

1 A bill to be entitled

2 An act relating to economic development; amending s.  
3 163.3175, F.S.; providing that certain representatives  
4 of military installations are not required to file a  
5 statement of financial interest; amending s. 163.3180,  
6 F.S.; prohibiting a local government from applying  
7 transportation concurrency within its jurisdiction  
8 under certain conditions; providing applicability;  
9 providing for expiration of the prohibition; amending  
10 s. 163.31801, F.S.; prohibiting a county,  
11 municipality, or special district from applying  
12 certain impact fees or other fees within its  
13 jurisdiction under certain conditions; providing  
14 applicability; amending s. 212.20, F.S.; conforming  
15 provisions to the repeal by the act of s. 288.1169,  
16 F.S.; amending s. 220.191, F.S.; revising the  
17 definition of the term "cumulative capital investment"  
18 for purposes of the capital investment tax credit;  
19 amending s. 220.196, F.S.; conforming a cross-  
20 reference; amending s. 288.0001, F.S.; revising  
21 required elements of specified analyses prepared by  
22 the Office of Economic and Demographic Research and  
23 the Office of Program Policy Analysis and Government  
24 Accountability; conforming provisions; amending s.  
25 288.005, F.S.; revising the definition of the term  
26 "economic benefits"; providing for expiration of the

27 prohibition; amending s. 288.061, F.S.; requiring the  
28 Department of Economic Opportunity to prescribe the  
29 format for certain economic incentive applications;  
30 providing required elements of the applications;  
31 revising evaluation and contract requirements of the  
32 economic development incentive application process;  
33 revising a definition; providing and revising  
34 responsibilities of the department; amending s.  
35 288.076, F.S.; revising definitions; creating s.  
36 288.103, F.S.; providing for the repayment of economic  
37 development program awards by certain businesses;  
38 providing applicability; creating s. 288.1031, F.S.;  
39 prohibiting the certification of certain economic  
40 development program applications after a specified  
41 date; amending s. 288.1045, F.S.; revising  
42 definitions; revising the application process for the  
43 qualified defense contractor and space flight business  
44 tax refund program; revising tax refund requirements;  
45 revising the expiration date of the program; amending  
46 s. 288.106, F.S.; revising definitions; revising the  
47 application process for the tax refund program for  
48 qualified target industry businesses; revising tax  
49 refund requirements; removing provisions regarding  
50 economic recovery extensions of certain tax refund  
51 agreements; amending s. 288.108, F.S.; revising and  
52 providing definitions; revising application

53 requirements and requiring the Department of Economic  
54 Opportunity to certify high-impact business grant  
55 applications; providing duties of the Governor and the  
56 department; amending s. 288.1088, F.S.; revising  
57 provisions relating to the Quick Action Closing Fund;  
58 revising project eligibility requirements; providing  
59 limitations on, and authorizing waivers from, local  
60 financial support requirements; revising contract  
61 requirements for certain projects; revising approval  
62 requirements for amendments or modifications of  
63 contract requirements for such projects; revising  
64 duties of the Governor; amending s. 288.1089, F.S.;  
65 revising definitions; revising application  
66 requirements for the Innovation Incentive Program;  
67 authorizing the department to waive certain wage  
68 requirements for projects in a rural area of  
69 opportunity or certified enterprise zone; revising  
70 duties of the Governor and the department; revising  
71 approval requirements for amendments or modifications  
72 of contract requirements for such projects; repealing  
73 s. 288.1169, F.S., relating to state agency funding of  
74 the International Game Fish Association World Center  
75 facility; amending s. 288.901, F.S.; revising the  
76 purpose and duties of Enterprise Florida, Inc., with  
77 respect to fostering and encouraging high-technology  
78 startup and second-state business development;

79 | revising membership requirements for the board of  
80 | directors of Enterprise Florida, Inc.; creating s.  
81 | 288.913, F.S.; creating the Innovation Florida  
82 | Initiative; providing legislative findings; providing  
83 | definitions; requiring the department to develop a  
84 | statewide strategic plan for high-technology startup  
85 | and second-stage business growth and development;  
86 | providing requirements for the plan; providing  
87 | marketing requirements; providing reporting  
88 | requirements; amending s. 288.9604, F.S.; providing  
89 | for ratification of certain actions taken by the board  
90 | of directors of the Florida Development Finance  
91 | Corporation; amending s. 288.9937, F.S.; requiring the  
92 | Office of Program Policy Analysis and Government  
93 | Accountability to evaluate the Microfinance Loan  
94 | Program; providing requirements for the evaluation;  
95 | revising reporting requirements; amending ss. 189.033,  
96 | 288.11625, 288.11631, and 196.012, F.S.; conforming  
97 | cross-references; reenacting s. 159.803(11), F.S.,  
98 | relating to definitions applicable to the Florida  
99 | Private Activity Bond Allocation Act, to incorporate  
100 | the amendment made by the act to s. 288.106, F.S., in  
101 | a reference thereto; providing an effective date.

