "New business" means a business that applies for a
 2301 tax refund under this section before beginning operations in
 2302 this state and that is a legal entity separate from any other
 2303 commercial or industrial operations owned by the same business.

2304 (l)(m) "Project" means the creation of a new business or
 2305 expansion of an existing business.

2306 (m)(n) "Qualified target industry business" means a target
 2307 industry business approved by the department to be eligible for
 2308 tax refunds under this section.

2309 ~~(o) "Rural city" means a city having a population of~~
 2310 ~~10,000 or fewer, or a city having a population of greater than~~
 2311 ~~10,000 but fewer than 20,000 that has been determined by the~~
 2312 ~~department to have economic characteristics such as, but not~~
 2313 ~~limited to, a significant percentage of residents on public~~
 2314 ~~assistance, a significant percentage of residents with income~~

2315 ~~below the poverty level, or a significant percentage of the~~
2316 ~~city's employment base in agriculture-related industries.~~

2317 ~~(p) "Rural community" means:~~

2318 ~~1. A county having a population of 75,000 or fewer.~~

2319 ~~2. A county having a population of 125,000 or fewer that~~
2320 ~~is contiguous to a county having a population of 75,000 or~~
2321 ~~fewer.~~

2322 ~~3. A municipality within a county described in~~
2323 ~~subparagraph 1. or subparagraph 2.~~

2324

2325 ~~For purposes of this paragraph, population shall be determined~~
2326 ~~in accordance with the most recent official estimate pursuant to~~
2327 ~~s. 186.901.~~

2328 ~~(n)~~(q) "Target industry business" means a corporate
2329 headquarters business or any business that is engaged in one of
2330 the target industries identified pursuant to the following
2331 criteria developed by the department in consultation with
2332 Enterprise Florida, Inc.:

2333 1. Future growth.—Industry forecasts should indicate
2334 strong expectation for future growth in both employment and
2335 output, according to the most recent available data. Special
2336 consideration should be given to businesses that export goods
2337 to, or provide services in, international markets and businesses
2338 that replace domestic and international imports of goods or
2339 services.

2340 2. Stability.—The industry should not be subject to

2341 periodic layoffs, whether due to seasonality or sensitivity to
2342 volatile economic variables such as weather. The industry should
2343 also be relatively resistant to recession, so that the demand
2344 for products of this industry is not typically subject to
2345 decline during an economic downturn.

2346 3. High wage.—The industry should pay relatively high
2347 wages compared to statewide or area averages.

2348 4. Market and resource independent.—The location of
2349 industry businesses should not be dependent on Florida markets
2350 or resources as indicated by industry analysis, except for
2351 businesses in the renewable energy industry.

2352 5. Industrial base diversification and strengthening.—The
2353 industry should contribute toward expanding or diversifying the
2354 state's or area's economic base, as indicated by analysis of
2355 employment and output shares compared to national and regional
2356 trends. Special consideration should be given to industries that
2357 strengthen regional economies by adding value to basic products
2358 or building regional industrial clusters as indicated by
2359 industry analysis. Special consideration should also be given to
2360 the development of strong industrial clusters that include
2361 defense and homeland security businesses.

2362 6. Positive economic impact.—The industry is expected to
2363 have strong positive economic impacts on or benefits to the
2364 state or regional economies. Special consideration should be
2365 given to industries that facilitate the development of the state
2366 as a hub for domestic and global trade and logistics.

2367
2368 The term does not include any business engaged in retail
2369 industry activities; any electrical utility company as defined
2370 in s. 366.02(2); any phosphate or other solid minerals
2371 severance, mining, or processing operation; any oil or gas
2372 exploration or production operation; or any business subject to
2373 regulation by the Division of Hotels and Restaurants of the
2374 Department of Business and Professional Regulation. Any business
2375 within NAICS code 5611 or 5614, office administrative services
2376 and business support services, respectively, may be considered a
2377 target industry business only after the local governing body and
2378 Enterprise Florida, Inc., make a determination that the
2379 community where the business may locate has conditions affecting
2380 the fiscal and economic viability of the local community or
2381 area, including but not limited to, factors such as low per
2382 capita income, high unemployment, high underemployment, and a
2383 lack of year-round stable employment opportunities, and such
2384 conditions may be improved by the location of such a business to
2385 the community. By January 1 of every 3rd year, beginning January
2386 1, 2011, the department, in consultation with Enterprise
2387 Florida, Inc., economic development organizations, the State
2388 University System, local governments, employee and employer
2389 organizations, market analysts, and economists, shall review
2390 and, as appropriate, revise the list of such target industries
2391 and submit the list to the Governor, the President of the
2392 Senate, and the Speaker of the House of Representatives.

2393 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
 2394 220.03(1)(y).

2395 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

2396 (b)1. Upon approval by the department, a qualified target
 2397 industry business shall be allowed tax refund payments equal to
 2398 \$3,000 multiplied by the number of jobs specified in the tax
 2399 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 2400 multiplied by the number of jobs if the project is located in a
 2401 rural area of opportunity ~~community~~ or a certified ~~an~~ enterprise
 2402 zone.

2403 2. A qualified target industry business shall be allowed
 2404 additional tax refund payments equal to \$1,000 multiplied by the
 2405 number of jobs specified in the tax refund agreement under
 2406 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 2407 at least 150 percent of the average private sector wage in the
 2408 area, or equal to \$2,000 multiplied by the number of jobs if
 2409 such jobs pay an annual average wage of at least 200 percent of
 2410 the average private sector wage in the area.

2411 3. A qualified target industry business shall be allowed
 2412 tax refund payments in addition to the other payments authorized
 2413 in this paragraph equal to \$1,000 multiplied by the number of
 2414 jobs specified in the tax refund agreement under subparagraph
 2415 (5)(a)1. if the local financial support is equal to that of the
 2416 state's incentive award under subparagraph 1.

2417 4. In addition to the other tax refund payments authorized
 2418 in this paragraph, a qualified target industry business shall be

2419 allowed a tax refund payment equal to \$2,000 multiplied by the
 2420 number of jobs specified in the tax refund agreement under
 2421 subparagraph (5)(a)1. if the business:

2422 a. Falls within one of the high-impact sectors designated
 2423 under s. 288.108; or

2424 b. Increases exports of its goods through a seaport or
 2425 airport in the state by at least 10 percent in value or tonnage
 2426 in each of the years that the business receives a tax refund
 2427 under this section. For purposes of this sub-subparagraph,
 2428 seaports in the state are limited to the ports of Jacksonville,
 2429 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
 2430 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
 2431 Pensacola, Fernandina, and Key West.

2432 (c) A qualified target industry business may not receive
 2433 refund payments of more than 25 percent of the total tax refunds
 2434 specified in the tax refund agreement under subparagraph
 2435 (5)(a)1. in any fiscal year. Further, a qualified target
 2436 industry business may not receive more than \$1.5 million in
 2437 refunds under this section in any single fiscal year, or more
 2438 than \$2.5 million in any single fiscal year if the project is
 2439 located in a certified ~~an~~ enterprise zone.

2440 (4) APPLICATION AND APPROVAL PROCESS.—

2441 (b) To qualify for review by the department, the
 2442 application of a target industry business must, at a minimum,
 2443 establish the following to the satisfaction of the department:

2444 1.a. The jobs proposed to be created under the

2445 application, pursuant to subparagraph (a)4., must pay an
2446 estimated annual average wage equaling at least 115 percent of
2447 the average private sector wage in the area where the business
2448 is to be located ~~or the statewide private sector average wage.~~
2449 ~~The governing board of the local governmental entity providing~~
2450 ~~the local financial support of the jurisdiction where the~~
2451 ~~qualified target industry business is to be located shall notify~~
2452 ~~the department and Enterprise Florida, Inc., which calculation~~
2453 ~~of the average private sector wage in the area must be used as~~
2454 ~~the basis for the business's wage commitment.~~ In determining the
2455 average annual wage, the department shall include only new
2456 proposed jobs, and wages for existing jobs shall be excluded
2457 from this calculation.

2458 b. The department may waive the average wage requirement
2459 at the request of the local governing body recommending the
2460 project and Enterprise Florida, Inc. The department may waive
2461 the wage requirement for a project located in a brownfield area
2462 designated under s. 376.80, in a rural area of opportunity ~~city,~~
2463 ~~in a rural community,~~ in a certified ~~an~~ enterprise zone, or for
2464 a manufacturing project at any location in the state if the jobs
2465 proposed to be created pay an estimated annual average wage
2466 equaling at least 100 percent of the average private sector wage
2467 in the area where the business is to be located, only if the
2468 merits of the individual project or the specific circumstances
2469 in the community in relationship to the project warrant such
2470 action. If the local governing body and Enterprise Florida,

2471 Inc., make such a recommendation, it must be transmitted in
2472 writing, and the specific justification for the waiver
2473 recommendation must be explained. If the department elects to
2474 waive the wage requirement, the waiver must be stated in
2475 writing, and the reasons for granting the waiver must be
2476 explained.

2477 2. The target industry business's project must result in
2478 the creation of at least 10 jobs at the project and, in the case
2479 of an expansion of an existing business, must result in a net
2480 increase in employment of at least 10 percent at the business.
2481 At the request of the local governing body recommending the
2482 project and Enterprise Florida, Inc., the department may waive
2483 this requirement for a business located in a rural area of
2484 opportunity designated by the Governor pursuant to s. 288.0656,
2485 ~~community~~ or certified enterprise zone if the merits of the
2486 individual project or the specific circumstances in the
2487 community in relationship to the project warrant such action. If
2488 the local governing body and Enterprise Florida, Inc., make such
2489 a request, the request must be transmitted in writing, and the
2490 specific justification for the request must be explained. If the
2491 department elects to grant the request, the grant must be stated
2492 in writing, and the reason for granting the request must be
2493 explained.

2494 3. The business activity or product for the applicant's
2495 project must be within an industry identified by the department
2496 as a target industry business that contributes to the economic

2497 growth of the state and the area in which the business is
 2498 located, that produces a higher standard of living for residents
 2499 of this state in the new global economy, or that can be shown to
 2500 make an equivalent contribution to the area's and state's
 2501 economic progress.

2502 (e) The department may not certify any target industry
 2503 business as a qualified target industry business if the value of
 2504 tax refunds to be included in that letter of certification
 2505 exceeds the available amount of authority to certify a new
 2506 business in any fiscal year ~~businesses~~ as determined pursuant to
 2507 s. 288.061(5) ~~in s. 288.095(3)~~. However, if the commitments of
 2508 local financial support represent less than 20 percent of the
 2509 eligible tax refund payments, or to otherwise preserve the
 2510 viability and fiscal integrity of the program, the department
 2511 may certify a qualified target industry business to receive tax
 2512 refund payments of less than the allowable amounts specified in
 2513 paragraph (3) (b). A letter of certification that approves an
 2514 application must specify the maximum amount of tax refund that
 2515 will be available to the qualified industry business in each
 2516 fiscal year and the total amount of tax refunds that will be
 2517 available to the business for all fiscal years.

2518 ~~(f) Notwithstanding paragraph (2) (j), the department may~~
 2519 ~~reduce the local financial support requirements of this section~~
 2520 ~~by one-half for a qualified target industry business located in~~
 2521 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~
 2522 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~

2523 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
 2524 ~~department determines that such reduction of the local financial~~
 2525 ~~support requirements is in the best interest of the state and~~
 2526 ~~facilitates economic development, growth, or new employment~~
 2527 ~~opportunities in such county. This paragraph expires June 30,~~
 2528 ~~2014.~~

2529 (5) TAX REFUND AGREEMENT.—

2530 (b) Compliance with the terms and conditions of the
 2531 agreement is a condition precedent for the receipt of a tax
 2532 refund each year. The failure to comply with the terms and
 2533 conditions of the tax refund agreement results in the loss of
 2534 eligibility for receipt of all tax refunds previously authorized
 2535 under this section and the revocation by the department of the
 2536 certification of the business entity as a qualified target
 2537 industry business, unless the business is eligible to receive
 2538 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
 2539 ~~the department grants the business an economic recovery~~
 2540 ~~extension.~~

2541 ~~1. A qualified target industry business may submit a~~
 2542 ~~request to the department for an economic recovery extension.~~
 2543 ~~The request must provide quantitative evidence demonstrating how~~
 2544 ~~negative economic conditions in the business's industry, the~~
 2545 ~~effects of a named hurricane or tropical storm, or specific acts~~
 2546 ~~of terrorism affecting the qualified target industry business~~
 2547 ~~have prevented the business from complying with the terms and~~
 2548 ~~conditions of its tax refund agreement.~~

2549 ~~2. Upon receipt of a request under subparagraph 1., the~~
2550 ~~department has 45 days to notify the requesting business, in~~
2551 ~~writing, whether its extension has been granted or denied. In~~
2552 ~~determining whether an extension should be granted, the~~
2553 ~~department shall consider the extent to which negative economic~~
2554 ~~conditions in the requesting business's industry have occurred~~
2555 ~~in the state or the effects of a named hurricane or tropical~~
2556 ~~storm or specific acts of terrorism affecting the qualified~~
2557 ~~target industry business have prevented the business from~~
2558 ~~complying with the terms and conditions of its tax refund~~
2559 ~~agreement. The department shall consider current employment~~
2560 ~~statistics for this state by industry, including whether the~~
2561 ~~business's industry had substantial job loss during the prior~~
2562 ~~year, when determining whether an extension shall be granted.~~

2563 ~~3. As a condition for receiving a prorated refund under~~
2564 ~~paragraph (6)(e) or an economic recovery extension under this~~
2565 ~~paragraph, a qualified target industry business must agree to~~
2566 ~~renegotiate its tax refund agreement with the department to, at~~
2567 ~~a minimum, ensure that the terms of the agreement comply with~~
2568 ~~current law and the department's procedures governing~~
2569 ~~application for and award of tax refunds. Upon approving the~~
2570 ~~award of a prorated refund or granting an economic recovery~~
2571 ~~extension, the department shall renegotiate the tax refund~~
2572 ~~agreement with the business as required by this subparagraph.~~
2573 ~~When amending the agreement of a business receiving an economic~~
2574 ~~recovery extension, the department may extend the duration of~~

2575 ~~the agreement for a period not to exceed 2 years.~~

2576 ~~4. A qualified target industry business may submit a~~
2577 ~~request for an economic recovery extension to the department in~~
2578 ~~lieu of any tax refund claim scheduled to be submitted after~~
2579 ~~January 1, 2009, but before July 1, 2012.~~

2580 ~~5. A qualified target industry business that receives an~~
2581 ~~economic recovery extension may not receive a tax refund for the~~
2582 ~~period covered by the extension.~~

2583 ~~(6) ANNUAL CLAIM FOR REFUND.—~~

2584 ~~(g) The total amount of tax refund claims approved by the~~
2585 ~~department under this section in any fiscal year must not exceed~~
2586 ~~the amount authorized under s. 288.061(5) ~~288.095(3)~~.~~

2587 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
2588 ~~in the best interest of the public for reasons of facilitating~~
2589 ~~economic development, growth, or new employment opportunities~~
2590 ~~within a Disproportionally Affected County, the department may,~~
2591 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
2592 ~~or local financial support eligibility requirements and allow a~~
2593 ~~qualified target industry business from another state which~~
2594 ~~relocates all or a portion of its business to a~~
2595 ~~Disproportionally Affected County to receive a tax refund~~
2596 ~~payment of up to \$6,000 multiplied by the number of jobs~~
2597 ~~specified in the tax refund agreement under subparagraph~~
2598 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
2599 ~~waiver, the executive director of the department shall file with~~
2600 ~~the Governor a written statement of the conditions and~~

2601 ~~circumstances constituting the reason for the waiver. Such~~
 2602 ~~business shall be eligible for the additional tax refund~~
 2603 ~~payments specified in subparagraph (3)(b)4. if it meets the~~
 2604 ~~criteria. As used in this section, the term "Disproportionally~~
 2605 ~~Affected County" means Bay County, Escambia County, Franklin~~
 2606 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
 2607 ~~County, or Wakulla County.~~

2608 Section 15. Paragraph (i) of subsection (4) of section
 2609 288.107, Florida Statutes, is amended to read:

2610 288.107 Brownfield redevelopment bonus refunds.—

2611 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2612 (i) The total amount of the bonus refunds approved by the
 2613 department under this section in any fiscal year may ~~must~~ not
 2614 exceed the total amount specified in s. 288.061(5) ~~appropriated~~
 2615 ~~to the Economic Development Incentives Account for this purpose~~
 2616 ~~for the fiscal year. In the event that the Legislature does not~~
 2617 ~~appropriate an amount sufficient to satisfy projections by the~~
 2618 ~~department for brownfield redevelopment bonus refunds under this~~
 2619 ~~section in a fiscal year, the department shall, not later than~~
 2620 ~~July 15 of such year, determine the proportion of each~~
 2621 ~~brownfield redevelopment bonus refund claim which shall be paid~~
 2622 ~~by dividing the amount appropriated for tax refunds for the~~
 2623 ~~fiscal year by the projected total of brownfield redevelopment~~
 2624 ~~bonus refund claims for the fiscal year. The amount of each~~
 2625 ~~claim for a brownfield redevelopment bonus tax refund shall be~~
 2626 ~~multiplied by the resulting quotient. If, after the payment of~~

2627 ~~all such refund claims, funds remain in the Economic Development~~
2628 ~~Incentives Account for brownfield redevelopment tax refunds, the~~
2629 ~~department shall recalculate the proportion for each refund~~
2630 ~~claim and adjust the amount of each claim accordingly.~~

2631 Section 16. Paragraphs (f) and (g) of subsection (2) of
2632 section 288,108, Florida Statutes, are redesignated as
2633 paragraphs (g) and (h), respectively, subsections (4) and (5)
2634 are amended, and a new paragraph (f) is added to subsection (2)
2635 of that section, to read:

2636 288.108 High-impact business.—

2637 (2) DEFINITIONS.—As used in this section, the term:

2638 (f) "Local financial support" means financial, in-kind, or
2639 other quantifiable contributions from local sources that,
2640 combined, equal 20 percent or more of the total investment in
2641 the project by state and local sources.

2642 1. The department may grant a waiver that reduces the
2643 required amount of local financial support for a project to 10
2644 percent of the award granted to a business pursuant to this
2645 section for a local government, or eliminates the local
2646 financial support for a local government located in a rural area
2647 of opportunity, as designated by the Governor pursuant to s.
2648 288.0656.