102 |  
103 | Be It Enacted by the Legislature of the State of Florida:  
104 |

105 Section 1. Subsection (7) of section 163.3175, Florida  
 106 Statutes, is amended to read:

107 163.3175 Legislative findings on compatibility of  
 108 development with military installations; exchange of information  
 109 between local governments and military installations.—

110 (7) To facilitate the exchange of information provided for  
 111 in this section, a representative of a military installation  
 112 acting on behalf of all military installations within that  
 113 jurisdiction shall serve ~~be included as an~~ ex officio as a  
 114 nonvoting member of the county's or affected local government's  
 115 land planning or zoning board. The representative is not  
 116 required to file a statement of financial interest pursuant to  
 117 s. 112.3145 solely due to his or her service on the county's or  
 118 affected local government's land planning or zoning board.

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

121 163.3180 Concurrency.—

122 (7) (a) Notwithstanding any other provision of law,  
 123 ordinance, or resolution, a local government may not apply  
 124 transportation concurrency within its jurisdiction and may not  
 125 require a proportionate-share contribution or construction for a  
 126 new business development before July 1, 2019, unless authorized  
 127 by the affirmative majority vote of the local government's  
 128 governing authority. This paragraph does not apply to:

129 1. Proportionate-share contribution or construction  
 130 assessed on an existing development before July 1, 2016.

131       2. A new business development that is larger than 6,000  
132 square feet.

133       3. A new business development that includes a business  
134 employing more than 12 full-time employees.

135       (b) To maintain the exemption from transportation  
136 concurrency and proportionate-share contribution or construction  
137 pursuant to paragraph (a), a new business development must  
138 receive a certificate of occupancy on or before July 1, 2020. If  
139 the certificate of occupancy is not received by July 1, 2020,  
140 the local government may apply transportation concurrency and  
141 require the appropriate proportionate-share contribution or  
142 construction for the business development that would have been  
143 applied except for this subsection. Any outstanding obligation  
144 related to the proportionate-share contribution or construction  
145 runs with the land and is enforceable against any person  
146 claiming a fee interest in the land subject to that obligation.

147       (c) This subsection does not apply if it results in a  
148 reduction of previously pledged revenue of a local government  
149 authority for outstanding bonds or notes or to a local  
150 government with a mobility fee-based funding system in place on  
151 or before January 1, 2016.

152       (d) Upon written notification to the local government, a  
153 developer may elect to have the local government apply  
154 transportation concurrency and proportionate-share contribution  
155 or construction to a business development.

156       (e) This subsection expires July 1, 2020.

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

159 163.31801 Impact fees; short title; intent; definitions;  
160 ordinances levying impact fees.—

161 (6) (a) Notwithstanding any other provision of law,  
162 ordinance, or resolution, a county, municipality, or special  
163 district may not impose any new or existing impact fee or any  
164 new or existing fee associated with the mitigation of  
165 transportation impacts on new business development before July  
166 1, 2019, unless authorized by the affirmative majority vote of  
167 the governing authority of the county, municipality, or special  
168 district. This paragraph does not apply to:

169 1. An impact fee or fee associated with the mitigation of  
170 transportation impacts previously enacted by law, ordinance, or  
171 resolution assessed on an existing business development before  
172 July 1, 2016.

173 2. A new business development larger than 6,000 square  
174 feet.

175 3. A new business development that includes a business  
176 employing more than 12 full-time employees.

177 (b) Any governing authority of a local government imposing  
178 an impact fee in existence on July 1, 2016, must reauthorize the  
179 imposition of the fee pursuant to this subsection.

180 (c) To maintain the exemption from impact fees and fees  
181 associated with the mitigation of transportation impacts  
182 pursuant to paragraph (a), a new business development must

183 receive a certificate of occupancy on or before July 1, 2020. If  
184 the certificate of occupancy is not received by July 1, 2020,  
185 the county, municipality, or special district may impose the  
186 appropriate impact fees and fees associated with the mitigation  
187 of transportation impacts on the development that would have  
188 been applied except for this subsection. Any outstanding  
189 obligation related to impact fees, and fees associated with the  
190 mitigation of transportation impacts on the development, runs  
191 with the land and is enforceable against any person claiming a  
192 fee interest in the land subject to that obligation.

193 (d) This subsection does not apply if it results in a  
194 reduction of previously pledged revenue of a local government  
195 authority for currently outstanding bonds or notes or to a local  
196 government with a mobility fee-based funding system in place on  
197 or before January 1, 2016.

198 (e) Upon notification to the county, municipality, or  
199 special district, a developer may elect to have impact fees and  
200 fees associated with the mitigation of transportation impacts  
201 imposed on a development.

202 (f) This subsection expires July 1, 2020.

203 Section 4. Paragraph (d) of subsection (6) of section  
204 212.20, Florida Statutes, is amended to read:

205 212.20 Funds collected, disposition; additional powers of  
206 department; operational expense; refund of taxes adjudicated  
207 unconstitutionally collected.—

208 (6) Distribution of all proceeds under this chapter and



209 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

219 2. After the distribution under subparagraph 1., 8.9744  
 220 percent of the amount remitted by a sales tax dealer located  
 221 within a participating county pursuant to s. 218.61 shall be  
 222 transferred into the Local Government Half-cent Sales Tax  
 223 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 224 transferred shall be reduced by 0.1 percent, and the department  
 225 shall distribute this amount to the Public Employees Relations  
 226 Commission Trust Fund less \$5,000 each month, which shall be  
 227 added to the amount calculated in subparagraph 3. and  
 228 distributed accordingly.

229 3. After the distribution under subparagraphs 1. and 2.,  
 230 0.0966 percent shall be transferred to the Local Government  
 231 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 232 to s. 218.65.

233 4. After the distributions under subparagraphs 1., 2., and  
 234 3., 2.0810 percent of the available proceeds shall be

235 transferred monthly to the Revenue Sharing Trust Fund for  
236 Counties pursuant to s. 218.215.

237 5. After the distributions under subparagraphs 1., 2., and  
238 3., 1.3653 percent of the available proceeds shall be  
239 transferred monthly to the Revenue Sharing Trust Fund for  
240 Municipalities pursuant to s. 218.215. If the total revenue to  
241 be distributed pursuant to this subparagraph is at least as  
242 great as the amount due from the Revenue Sharing Trust Fund for  
243 Municipalities and the former Municipal Financial Assistance  
244 Trust Fund in state fiscal year 1999-2000, no municipality shall  
245 receive less than the amount due from the Revenue Sharing Trust  
246 Fund for Municipalities and the former Municipal Financial  
247 Assistance Trust Fund in state fiscal year 1999-2000. If the  
248 total proceeds to be distributed are less than the amount  
249 received in combination from the Revenue Sharing Trust Fund for  
250 Municipalities and the former Municipal Financial Assistance  
251 Trust Fund in state fiscal year 1999-2000, each municipality  
252 shall receive an amount proportionate to the amount it was due  
253 in state fiscal year 1999-2000.

254 6. Of the remaining proceeds:

255 a. In each fiscal year, the sum of \$29,915,500 shall be  
256 divided into as many equal parts as there are counties in the  
257 state, and one part shall be distributed to each county. The  
258 distribution among the several counties must begin each fiscal  
259 year on or before January 5th and continue monthly for a total  
260 of 4 months. If a local or special law required that any moneys

261 accruing to a county in fiscal year 1999-2000 under the then-  
262 existing provisions of s. 550.135 be paid directly to the  
263 district school board, special district, or a municipal  
264 government, such payment must continue until the local or  
265 special law is amended or repealed. The state covenants with  
266 holders of bonds or other instruments of indebtedness issued by  
267 local governments, special districts, or district school boards  
268 before July 1, 2000, that it is not the intent of this  
269 subparagraph to adversely affect the rights of those holders or  
270 relieve local governments, special districts, or district school  
271 boards of the duty to meet their obligations as a result of  
272 previous pledges or assignments or trusts entered into which  
273 obligated funds received from the distribution to county  
274 governments under then-existing s. 550.135. This distribution  
275 specifically is in lieu of funds distributed under s. 550.135  
276 before July 1, 2000.