2649 2. A local government that requests a waiver that reduces
2650 or eliminates the local financial support requirement shall
2651 provide the department a statement prepared by a Florida
2652 certified public accountant as defined in s. 473.302, which

2653 describes the financial constraints preventing the local
 2654 government from providing the local financial support required
 2655 by this section. This subparagraph does not apply to a county
 2656 considered fiscally constrained pursuant to s. 218.67(1).

2657 (4) AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS
 2658 PERFORMANCE GRANTS.—

2659 ~~(a) The total amount of active performance grants~~
 2660 ~~scheduled for payment by the department in any single fiscal~~
 2661 ~~year may not exceed the amount specified in s. 288.061(5) lesser~~
 2662 ~~of \$30 million or the amount appropriated by the Legislature for~~
 2663 ~~that fiscal year for qualified high-impact business performance~~
 2664 ~~grants. If the scheduled grant payments are not made in the year~~
 2665 ~~for which they were scheduled in the qualified high-impact~~
 2666 ~~business agreement and are rescheduled as authorized in~~
 2667 ~~paragraph (3) (e), they are, for purposes of this paragraph,~~
 2668 ~~deemed to have been paid in the year in which they were~~
 2669 ~~originally scheduled in the qualified high-impact business~~
 2670 ~~agreement.~~

2671 ~~(b) If the Legislature does not appropriate an amount~~
 2672 ~~sufficient to satisfy the qualified high-impact business~~
 2673 ~~performance grant payments scheduled for any fiscal year, the~~
 2674 ~~department shall, not later than July 15 of that year, determine~~
 2675 ~~the proportion of each grant payment which may be paid by~~
 2676 ~~dividing the amount appropriated for qualified high-impact~~
 2677 ~~business performance grant payments for the fiscal year by the~~
 2678 ~~total performance grant payments scheduled in all performance~~

2679 ~~grant agreements for the fiscal year. The amount of each grant~~
2680 ~~scheduled for payment in that fiscal year must be multiplied by~~
2681 ~~the resulting quotient. All businesses affected by this~~
2682 ~~calculation must be notified by August 1 of each fiscal year.~~
2683 ~~If, after the payment of all the refund claims, funds remain in~~
2684 ~~the appropriation for payment of qualified high-impact business~~
2685 ~~performance grants, the department shall recalculate the~~
2686 ~~proportion for each performance grant payment and adjust the~~
2687 ~~amount of each claim accordingly.~~

2688 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
2689 AGREEMENT.—

2690 (a) The department shall review and certify, pursuant to
2691 s. 288.061, an application ~~pursuant to s. 288.061 which is~~
2692 received from any eligible business, as defined in subsection
2693 (2), for consideration as a qualified high-impact business
2694 before the business has made a decision to locate or expand a
2695 facility in this state. The business must provide the following
2696 information:

2697 1. A complete description of the type of facility,
2698 business operations, and product or service associated with the
2699 project.

2700 2. The number of full-time equivalent jobs that will be
2701 created by the project and the average annual wage of those
2702 jobs.

2703 3. The cumulative amount of investment to be dedicated to
2704 this project within 3 years.

2705 4. A statement concerning any special impacts the facility
 2706 is expected to stimulate in the sector, the state, or regional
 2707 economy and in state universities and community colleges.

2708 5. A statement concerning the role the grant will play in
 2709 the decision of the applicant business to locate or expand in
 2710 this state.

2711 6. Any additional information requested by the department.

2712 (b) Within 7 business days after evaluating an
 2713 application, the department shall recommend to the Governor
 2714 approval or disapproval of an eligible high-impact business for
 2715 receipt of funds. Recommendations to the Governor shall include
 2716 the total amount of the qualified high-impact business facility
 2717 performance grant award; the anticipated project performance
 2718 conditions, including, but not limited to, net new employment in
 2719 the state, average salary, and total capital investment incurred
 2720 by the business; a baseline of current service and a measure of
 2721 enhanced capability; the methodology for validating performance;
 2722 the schedule of performance grant payments; and sanctions for
 2723 failure to meet performance conditions ~~Applications shall be~~
 2724 ~~reviewed and certified pursuant to s. 288.061.~~

2725 (c) The Governor may approve a high-impact business
 2726 performance grant of less than \$2 million without consulting the
 2727 Legislature. For such grants, the Governor shall provide a
 2728 written description and evaluation of the approved project to
 2729 the chair and vice chair of the Legislative Budget Commission,
 2730 the President of the Senate, and the Speaker of the House of

2731 Representatives, within 1 business day after approval ~~The~~
2732 ~~department and the qualified high-impact business shall enter~~
2733 ~~into a performance grant agreement setting forth the conditions~~
2734 ~~for payment of the qualified high-impact business performance~~
2735 ~~grant. The agreement shall include the total amount of the~~
2736 ~~qualified high-impact business facility performance grant award,~~
2737 ~~the performance conditions that must be met to obtain the award,~~
2738 ~~including the employment, average salary, investment, the~~
2739 ~~methodology for determining if the conditions have been met, and~~
2740 ~~the schedule of performance grant payments.~~

2741 (d) The Governor shall provide a written description and
2742 evaluation of each eligible high-impact business recommended for
2743 approval for a high-impact business performance grant of at
2744 least \$2 million, but not more than \$7.5 million, to the chair
2745 and vice chair of the Legislative Budget Commission, the
2746 President of the Senate, and the Speaker of the House of
2747 Representatives at least 14 days before approving a qualified
2748 high-impact business performance grant. If the chair or vice
2749 chair of the Legislative Budget Commission, the President of the
2750 Senate, or the Speaker of the House of Representatives timely
2751 advises the Executive Office of the Governor in writing that the
2752 award of funds exceeds the delegated authority of the Executive
2753 Office of the Governor or is contrary to legislative policy or
2754 intent, the Executive Office of the Governor shall void the
2755 release of funds and instruct the department to immediately
2756 change action or proposed action.

2757 (e) The Governor shall provide to the Legislative Budget
2758 Commission a written description and evaluation of each eligible
2759 high-impact business recommended for approval of a high-impact
2760 business performance grant that exceeds \$7.5 million, or exceeds
2761 \$5 million and provides a waiver of program requirements. The
2762 Legislative Budget Commission must approve such an award before
2763 final approval by the Governor.

2764 (f) An amendment, modification, or extension of an
2765 executed contract that results in a 0.5-point or greater
2766 reduction in the economic benefit ratio of the project must be
2767 approved as provided in paragraph (e). An amendment,
2768 modification, or extension may not be made to an executed
2769 contract if such action would result in an economic benefit
2770 ratio less than 2 to 1.

2771 (g) The department shall validate contractor performance
2772 and report such validation in the annual incentives report
2773 required by s. 288.907.

2774 Section 17. Subsections (2), (3), and (4) of section
2775 288.1088, Florida Statutes, are amended to read:

2776 288.1088 Quick Action Closing Fund.—

2777 (2) There is created within the department the Quick
2778 Action Closing Fund. Except as provided in subsection (3),
2779 projects eligible for receipt of funds from the Quick Action
2780 Closing Fund shall:

2781 (a) Be in an industry as referenced in s. 288.106.

2782 (b) Have a positive economic benefit ratio of at least 4 ~~5~~

2783 to 1.

2784 (c) Be an inducement to the project's location or
2785 expansion in the state.

2786 (d) Pay an average annual wage of at least 125 percent of
2787 the average private sector wage in the area, as defined in s.
2788 288.106 areawide or statewide private sector average wage.

2789 (e) Be supported by the local community in which the
2790 project is to be located.

2791 1. Financial support by the local community shall include
2792 financial, in-kind, or other quantifiable contributions from
2793 local sources that, combined, equal 20 percent or more of the
2794 total investment in the project by state and local sources.

2795 2. The department may grant a waiver that reduces the
2796 required amount of local financial support for a project to 10
2797 percent of the award granted to a business pursuant to this
2798 section for a local government, or eliminates the required
2799 amount of local financial support for a project for a local
2800 government located in a rural area of opportunity, as designated
2801 by the Governor pursuant to s. 288.0656.

2802 3. A local government that requests a waiver that reduces
2803 or eliminates the local financial support requirement shall
2804 provide the department a statement prepared by a Florida
2805 certified public accountant as defined in s. 473.302, which
2806 describes the financial constraints preventing the local
2807 government from providing the local financial support required
2808 by this section. This subparagraph does not apply to a county

2809 considered fiscally constrained pursuant to s. 218.67(1).

2810 (3) (a) The department and Enterprise Florida, Inc., shall
 2811 jointly review applications pursuant to s. 288.061 and determine
 2812 the eligibility of each project consistent with the criteria in
 2813 subsection (2).

2814 (b) A local governing body and Enterprise Florida, Inc.,
 2815 may request a waiver of the criteria in subsection (2). Such
 2816 request must be transmitted in writing to the department with an
 2817 explanation of the specific justification for the request. The
 2818 department shall issue a written response approving or denying
 2819 the request and shall include an explanation of the reason for
 2820 its decision. No more than two waivers ~~Waiver~~ of these criteria
 2821 may be considered under the following criteria:

- 2822 1. Based on extraordinary circumstances;
- 2823 2. In order to mitigate the impact of the conclusion of
 2824 the space shuttle program; or
- 2825 3. In rural areas of opportunity if the project would
 2826 significantly benefit the local or regional economy.

2827
 2828 A waiver may not be granted by the department if the positive
 2829 economic benefit ratio of the project is below 2 to 1, the
 2830 project is not within a target industry under s. 288.106, the
 2831 award of funds is not an inducement to the project's location or
 2832 expansion in the state, or the average annual wage of jobs
 2833 directly created by the project is below 100 percent of the
 2834 average private sector wage in the area, as defined in s.

2835 288.106.

2836 (c)~~(b)~~ The department shall evaluate individual proposals
 2837 for high-impact business facilities. Such evaluation must
 2838 include, but need not be limited to:

2839 1. A description of the type of facility or
 2840 infrastructure, its operations, and the associated product or
 2841 service associated with the facility.

2842 2. The number of full-time-equivalent jobs that will be
 2843 created by the facility and the total estimated average annual
 2844 wages of those jobs or, in the case of privately developed rural
 2845 infrastructure, the types of business activities and jobs
 2846 stimulated by the investment.

2847 3. The cumulative amount of investment to be dedicated to
 2848 the facility within a specified period.

2849 4. A statement of any special impacts the facility is
 2850 expected to stimulate in a particular business sector in the
 2851 state or regional economy or in the state's universities and
 2852 community colleges.

2853 5. A statement of the role the incentive is expected to
 2854 play in the decision of the applicant business to locate or
 2855 expand in this state or for the private investor to provide
 2856 critical rural infrastructure.

2857 6. A report evaluating the quality and value of the
 2858 company submitting a proposal. The report must include:

2859 a. A financial analysis of the company, including an
 2860 evaluation of the company's short-term liquidity ratio as

2861 measured by its assets to liability, the company's profitability
 2862 ratio, and the company's long-term solvency as measured by its
 2863 debt-to-equity ratio;

- 2864 b. The historical market performance of the company;
- 2865 c. A review of any independent evaluations of the company;
- 2866 d. A review of the latest audit of the company's financial
 2867 statement and the related auditor's management letter; and
- 2868 e. A review of any other types of audits that are related
 2869 to the internal and management controls of the company.

2870 (d)~~(e)~~1. Within 7 business days after evaluating a
 2871 project, the department shall recommend to the Governor approval
 2872 or disapproval of a project for receipt of funds from the Quick
 2873 Action Closing Fund. In recommending a project, the department
 2874 shall include the total amount of recommended funds to be
 2875 awarded; the anticipated project performance conditions,
 2876 including, but not limited to, net new employment in the state,
 2877 average salary, and total capital investment incurred by the
 2878 business; a baseline of current service and a measure of
 2879 enhanced capability; the methodology for validating performance;
 2880 the schedule of payments from the fund; and sanctions for
 2881 failure to meet performance conditions, including any clawback
 2882 provisions ~~proposed performance conditions that the project must~~
 2883 ~~meet to obtain incentive funds.~~

2884 2. The Governor may approve a Quick Action Closing Fund
 2885 project award requiring less than \$2 million in funding ~~projects~~
 2886 ~~without consulting the Legislature for projects requiring less~~

2887 ~~than \$2 million in funding.~~ For such projects, the Governor
 2888 shall provide a written description and evaluation of the
 2889 approved project to the chair and vice chair of the Legislative
 2890 Budget Commission, the President of the Senate, and the Speaker
 2891 of the House of Representatives within 1 business day after
 2892 approval.

2893 3. ~~For projects requiring funding in the amount of \$2~~
 2894 ~~million to \$5 million,~~ The Governor shall provide a written
 2895 description and evaluation of each Quick Action Closing Fund a
 2896 project award recommended for approval that requires funding of
 2897 at least \$2 million, but not more than \$7.5 million, to the
 2898 chair and vice chair of the Legislative Budget Commission, the
 2899 President of the Senate, and the Speaker of the House of
 2900 Representatives at least 14 ~~10~~ days before ~~prior to~~ giving final
 2901 approval for a project. The recommendation must include the
 2902 proposed performance conditions that the project must meet in
 2903 order to obtain funds.

2904 4. If the chair or vice chair of the Legislative Budget
 2905 Commission, ~~or~~ the President of the Senate, or the Speaker of
 2906 the House of Representatives timely advises the Executive Office
 2907 of the Governor, in writing, that such action or proposed action
 2908 exceeds the delegated authority of the Executive Office of the
 2909 Governor or is contrary to legislative policy or intent, the
 2910 Executive Office of the Governor shall void the release of funds
 2911 and instruct the department to immediately change such action or
 2912 proposed action ~~until the Legislative Budget Commission or the~~

2913 ~~Legislature addresses the issue. Notwithstanding such~~
2914 ~~requirement, any project exceeding \$5 million must be approved~~
2915 ~~by the Legislative Budget Commission prior to the funds being~~
2916 ~~released.~~

2917 4. The Governor shall provide to the Legislative Budget
2918 Commission a written description and evaluation of each eligible
2919 business recommended for approval of a Quick Action Closing Fund
2920 project award that exceeds \$7.5 million, or exceeds \$5 million
2921 and provides a waiver of program requirements. The Legislative
2922 Budget Commission must approve such an award before final
2923 approval by the Governor.

2924 (e)-(d) Upon the approval of the Governor in accordance
2925 with subparagraph (c)2., or upon expiration of the 14-day
2926 legislative consultation period provided in subparagraph (c)3.,
2927 the department and the business shall enter into a contract that
2928 sets forth the conditions for payment of moneys from the fund.
2929 Such payment may not be made to the business until the scheduled
2930 goals have been achieved. The contract must include the total
2931 amount of funds awarded; the minimum and maximum number of funds
2932 that may be awarded; the performance conditions that must be met
2933 to obtain the award, including, but not limited to, net new
2934 employment in the state, average salary, and total capital
2935 investment incurred by the business, and the minimum and maximum
2936 number of jobs that will be created, if applicable; demonstrate
2937 a baseline of current service and a measure of enhanced
2938 capability; the methodology for validating performance; the

2939 | schedule of payments from the fund; and sanctions for failure to
2940 | meet performance conditions. The contract must provide that
2941 | payment of moneys from the fund is contingent upon sufficient
2942 | appropriation of funds by the Legislature.

2943 | (f)~~(e)~~ The department shall validate contractor
2944 | performance and report such validation in the annual incentives
2945 | report required under s. 288.907. The department shall not
2946 | schedule more than \$35 million in total payments in any single
2947 | fiscal year for projects approved under this section.

2948 | (g) An amendment, modification, or extension of an
2949 | existing contract that results in a 0.5-point or greater
2950 | reduction in the economic benefit ratio of the project may not
2951 | take effect until it is approved through the approval process in
2952 | subparagraph (c)4. An amendment, modification, or extension may
2953 | not be made to an executed contract if such action would result
2954 | in an economic benefit ratio below 2 to 1.

2955 | ~~(4) Funds appropriated by the Legislature for purposes of~~
2956 | ~~implementing this section shall be placed in reserve and may~~
2957 | ~~only be released pursuant to the legislative consultation and~~
2958 | ~~review requirements set forth in this section.~~

2959 | Section 18. Paragraphs (b), (d), (e), and (p) of
2960 | subsection (2), subsection (4), paragraphs (l) and (m) of
2961 | subsection (5), and subsections (7) and (8) of section 288.1089,
2962 | Florida Statutes, are amended to read:

2963 | 288.1089 Innovation Incentive Program.—

2964 | (2) As used in this section, the term:

2965 (b) "Average private sector wage in the area" means the
 2966 average of all private sector wages and salaries in the county
 2967 or standard metropolitan area in which the project is located
 2968 ~~the statewide average wage in the private sector or the average~~
 2969 ~~of all private sector wages in the county or in the standard~~
 2970 ~~metropolitan area in which the project is located as determined~~
 2971 ~~by the department.~~

2972 (d) ~~(e)~~ "Certified enterprise zone" means an area certified
 2973 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

2974 (e) ~~(d)~~ "Cumulative investment" means cumulative capital
 2975 investment and all eligible capital costs, as defined in s.
 2976 220.191.

2977 ~~(p)~~ "~~Rural area~~" means ~~a rural city or rural community as~~
 2978 ~~defined in s. 288.106.~~

2979 (4) To qualify for review by the department, the applicant
 2980 must, at a minimum, establish the following to the satisfaction
 2981 of the department:

2982 (a) The jobs created by the project must pay an estimated
 2983 annual average wage equaling at least 130 percent of the average
 2984 private sector wage in the area. The department may waive this
 2985 average wage requirement at the request of Enterprise Florida,
 2986 Inc., for a project located in a rural area of opportunity, a
 2987 brownfield area, or a certified ~~an~~ enterprise zone, when the
 2988 merits of the individual project or the specific circumstances
 2989 in the community in relationship to the project warrant such
 2990 action. A recommendation for waiver by Enterprise Florida, Inc.,

2991 must include a specific justification for the waiver and be
2992 transmitted to the department in writing. If the department
2993 elects to waive the wage requirement, the waiver must be stated
2994 in writing and the reasons for granting the waiver must be
2995 explained. The department may not waive the wage requirement for
2996 any project that does not pay an estimated annual average wage
2997 equaling at least 100 percent of the average private sector wage
2998 in the area.

2999 (b) A research and development project must:

3000 1. Serve as a catalyst for an emerging or evolving
3001 technology cluster.

3002 2. Demonstrate a plan for significant higher education
3003 collaboration.

3004 3. Provide the state, at a minimum, a cumulative break-
3005 even economic benefit within a 20-year period.