277       b. The department shall distribute \$166,667 monthly to  
278 each applicant certified as a facility for a new or retained  
279 professional sports franchise pursuant to s. 288.1162. Up to  
280 \$41,667 shall be distributed monthly by the department to each  
281 certified applicant as defined in s. 288.11621 for a facility  
282 for a spring training franchise. However, not more than \$416,670  
283 may be distributed monthly in the aggregate to all certified  
284 applicants for facilities for spring training franchises.  
285 Distributions begin 60 days after such certification and  
286 continue for not more than 30 years, except as otherwise

287 provided in s. 288.11621. A certified applicant identified in  
288 this sub-subparagraph may not receive more in distributions than  
289 expended by the applicant for the public purposes provided in s.  
290 288.1162(5) or s. 288.11621(3).

291 c. Beginning 30 days after notice by the Department of  
292 Economic Opportunity to the Department of Revenue that an  
293 applicant has been certified as the professional golf hall of  
294 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
295 shall be distributed monthly, for up to 300 months, to the  
296 applicant.

297 ~~d. Beginning 30 days after notice by the Department of~~  
298 ~~Economic Opportunity to the Department of Revenue that the~~  
299 ~~applicant has been certified as the International Game Fish~~  
300 ~~Association World Center facility pursuant to s. 288.1169, and~~  
301 ~~the facility is open to the public, \$83,333 shall be distributed~~  
302 ~~monthly, for up to 168 months, to the applicant. This~~  
303 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
304 ~~lump sum payment of \$999,996 shall be made after certification~~  
305 ~~and before July 1, 2000.~~

306 d.e. The department shall distribute up to \$83,333 monthly  
307 to each certified applicant as defined in s. 288.11631 for a  
308 facility used by a single spring training franchise, or up to  
309 \$166,667 monthly to each certified applicant as defined in s.  
310 288.11631 for a facility used by more than one spring training  
311 franchise. Monthly distributions begin 60 days after such  
312 certification or July 1, 2016, whichever is later, and continue

313 for not more than 20 years to each certified applicant as  
314 defined in s. 288.11631 for a facility used by a single spring  
315 training franchise or not more than 25 years to each certified  
316 applicant as defined in s. 288.11631 for a facility used by more  
317 than one spring training franchise. A certified applicant  
318 identified in this sub-subparagraph may not receive more in  
319 distributions than expended by the applicant for the public  
320 purposes provided in s. 288.11631(3).

321 ~~e.f.~~ Beginning 45 days after notice by the Department of  
322 Economic Opportunity to the Department of Revenue that an  
323 applicant has been approved by the Legislature and certified by  
324 the Department of Economic Opportunity under s. 288.11625 or  
325 upon a date specified by the Department of Economic Opportunity  
326 as provided under s. 288.11625(6)(d), the department shall  
327 distribute each month an amount equal to one-twelfth of the  
328 annual distribution amount certified by the Department of  
329 Economic Opportunity for the applicant. The department may not  
330 distribute more than \$7 million in the 2014-2015 fiscal year or  
331 more than \$13 million annually thereafter under this sub-  
332 subparagraph.

333 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
334 the department shall distribute \$26,286 monthly to the State  
335 Transportation Trust Fund. Beginning July 1, 2016, the  
336 department shall distribute \$15,333 monthly to the State  
337 Transportation Trust Fund.

338 7. All other proceeds must remain in the General Revenue

339 Fund.

340 Section 5. Paragraph (b) of subsection (1) of section  
341 220.191, Florida Statutes, is amended to read:

342 220.191 Capital investment tax credit.—

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

344 (b) "Cumulative capital investment" means the total  
345 capital investment in land, buildings, and equipment made by or  
346 on behalf of a qualifying business in connection with a  
347 qualifying project during the period from the beginning of  
348 construction of the project to the commencement of operations.  
349 The term does not include funds granted to or spent on behalf of  
350 a qualifying business by the state, a local government, or  
351 another governmental entity; funds appropriated in the General  
352 Appropriations Act; or funds otherwise provided to a qualifying  
353 business by a state agency, a local government, or another  
354 governmental entity.