3006 4. Be provided with a one-to-one match from the local
3007 community. The match requirement may be reduced or waived in
3008 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
3009 areas, and certified enterprise zones. A local government that
3010 requests a waiver that reduces or eliminates the one-to-one
3011 match shall provide the department with a statement prepared by
3012 a Florida certified public accountant, as defined in s. 473.302,
3013 which describes the financial constraints preventing the local
3014 government from meeting the local financial support requirement
3015 of this section. This subparagraph does not apply to a county
3016 considered fiscally constrained pursuant to s. 218.67(1).

3017 (c) An innovation business project in this state, other
 3018 than a research and development project, must:

3019 1.a. Result in the creation of at least 1,000 direct, new
 3020 jobs at the business; or

3021 b. Result in the creation of at least 500 direct, new jobs
 3022 if the project is located in a rural area of opportunity, a
 3023 brownfield area, or a certified ~~an~~ enterprise zone.

3024 2. Have an activity or product that is within an industry
 3025 that is designated as a target industry business under s.
 3026 288.106 or a designated sector under s. 288.108.

3027 3.a. Have a cumulative investment of at least \$500 million
 3028 within a 5-year period; or

3029 b. Have a cumulative investment that exceeds \$250 million
 3030 within a 10-year period if the project is located in a rural
 3031 area of opportunity, brownfield area, or a certified ~~an~~
 3032 enterprise zone.

3033 4. Be provided with a one-to-one match from the local
 3034 community. The match requirement may be reduced or waived in
 3035 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
 3036 areas, and certified enterprise zones. A local government that
 3037 requests a waiver that reduces or eliminates the one-to-one
 3038 match shall provide the department with a statement prepared by
 3039 a Florida certified public accountant, as defined in s. 473.302,
 3040 which describes the financial constraints preventing the local
 3041 government from meeting the local financial support requirement
 3042 of this section. This subparagraph does not apply to a county

3043 considered fiscally constrained pursuant to s. 218.67(1).

3044 (d) For an alternative and renewable energy project in
3045 this state, the project must:

3046 1. Demonstrate a plan for significant collaboration with
3047 an institution of higher education.~~†~~

3048 2. Provide the state, at a minimum, a cumulative break-
3049 even economic benefit within a 20-year period.~~†~~

3050 3. Include matching funds provided by the applicant or
3051 other available sources. The match requirement may be reduced or
3052 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~
3053 ~~rural areas~~, brownfield areas, and certified enterprise zones. A
3054 local government that requests a waiver that reduces or
3055 eliminates the one-to-one match shall provide the department
3056 with a statement prepared by a Florida certified public
3057 accountant, as defined in s. 473.302, which describes the
3058 financial constraints preventing the local government from
3059 meeting the one-to-one match requirement of this section. This
3060 subparagraph does not apply to a county considered fiscally
3061 constrained pursuant to s. 218.67(1).~~†~~

3062 4. Be located in this state.~~†~~ ~~and~~

3063 5. Provide at least 35 direct, new jobs that pay an
3064 estimated annual average wage that equals at least 130 percent
3065 of the average private sector wage in the area.

3066 (5) The department shall review proposals pursuant to s.
3067 288.061 for all three categories of innovation incentive awards.
3068 Before making a recommendation to the executive director, the

3069 department shall solicit comments and recommendations from the
 3070 Department of Agriculture and Consumer Services. For each
 3071 project, the evaluation and recommendation to the department
 3072 must include, but need not be limited to:

3073 (1) Additional evaluative criteria for a research and
 3074 development facility project, including:

3075 1. A description of the extent to which the project has
 3076 the potential to serve as catalyst for an emerging or evolving
 3077 cluster.

3078 2. A description of the extent to which the project has or
 3079 could have a long-term collaborative research and development
 3080 relationship with one or more universities or community colleges
 3081 in this state.

3082 3. A description of the existing or projected impact of
 3083 the project on established clusters or targeted industry
 3084 sectors.

3085 4. A description of the project's contribution to the
 3086 diversity and resiliency of the innovation economy of this
 3087 state.

3088 5. A description of the project's impact on special needs
 3089 communities, including, but not limited to, rural areas of
 3090 opportunity, distressed urban areas, and certified enterprise
 3091 zones.

3092 (m) Additional evaluative criteria for alternative and
 3093 renewable energy proposals, including:

3094 1. The availability of matching funds or other in-kind

3095 contributions applied to the total project from an applicant.
3096 The Department of Agriculture and Consumer Services shall give
3097 greater preference to projects that provide such matching funds
3098 or other in-kind contributions.

3099 2. The degree to which the project stimulates in-state
3100 capital investment and economic development in metropolitan and
3101 rural areas of opportunity, including the creation of jobs and
3102 the future development of a commercial market for renewable
3103 energy technologies.

3104 3. The extent to which the proposed project has been
3105 demonstrated to be technically feasible based on pilot project
3106 demonstrations, laboratory testing, scientific modeling, or
3107 engineering or chemical theory that supports the proposal.

3108 4. The degree to which the project incorporates an
3109 innovative new technology or an innovative application of an
3110 existing technology.

3111 5. The degree to which a project generates thermal,
3112 mechanical, or electrical energy by means of a renewable energy
3113 resource that has substantial long-term production potential.

3114 6. The degree to which a project demonstrates efficient
3115 use of energy and material resources.

3116 7. The degree to which the project fosters overall
3117 understanding and appreciation of renewable energy technologies.

3118 8. The ability to administer a complete project.

3119 9. Project duration and timeline for expenditures.

3120 10. The geographic area in which the project is to be

3121 conducted in relation to other projects.

3122 11. The degree of public visibility and interaction.

3123 (7) (a) Within 7 days after evaluating an innovation
3124 incentive award proposal, the department shall recommend to the
3125 Governor approval or disapproval of an innovation incentive
3126 award. In recommending an award, the department shall include
3127 the total amount of the innovation incentive award; the
3128 anticipated performance conditions that must be met to obtain
3129 the award, including, but not limited to, net new employment in
3130 the state, average salary, and total capital investment incurred
3131 by the business; a baseline of current service and a measure of
3132 enhanced capability; the methodology for validating performance;
3133 the schedule of payments; and sanctions for failure to meet
3134 performance conditions, including any clawback provisions ~~Upon~~
3135 ~~receipt of the evaluation and recommendation from the~~
3136 ~~department, the Governor shall approve or deny an award. In~~
3137 ~~recommending approval of an award, the department shall include~~
3138 ~~proposed performance conditions that the applicant must meet in~~
3139 ~~order to obtain incentive funds and any other conditions that~~
3140 ~~must be met before the receipt of any incentive funds. The~~
3141 ~~Governor shall consult with the President of the Senate and the~~
3142 ~~Speaker of the House of Representatives before giving approval~~
3143 ~~for an award. Upon review and approval of an award by the~~
3144 ~~Legislative Budget Commission, the Executive Office of the~~
3145 ~~Governor shall release the funds.~~

3146 (b) The Governor may approve an innovation incentive award

3147 of less than \$2 million without consulting the Legislature. For
3148 such awards, the Governor shall provide a written description
3149 and evaluation of the approved project to the chair and vice
3150 chair of the Legislative Budget Commission, the President of the
3151 Senate, and the Speaker of the House of Representatives within 1
3152 business day after approval.

3153 (c) The Governor shall provide a written description and
3154 evaluation of each innovation incentive award proposal
3155 recommended for approval for an innovation incentive award of at
3156 least \$2 million, but not more than \$7.5 million, to the chair
3157 and vice chair of the Legislative Budget Commission, the
3158 President of the Senate, and the Speaker of the House of
3159 Representatives at least 14 days before giving final approval
3160 for an award. If the chair or vice chair of the Legislative
3161 Budget Commission, the President of the Senate, or the Speaker
3162 of the House of Representatives timely advises the Executive
3163 Office of the Governor in writing that the award of incentive
3164 funds exceeds the delegated authority of the Executive Office of
3165 the Governor or is contrary to legislative policy or intent, the
3166 Executive Office of the Governor shall void the release of funds
3167 and instruct the department to immediately change action or
3168 proposed action.

3169 (d) The Governor shall provide to the Legislative Budget
3170 Commission a written description and evaluation of each eligible
3171 business recommended for approval of an innovation incentive
3172 award that exceeds \$7.5 million or that provides a waiver of

3173 program requirements and exceeds \$5 million. The Legislative
3174 Budget Commission must approve such an award before final
3175 approval by the Governor.

3176 (e) An amendment, modification, or extension of an
3177 executed contract that results in a 0.5-point or greater
3178 reduction in the economic benefit ratio of the project may not
3179 take effect until it is approved through the approval process in
3180 paragraph (d). An amendment, modification, or extension may not
3181 be made to an executed contract if such action would result in
3182 an economic benefit ratio below 1 to 1.

3183 (8)(a) In addition to the requirements provided in
3184 paragraph (7) (a), a contract between the department and an award
3185 recipient ~~After the conditions set forth in subsection (7) have~~
3186 ~~been met, the department shall issue a letter certifying the~~
3187 ~~applicant as qualified for an award. The department and the~~
3188 ~~award recipient shall enter into an agreement that sets forth~~
3189 ~~the conditions for payment of the incentive funds. The agreement~~
3190 ~~must include, at a minimum:~~

- 3191 ~~1. The total amount of funds awarded.~~
- 3192 ~~2. The performance conditions that must be met in order to~~
3193 ~~obtain the award or portions of the award, including, but not~~
3194 ~~limited to, net new employment in the state, average wage, and~~
3195 ~~total cumulative investment.~~
- 3196 ~~3. Demonstration of a baseline of current service and a~~
3197 ~~measure of enhanced capability.~~
- 3198 ~~4. The methodology for validating performance.~~

3199 ~~5. The schedule of payments.~~

3200 ~~6. Sanctions for failure to meet performance conditions,~~

3201 ~~including any clawback provisions.~~

3202 ~~(b) Additionally, agreements signed on or after July 1,~~

3203 ~~2009,~~ must include the following provisions:

3204 1. Notwithstanding subsection (4), a requirement that the

3205 jobs created by the recipient of the incentive funds pay an

3206 annual average wage at least equal to the relevant industry's

3207 annual average wage or at least 130 percent of the average

3208 private sector wage in the area, whichever is greater.

3209 2. A reinvestment requirement. Each recipient of an award

3210 shall reinvest up to 15 percent of net royalty revenues,

3211 including revenues from spin-off companies and the revenues from

3212 the sale of stock it receives from the licensing or transfer of

3213 inventions, methods, processes, and other patentable discoveries

3214 conceived or reduced to practice using its facilities in Florida

3215 or its Florida-based employees, in whole or in part, and to

3216 which the recipient of the grant becomes entitled during the 20

3217 years following the effective date of its agreement with the

3218 department. Each recipient of an award also shall reinvest up to

3219 15 percent of the gross revenues it receives from naming

3220 opportunities associated with any facility it builds in this

3221 state. Reinvestment payments shall commence no later than 6

3222 months after the recipient of the grant has received the final

3223 disbursement under the contract and shall continue until the

3224 maximum reinvestment, as specified in the contract, has been

3225 paid. Reinvestment payments shall be remitted to the department
3226 for deposit in the Biomedical Research Trust Fund for companies
3227 specializing in biomedicine or life sciences, or in the Economic
3228 Development Trust Fund for companies specializing in fields
3229 other than biomedicine or the life sciences. If these trust
3230 funds no longer exist at the time of the reinvestment, the
3231 state's share of reinvestment shall be deposited in their
3232 successor trust funds as determined by law. Each recipient of an
3233 award shall annually submit a schedule of the shares of stock
3234 held by it as payment of the royalty required by this paragraph
3235 and report on any trades or activity concerning such stock. Each
3236 recipient's reinvestment obligations survive the expiration or
3237 termination of its agreement with the state.

3238 3. Requirements for the establishment of internship
3239 programs or other learning opportunities for educators and
3240 secondary, postsecondary, graduate, and doctoral students.

3241 4. A requirement that the recipient submit quarterly
3242 reports and annual reports related to activities and performance
3243 to the department, according to standardized reporting periods.

3244 5. A requirement for an annual accounting to the
3245 department of the expenditure of funds disbursed under this
3246 section.

3247 6. A process for amending the agreement.

3248 Section 19. Subsection (1) of section 288.1166, Florida
3249 Statutes, is amended to read:

3250 288.1166 Professional sports facility; designation as

3251 shelter site for the homeless; establishment of local programs.—

3252 (1) A professional sports facility constructed with
 3253 financial assistance from the state and a professional golf hall
 3254 of fame facility, certified pursuant to s. 288.1168, shall be
 3255 designated as a shelter site for the homeless during the period
 3256 of a declared federal, state, or local emergency in accordance
 3257 with the criteria of locally existing homeless shelter programs
 3258 unless:

3259 (a) The facility is otherwise contractually obligated for
 3260 a specific event or activity;

3261 (b) The facility is designated or used by the county
 3262 owning the facility as a staging area; or

3263 (c) The county owning the facility also owns or operates
 3264 homeless assistance centers and the county determines there
 3265 exists sufficient capacity to meet the sheltering needs of
 3266 homeless persons within the county.

3267 Section 20. Subsections (5) and (6) of section 288.1168,
 3268 Florida Statutes, are amended to read:

3269 288.1168 Professional golf hall of fame facility.—

3270 (5) By January 1, 2016, and every 5th year thereafter, the
 3271 Department of Revenue shall ~~may~~ audit as provided in s. 213.34
 3272 to verify that the distributions under this section have been
 3273 expended as required by this section.

3274 (6) Beginning in 2016, the department must annually
 3275 recertify ~~every 10 years~~ that the facility is open, continues to
 3276 be the only professional golf hall of fame in the United States

3277 recognized by the PGA Tour, Inc., and is meeting the minimum
3278 projections for attendance or sales tax revenue as required at
3279 the time of original certification.

3280 (a) For each year ~~If~~ the facility is not certified as
3281 meeting the minimum projections, the PGA Tour, Inc., shall
3282 increase its required advertising contribution of \$2 million
3283 annually to \$3 ~~\$2.5~~ million annually in lieu of reduction of any
3284 funds as provided by s. 212.20. The additional funds ~~\$500,000~~
3285 must be allocated in their ~~its~~ entirety for the use and
3286 promotion of generic Florida advertising as determined by the
3287 department in consultation with the Florida Tourism Industry
3288 Marketing Corporation. The facility must be prominently featured
3289 in at least 10 percent, but no more than 25 percent, of such
3290 advertising.

3291 (b) By October 1, 2015, a certified applicant must submit
3292 a report to the department detailing actions that may be taken
3293 by the applicant to increase out-of-state visitors to the
3294 facility. As part of its annual report, the department shall
3295 provide detailed information regarding the activities of the
3296 applicant in increasing out-of-state visitors to the facility,
3297 and the total number of visitors to the facility in the previous
3298 fiscal year.

3299 (c) If the facility is not open to the public or is no
3300 longer in use as the only professional golf hall of fame in the
3301 United States recognized by the PGA Tour, Inc., the facility
3302 shall be decertified ~~the entire \$2.5 million for advertising~~

3303 ~~must be used for generic Florida advertising as determined by~~
 3304 ~~the department.~~

3305 Section 21. Section 288.1169, Florida Statutes, is
 3306 repealed.

3307 Section 22. Subsection (2) of section 288.1201, Florida
 3308 Statutes, is amended to read:

3309 288.1201 State Economic Enhancement and Development Trust
 3310 Fund.—

3311 (2) The trust fund is established for use as a depository
 3312 for funds to be used for the purposes specified in subsection
 3313 (1). Moneys to be credited to the trust fund shall consist of
 3314 documentary stamp tax proceeds as specified in law, local
 3315 financial support funds, interest earnings, reversions specified
 3316 in law, and cash advances from other trust funds. Funds shall be
 3317 expended only pursuant to legislative appropriation or an
 3318 approved amendment to the department's operating budget pursuant
 3319 to the provisions of chapter 216.

3320 Section 23. Subsection (2) and paragraph (b) of subsection
 3321 (5) of section 288.901, Florida Statutes, are amended to read:

3322 288.901 Enterprise Florida, Inc.—

3323 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 3324 economic development organization for the state, using ~~utilizing~~
 3325 private sector and public sector expertise in collaboration with
 3326 the department to:

3327 (a) Increase private investment in Florida.†

3328 (b) Advance international and domestic trade

3329 opportunities.~~†~~

3330 (c) Market the state both as a probusiness location for
 3331 new investment and as an unparalleled tourist destination.~~†~~

3332 (d) Revitalize Florida's space and aerospace industries,
 3333 and promote emerging complementary industries.~~†~~

3334 (e) Promote opportunities for minority-owned businesses.~~†~~

3335 (f) Assist and market professional and amateur sport teams
 3336 and sporting events in Florida.~~†~~ ~~and~~

3337 (g) Assist, promote, and enhance economic opportunities in
 3338 this state's rural and urban communities.

3339 (h) Foster and encourage high-technology startup and
 3340 second-stage business development within the state.

3341 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3342 (b) In making their appointments, the Governor, the
 3343 President of the Senate, and the Speaker of the House of
 3344 Representatives shall ensure that the composition of the board
 3345 of directors reflects the diversity of Florida's business
 3346 community and is representative of the economic development
 3347 goals in subsection (2). The board must include at least one
 3348 director for each of the following areas of expertise:
 3349 international business, tourism marketing, the space or
 3350 aerospace industry, managing or financing a minority-owned
 3351 business, manufacturing, finance and accounting, rural economic
 3352 development, and sports marketing.

3353 Section 24. Subsection (8) of section 288.9602, Florida
 3354 Statutes, is amended to read:

3355 288.9602 Findings and declarations of necessity.—The
 3356 Legislature finds and declares that:

3357 (8) In order to efficiently and effectively achieve the
 3358 purposes of this act, it is necessary and in the public interest
 3359 to create a special development finance authority to cooperate
 3360 and act in conjunction with public agencies of this state and
 3361 local governments of this state, ~~through interlocal agreements~~
 3362 ~~pursuant to the Florida Interlocal Cooperation Act of 1969,~~ in
 3363 the promotion and advancement of projects related to economic
 3364 development, including redevelopment of brownfield areas,
 3365 throughout the state.