355 Section 6. Paragraph (a) of subsection (2) of section  
356 220.196, Florida Statutes, is amended to read:

357 220.196 Research and development tax credit.—

358 (2) TAX CREDIT.—

359 (a) As provided in this section, a business enterprise is  
360 eligible for a credit against the tax imposed by this chapter if  
361 it:

362 1. Has qualified research expenses in this state in the  
363 taxable year exceeding the base amount;

364 2. Claims and is allowed a research credit for such

365 qualified research expenses under 26 U.S.C. s. 41 for the same  
366 taxable year as subparagraph 1.; and

367 3. Is a qualified target industry business as defined in  
368 s. 288.106(2)(m) ~~288.106(2)(n)~~. Only qualified target industry  
369 businesses in the manufacturing, life sciences, information  
370 technology, aviation and aerospace, homeland security and  
371 defense, cloud information technology, marine sciences,  
372 materials science, and nanotechnology industries may qualify for  
373 a tax credit under this section. A business applying for a  
374 credit pursuant to this section shall include a letter from the  
375 Department of Economic Opportunity certifying whether the  
376 business meets the requirements of this subparagraph with its  
377 application for credit. The Department of Economic Opportunity  
378 shall provide such a letter upon receiving a request.

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

381 288.0001 Economic Development Programs Evaluation.—The  
382 Office of Economic and Demographic Research and the Office of  
383 Program Policy Analysis and Government Accountability (OPPAGA)  
384 shall develop and present to the Governor, the President of the  
385 Senate, the Speaker of the House of Representatives, and the  
386 chairs of the legislative appropriations committees the Economic  
387 Development Programs Evaluation.

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

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

393 1. The entertainment industry financial incentive program  
 394 established under s. 288.1254.

395 2. The entertainment industry sales tax exemption program  
 396 established under s. 288.1258.

397 3. The Florida Tourism Industry Marketing Corporation  
 398 ~~VISIT Florida~~ and its programs established or funded under ss.  
 399 288.122, 288.1226, 288.12265, and 288.124.

400 4. The Florida Sports Foundation and related programs  
 401 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
 402 288.1168, ~~288.1169~~, and 288.1171.

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

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

409 288.005 Definitions.—As used in this chapter, the term:

410 (1) "Economic benefits" means the direct, indirect, and  
 411 induced gains in state revenues as a percentage of the state's  
 412 investment. The state's investment includes all state funds  
 413 spent or forwent to benefit a business, including, but not  
 414 limited to, state funds appropriated to public and private  
 415 entities, state grants, tax exemptions, tax refunds, tax  
 416 credits, and other state incentives.



417 Section 9. Section 288.061, Florida Statutes, is amended  
 418 to read:

419 288.061 Economic development incentive application  
 420 process.—

421 (1) Effective January 1, 2017, the department shall  
 422 prescribe the format in which an application for an incentive  
 423 shall be made. At a minimum, the incentive application must  
 424 include the following:

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

431 (b) The applicant's signature.

432 (c) The location of the project.

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

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

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

440 (2)~~(1)~~ Upon receiving a submitted economic development  
 441 incentive application, the Division of Strategic Business  
 442 Development of the department ~~of Economic Opportunity and~~

443 designated staff of Enterprise Florida, Inc., shall review the  
444 application to ensure that the application is complete, whether  
445 and what type of state and local permits may be necessary for  
446 the applicant's project, whether it is possible to waive such  
447 permits, and what state incentives and amounts of such  
448 incentives may be available to the applicant. The department  
449 shall recommend to the executive director to approve or  
450 disapprove an applicant business. If review of the application  
451 demonstrates that the application is incomplete, the executive  
452 director shall notify the applicant business within the first 5  
453 business days after receiving the application.

454 (3) (a) (2) — Beginning July 1, 2013, The department shall  
455 review and evaluate each economic development incentive  
456 application for the economic benefits of the proposed award of  
457 state incentives proposed for the project. The review must occur  
458 before the department approves an economic development incentive  
459 application and before any approved incentive agreement or  
460 contract is amended, modified, or extended by the department or  
461 Enterprise Florida, Inc.