3366 Section 25. Paragraph (b) of subsection (3) of section
 3367 288.9604, Florida Statutes, is amended to read:

3368 288.9604 Creation of the authority.—

3369 (3)

3370 (b) The powers of the corporation shall be exercised by
 3371 the directors thereof. A majority of the directors constitutes a
 3372 quorum for the purposes of conducting business and exercising
 3373 the powers of the corporation and for all other purposes. All
 3374 actions taken by the qualified directors in furtherance of the
 3375 purposes of the act, as defined in s. 288.9603, during the
 3376 pendency of one or more vacancies occurring on or after January
 3377 1, 2008, are deemed valid and binding actions of the corporation
 3378 as of the date of such actions, without regard to such
 3379 vacancies. Action may be taken by the corporation upon a vote of
 3380 a majority of the directors present, unless in any case the

3381 | bylaws require a larger number. Any person may be appointed as
 3382 | director if he or she resides, or is engaged in business, which
 3383 | means owning a business, practicing a profession, or performing
 3384 | a service for compensation or serving as an officer or director
 3385 | of a corporation or other business entity so engaged, within the
 3386 | state.

3387 | Section 26. Paragraph (e) of subsection (2) of section
 3388 | 288.9605, Florida Statutes, is amended to read:

3389 | 288.9605 Corporation powers.—

3390 | (2) The corporation is authorized and empowered to:

3391 | (e) Enter into interlocal agreements ~~pursuant to s.~~
 3392 | ~~163.01(7)~~ with public agencies of this state for the exercise of
 3393 | any power, privilege, or authority consistent with the purposes
 3394 | of this act.

3395 | Section 27. Subsections (1), (2), (3), and (7) of section
 3396 | 288.9606, Florida Statutes, are amended, and subsection (8) is
 3397 | added to that section, to read:

3398 | 288.9606 Issue of revenue bonds.—

3399 | (1) ~~When authorized by a public agency pursuant to s.~~
 3400 | ~~163.01(7)~~, The corporation has power in its corporate capacity,
 3401 | in its discretion, to issue revenue bonds or other evidences of
 3402 | indebtedness ~~which a public agency has the power to issue,~~ from
 3403 | time to time to finance the undertaking of any purpose of this
 3404 | act, including, without limiting the generality thereof, the
 3405 | payment of principal and interest upon any advances for surveys
 3406 | and plans or preliminary loans, and has the power to issue

3407 refunding bonds for the payment or retirement of bonds
3408 previously issued. Bonds issued pursuant to this section shall
3409 bear the name "Florida Development Finance Corporation Revenue
3410 Bonds." The security for such bonds may be based upon such
3411 revenues as are legally available. In anticipation of the sale
3412 of such revenue bonds, the corporation may issue bond
3413 anticipation notes and may renew such notes from time to time,
3414 but the maximum maturity of any such note, including renewals
3415 thereof, may not exceed 5 years from the date of issuance of the
3416 original note. Such notes shall be paid from any revenues of the
3417 corporation available therefor and not otherwise pledged or from
3418 the proceeds of sale of the revenue bonds in anticipation of
3419 which they were issued. Any bond, note, or other form of
3420 indebtedness issued pursuant to this act shall mature no later
3421 than the end of the 30th fiscal year after the fiscal year in
3422 which the bond, note, or other form of indebtedness was issued.

3423 (2) Bonds issued under this section do not constitute an
3424 indebtedness within the meaning of any constitutional or
3425 statutory debt limitation or restriction, and are not subject to
3426 the provisions of any other law or charter relating to the
3427 authorization, issuance, or sale of bonds. Bonds issued under
3428 ~~the provisions of~~ this act are declared to be for an essential
3429 public and governmental purpose. Bonds issued under this act,
3430 ~~the interest on which is exempt from income taxes of the United~~
3431 ~~States,~~ together with interest thereon and income therefrom, are
3432 exempted from all taxes, except those taxes imposed by chapter

3433 220, on interest, income, or profits on debt obligations owned
3434 by corporations, pursuant to s. 159.31. Bonds issued under this
3435 part are not a debt, liability, or obligation of the state or of
3436 any political subdivision thereof, or a pledge of the faith and
3437 credit of the corporation or of the state or of any such
3438 political subdivision, but are payable solely from the revenues
3439 provided therefor. Each bond issued under this part shall
3440 contain on the face thereof a statement to the effect that the
3441 corporation is not obligated to pay the same nor interest
3442 thereon from the revenues and proceeds pledged therefor, and
3443 that neither the faith and credit nor the taxing power of the
3444 corporation or of the state or of any political subdivision
3445 thereof is pledged to the payment of the principal of or the
3446 interest on such bonds.

3447 (3) Bonds issued under this section ~~shall be authorized by~~
3448 ~~a public agency of this state pursuant to the terms of an~~
3449 ~~interlocal agreement, unless such bonds are issued pursuant to~~
3450 ~~subsection (7);~~ may be issued in one or more series, and shall
3451 bear such date or dates, be payable upon demand or mature at
3452 such time or times, bear interest rate or rates, be in such
3453 denomination or denominations, be in such form either with or
3454 without coupon or registered, carry such conversion or
3455 registration privileges, have such rank or priority, be executed
3456 in such manner, be payable in such medium of payments at such
3457 place or places, be subject to such terms of redemption, with or
3458 without premium, be secured in such manner, and have such other

3459 characteristics as may be provided by the corporation. Bonds
3460 issued under this section may be sold in such manner, either at
3461 public or private sale, and for such price as the corporation
3462 may determine will effectuate the purpose of this act.

3463 (7) Notwithstanding any provision of this section, the
3464 corporation in its corporate capacity may, in addition to bonds
3465 otherwise authorized to be issued under this act ~~without~~
3466 ~~authorization from a public agency under s. 163.01(7)~~, issue
3467 revenue bonds or other evidence of indebtedness under this
3468 section, to:

3469 (a) Finance the undertaking of any project within the
3470 state that promotes renewable energy as defined in s. 366.91 or
3471 s. 377.803;

3472 (b) Finance the undertaking of any project within the
3473 state that is a project contemplated or allowed under s. 406 of
3474 the American Recovery and Reinvestment Act of 2009; or

3475 (c) ~~If permitted by federal law,~~ Finance qualifying
3476 improvement projects within the state pursuant to ~~under~~ s.
3477 163.08. Such projects shall be financed under this paragraph by
3478 encumbering property for special assessment calculation purposes
3479 and imposing only those special assessments that are requested
3480 by or on behalf of the property owner or property owners
3481 entering into a financing agreement and receiving the benefit of
3482 the qualifying improvements. Such special assessments are
3483 limited to those prescribed by s. 163.08 for local governments.
3484 The corporation has no additional power to impose any

3485 assessments, liens, taxes, or any other powers of a local
3486 government entity.

3487 (8) Notwithstanding s. 163.08(13), no more than 30 days
3488 after entering into a financing agreement, the property owner
3489 shall provide to the holders or loan servicers of any existing
3490 mortgages encumbering or otherwise secured by the property a
3491 notice of the owner's intent to enter into a financing agreement
3492 together with the maximum principal amount to be financed and
3493 the maximum annual assessment necessary to repay that amount. A
3494 verified copy or other proof of such notice shall be provided to
3495 the local government. A provision in any agreement between a
3496 mortgagee or other lienholder and a property owner, or otherwise
3497 now or hereafter binding upon a property owner, which allows for
3498 acceleration of payment of the mortgage, note, or lien or other
3499 unilateral modification solely as a result of entering into a
3500 financing agreement as provided for in this section is not
3501 enforceable. This subsection does not limit the authority of the
3502 holder or loan servicer to increase the required monthly escrow
3503 by an amount necessary to annually pay the qualifying
3504 improvement assessment.

3505 Section 28. Section 288.9610, Florida Statutes, is amended
3506 to read:

3507 288.9610 Annual reports of Florida Development Finance
3508 Corporation.—On or before 90 days after the close of the Florida
3509 Development Finance Corporation's fiscal year, the corporation
3510 shall submit to the Governor, the Legislature, and the Auditor

3511 General, ~~and the governing body of each public entity with which~~
 3512 ~~it has entered into an interlocal agreement~~ a complete and
 3513 detailed report setting forth:

3514 (1) The results of any audit conducted pursuant to s.
 3515 11.45.

3516 (2) The activities, operations, and accomplishments of the
 3517 Florida Development Finance Corporation, including the number of
 3518 businesses assisted by the corporation.

3519 (3) Its assets, liabilities, income, and operating
 3520 expenses at the end of its most recent fiscal year, including a
 3521 description of all of its outstanding revenue bonds.

3522 Section 29. Section 288.991, Florida Statutes, is amended
 3523 to read:

3524 288.991 Short title.—This part ~~Sections 288.991–288.9922~~
 3525 may be cited as the "New Markets Development Program Act."

3526 Section 30. Subsections (3), (5), and (6) of section
 3527 288.9914, Florida Statutes, are amended to read:

3528 288.9914 Certification of qualified investments;
 3529 investment issuance reporting.—

3530 (3) REVIEW.—

3531 (a) The department shall review applications to approve an
 3532 investment as a qualified investment in the order received. The
 3533 department shall approve or deny an application within 30
 3534 calendar days after receipt.

3535 (b) If the department intends to deny the application, the
 3536 department shall inform the applicant of the basis of the

3537 | proposed denial. The applicant shall have 15 calendar days after
 3538 | it receives the notice of the intent to deny the application to
 3539 | submit a revised application to the department. The department
 3540 | shall issue a final order approving or denying the revised
 3541 | application within 30 calendar days after receipt.

3542 | (c) The department may not approve a cumulative amount of
 3543 | qualified investments that may result in the claim of more than
 3544 | \$216.34 million in tax credits during the existence of the
 3545 | program or more than \$36.6 million in tax credits in a single
 3546 | state fiscal year. However, the potential for a taxpayer to
 3547 | carry forward an unused tax credit may not be considered in
 3548 | calculating the annual limit.

3549 | (5) DURATION OF APPROVAL.—The qualified community
 3550 | development entity must issue the qualified investment in
 3551 | exchange for cash within 60 calendar days after it receives the
 3552 | order approving an investment as a qualified investment,
 3553 | otherwise the order is void.

3554 | (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
 3555 | qualified community development entity must provide the
 3556 | department with evidence of the receipt of the cash in exchange
 3557 | for the qualified investment within 30 calendar ~~business~~ days
 3558 | after receipt.

3559 | Section 31. Subsection (1) of section 288.9917, Florida
 3560 | Statutes, is amended to read:

3561 | 288.9917 Community development entity reporting after a
 3562 | credit allowance date; certification of tax credit amount.—

3563 (1) A qualified community development entity that has
 3564 issued a qualified investment shall submit the following to the
 3565 department within 30 calendar days after each credit allowance
 3566 date:

3567 (a) A list of all qualified active low-income community
 3568 businesses in which a qualified low-income community investment
 3569 was made since the last credit allowance date. The list shall
 3570 also describe the type and amount of investment in each business
 3571 and the address of the principal location of each business. The
 3572 list must be verified by the chief executive officer of the
 3573 community development entity.

3574 (b) Bank records, wire transfer records, or similar
 3575 documents that provide evidence of the qualified low-income
 3576 community investments made since the last credit allowance date.

3577 (c) A verified statement by the chief financial or
 3578 accounting officer of the community development entity that no
 3579 redemption or principal repayment was made with respect to the
 3580 qualified investment since the previous credit allowance date.

3581 (d) Information relating to the recapture of the federal
 3582 new markets tax credit since the last credit allowance date.

3583 Section 32. Section 288.9937, Florida Statutes, is amended
 3584 to read:

3585 288.9937 Evaluation of programs.—The Office of Economic
 3586 and Demographic Research and the Office of Program Policy
 3587 Analysis and Government Accountability shall analyze and
 3588 ~~evaluate, and determine the economic benefits, as defined in s.~~

3589 ~~288.005,~~ of the first 3 years of the Microfinance Loan Program
 3590 and the Microfinance Guarantee Program. The analysis by the
 3591 Office of Economic and Demographic Research must ~~also~~ evaluate
 3592 the number of jobs created, the increase or decrease in personal
 3593 income, and the impact on state gross domestic product from the
 3594 direct, indirect, and induced effects of the state's investment.
 3595 The analysis by the Office of Program Policy Analysis and
 3596 Government Accountability must ~~also~~ identify any inefficiencies
 3597 in the programs and provide recommendations for changes to the
 3598 programs. Each ~~The~~ office shall submit a report to the President
 3599 of the Senate and the Speaker of the House of Representatives by
 3600 January 15, ~~17,~~ 2018. This section expires January 31, 2018.

3601 Section 33. Section 288.913, Florida Statutes, is created
 3602 to read:

3603 288.913 Startup Florida Initiative.-

3604 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.-The Legislature
 3605 finds that successful high-technology startup and second-stage
 3606 businesses are critical to the state's overall economic growth
 3607 and such businesses play an outsized role in job creation. The
 3608 Legislature also finds that Enterprise Florida, Inc., the
 3609 state's economic development organization, is uniquely suited to
 3610 foster and encourage more high-technology startup and second-
 3611 stage business development within the state. Therefore, the
 3612 Legislature declares that it is the policy of the state to
 3613 prioritize high-technology startup and second-stage business
 3614 development within the state and directs Enterprise Florida,

3615 Inc., to develop the Startup Florida Initiative to further said
3616 policy.

3617 (2) DEFINITIONS.—As used in this section, the term:

3618 (a) "Advanced technology products" means high-technology
3619 products produced by a business that employs a high proportion
3620 of scientists, engineers, and technicians. Such products may be
3621 classified within, but not be limited to, the following fields:

3622 1. Biotechnology products related to advanced scientific
3623 discoveries in genetics.

3624 2. Life science products related to the application of
3625 nonbiological scientific advances to medical science.

3626 3. Optoelectronic products related to the emission or
3627 detection of light.

3628 4. Information and communications products related to the
3629 processing of increased volumes of information in shorter
3630 periods of time.

3631 5. Electronics products related to design advances in
3632 electronic components that result in improved performance and
3633 capacity, or reduced size.

3634 6. Flexible manufacturing products related to robotics,
3635 numerically-controlled machine tools, and similar products
3636 involving industrial automation that allows for greater
3637 flexibility in the manufacturing process and reduction in the
3638 amount of human intervention.

3639 7. Advanced materials products related to advances in the
3640 development of materials that allow for further development and

3641 application of other advanced technologies.

3642 8. Aerospace products related to military and civil
3643 helicopters, airplanes, and spacecraft.

3644 9. Weapons products related to products with military
3645 application.

3646 10. Nuclear technology products related to nuclear power
3647 production apparatus.

3648 (b) "High-technology startup" means a business unit that
3649 has been in operation for less than 5 years and employs fewer
3650 than 10 employees, which produces a high proportion of advanced
3651 technology products.

3652 (c) "Second-stage business" means a business unit that
3653 employs at least 10 but not more than 50 employees, generates at
3654 least \$1 million but not more than \$25 million in annual
3655 revenue, and produces a high proportion of advanced technology
3656 products.

3657 (3) STATEWIDE STRATEGIC PLAN.—

3658 (a) The department shall develop a statewide strategic
3659 plan for high-technology startup and second-stage business
3660 growth and development in consultation with Enterprise Florida,
3661 Inc., the Institute for the Commercialization of Public
3662 Research, the Florida Economic Gardening Institute, the state's
3663 local and regional economic development organizations, and other
3664 stakeholders, public and private, that have experience and
3665 expertise in high-technology startup and second-stage business
3666 growth and development activities.

3667 (b) In developing the strategic plan, the department shall
3668 evaluate best practices; examine the startup, entrepreneurship,
3669 and second-stage business programs of other states; and survey
3670 high-technology startups and second-stage businesses and support
3671 organizations, both within and outside the state.

3672 (c) The strategic plan shall include actionable steps to
3673 provide technical support to local and regional economic
3674 development organizations to enhance high-technology startup and
3675 second-stage business growth at local and regional levels.

3676 (d) The strategic plan shall include an evaluation of the
3677 accessibility of the state's economic development incentive and
3678 loan programs to high-technology startups and second-stage
3679 businesses.

3680 (e) By January 1, 2016, the department shall deliver the
3681 strategic plan to the Governor, the President of the Senate, and
3682 the Speaker of the House of Representatives.

3683 (f) Upon completion, the strategic plan shall become part
3684 of the 5-year statewide strategic plan developed by the Division
3685 of Strategic Business Development required by s. 20.60.

3686 (4) MARKETING.—Enterprise Florida, Inc., shall market the
3687 state's economic development activities related to the growth
3688 and development of high-technology startups and second-stage
3689 businesses both inside and outside the state.

3690 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
3691 information regarding its activities related to the growth and
3692 development of high-technology startups and second-stage

3693 businesses in its annual report required by s. 288.906.

3694 Section 34. Section 189.033, Florida Statutes, is amended
3695 to read:

3696 189.033 Independent special district services in
3697 disproportionally affected county; rate reduction for providers
3698 providing economic benefits.—If the governing body of an
3699 independent special district that provides water, wastewater,
3700 and sanitation services in a disproportionally affected county,
3701 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
3702 new user or the expansion of an existing user of one or more of
3703 its utility systems will provide a significant benefit to the
3704 community in terms of increased job opportunities, economies of
3705 scale, or economic development in the area, the governing body
3706 may authorize a reduction of its rates, fees, or charges for
3707 that user for a specified period of time. A governing body that
3708 exercises this power must do so by resolution that states the
3709 anticipated economic benefit justifying the reduction as well as
3710 the period of time that the reduction will remain in place.

3711 Section 35. Subsections (1) and (3), paragraph (a) of
3712 subsection (5), and paragraph (e) of subsection (7) of section
3713 288.11625, Florida Statutes, are amended to read:

3714 288.11625 Sports development.—

3715 (1) ADMINISTRATION.—The department shall serve as the
3716 state agency responsible for screening applicants for state
3717 funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

3718 (3) PURPOSE.—The purpose of this section is to provide

3719 applicants state funding under s. 212.20(6)(d)6.e.
 3720 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 3721 reconstructing, renovating, or improving a facility.

3722 (5) EVALUATION PROCESS.—

3723 (a) Before recommending an applicant to receive a state
 3724 distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the
 3725 department must verify that:

3726 1. The applicant or beneficiary is responsible for the
 3727 construction, reconstruction, renovation, or improvement of a
 3728 facility and obtained at least three bids for the project.

3729 2. If the applicant is not a unit of local government, a
 3730 unit of local government holds title to the property on which
 3731 the facility and project are, or will be, located.

3732 3. If the applicant is a unit of local government in whose
 3733 jurisdiction the facility is, or will be, located, the unit of
 3734 local government has an exclusive intent agreement to negotiate
 3735 in this state with the beneficiary.

3736 4. A unit of local government in whose jurisdiction the
 3737 facility is, or will be, located supports the application for
 3738 state funds. Such support must be verified by the adoption of a
 3739 resolution, after a public hearing, that the project serves a
 3740 public purpose.