462 (b) An amendment, modification, or extension of an  
463 executed contract under s. 288.1045, s. 288.106, s. 288.107, s.  
464 288.108, s. 288.1088, or s. 288.1089 may not result in a 0.5-  
465 point or greater reduction in the economic-benefit ratio of the  
466 project, may not result in the waiver of any program  
467 requirement, and is subject to a 14-day legislative  
468 consultation. If the chair or vice chair of the Legislative

469 Budget Commission, the President of the Senate, or the Speaker  
470 of the House of Representatives timely advises the Executive  
471 Office of the Governor in writing that the amendment,  
472 modification, or extension exceeds the delegated authority of  
473 the Executive Office of the Governor or is contrary to  
474 legislative policy or intent, the Executive Office of the  
475 Governor must void the amendment, modification, or extension and  
476 instruct the department to immediately change action or proposed  
477 action. Except as otherwise provided in this chapter, the  
478 department may not execute an amendment to an incentive  
479 agreement or contract for a project for which the economic  
480 benefits have been reduced unless the award of state incentives  
481 outlined in the incentive agreement or contract have been  
482 reduced by a proportionate amount. The department must include  
483 in its annual report information pertaining to each incentive  
484 contract extension and each contract amendment or modification  
485 that alters a performance condition that a project must meet to  
486 obtain incentive funds.

487 (c) As used in this subsection, the term "economic  
488 benefits" has the same meaning as provided in s. 288.005. The  
489 Office of Economic and Demographic Research shall establish the  
490 methodology and model used to calculate the economic benefits,  
491 including guidelines for the appropriate application of the  
492 model. For purposes of this requirement, an amended definition  
493 of "economic benefits" may be developed by the Office of  
494 Economic and Demographic Research but must include all state

495 funds spent or forwent to benefit a business, including, but not  
496 limited to, state funds appropriated to public and private  
497 entities, state grants, tax exemptions, tax refunds, tax  
498 credits, other state incentives, and any other source of state  
499 funds which should reasonably be known to the department at the  
500 time of approval.

501 (d) For the purpose of calculating the economic benefits  
502 of a project, the department may not attribute to the business  
503 any capital investment made by the business using state funds.

504 (e) For the purpose of evaluating economic development  
505 incentive applications, the department shall consider the  
506 cumulative capital investment, as defined in s. 220.191.

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

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

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

514 (c) A review of the historical market performance of the  
515 company.

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

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

520 (f) A review of performance in connection with any

521 incentives previously awarded by state or local governments.

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

523 (5) (a) ~~(3)~~ Within 10 business days after the department  
524 receives a complete ~~the submitted~~ economic development incentive  
525 application, the executive director shall approve or disapprove  
526 the application and issue a letter of certification to the  
527 applicant which includes a justification of that decision,  
528 unless the business requests an extension of ~~that~~ time.

529 (b) Within 7 business days after the executive director  
530 approves or disapproves a complete economic development  
531 incentive application for a project, the department shall  
532 recommend to the Governor the approval or disapproval of the  
533 application. The recommendation must include a justification for  
534 the recommendation and the proposed performance conditions that  
535 the project must meet to obtain incentive funds.

536 (c) ~~(a)~~ The contract or agreement with the applicant must  
537 specify the total amount of the award, the performance  
538 conditions that must be met to obtain the award, the schedule  
539 for payment, and sanctions that would apply for failure to meet  
540 performance conditions. The contract or agreement with the  
541 applicant must require that the applicant use the state's job  
542 bank system to advertise job openings created as a result of the  
543 state incentive agreement. Any contract or agreement that  
544 requires capital investment to be made by the business must also  
545 require that such investment remain in this state for the  
546 duration of the agreement or contract, except an investment made

547 in transportation-related assets specifically used for the  
548 purpose of transporting goods or employees. The department may  
549 enter into one agreement or contract covering all of the state  
550 incentives that are being provided to the applicant. The  
551 contract must provide that release of funds is contingent upon  
552 sufficient appropriation of funds by the Legislature. The state  
553 may not enter into a contract or agreement with a term of more  
554 than 10 years with any applicant. However, the department may  
555 enter into a successive agreement or contract for a specific  
556 project to extend the initial 10-year term, if each successive  
557 contract or agreement is contingent upon the successful  
558 completion of the previous contract or agreement and meets all  
559 requirements of the applicable economic development program  
560 being utilized as if it was a stand-alone project. The  
561 restriction on the term of the agreement or contract does not  
562 apply if the contract or agreement is for a project receiving an  
563 innovation incentive program award pursuant to s. 288.1089 or a  
564 capital investment tax credit pursuant to s. 220.191.