3741 5. The applicant or beneficiary has not previously
 3742 defaulted or failed to meet any statutory requirements of a
 3743 previous state-administered sports-related program under s.
 3744 288.1162, s. 288.11621, s. 288.11631, or this section.

3745 Additionally, the applicant or beneficiary is not currently
3746 receiving state distributions under s. 212.20 for the facility
3747 that is the subject of the application, unless the applicant
3748 demonstrates that the franchise that applied for a distribution
3749 under s. 212.20 no longer plays at the facility that is the
3750 subject of the application.

3751 6. The applicant or beneficiary has sufficiently
3752 demonstrated a commitment to employ residents of this state,
3753 contract with Florida-based firms, and purchase locally
3754 available building materials to the greatest extent possible.

3755 7. If the applicant is a unit of local government, the
3756 applicant has a certified copy of a signed agreement with a
3757 beneficiary for the use of the facility. If the applicant is a
3758 beneficiary, the beneficiary must enter into an agreement with
3759 the department. The applicant's or beneficiary's agreement must
3760 also require the following:

3761 a. The beneficiary must reimburse the state for state
3762 funds that will be distributed if the beneficiary relocates or
3763 no longer occupies or uses the facility as the facility's
3764 primary tenant before the agreement expires. Reimbursements must
3765 be sent to the Department of Revenue for deposit into the
3766 General Revenue Fund.

3767 b. The beneficiary must pay for signage or advertising
3768 within the facility. The signage or advertising must be placed
3769 in a prominent location as close to the field of play or
3770 competition as is practicable, must be displayed consistent with

3771 signage or advertising in the same location and of like value,
3772 and must feature Florida advertising approved by the Florida
3773 Tourism Industry Marketing Corporation.

3774 8. The project will commence within 12 months after
3775 receiving state funds or did not commence before January 1,
3776 2013.

3777 (7) CONTRACT.—An applicant approved by the Legislature and
3778 certified by the department must enter into a contract with the
3779 department which:

3780 (e) Requires the applicant to reimburse the state by
3781 electing to do one of the following:

3782 1. After all distributions have been made, reimburse at
3783 the end of the contract term any amount by which the total
3784 distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~
3785 exceed actual new incremental state sales taxes generated by
3786 sales at the facility during the contract, plus a 5 percent
3787 penalty on that amount.

3788 2. After the applicant begins to submit the independent
3789 analysis under paragraph (c), reimburse each year any amount by
3790 which the previous year's annual distribution exceeds 75 percent
3791 of the actual new incremental state sales taxes generated by
3792 sales at the facility.

3793

3794 Any reimbursement due to the state must be made within 90 days
3795 after the applicable distribution under this paragraph. If the
3796 applicant is unable or unwilling to reimburse the state for such

3797 amount, the department may place a lien on the applicant's
 3798 facility. If the applicant is a municipality or county, it may
 3799 reimburse the state from its half-cent sales tax allocation, as
 3800 provided in s. 218.64(3). Reimbursements must be sent to the
 3801 Department of Revenue for deposit into the General Revenue Fund.

3802 Section 36. Paragraph (c) of subsection (2) and paragraphs
 3803 (a), (c), and (d) of subsection (3) of section 288.11631,
 3804 Florida Statutes, are amended to read:

3805 288.11631 Retention of Major League Baseball spring
 3806 training baseball franchises.—

3807 (2) CERTIFICATION PROCESS.—

3808 (c) Each applicant certified on or after July 1, 2013,
 3809 shall enter into an agreement with the department which:

3810 1. Specifies the amount of the state incentive funding to
 3811 be distributed. The amount of state incentive funding per
 3812 certified applicant may not exceed \$20 million. However, if a
 3813 certified applicant's facility is used by more than one spring
 3814 training franchise, the maximum amount may not exceed \$50
 3815 million, and the Department of Revenue shall make distributions
 3816 to the applicant pursuant to s. 212.20(6)(d)6.d.

3817 ~~212.20(6)(d)6.e.~~

3818 2. States the criteria that the certified applicant must
 3819 meet in order to remain certified. These criteria must include a
 3820 provision stating that the spring training franchise must
 3821 reimburse the state for any funds received if the franchise does
 3822 not comply with the terms of the contract. If bonds were issued

3823 to construct or renovate a facility for a spring training
 3824 franchise, the required reimbursement must be equal to the total
 3825 amount of state distributions expected to be paid from the date
 3826 the franchise violates the agreement with the applicant through
 3827 the final maturity of the bonds.

3828 3. States that the certified applicant is subject to
 3829 decertification if the certified applicant fails to comply with
 3830 this section or the agreement.

3831 4. States that the department may recover state incentive
 3832 funds if the certified applicant is decertified.

3833 5. Specifies the information that the certified applicant
 3834 must report to the department.

3835 6. Includes any provision deemed prudent by the
 3836 department.

3837 (3) USE OF FUNDS.—

3838 (a) A certified applicant may use funds provided under s.
 3839 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

3840 1. Serve the public purpose of constructing or renovating
 3841 a facility for a spring training franchise.

3842 2. Pay or pledge for the payment of debt service on, or to
 3843 fund debt service reserve funds, arbitrage rebate obligations,
 3844 or other amounts payable with respect thereto, bonds issued for
 3845 the construction or renovation of such facility, or for the
 3846 reimbursement of such costs or the refinancing of bonds issued
 3847 for such purposes.

3848 (c) The Department of Revenue may not distribute funds

3849 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
 3850 Further, the Department of Revenue may not distribute funds to
 3851 an applicant certified on or after July 1, 2013, until it
 3852 receives notice from the department that:

3853 1. The certified applicant has encumbered funds under
 3854 either subparagraph (a)1. or subparagraph (a)2.; and

3855 2. If applicable, any existing agreement with a spring
 3856 training franchise for the use of a facility has expired.

3857 (d)1. All certified applicants shall place unexpended
 3858 state funds received pursuant to s. 212.20(6)(d)6.d.
 3859 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
 3860 only as authorized in this section.

3861 2. A certified applicant may request that the department
 3862 notify the Department of Revenue to suspend further
 3863 distributions of state funds made available under s.
 3864 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration
 3865 of an existing agreement with a spring training franchise to
 3866 provide the certified applicant with an opportunity to enter
 3867 into a new agreement with a spring training franchise, at which
 3868 time the distributions shall resume.

3869 3. The expenditure of state funds distributed to an
 3870 applicant certified after July 1, 2013, must begin within 48
 3871 months after the initial receipt of the state funds. In
 3872 addition, the construction or renovation of a spring training
 3873 facility must be completed within 24 months after the project's
 3874 commencement.

3875 Section 37. (1) Any building permit, and any permit
3876 issued by the Department of Environmental Protection or by a
3877 water management district pursuant to part IV of chapter 373,
3878 Florida Statutes, which has an expiration date of January 1,
3879 2015, through January 1, 2017, is extended and renewed for a
3880 period of 2 years after its expiration date. This extension
3881 includes any local government-issued development order or
3882 building permit including certificates of levels of service.
3883 This section does not prohibit conversion from the construction
3884 phase to the operation phase upon completion of construction.
3885 This extension is in addition to any existing permit extension.
3886 Extensions granted pursuant to this section; s. 14 of chapter
3887 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
3888 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
3889 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
3890 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
3891 2014-218, Laws of Florida, may not exceed 4 years in total.
3892 Further, specific development order extensions granted pursuant
3893 to s. 380.06(19)(c)2., Florida Statutes, may not be further
3894 extended by this section.

3895 (2) The commencement and completion dates for any required
3896 mitigation associated with a phased construction project are
3897 extended so that mitigation takes place in the same timeframe
3898 relative to the phase as originally permitted.

3899 (3) The holder of a valid permit or other authorization
3900 that is eligible for the 2-year extension must notify the

3901 authorizing agency in writing by December 31, 2015, identifying
3902 the specific authorization for which the holder intends to use
3903 the extension and the anticipated timeframe for acting on the
3904 authorization.

3905 (4) The extension provided in subsection (1) does not
3906 apply to:

3907 (a) A permit or other authorization under any programmatic
3908 or regional general permit issued by the United States Army
3909 Corps of Engineers.

3910 (b) A permit or other authorization held by an owner or
3911 operator determined to be in significant noncompliance with the
3912 conditions of the permit or authorization as established through
3913 the issuance of a warning letter or notice of violation, the
3914 initiation of formal enforcement, or other equivalent action by
3915 the authorizing agency.

3916 (c) A permit or other authorization, if granted an
3917 extension, that would delay or prevent compliance with a court
3918 order.

3919 (5) Permits extended under this section continue to be
3920 governed by the rules in effect at the time the permit was
3921 issued unless it is demonstrated that the rules in effect at the
3922 time the permit was issued would create an immediate threat to
3923 public safety or health. This provision applies to any
3924 modification of the plans, terms, and conditions of the permit
3925 that lessens the environmental impact, except that any such
3926 modification does not extend the time limit beyond 2 additional

3927 years.

3928 (6) This section does not impair the authority of a county
3929 or municipality to require the owner of a property who has
3930 notified the county or municipality of the owner's intent to
3931 receive the extension of time granted pursuant to this section
3932 to maintain and secure the property in a safe and sanitary
3933 condition in compliance with applicable laws and ordinances.

3934 Section 38. Section 290.50, Florida Statutes, is created
3935 to read:

3936 290.50 Local enterprise zone program.-

3937 (1) DEFINITIONS.-As used in this section, the term:

3938 (a) "Designated local enterprise zone area" means a
3939 defined geographic area identified by the governing body of a
3940 county or municipality, or by the governing bodies of a county
3941 and one or more municipalities, that is targeted for accelerated
3942 economic growth through the reduction of local taxes and
3943 regulations. A designated local enterprise zone area must be
3944 created by a local resolution as part of a local enterprise zone
3945 program.

3946 (b) "Employee" means any person who receives remuneration
3947 from an employer or third party for the performance of any work
3948 or service while engaged in any employment, contract for hire,
3949 or apprenticeship.

3950 (c) "Expanding business" means a business entity
3951 authorized to do business in the state that increases its total
3952 number of full-time employees by at least 10 percent and is

3953 located in a designated local enterprise zone area. A business
 3954 entity qualifies as an expanding business under this section
 3955 regardless of the type of employee employed by the business
 3956 entity.

3957 (d) "Local enterprise zone program" means a program
 3958 established by a local government pursuant to subsection (2).

3959 (e) "Newly established business" means any business entity
 3960 authorized to do business in the state that has conducted
 3961 operations for less than 1 year and is located in a designated
 3962 local enterprise zone area.

3963 (2) A local government may adopt a resolution establishing
 3964 a local enterprise zone program through which it creates 1 or
 3965 more designated local enterprise zone areas and grants
 3966 exemptions from specified local taxes, fees, permits, and
 3967 licenses to newly established or expanding businesses.

3968 (3) A local government that establishes a local enterprise
 3969 zone program shall submit a copy of the resolution establishing
 3970 the program to the Department of Economic Opportunity within 20
 3971 calendar days after enacting the resolution.

3972 (4) A local enterprise zone program must exempt all newly
 3973 established or expanding businesses from the following
 3974 ordinances, taxes, and fees imposed by the local government for
 3975 a minimum of 24 consecutive months:

3976 (a) Business taxes.

3977 (b) Impact fees.

3978 (c) Business, professional, and occupational regulatory

3979 fees.

3980 (d) Green utility fees.

3981 (e) Building permit fees.

3982 (f) Special assessments, including but not limited to

3983 services associated with beach renourishment and restoration,

3984 downtown redevelopment, solid waste disposal, fire and rescue

3985 services, fire protection, parking facilities, sewer

3986 improvements, stormwater management services, street

3987 improvements, and water and sewer line extensions.

3988 (g) Sign ordinance requirements, permits, and fees.

3989 (h) Tree and landscape ordinance requirements, permits,

3990 and fees.

3991 (5) A local government may not issue a citation for a

3992 violation of a municipal code or ordinance applicable to:

3993 (a) A newly established business, for a period no less

3994 than 24 months after commencement of the business's operations.

3995 (b) An expanding business, for a period of no less than 24

3996 months after an expansion of the business that results in an

3997 increase of the business's number of full-time employees of 10

3998 percent or more.

3999 (c) Any business located within a designated local

4000 enterprise zone area for a period no less than 24 months after

4001 the creation of such zone.

4002

4003 This subsection does not apply to violations of a municipal code

4004 or ordinance that pose a direct threat to the health and safety

4005 of the public.

4006 (6) A local government that establishes a local enterprise
 4007 zone program is not prohibited from providing local financial
 4008 incentives to businesses of any industry type, including those
 4009 not identified as target industries pursuant to s. 288.106.

4010 Section 39. Section 290.60, Florida Statutes, is created
 4011 to read:

4012 290.60 Enterprise zone certification program.-

4013 (1) PURPOSE.-The enterprise zone certification program is
 4014 hereby created for the purpose of certifying designated local
 4015 enterprise zone areas, as defined in s. 290.50, that are
 4016 submitted to the Department of Economic Opportunity pursuant to
 4017 s. 290.50(3).

4018 (2) APPLICATION.-

4019 (a) The governing body of a county or municipality or the
 4020 governing bodies of a county and one or more municipalities may
 4021 submit an application to the Department of Economic Opportunity
 4022 for certification of a designated local enterprise zone area as
 4023 an enterprise zone. An application for certification must be
 4024 received by the Department of Economic Opportunity by January 1
 4025 of each year and must include the following:

4026 1. An aerial map and legal description of the proposed
 4027 enterprise zone.

4028 2. Demographic information regarding the proposed
 4029 enterprise zone which includes unemployment, poverty, crime,
 4030 income, and property value metrics. The Department of Economic

4031 Opportunity shall consult with the Office of Economic and
4032 Demographic Research to develop or identify standard sources and
4033 units of measurement for each required metric and make such
4034 approved sources and units of measurement accessible to the
4035 public on its website.

4036 3. Verification that the applicant has made available to
4037 the public on its official county or municipal website a list of
4038 local taxes, licenses, and fee data and information related to
4039 the creation of a new business, the expansion of an existing
4040 business, and the operation of an existing business, located in
4041 the applicant's jurisdiction.

4042 4. A list and description of the local financial
4043 incentives that have been or will be enacted by the applicant
4044 for the purpose of assisting in the redevelopment of the
4045 enterprise zone. These incentives may include the municipal
4046 service tax exemption provided in s. 166.231, the economic
4047 development ad valorem tax exemption provided in s. 205.054,
4048 local impact fee abatement or reduction, low-interest or
4049 interest-free loans or grants to businesses to encourage
4050 economic growth within the enterprise zone, and other local
4051 financial incentives.

4052 5. A copy of the resolution adopted pursuant to s.
4053 290.50(2), identifying the designated local enterprise zone
4054 area.

4055 (b) The Department of Economic Opportunity may adopt rules
4056 to develop forms and administer the requirements of this

4057 section.

4058 (3) CERTIFICATION.-All timely submitted and completed
4059 applications shall be certified by the Department of Economic
4060 Opportunity and assigned a unique identification number by June
4061 30 of each year. A certified enterprise zone is not required to
4062 reapply for certification.

4063 (4) MARKETING.-The Department of Economic Opportunity
4064 shall develop a marketing and advertising plan in coordination
4065 with local governments for the purpose of highlighting the
4066 benefits of the enterprise zone program and encouraging
4067 increased business activity within certified enterprise zones.

4068 (5) ANNUAL REPORT.-

4069 (a) By October 1 of each year each local government
4070 containing a certified enterprise zone within its jurisdiction
4071 shall submit to the Department of Economic Opportunity for
4072 inclusion in the annual report required under s. 20.60:

4073 1. The number and types of businesses established within
4074 the certified enterprise zone during the previous fiscal year.

4075 2. The number of jobs created within the certified
4076 enterprise zone during the previous fiscal year.

4077 3. A detailed description of the local and state financial
4078 incentives granted to businesses located in the certified
4079 enterprise zone during the previous fiscal year.

4080 4. A detailed description of the local regulatory
4081 incentives granted to businesses within the certified enterprise
4082 zone during the previous fiscal year.

4083 5. Any other information requested by the Department of
 4084 Economic Opportunity.

4085 (b) The Department of Economic Opportunity shall include
 4086 in its annual report updated demographic information described
 4087 in subparagraph (2)(a)2., for each certified enterprise zone.

4088 (6) DECERTIFICATION.-A certified enterprise zone shall be
 4089 decertified by the Department of Economic Opportunity if:

4090 (a) The resolution creating the local enterprise zone
 4091 program has been repealed.

4092 (b) The local governing body or bodies in whose
 4093 jurisdiction the certified enterprise zone is located has
 4094 submitted a written request that the certified enterprise zone
 4095 be decertified. Such notification must include a resolution,
 4096 adopted by the governing body or bodies after a public meeting,
 4097 stating that decertification of the enterprise zone is in the
 4098 best interest of the community.

4099 Section 40. Subsections (5) and (19) of section 159.27,
 4100 Florida Statutes, are amended to read:

4101 159.27 Definitions.—The following words and terms, unless
 4102 the context clearly indicates a different meaning, shall have
 4103 the following meanings:

4104 (5) "Project" means any capital project comprising an
 4105 industrial or manufacturing plant, a research and development
 4106 park, an agricultural processing or storage facility, a
 4107 warehousing or distribution facility, a headquarters facility, a
 4108 tourism facility, a convention or trade show facility, an urban

4109 | parking facility, a trade center, a health care facility, an
 4110 | educational facility, a correctional or detention facility, a
 4111 | motion picture production facility, a preservation or
 4112 | rehabilitation of a certified historic structure, an airport or
 4113 | port facility, a commercial project in a certified ~~an~~ enterprise
 4114 | zone, a pollution-control facility, a hazardous or solid waste
 4115 | facility, a social service center, or a mass commuting facility,
 4116 | including one or more buildings and other structures, whether or
 4117 | not on the same site or sites; any rehabilitation, improvement,
 4118 | renovation, or enlargement of, or any addition to, any buildings
 4119 | or structures for use as a factory, a mill, a processing plant,
 4120 | an assembly plant, a fabricating plant, an industrial
 4121 | distribution center, a repair, overhaul, or service facility, a
 4122 | test facility, an agricultural processing or storage facility, a
 4123 | warehousing or distribution facility, a headquarters facility, a
 4124 | tourism facility, a convention or trade show facility, an urban
 4125 | parking facility, a trade center, a health care facility, an
 4126 | educational facility, a correctional or detention facility, a
 4127 | motion picture production facility, a preservation or
 4128 | rehabilitation of a certified historic structure, an airport or
 4129 | port facility, a commercial project in a certified ~~an~~ enterprise
 4130 | zone, a pollution-control facility, a hazardous or solid waste
 4131 | facility, a social service center, or a mass commuting facility,
 4132 | and other facilities, including research and development
 4133 | facilities, for manufacturing, processing, assembling,
 4134 | repairing, overhauling, servicing, testing, or handling of any

4135 products or commodities embraced in any industrial or
 4136 manufacturing plant, in connection with the purposes of a
 4137 research and development park, or other facilities for or used
 4138 in connection with an agricultural processing or storage
 4139 facility, a warehousing or distribution facility, a headquarters
 4140 facility, a tourism facility, a convention or trade show
 4141 facility, an urban parking facility, a trade center, a health
 4142 care facility, an educational facility, a correctional or
 4143 detention facility, a motion picture production facility, a
 4144 preservation or rehabilitation of a certified historic
 4145 structure, an airport or port facility, or a commercial project
 4146 in a certified ~~an~~ enterprise zone or for controlling air or
 4147 water pollution or for the disposal, processing, conversion, or
 4148 reclamation of hazardous or solid waste, a social service
 4149 center, or a mass commuting facility; and including also the
 4150 sites thereof and other rights in land therefor whether improved
 4151 or unimproved, machinery, equipment, site preparation and
 4152 landscaping, and all appurtenances and facilities incidental
 4153 thereto, such as warehouses, utilities, access roads, railroad
 4154 sidings, truck docking and similar facilities, parking
 4155 facilities, office or storage or training facilities, public
 4156 lodging and restaurant facilities, dockage, wharfage, solar
 4157 energy facilities, and other improvements necessary or
 4158 convenient for any manufacturing or industrial plant, research
 4159 and development park, agricultural processing or storage
 4160 facility, warehousing or distribution facility, tourism

4161 facility, convention or trade show facility, urban parking
 4162 facility, trade center, health care facility, educational
 4163 facility, a correctional or detention facility, motion picture
 4164 production facility, preservation or rehabilitation of a
 4165 certified historic structure, airport or port facility,
 4166 commercial project in a certified ~~an~~ enterprise zone, pollution-
 4167 control facility, hazardous or solid waste facility, social
 4168 service center, or a mass commuting facility and any one or more
 4169 combinations of the foregoing.

4170 (19) "Commercial project in a certified ~~an~~ enterprise
 4171 zone" means buildings, building additions or renovations, or
 4172 other structures to be newly constructed and suitable for use by
 4173 a commercial enterprise, and includes the site on which such
 4174 buildings or structures are located, located in a certified ~~an~~
 4175 ~~area designated as an~~ enterprise zone ~~pursuant to s. 290.0065.~~

4176 Section 41. Subsection (5) of section 159.803, Florida
 4177 Statutes, is amended to read:

4178 159.803 Definitions.—As used in this part, the term:

4179 (5) "Priority project" means a solid waste disposal
 4180 facility or a sewage facility, as such terms are defined in s.
 4181 142 of the Code, or a water facility, as defined in s. 142 of
 4182 the Code, which is operated by a member-owned, not-for-profit
 4183 utility, or any project which is to be located in an area which
 4184 is a certified ~~an~~ enterprise zone ~~designated pursuant to s.~~
 4185 ~~290.0065.~~

4186 Section 42. Subsection (3) of section 163.2517, Florida

4187 Statutes, is amended to read:

4188 163.2517 Designation of urban infill and redevelopment
4189 area.—

4190 (3) A local government seeking to designate a geographic
4191 area within its jurisdiction as an urban infill and
4192 redevelopment area shall prepare a plan that describes the
4193 infill and redevelopment objectives of the local government
4194 within the proposed area. In lieu of preparing a new plan, the
4195 local government may demonstrate that an existing plan or
4196 combination of plans associated with a community redevelopment
4197 area, Florida Main Street program, Front Porch Florida
4198 Community, sustainable community, certified enterprise zone, or
4199 neighborhood improvement district includes the factors listed in
4200 paragraphs (a)-(n), including a collaborative and holistic
4201 community participation process, or amend such existing plans to
4202 include these factors. The plan shall demonstrate the local
4203 government and community's commitment to comprehensively address
4204 the urban problems within the urban infill and redevelopment
4205 area and identify activities and programs to accomplish locally
4206 identified goals such as code enforcement; improved educational
4207 opportunities; reduction in crime; neighborhood revitalization
4208 and preservation; provision of infrastructure needs, including
4209 mass transit and multimodal linkages; and mixed-use planning to
4210 promote multifunctional redevelopment to improve both the
4211 residential and commercial quality of life in the area. The plan
4212 shall also:

4213 (a) Contain a map depicting the geographic area or areas
4214 to be included within the designation.

4215 (b) Confirm that the infill and redevelopment area is
4216 within an area designated for urban uses in the local
4217 government's comprehensive plan.

4218 (c) Identify and map existing enterprise zones, community
4219 redevelopment areas, community development corporations,
4220 brownfield areas, downtown redevelopment districts, safe
4221 neighborhood improvement districts, historic preservation
4222 districts, and empowerment zones or enterprise communities
4223 located within the area proposed for designation as an urban
4224 infill and redevelopment area and provide a framework for
4225 coordinating infill and redevelopment programs within the urban
4226 core.

4227 (d) Identify a memorandum of understanding between the
4228 district school board and the local government jurisdiction
4229 regarding public school facilities located within the urban
4230 infill and redevelopment area to identify how the school board
4231 will provide priority to enhancing public school facilities and
4232 programs in the designated area, including the reuse of existing
4233 buildings for schools within the area.

4234 (e) Identify each neighborhood within the proposed area
4235 and state community preservation and revitalization goals and
4236 projects identified through a collaborative and holistic
4237 community participation process and how such projects will be
4238 implemented.

4239 (f) Identify how the local government and community-based
4240 organizations intend to implement affordable housing programs,
4241 including, but not limited to, economic and community
4242 development programs administered by federal and state agencies,
4243 within the urban infill and redevelopment area.

4244 (g) Identify strategies for reducing crime.

4245 (h) If applicable, provide guidelines for the adoption of
4246 land development regulations specific to the urban infill and
4247 redevelopment area which include, for example, setbacks and
4248 parking requirements appropriate to urban development.

4249 (i) Identify and map any existing transportation
4250 concurrency exception areas and any relevant public
4251 transportation corridors designated by a metropolitan planning
4252 organization in its long-range transportation plans or by the
4253 local government in its comprehensive plan for which the local
4254 government seeks designation as a transportation concurrency
4255 exception area. For those areas, describe how public
4256 transportation, pedestrian ways, and bikeways will be
4257 implemented as an alternative to increased automobile use.

4258 (j) Identify and adopt a package of financial and local
4259 government incentives which the local government will offer for
4260 new development, expansion of existing development, and
4261 redevelopment within the urban infill and redevelopment area.

4262 Examples of such incentives include:

- 4263 1. Waiver of license and permit fees.
- 4264 2. Exemption of sales made in the urban infill and

4265 redevelopment area from local option sales surtaxes imposed
 4266 pursuant to s. 212.055.

4267 3. Waiver of delinquent local taxes or fees to promote the
 4268 return of property to productive use.

4269 4. Expedited permitting.

4270 5. Lower transportation impact fees for development which
 4271 encourages more use of public transit, pedestrian, and bicycle
 4272 modes of transportation.

4273 6. Prioritization of infrastructure spending within the
 4274 urban infill and redevelopment area.

4275 7. Local government absorption of developers' concurrency
 4276 costs.

4277
 4278 In order to be authorized to recognize the exemption from local
 4279 option sales surtaxes pursuant to subparagraph 2., the owner,
 4280 lessee, or lessor of the new development, expanding existing
 4281 development, or redevelopment within the urban infill and
 4282 redevelopment area must file an application under oath with the
 4283 governing body having jurisdiction over the urban infill and
 4284 redevelopment area where the business is located. The
 4285 application must include the name and address of the business
 4286 claiming the exclusion from collecting local option surtaxes; an
 4287 address and assessment roll parcel number of the urban infill
 4288 and redevelopment area for which the exemption is being sought;
 4289 a description of the improvements made to accomplish the new
 4290 development, expanding development, or redevelopment of the real

4291 | property; a copy of the building permit application or the
 4292 | building permit issued for the development of the real property;
 4293 | a new application for a certificate of registration with the
 4294 | Department of Revenue with the address of the new development,
 4295 | expanding development, or redevelopment; and the location of the
 4296 | property. The local government must review and approve the
 4297 | application and submit the completed application and
 4298 | documentation along with a copy of the ordinance adopted
 4299 | pursuant to subsection (5) to the Department of Revenue in order
 4300 | for the business to become eligible to make sales exempt from
 4301 | local option sales surtaxes in the urban infill and
 4302 | redevelopment area.

4303 | (k) Identify how activities and incentives within the
 4304 | urban infill and redevelopment area will be coordinated and what
 4305 | administrative mechanism the local government will use for the
 4306 | coordination.

4307 | (l) Identify how partnerships with the financial and
 4308 | business community will be developed.

4309 | (m) Identify the governance structure that the local
 4310 | government will use to involve community representatives in the
 4311 | implementation of the plan.

4312 | (n) Identify performance measures to evaluate the success
 4313 | of the local government in implementing the urban infill and
 4314 | redevelopment plan.

4315 | Section 43. Subsection (8) of section 163.503, Florida
 4316 | Statutes, is amended to read:

4317 163.503 Definitions.—

4318 (8) "Certified enterprise zone" means an area certified
 4319 ~~designated~~ pursuant to s. 290.60 ~~290.0065~~.

4320 Section 44. Section 163.521, Florida Statutes, is amended
 4321 to read:

4322 163.521 Neighborhood improvement district located in
 4323 certified ~~inside~~ enterprise zone; funding.—The local governing
 4324 body of any municipality or county in which the boundaries of a
 4325 certified ~~an~~ enterprise zone include a neighborhood improvement
 4326 district in whole or in part, prior to October 1 of each year,
 4327 may request the Department of Legal Affairs to submit within its
 4328 budget request to the Legislature provisions to fund capital
 4329 improvements. A request may be made for 100 percent of the
 4330 capital improvement costs for 25 percent of the area of the
 4331 certified enterprise zone which overlaps the district. The local
 4332 governing body may also request a 100-percent matching grant for
 4333 capital improvement costs for the remaining 75 percent of the
 4334 area of the certified enterprise zone which overlaps the
 4335 district. Local governments must demonstrate the capacity to
 4336 implement the project within 2 years after the date of the
 4337 appropriation. Funds appropriated under this provision may not
 4338 be expended until after completion and approval of the safe
 4339 neighborhood improvement plan pursuant to ss. 163.516 and
 4340 163.519(11). Capital improvements contained within the request
 4341 submitted by the local governing body must be specifically
 4342 related to crime prevention through community policing

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4343 innovations, environmental design, environmental security, and
4344 defensible space and must be reviewed by the department for
4345 compliance with the principles of crime prevention through
4346 community policing innovations, environmental design,
4347 environmental security, and defensible space. The department
4348 shall rank order all requests received for capital improvements
4349 funding based on the necessity of the improvements to the
4350 overall implementation of the safe neighborhood plan; the degree
4351 to which the improvements help the plan achieve crime prevention
4352 through community policing innovations, environmental design,
4353 environmental security, and defensible space objectives; the
4354 effect of the improvements on residents of low or moderate
4355 income; and the fiscal inability of local government to perform
4356 the improvements without state assistance.

4357 Section 45. Subsection (1) of section 163.522, Florida
4358 Statutes, is amended to read:

4359 163.522 State redevelopment programs.—

4360 (1) Any county or municipality containing a certified
4361 ~~which has nominated an area as an enterprise zone pursuant to s.~~
4362 ~~290.0055 which has been so designated pursuant to s. 290.0065~~ is
4363 directed to give consideration to the creation of a neighborhood
4364 improvement district within said area.

4365 Section 46. Subsection (8) of section 166.231, Florida
4366 Statutes, is amended to read:

4367 166.231 Municipalities; public service tax.—

4368 (8) (a) ~~Beginning July 1, 1995,~~ A municipality may by

4369 ordinance exempt not less than 50 percent of the tax imposed
4370 under this section on purchasers of electrical energy who are
4371 located within a certified enterprise zone or determined to be
4372 eligible for the exemption provided by s. 212.08(15) by the
4373 Department of Revenue. The exemption shall be administered as
4374 provided in that section. A copy of any ordinance adopted
4375 pursuant to this subsection shall be provided to the Department
4376 of Revenue not less than 14 days before ~~prior to~~ its effective
4377 date.

4378 (b) If an area submitted for enterprise zone certification
4379 ~~that is nominated as an enterprise zone pursuant to s. 290.60~~
4380 ~~290.0055~~ has not yet been certified ~~designated pursuant to s.~~
4381 ~~290.0065~~, a municipality may enact an ordinance for such
4382 exemption; however, the ordinance shall not be effective until
4383 such area is certified ~~designated pursuant to s. 290.0065~~.

4384 ~~(c) This subsection expires on the date specified in s.~~
4385 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
4386 ~~except that any qualified business that has satisfied the~~
4387 ~~requirements of this subsection before that date shall be~~
4388 ~~allowed the full benefit of the exemption allowed under this~~
4389 ~~subsection as if this subsection had not expired on that date.~~

4390 Section 47. Paragraphs (a) and (b) of subsection (14),
4391 paragraph (b) of subsection (15), and subsection (18) of section
4392 196.012, Florida Statutes, are amended to read:

4393 196.012 Definitions.—For the purpose of this chapter, the
4394 following terms are defined as follows, except where the context

4395 clearly indicates otherwise:

4396 (14) "New business" means:

4397 (a)1. A business or organization establishing 10 or more
 4398 new jobs to employ 10 or more full-time employees in this state,
 4399 paying an average wage for such new jobs that is above the
 4400 average wage in the area, which principally engages in any one
 4401 or more of the following operations:

4402 a. Manufactures, processes, compounds, fabricates, or
 4403 produces for sale items of tangible personal property at a fixed
 4404 location and which comprises an industrial or manufacturing
 4405 plant; or

4406 b. Is a target industry business as defined in s.
 4407 288.106(2)(n) ~~288.106(2)(q)~~;

4408 2. A business or organization establishing 25 or more new
 4409 jobs to employ 25 or more full-time employees in this state, the
 4410 sales factor of which, as defined by s. 220.15(5), for the
 4411 facility with respect to which it requests an economic
 4412 development ad valorem tax exemption is less than 0.50 for each
 4413 year the exemption is claimed; or

4414 3. An office space in this state owned and used by a
 4415 business or organization newly domiciled in this state; provided
 4416 such office space houses 50 or more full-time employees of such
 4417 business or organization; provided that such business or
 4418 organization office first begins operation on a site clearly
 4419 separate from any other commercial or industrial operation owned
 4420 by the same business or organization.

4421 (b) Any business or organization located in a certified ~~an~~
 4422 enterprise zone or brownfield area that first begins operation
 4423 on a site clearly separate from any other commercial or
 4424 industrial operation owned by the same business or organization.

4425 (15) "Expansion of an existing business" means:

4426 (b) Any business or organization located in a certified ~~an~~
 4427 enterprise zone or brownfield area that increases operations on
 4428 a site located within the same zone or area colocated with a
 4429 commercial or industrial operation owned by the same business or
 4430 organization under common control with the same business or
 4431 organization.

4432 (18) "Certified enterprise zone" means an enterprise zone
 4433 certified area designated as an enterprise zone pursuant to s.
 4434 290.60 ~~290.0065~~. ~~This subsection expires on the date specified~~
 4435 ~~in s. 290.016 for the expiration of the Florida Enterprise Zone~~
 4436 ~~Act.~~

4437 Section 48. Section 196.095, Florida Statutes, is amended
 4438 to read:

4439 196.095 Exemption for a licensed child care facility
 4440 operating in a certified ~~an~~ enterprise zone.—

4441 (1) Any real estate used and owned as a child care
 4442 facility as defined in s. 402.302 which operates in a certified
 4443 ~~an~~ enterprise zone pursuant to chapter 290 is exempt from
 4444 taxation.

4445 (2) To claim a certified ~~an~~ enterprise zone child care
 4446 property tax exemption authorized by this section, a child care

4447 facility must file an application under oath with the governing
4448 body ~~or enterprise zone development agency~~ having jurisdiction
4449 over the certified enterprise zone where the child care center
4450 is located. Within 10 working days after receipt of an
4451 application, the governing body ~~or enterprise zone development~~
4452 ~~agency~~ shall review the application to determine if it contains
4453 all the information required pursuant to this section and meets
4454 the criteria set out in this section. The governing body or
4455 agency shall certify all applications that contain the
4456 information required pursuant to this section and meet the
4457 criteria set out in this section as eligible to receive an ad
4458 valorem tax exemption. The child care center shall be
4459 responsible for forwarding all application materials to the
4460 governing body ~~or enterprise zone development agency~~.

4461 (3) The production by the child care facility operator of
4462 a current license by the Department of Children and Families or
4463 local licensing authority and certification by the governing
4464 body ~~or enterprise zone~~ where the child care center is located
4465 is prima facie evidence that the child care facility owner is
4466 entitled to such exemptions.

4467 Section 49. Subsections (3) and (5) of section 196.1995,
4468 Florida Statutes, are amended to read:

4469 196.1995 Economic development ad valorem tax exemption.—

4470 (3) The board of county commissioners or the governing
4471 authority of the municipality that calls a referendum within its
4472 total jurisdiction to determine whether its respective

4473 jurisdiction may grant economic development ad valorem tax
 4474 exemptions may vote to limit the effect of the referendum to
 4475 authority to grant economic development tax exemptions for new
 4476 businesses and expansions of existing businesses located in a
 4477 certified ~~an~~ enterprise zone or a brownfield area, as defined in
 4478 s. 376.79(4). If an area submitted for enterprise zone
 4479 certification ~~nominated to be an enterprise zone~~ pursuant to s.
 4480 290.60 ~~290.0055~~ has not yet been certified ~~designated~~ pursuant
 4481 ~~to s. 290.0065~~, the board of county commissioners or the
 4482 governing authority of the municipality may call such referendum
 4483 prior to such certification ~~designation~~; however, the authority
 4484 to grant economic development ad valorem tax exemptions does not
 4485 apply until such area is certified ~~designated~~ pursuant to s.
 4486 ~~290.0065~~. The ballot question in such referendum shall be in
 4487 substantially the following form and shall be used in lieu of
 4488 the ballot question prescribed in subsection (2):
 4489 Shall the board of county commissioners of this county (or the
 4490 governing authority of this municipality, or both) be authorized
 4491 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 4492 property tax exemptions for new businesses and expansions of
 4493 existing businesses that are located in a certified ~~an~~
 4494 enterprise zone or a brownfield area and that are expected to
 4495 create new, full-time jobs in the county (or municipality, or
 4496 both)?
 4497 ...Yes-For authority to grant exemptions.
 4498 ...No-Against authority to grant exemptions.