565 (d)-(b) The release of funds for the incentive or  
566 incentives awarded to the applicant depends upon the statutory  
567 requirements of the particular incentive program.

568 (6)-(4) The department shall validate contractor  
569 performance and report such validation in the annual incentives  
570 report required under s. 288.907.

571 (7)-(5)(a) The executive director may not approve an  
572 economic development incentive application unless the

573 application includes a signed written declaration by the  
 574 applicant which states that the applicant has read the  
 575 information in the application and that the information is true,  
 576 correct, and complete to the best of the applicant's knowledge  
 577 and belief.

578 (b) After an economic development incentive application is  
 579 approved, the awardee shall provide, in each year that the  
 580 department is required to validate contractor performance, a  
 581 signed written declaration. The written declaration must state  
 582 that the awardee has reviewed the information and that the  
 583 information is true, correct, and complete to the best of the  
 584 awardee's knowledge and belief.

585 ~~(8)(6)~~ The department is authorized to adopt rules to  
 586 implement this section.

587 Section 10. Paragraphs (c) and (e) of subsection (1) of  
 588 section 288.076, Florida Statutes, are amended to read:

589 288.076 Return on investment reporting for economic  
 590 development programs.—

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

592 (c) "Project" has the same meaning as provided in s.  
 593 288.106(2)(1) ~~288.106(2)(m)~~.

594 (e) "State investment" means all state funds spent or  
 595 forwent to benefit a business, including, but not limited to,  
 596 state funds appropriated to public and private entities, any  
 597 state grants, tax exemptions, tax refunds, tax credits, and any  
 598 other source of state funds which should reasonably be known to

599 ~~the department at the time of approval or other state incentives~~  
600 ~~provided to a business under a program administered by the~~  
601 ~~department,~~ including the capital investment tax credit under s.  
602 220.191.

603 Section 11. Section 288.103, Florida Statutes, is created  
604 to read:

605 288.103 Economic development programs; clawback of awards  
606 for projects relocated out of state.—

607 (1) A business that receives an economic development  
608 program award and, within 10 years after receipt of the final  
609 program payment or tax credit, relocates the project for which  
610 it received the award to outside of the state, must repay to the  
611 state the full amount of the award received.

612 (2) This section applies to contracts executed on or after  
613 July 1, 2016, for programs under ss. 220.191, 288.1045, 288.106,  
614 288.107, 288.108, 288.1088, and 288.1089.

615 Section 12. Section 288.1031, Florida Statutes, is created  
616 to read:

617 288.1031 Certification of economic development program  
618 applicants; sunset.—Effective January 7, 2019, an applicant may  
619 not be certified as qualified under s. 220.191, s. 288.1045, s.  
620 288.106, s. 288.107, s. 288.108, s. 288.1088, or s. 288.1089.  
621 Any agreement existing on that date remains in effect in  
622 accordance with its terms.

623 Section 13. Paragraphs (b), (j), and (k) of subsection  
624 (1), paragraphs (b), (c), (d), and (j) of subsection (3),



625 paragraph (b) of subsection (5), and subsection (7) of section  
626 288.1045, Florida Statutes, are amended, and paragraph (i) is  
627 added to subsection (5) of that section, to read:

628       288.1045 Qualified defense contractor and space flight  
629 business tax refund program.—

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

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

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

639       1. Local financial support may include excess payments  
640 made to a utility company under a designated program to allow  
641 decreases in service by the utility company under conditions,  
642 regardless of when application is made.

643       2. A qualified applicant may not provide, directly or  
644 indirectly, more than 5 percent of such funding in any fiscal  
645 year. The sources of such funding may not include, directly or  
646 indirectly, state funds appropriated from the General Revenue  
647 Fund or any state trust fund, excluding tax revenues shared with  
648 local governments pursuant to law.

649       3. A qualified applicant may not receive more than 80  
650 percent of the total tax refund from state funds that are

651 authorized for the applicant under this section.

652 4. The department may grant a waiver that reduces the  
653 required amount of local financial support for a project to 10  
654 percent of the annual tax refund awarded to a qualified  
655 applicant for a local government, or eliminates the required  
656 amount of local financial support for a project for a local  
657 government located in a rural area of opportunity, as designated  
658 by the Governor pursuant to s. 288.0656. To be eligible to  
659 receive a waiver that reduces or eliminates the required amount  
660 of local financial support, a local government must provide the  
661 department with:

662 a. A resolution adopted by the governing body of the  
663 county or municipality in whose jurisdiction the project will be  
664 located, requesting the applicant's project be waived from the  
665 local financial support requirement.