4499 (5) Upon a majority vote in favor of such authority, the
4500 board of county commissioners or the governing authority of the
4501 municipality, at its discretion, by ordinance may exempt from ad
4502 valorem taxation up to 100 percent of the assessed value of all
4503 improvements to real property made by or for the use of a new
4504 business and of all tangible personal property of such new
4505 business, or up to 100 percent of the assessed value of all
4506 added improvements to real property made to facilitate the
4507 expansion of an existing business and of the net increase in all
4508 tangible personal property acquired to facilitate such expansion
4509 of an existing business. To qualify for this exemption, the
4510 improvements to real property must be made or the tangible
4511 personal property must be added or increased after approval by
4512 motion or resolution of the local governing body, subject to
4513 ordinance adoption or on or after the day the ordinance is
4514 adopted. However, if the authority to grant exemptions is
4515 approved in a referendum in which the ballot question contained
4516 in subsection (3) appears on the ballot, the authority of the
4517 board of county commissioners or the governing authority of the
4518 municipality to grant exemptions is limited solely to new
4519 businesses and expansions of existing businesses that are
4520 located in a certified ~~an~~ enterprise zone or brownfield area.
4521 Property acquired to replace existing property shall not be
4522 considered to facilitate a business expansion. The exemption
4523 applies only to taxes levied by the respective unit of
4524 government granting the exemption. The exemption does not apply,

4525 however, to taxes levied for the payment of bonds or to taxes
 4526 authorized by a vote of the electors pursuant to s. 9(b) or s.
 4527 12, Art. VII of the State Constitution. Any such exemption shall
 4528 remain in effect for up to 10 years with respect to any
 4529 particular facility, regardless of any change in the authority
 4530 of the county or municipality to grant such exemptions. The
 4531 exemption shall not be prolonged or extended by granting
 4532 exemptions from additional taxes or by virtue of any
 4533 reorganization or sale of the business receiving the exemption.

4534 Section 50. Subsection (4) of section 205.022, Florida
 4535 Statutes, is amended to read:

4536 205.022 Definitions.—When used in this chapter, the
 4537 following terms and phrases shall have the meanings ascribed to
 4538 them in this section, except when the context clearly indicates
 4539 a different meaning:

4540 (4) "Certified enterprise zone" means an area certified
 4541 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.
 4542 ~~This subsection expires on the date specified in s. 290.016 for~~
 4543 ~~the expiration of the Florida Enterprise Zone Act.~~

4544 Section 51. Section 205.054, Florida Statutes, is amended
 4545 to read:

4546 205.054 Business tax; partial exemption for engaging in
 4547 business or occupation in certified enterprise zone.—

4548 (1) Notwithstanding the provisions of s. 205.033(1)(a) or
 4549 s. 205.043(1)(a), the governing body of a county or municipality
 4550 may authorize by appropriate resolution or ordinance, adopted

4551 pursuant to the procedure established in s. 205.032 or s.
4552 205.042, the exemption of 50 percent of the business tax levied
4553 for the privilege of engaging in or managing any business,
4554 profession, or occupation in the respective jurisdiction of the
4555 county or municipality when such privilege is exercised at a
4556 permanent business location or branch office located in a
4557 certified ~~an~~ enterprise zone.

4558 (2) Such exemption applies to each classification for
4559 which a business tax receipt is required in the jurisdiction.
4560 Classifications shall be the same in a certified ~~an~~ enterprise
4561 zone as elsewhere in the jurisdiction. Each county or municipal
4562 business tax receipt issued with the exemption authorized in
4563 this section shall be in the same general form as the other
4564 county or municipal business tax receipts and shall expire at
4565 the same time as those other receipts expire as fixed by law.
4566 Any receipt issued with the exemption authorized in this section
4567 is nontransferable. The exemption authorized in this section
4568 does not apply to any penalty authorized in s. 205.053.

4569 (3) Each tax collecting authority of a county or
4570 municipality which provides the exemption authorized in this
4571 section shall issue to each person who may be entitled to the
4572 exemption a receipt pursuant to the provisions contained in this
4573 section. Before a receipt with such exemption is issued to an
4574 applicant, the tax collecting authority must, in each case, be
4575 provided proof that the applicant is entitled to such exemption.
4576 Such proof shall be made by means of a statement filed under

4577 oath with the tax collecting authority, which statement
 4578 indicates that the permanent business location or branch office
 4579 of the applicant is located in a certified ~~an~~ enterprise zone of
 4580 a jurisdiction which has authorized the exemption permitted in
 4581 this section.

4582 (4) Any receipt obtained with the exemption authorized in
 4583 this subsection by the commission of fraud upon the issuing
 4584 authority is void. Any person who has fraudulently obtained such
 4585 exemption and thereafter engages, under color of the receipt, in
 4586 any business, profession, or occupation requiring the business
 4587 tax receipt is subject to prosecution for engaging in a
 4588 business, profession, or occupation without having the required
 4589 receipt under the laws of the state.

4590 (5) If an area has been submitted for certification
 4591 ~~nominated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0055~~
 4592 ~~has not yet been designated pursuant to s. 290.0065~~, the
 4593 governing body of a county or municipality may enact the
 4594 appropriate ordinance or resolution authorizing the exemption
 4595 permitted in this section; however, such ordinance or resolution
 4596 will not be effective until such area is certified ~~designated~~
 4597 pursuant to s. 290.60 ~~290.0065~~.

4598 ~~(6) This section expires on the date specified in s.~~
 4599 ~~290.016 for the expiration of the Florida Enterprise Zone Act;~~
 4600 ~~and a receipt may not be issued with the exemption authorized in~~
 4601 ~~this section for any period beginning on or after that date.~~

4602 Section 52. Subsection (6) of section 212.02, Florida

4603 Statutes, is amended to read:

4604 212.02 Definitions.—The following terms and phrases when
4605 used in this chapter have the meanings ascribed to them in this
4606 section, except where the context clearly indicates a different
4607 meaning:

4608 (6) "Certified enterprise zone" means an enterprise zone
4609 certified ~~an area of the state designated~~ pursuant to s. 290.60
4610 ~~290.0065. This subsection expires on the date specified in s.~~
4611 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

4612 Section 53. Paragraphs (o) and (p) of subsection (5) of
4613 section 212.08, Florida Statutes, are amended to read:

4614 212.08 Sales, rental, use, consumption, distribution, and
4615 storage tax; specified exemptions.—The sale at retail, the
4616 rental, the use, the consumption, the distribution, and the
4617 storage to be used or consumed in this state of the following
4618 are hereby specifically exempt from the tax imposed by this
4619 chapter.

4620 (5) EXEMPTIONS; ACCOUNT OF USE.—

4621 (o) Building materials in redevelopment projects.—

4622 1. As used in this paragraph, the term:

4623 a. "Building materials" means tangible personal property
4624 that becomes a component part of a housing project or a mixed-
4625 use project.

4626 b. "Housing project" means the conversion of an existing
4627 manufacturing or industrial building to a housing unit which is
4628 in an urban high-crime area, a certified ~~an~~ enterprise zone, an

4629 empowerment zone, a Front Porch Community, a designated
4630 brownfield site for which a rehabilitation agreement with the
4631 Department of Environmental Protection or a local government
4632 delegated by the Department of Environmental Protection has been
4633 executed under s. 376.80 and any abutting real property parcel
4634 within a brownfield area, or an urban infill area; and in which
4635 the developer agrees to set aside at least 20 percent of the
4636 housing units in the project for low-income and moderate-income
4637 persons or the construction in a designated brownfield area of
4638 affordable housing for persons described in s. 420.0004(9),
4639 (11), (12), or (17) or in s. 159.603(7).

4640 c. "Mixed-use project" means the conversion of an existing
4641 manufacturing or industrial building to mixed-use units that
4642 include artists' studios, art and entertainment services, or
4643 other compatible uses. A mixed-use project must be located in an
4644 urban high-crime area, a certified ~~an~~ enterprise zone, an
4645 empowerment zone, a Front Porch Community, a designated
4646 brownfield site for which a rehabilitation agreement with the
4647 Department of Environmental Protection or a local government
4648 delegated by the Department of Environmental Protection has been
4649 executed under s. 376.80 and any abutting real property parcel
4650 within a brownfield area, or an urban infill area; and the
4651 developer must agree to set aside at least 20 percent of the
4652 square footage of the project for low-income and moderate-income
4653 housing.

4654 d. "Substantially completed" has the same meaning as

4655 provided in s. 192.042(1).

4656 2. Building materials used in the construction of a
4657 housing project or mixed-use project are exempt from the tax
4658 imposed by this chapter upon an affirmative showing to the
4659 satisfaction of the department that the requirements of this
4660 paragraph have been met. This exemption inures to the owner
4661 through a refund of previously paid taxes. To receive this
4662 refund, the owner must file an application under oath with the
4663 department which includes:

4664 a. The name and address of the owner.

4665 b. The address and assessment roll parcel number of the
4666 project for which a refund is sought.

4667 c. A copy of the building permit issued for the project.

4668 d. A certification by the local building code inspector
4669 that the project is substantially completed.

4670 e. A sworn statement, under penalty of perjury, from the
4671 general contractor licensed in this state with whom the owner
4672 contracted to construct the project, which statement lists the
4673 building materials used in the construction of the project and
4674 the actual cost thereof, and the amount of sales tax paid on
4675 these materials. If a general contractor was not used, the owner
4676 shall provide this information in a sworn statement, under
4677 penalty of perjury. Copies of invoices evidencing payment of
4678 sales tax must be attached to the sworn statement.

4679 3. An application for a refund under this paragraph must
4680 be submitted to the department within 6 months after the date

4681 the project is deemed to be substantially completed by the local
4682 building code inspector. Within 30 working days after receipt of
4683 the application, the department shall determine if it meets the
4684 requirements of this paragraph. A refund approved pursuant to
4685 this paragraph shall be made within 30 days after formal
4686 approval of the application by the department.

4687 4. The department shall establish by rule an application
4688 form and criteria for establishing eligibility for exemption
4689 under this paragraph.

4690 5. The exemption shall apply to purchases of materials on
4691 or after July 1, 2000.

4692 (p) Community contribution tax credit for donations.—

4693 1. Authorization.—Persons who are registered with the
4694 department under s. 212.18 to collect or remit sales or use tax
4695 and who make donations to eligible sponsors are eligible for tax
4696 credits against their state sales and use tax liabilities as
4697 provided in this paragraph:

4698 a. The credit shall be computed as 50 percent of the
4699 person's approved annual community contribution.

4700 b. The credit shall be granted as a refund against state
4701 sales and use taxes reported on returns and remitted in the 12
4702 months preceding the date of application to the department for
4703 the credit as required in sub-subparagraph 3.c. If the annual
4704 credit is not fully used through such refund because of
4705 insufficient tax payments during the applicable 12-month period,
4706 the unused amount may be included in an application for a refund

4707 made pursuant to sub-subparagraph 3.c. in subsequent years
 4708 against the total tax payments made for such year. Carryover
 4709 credits may be applied for a 3-year period without regard to any
 4710 time limitation that would otherwise apply under s. 215.26.

4711 c. A person may not receive more than \$200,000 in annual
 4712 tax credits for all approved community contributions made in any
 4713 one year.

4714 d. All proposals for the granting of the tax credit
 4715 require the prior approval of the Department of Economic
 4716 Opportunity.

4717 e. The total amount of tax credits which may be granted
 4718 for all programs approved under this paragraph, s. 220.183, and
 4719 s. 624.5105 is \$18.4 million annually for projects that provide
 4720 homeownership opportunities for low-income households or very-
 4721 low-income households as those terms are defined in s. 420.9071
 4722 and \$3.5 million annually for all other projects.

4723 f. A person who is eligible to receive the credit provided
 4724 in this paragraph, s. 220.183, or s. 624.5105 may receive the
 4725 credit only under one section of the person's choice.

4726 2. Eligibility requirements.—

4727 a. A community contribution by a person must be in the
 4728 following form:

4729 (I) Cash or other liquid assets;

4730 (II) Real property;

4731 (III) Goods or inventory; or

4732 (IV) Other physical resources identified by the Department

4733 of Economic Opportunity.

4734 b. All community contributions must be reserved
4735 exclusively for use in a project. As used in this sub-
4736 subparagraph, the term "project" means activity undertaken by an
4737 eligible sponsor which is designed to construct, improve, or
4738 substantially rehabilitate housing that is affordable to low-
4739 income households or very-low-income households as those terms
4740 are defined in s. 420.9071; designed to provide commercial,
4741 industrial, or public resources and facilities; or designed to
4742 improve entrepreneurial and job-development opportunities for
4743 low-income persons. A project may be the investment necessary to
4744 increase access to high-speed broadband capability in rural
4745 communities with enterprise zones, including projects that
4746 result in improvements to communications assets that are owned
4747 by a business. A project may include the provision of museum
4748 educational programs and materials that are directly related to
4749 a project approved between January 1, 1996, and December 31,
4750 1999, and located in a certified ~~an~~ enterprise zone ~~designated~~
4751 ~~pursuant to s. 290.0065~~. This paragraph does not preclude
4752 projects that propose to construct or rehabilitate housing for
4753 low-income households or very-low-income households on scattered
4754 sites. With respect to housing, contributions may be used to pay
4755 the following eligible low-income and very-low-income housing-
4756 related activities:

4757 (I) Project development impact and management fees for
4758 low-income or very-low-income housing projects;

4759 (II) Down payment and closing costs for low-income persons
 4760 and very-low-income persons, as those terms are defined in s.
 4761 420.9071;

4762 (III) Administrative costs, including housing counseling
 4763 and marketing fees, not to exceed 10 percent of the community
 4764 contribution, directly related to low-income or very-low-income
 4765 projects; and

4766 (IV) Removal of liens recorded against residential
 4767 property by municipal, county, or special district local
 4768 governments if satisfaction of the lien is a necessary precedent
 4769 to the transfer of the property to a low-income person or very-
 4770 low-income person, as those terms are defined in s. 420.9071,
 4771 for the purpose of promoting home ownership. Contributions for
 4772 lien removal must be received from a nonrelated third party.

4773 c. The project must be undertaken by an "eligible
 4774 sponsor," which includes:

4775 (I) A community action program;

4776 (II) A nonprofit community-based development organization
 4777 whose mission is the provision of housing for low-income
 4778 households or very-low-income households or increasing
 4779 entrepreneurial and job-development opportunities for low-income
 4780 persons;

4781 (III) A neighborhood housing services corporation;

4782 (IV) A local housing authority created under chapter 421;

4783 (V) A community redevelopment agency created under s.
 4784 163.356;

4785 (VI) A historic preservation district agency or
 4786 organization;
 4787 (VII) A regional workforce board;
 4788 (VIII) A direct-support organization as provided in s.
 4789 1009.983;
 4790 (IX) An enterprise zone development agency created under
 4791 s. 290.0056;
 4792 (X) A community-based organization incorporated under
 4793 chapter 617 which is recognized as educational, charitable, or
 4794 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 4795 and whose bylaws and articles of incorporation include
 4796 affordable housing, economic development, or community
 4797 development as the primary mission of the corporation;
 4798 (XI) Units of local government;
 4799 (XII) Units of state government; or
 4800 (XIII) Any other agency that the Department of Economic
 4801 Opportunity designates by rule.
 4802
 4803 A contributing person may not have a financial interest in the
 4804 eligible sponsor.
 4805 d. The project must be located in an area designated a
 4806 certified ~~an~~ enterprise zone or a Front Porch Florida Community,
 4807 unless the project increases access to high-speed broadband
 4808 capability for rural communities that have enterprise zones but
 4809 is physically located outside the designated rural zone
 4810 boundaries. Any project designed to construct or rehabilitate

4811 housing for low-income households or very-low-income households
4812 as those terms are defined in s. 420.9071 is exempt from the
4813 area requirement of this sub-subparagraph.

4814 e.(I) If, during the first 10 business days of the state
4815 fiscal year, eligible tax credit applications for projects that
4816 provide homeownership opportunities for low-income households or
4817 very-low-income households as those terms are defined in s.
4818 420.9071 are received for less than the annual tax credits
4819 available for those projects, the Department of Economic
4820 Opportunity shall grant tax credits for those applications and
4821 grant remaining tax credits on a first-come, first-served basis
4822 for subsequent eligible applications received before the end of
4823 the state fiscal year. If, during the first 10 business days of
4824 the state fiscal year, eligible tax credit applications for
4825 projects that provide homeownership opportunities for low-income
4826 households or very-low-income households as those terms are
4827 defined in s. 420.9071 are received for more than the annual tax
4828 credits available for those projects, the Department of Economic
4829 Opportunity shall grant the tax credits for those applications
4830 as follows:

4831 (A) If tax credit applications submitted for approved
4832 projects of an eligible sponsor do not exceed \$200,000 in total,
4833 the credits shall be granted in full if the tax credit
4834 applications are approved.

4835 (B) If tax credit applications submitted for approved
4836 projects of an eligible sponsor exceed \$200,000 in total, the

4837 amount of tax credits granted pursuant to sub-sub-sub-
 4838 subparagraph (A) shall be subtracted from the amount of
 4839 available tax credits, and the remaining credits shall be
 4840 granted to each approved tax credit application on a pro rata
 4841 basis.

4842 (II) If, during the first 10 business days of the state
 4843 fiscal year, eligible tax credit applications for projects other
 4844 than those that provide homeownership opportunities for low-
 4845 income households or very-low-income households as those terms
 4846 are defined in s. 420.9071 are received for less than the annual
 4847 tax credits available for those projects, the Department of
 4848 Economic Opportunity shall grant tax credits for those
 4849 applications and shall grant remaining tax credits on a first-
 4850 come, first-served basis for subsequent eligible applications
 4851 received before the end of the state fiscal year. If, during the
 4852 first 10 business days of the state fiscal year, eligible tax
 4853 credit applications for projects other than those that provide
 4854 homeownership opportunities for low-income households or very-
 4855 low-income households as those terms are defined in s. 420.9071
 4856 are received for more than the annual tax credits available for
 4857 those projects, the Department of Economic Opportunity shall
 4858 grant the tax credits for those applications on a pro rata
 4859 basis.

4860 3. Application requirements.—

4861 a. Any eligible sponsor seeking to participate in this
 4862 program must submit a proposal to the Department of Economic

4863 Opportunity which sets forth the name of the sponsor, a
4864 description of the project, and the area in which the project is
4865 located, together with such supporting information as is
4866 prescribed by rule. The proposal must also contain a resolution
4867 from the local governmental unit in which the project is located
4868 certifying that the project is consistent with local plans and
4869 regulations.

4870 b. Any person seeking to participate in this program must
4871 submit an application for tax credit to the Department of
4872 Economic Opportunity which sets forth the name of the sponsor, a
4873 description of the project, and the type, value, and purpose of
4874 the contribution. The sponsor shall verify, in writing, the
4875 terms of the application and indicate its receipt of the
4876 contribution, and such verification must accompany the
4877 application for tax credit. The person must submit a separate
4878 tax credit application to the Department of Economic Opportunity
4879 for each individual contribution that it makes to each
4880 individual project.

4881 c. Any person who has received notification from the
4882 Department of Economic Opportunity that a tax credit has been
4883 approved must apply to the department to receive the refund.
4884 Application must be made on the form prescribed for claiming
4885 refunds of sales and use taxes and be accompanied by a copy of
4886 the notification. A person may submit only one application for
4887 refund to the department within a 12-month period.

4888 4. Administration.—

4889 a. The Department of Economic Opportunity may adopt rules
 4890 necessary to administer this paragraph, including rules for the
 4891 approval or disapproval of proposals by a person.

4892 b. The decision of the Department of Economic Opportunity
 4893 must be in writing, and, if approved, the notification shall
 4894 state the maximum credit allowable to the person. Upon approval,
 4895 the Department of Economic Opportunity shall transmit a copy of
 4896 the decision to the department.

4897 c. The Department of Economic Opportunity shall
 4898 periodically monitor all projects in a manner consistent with
 4899 available resources to ensure that resources are used in
 4900 accordance with this paragraph; however, each project must be
 4901 reviewed at least once every 2 years.

4902 d. The Department of Economic Opportunity shall, in
 4903 consultation with the statewide and regional housing and
 4904 financial intermediaries, market the availability of the
 4905 community contribution tax credit program to community-based
 4906 organizations.

4907 5. Expiration.—This paragraph expires June 30, 2016;
 4908 however, any accrued credit carryover that is unused on that
 4909 date may be used until the expiration of the 3-year carryover
 4910 period for such credit.

4911 Section 54. Paragraph (g) of subsection (1) of section
 4912 220.191, Florida Statutes, is amended to read:

4913 220.191 Capital investment tax credit.—

4914 (1) DEFINITIONS.—For purposes of this section:

4915 (g) "Qualifying project" means a facility in this state
 4916 meeting one or more of the following criteria:

4917 1. A new or expanding facility in this state which creates
 4918 at least 100 new jobs in this state and is in one of the high-
 4919 impact sectors identified by Enterprise Florida, Inc., and
 4920 certified by the Department of Economic Opportunity pursuant to
 4921 s. 288.108(6), including, but not limited to, aviation,
 4922 aerospace, automotive, and silicon technology industries.
 4923 However, between July 1, 2011, and June 30, 2014, the
 4924 requirement that a facility be in a high-impact sector is waived
 4925 for any otherwise eligible business from another state which
 4926 locates all or a portion of its business to a Disproportionally
 4927 Affected County. For purposes of this section, the term
 4928 "Disproportionally Affected County" means Bay County, Escambia
 4929 County, Franklin County, Gulf County, Okaloosa County, Santa
 4930 Rosa County, Walton County, or Wakulla County.

4931 2. A new or expanded facility in this state which is
 4932 engaged in a target industry designated pursuant to the
 4933 procedure specified in s. 288.106(2) and which is induced by
 4934 this credit to create or retain at least 1,000 jobs in this
 4935 state, provided that at least 100 of those jobs are new, pay an
 4936 annual average wage of at least 130 percent of the average
 4937 private sector wage in the area as defined in s. 288.106(2), and
 4938 make a cumulative capital investment of at least \$100 million.
 4939 Jobs may be considered retained only if there is significant
 4940 evidence that the loss of jobs is imminent. Notwithstanding

4941 subsection (2), annual credits against the tax imposed by this
 4942 chapter may not exceed 50 percent of the increased annual
 4943 corporate income tax liability or the premium tax liability
 4944 generated by or arising out of a project qualifying under this
 4945 subparagraph. A facility that qualifies under this subparagraph
 4946 for an annual credit against the tax imposed by this chapter may
 4947 take the tax credit for a period not to exceed 5 years.

4948 3. A new or expanded headquarters facility in this state
 4949 which locates in a certified ~~an~~ enterprise zone and brownfield
 4950 area and is induced by this credit to create at least 1,500 jobs
 4951 which on average pay at least 200 percent of the statewide
 4952 average annual private sector wage, as published by the
 4953 Department of Economic Opportunity, and which new or expanded
 4954 headquarters facility makes a cumulative capital investment in
 4955 this state of at least \$250 million.

4956 Section 55. Paragraph (d) of subsection (2) of section
 4957 220.183, Florida Statutes, is amended to read:

4958 220.183 Community contribution tax credit.—

4959 (2) ELIGIBILITY REQUIREMENTS.—

4960 (d) The project shall be located in a certified ~~an area~~
 4961 ~~designated as an~~ enterprise zone or a Front Porch Florida
 4962 Community. Any project designed to construct or rehabilitate
 4963 housing for low-income or very-low-income households as defined
 4964 in s. 420.9071(19) and (28) is exempt from the area requirement
 4965 of this paragraph. This section does not preclude projects that
 4966 propose to construct or rehabilitate housing for low-income or

4967 very-low-income households on scattered sites. Any project
 4968 designed to provide increased access to high-speed broadband
 4969 capabilities which includes coverage of a rural enterprise zone
 4970 may locate the project's infrastructure in any area of a rural
 4971 county.

4972 Section 56. Paragraphs (a), (b), and (e) of subsection (2)
 4973 of section 288.0001, Florida Statutes, are amended to read:

4974 288.0001 Economic Development Programs Evaluation.—The
 4975 Office of Economic and Demographic Research and the Office of
 4976 Program Policy Analysis and Government Accountability (OPPAGA)
 4977 shall develop and present to the Governor, the President of the
 4978 Senate, the Speaker of the House of Representatives, and the
 4979 chairs of the legislative appropriations committees the Economic
 4980 Development Programs Evaluation.

4981 (2) The Office of Economic and Demographic Research and
 4982 OPPAGA shall provide a detailed analysis of economic development
 4983 programs as provided in the following schedule:

4984 (a) By January 1, 2014, and every 3 years thereafter, an
 4985 analysis of the following:

- 4986 1. The capital investment tax credit established under s.
 4987 220.191.
- 4988 2. The qualified target industry tax refund established
 4989 under s. 288.106.
- 4990 3. The brownfield redevelopment bonus refund established
 4991 under s. 288.107.
- 4992 4. High-impact business performance grants established

4993 | under s. 288.108.

4994 | 5. The Quick Action Closing Fund established under s.

4995 | 288.1088.

4996 | 6. The Innovation Incentive Program established under s.

4997 | 288.1089.

4998 | 7. Enterprise zone program incentives established under

4999 | ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

5000 | 8. The New Markets Development Program established under

5001 | ss. 288.991-288.9922.

5002 | 9. The enterprise zone certification program established

5003 | under s. 290.60.

5004 | (b) By January 1, 2015, and every 3 years thereafter, an

5005 | analysis of the following:

5006 | 1. The entertainment industry financial incentive program

5007 | established under s. 288.1254.

5008 | 2. The entertainment industry sales tax exemption program

5009 | established under s. 288.1258.

5010 | 3. The Florida Tourism Industry Marketing Corporation

5011 | ~~VISIT Florida~~ and its programs established or funded under ss.

5012 | 288.122, 288.1226, 288.12265, and 288.124.

5013 | 4. The Florida Sports Foundation and related programs

5014 | established under ss. 288.1162, 288.11621, 288.1166, 288.1167,

5015 | 288.1168, ~~288.1169~~, and 288.1171.

5016 | (e) Beginning January 1, 2018, and every 3 years

5017 | thereafter, an analysis of the Sports Development Program

5018 | established under s. 288.11625 and the retention of Major League

5019 Baseball spring training baseball franchises under s. 288.11631.

5020 Section 57. Subsection (3) of section 288.018, Florida
 5021 Statutes, is amended to read:

5022 288.018 Regional Rural Development Grants Program.—

5023 (3) The department may also contract for the development
 5024 of a certified ~~an~~ enterprise zone web portal or websites for
 5025 each certified enterprise zone which will be used to market the
 5026 program for job creation in disadvantaged urban and rural
 5027 certified enterprise zones. Each certified enterprise zone web
 5028 page should include downloadable links to state forms and
 5029 information, as well as local message boards that help
 5030 businesses and residents receive information concerning zone
 5031 boundaries, job openings, zone programs, and neighborhood
 5032 improvement activities.

5033 Section 58. Subsection (4) of section 288.047, Florida
 5034 Statutes, is amended to read:

5035 288.047 Quick-response training for economic development.—

5036 (4) For the first 6 months of each fiscal year, Workforce
 5037 Florida, Inc., shall set aside 30 percent of the amount
 5038 appropriated for the Quick-Response Training Program by the
 5039 Legislature to fund instructional programs for businesses
 5040 located in a certified ~~an~~ enterprise zone or brownfield area.
 5041 Any unencumbered funds remaining undisbursed from this set-aside
 5042 at the end of the 6-month period may be used to provide funding
 5043 for any program qualifying for funding pursuant to this section.

5044 Section 59. Paragraph (b) of subsection (2) of section

5045 | 288.11621, Florida Statutes, is amended to read:
 5046 | 288.11621 Spring training baseball franchises.—
 5047 | (2) CERTIFICATION PROCESS.—
 5048 | (b) The department shall competitively evaluate
 5049 | applications for state funding of a facility for a spring
 5050 | training franchise. The total number of certifications may not
 5051 | exceed 10 at any time. The evaluation criteria must include,
 5052 | with priority given in descending order to, the following items:
 5053 | 1. The anticipated effect on the economy of the local
 5054 | community where the spring training facility is to be built,
 5055 | including projections on paid attendance, local and state tax
 5056 | collections generated by spring training games, and direct and
 5057 | indirect job creation resulting from the spring training
 5058 | activities. Priority shall be given to applicants who can
 5059 | demonstrate the largest projected economic impact.
 5060 | 2. The amount of the local matching funds committed to a
 5061 | facility relative to the amount of state funding sought, with
 5062 | priority given to applicants that commit the largest amount of
 5063 | local matching funds relative to the amount of state funding
 5064 | sought.
 5065 | 3. The potential for the facility to serve multiple uses.
 5066 | 4. The intended use of the funds by the applicant, with
 5067 | priority given to the funds being used to acquire a facility,
 5068 | construct a new facility, or renovate an existing facility.
 5069 | 5. The length of time that a spring training franchise has
 5070 | been under an agreement to conduct spring training activities

5071 within an applicant's geographic location or jurisdiction, with
5072 priority given to applicants having agreements with the same
5073 franchise for the longest period of time.

5074 6. The length of time that an applicant's facility has
5075 been used by one or more spring training franchises, with
5076 priority given to applicants whose facilities have been in
5077 continuous use as facilities for spring training the longest.

5078 7. The term remaining on a lease between an applicant and
5079 a spring training franchise for a facility, with priority given
5080 to applicants having the shortest lease terms remaining.

5081 8. The length of time that a spring training franchise
5082 agrees to use an applicant's facility if an application is
5083 granted under this section, with priority given to applicants
5084 having agreements for the longest future use.

5085 9. The net increase of total active recreation space owned
5086 by the applicant after an acquisition of land for the facility,
5087 with priority given to applicants having the largest percentage
5088 increase of total active recreation space that will be available
5089 for public use.

5090 10. The location of the facility in a brownfield, a
5091 certified ~~an~~ enterprise zone, a community redevelopment area, or
5092 other area of targeted development or revitalization included in
5093 an urban infill redevelopment plan, with priority given to
5094 applicants having facilities located in these areas.

5095 Section 60. Paragraph (b) of subsection (2) of section
5096 288.11631, Florida Statutes, is amended to read:

5097 | 288.11631 Retention of Major League Baseball spring
5098 | training baseball franchises.—
5099 | (2) CERTIFICATION PROCESS.—
5100 | (b) The department shall evaluate applications for state
5101 | funding of the construction or renovation of the facility for a
5102 | spring training franchise. The evaluation criteria must include
5103 | the following items:
5104 | 1. The anticipated effect on the economy of the local
5105 | community where the facility is to be constructed or renovated,
5106 | including projections on paid attendance, local and state tax
5107 | collections generated by spring training games, and direct and
5108 | indirect job creation resulting from the spring training
5109 | activities.
5110 | 2. The amount of the local matching funds committed to a
5111 | facility relative to the amount of state funding sought.
5112 | 3. The potential for the facility to be used as a multiple
5113 | purpose, year-round facility.
5114 | 4. The intended use of the funds by the applicant.
5115 | 5. The length of time that a spring training franchise has
5116 | been under an agreement to conduct spring training activities
5117 | within an applicant's geographic location or jurisdiction.
5118 | 6. The length of time that an applicant's facility has
5119 | been used by one or more spring training franchises, including
5120 | continuous use as facilities for spring training.
5121 | 7. The term remaining on a lease between an applicant and
5122 | a spring training franchise for a facility.

5123 8. The length of time that a spring training franchise
 5124 agrees to use an applicant's facility if an application is
 5125 granted under this section.

5126 9. The location of the facility in a brownfield, a
 5127 certified ~~an~~ enterprise zone, a community redevelopment area, or
 5128 other area of targeted development or revitalization included in
 5129 an urban infill redevelopment plan.

5130 Section 61. Paragraph (f) of subsection (2) of section
 5131 339.2821, Florida Statutes, is amended to read:

5132 339.2821 Economic development transportation projects.—

5133 (2) The department, in consultation with the Department of
 5134 Economic Opportunity, shall review each transportation project
 5135 for approval and funding. In the review, the department must
 5136 consider:

5137 (f) The location of the transportation project in a
 5138 certified ~~an~~ enterprise zone ~~as designated in s. 290.0055;~~

5139
 5140 The department may contact any agency it deems appropriate for
 5141 additional information regarding the approval of a
 5142 transportation project. A transportation project must be
 5143 approved by the department to be eligible for funding.

5144 Section 62. Paragraph (a) of subsection (3) of section
 5145 403.973, Florida Statutes, is amended to read:

5146 403.973 Expedited permitting; amendments to comprehensive
 5147 plans.—

5148 (3) (a) The secretary shall direct the creation of regional

5149 permit action teams for the purpose of expediting review of
 5150 permit applications and local comprehensive plan amendments
 5151 submitted by:

5152 1. Businesses creating at least 50 jobs or a commercial or
 5153 industrial development project that will be occupied by
 5154 businesses that would individually or collectively create at
 5155 least 50 jobs; or

5156 2. Businesses creating at least 25 jobs if the project is
 5157 located in a certified ~~an~~ enterprise zone, or in a county having
 5158 a population of fewer than 75,000 or in a county having a
 5159 population of fewer than 125,000 which is contiguous to a county
 5160 having a population of fewer than 75,000, as determined by the
 5161 most recent decennial census, residing in incorporated and
 5162 unincorporated areas of the county.

5163 Section 63. Paragraph (b) of subsection (6) of section
 5164 624.509, Florida Statutes, is amended to read:

5165 624.509 Premium tax; rate and computation.—

5166 (6)

5167 (b) To the extent that any credits granted by subsection
 5168 (5) remain as a result of the limitation set forth in paragraph
 5169 (a), such excess credits related to salaries and wages of
 5170 employees whose place of employment is located within a
 5171 certified ~~an~~ enterprise zone created pursuant to chapter 290 may
 5172 be transferred, in an aggregate amount not to exceed 25 percent
 5173 of such excess salary credits, to any insurer that is a member
 5174 of an affiliated group of corporations, as defined in sub-

5175 subparagraph (5)(b)4.a., that includes the original insurer
 5176 qualifying for the credits under subsection (5). The amount of
 5177 such excess credits to be transferred shall be calculated by
 5178 multiplying the amount of such excess credits by a fraction, the
 5179 numerator of which is the sum of the salaries qualifying for the
 5180 credit allowed by subsection (5) of employees whose place of
 5181 employment is located in a certified ~~an~~ enterprise zone and the
 5182 denominator of which is the sum of the salaries qualifying for
 5183 the credit allowed by subsection (5). Any such transferred
 5184 credits shall be subject to the same provisions and limitations
 5185 set forth within part IV of this chapter. The provisions of this
 5186 paragraph do not apply to an affiliated group of corporations
 5187 that participate in a common paymaster arrangement as defined in
 5188 s. 443.1216.

5189 Section 64. Paragraph (b) of subsection (1) of section
 5190 624.5091, Florida Statutes, is amended to read:

5191 624.5091 Retaliatory provision, insurers.-

5192 (1)

5193 (b) As used in this subsection, the term "portion of the
 5194 remaining 20 percent" shall be calculated by multiplying the
 5195 remaining 20 percent by a fraction, the numerator of which is
 5196 the sum of the salaries qualifying for the credit allowed by s.
 5197 624.509(5) of employees whose place of employment is located in
 5198 a certified ~~an~~ enterprise zone created pursuant to chapter 290
 5199 and the denominator of which is the sum of the salaries
 5200 qualifying for the credit allowed by s. 624.509(5).

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5201 Section 65. Paragraph (d) of subsection (2) of section
5202 624.5105, Florida Statutes, is amended to read:

5203 624.5105 Community contribution tax credit; authorization;
5204 limitations; eligibility and application requirements;
5205 administration; definitions; expiration.—

5206 (2) ELIGIBILITY REQUIREMENTS.—

5207 (d) The project shall be located in a certified ~~an area~~
5208 ~~designated as an~~ enterprise zone or a Front Porch Community. Any
5209 project designed to construct or rehabilitate housing for low-
5210 income or very-low-income households as defined in s.
5211 420.9071(19) and (28) is exempt from the area requirement of
5212 this paragraph.

5213 Section 66. This act shall take effect July 1, 2015.