666 b. A statement prepared by a Florida certified public  
667 accountant, as defined in s. 473.302, that describes the  
668 financial constraints preventing the local government from  
669 providing the local financial support required by this section.  
670 This sub-subparagraph does not apply to a county considered  
671 fiscally constrained pursuant to s. 218.67(1).

672 ~~(k) "Local financial support exemption option" means the~~  
673 ~~option to exercise an exemption from the local financial support~~  
674 ~~requirement available to any applicant whose project is located~~  
675 ~~in a county designated by the Rural Economic Development~~  
676 ~~Initiative, if the county commissioners of the county in which~~

677 ~~the project will be located adopt a resolution requesting that~~  
678 ~~the applicant's project be exempt from the local financial~~  
679 ~~support requirement. Any applicant that exercises this option is~~  
680 ~~not eligible for more than 80 percent of the total tax refunds~~  
681 ~~allowed such applicant under this section.~~

682 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
683 DETERMINATION.—

684 (b) Applications for certification based on the  
685 consolidation of a Department of Defense contract or a new  
686 Department of Defense contract must be submitted to the  
687 department as prescribed by the department and must include, but  
688 are not limited to, the following information:

689 1. The applicant's federal employer identification number,  
690 the applicant's Florida sales tax registration number, and a  
691 signature of an officer of the applicant.

692 2. The permanent location of the manufacturing,  
693 assembling, fabricating, research, development, or design  
694 facility in this state at which the project is or is to be  
695 located.

696 3. The Department of Defense contract numbers of the  
697 contract to be consolidated, the new Department of Defense  
698 contract number, or the "RFP" number of a proposed Department of  
699 Defense contract.

700 4. The date the contract was executed or is expected to be  
701 executed, and the date the contract is due to expire or is  
702 expected to expire.

703 5. The commencement date for project operations under the  
704 contract in this state.

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

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

710 8. The percentage of the applicant's gross receipts  
711 derived from Department of Defense contracts during the 5  
712 taxable years immediately preceding the date the application is  
713 submitted.

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

716 10. A brief statement concerning the applicant's need for  
717 tax refunds, and the proposed uses of such refunds by the  
718 applicant.

719 11. A resolution adopted by the governing board of the  
720 county or municipality in which the project will be located,  
721 which recommends the applicant be approved as a qualified  
722 applicant, and which indicates that the necessary commitments of  
723 local financial support for the applicant exist. ~~Prior to the~~  
724 ~~adoption of the resolution, the county commission may review the~~  
725 ~~proposed public or private sources of such support and determine~~  
726 ~~whether the proposed sources of local financial support can be~~  
727 ~~provided or, for any applicant whose project is located in a~~  
728 ~~county designated by the Rural Economic Development Initiative,~~

729 ~~a resolution adopted by the county commissioners of such county~~  
730 ~~requesting that the applicant's project be exempt from the local~~  
731 ~~financial support requirement.~~

732 12. Any additional information requested by the  
733 department.

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

738 1. The applicant's federal employer identification number,  
739 the applicant's Florida sales tax registration number, and a  
740 signature of an officer of the applicant.

741 2. The permanent location of the manufacturing,  
742 assembling, fabricating, research, development, or design  
743 facility in this state at which the project is or is to be  
744 located.

745 3. The Department of Defense contract numbers of the  
746 contract under which the defense production jobs will be  
747 converted to nondefense production jobs.

748 4. The date the contract was executed, and the date the  
749 contract is due to expire or is expected to expire, or was  
750 canceled.

751 5. The commencement date for the nondefense production  
752 operations in this state.

753 6. The number of net new full-time equivalent Florida jobs  
754 included in the nondefense production project as of December 31

755 of each year and the average wage of such jobs.

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

758 8. The percentage of the applicant's gross receipts  
759 derived from Department of Defense contracts during the 5  
760 taxable years immediately preceding the date the application is  
761 submitted.

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

764 10. A brief statement concerning the applicant's need for  
765 tax refunds, and the proposed uses of such refunds by the  
766 applicant.

767 11. A resolution adopted by the governing board of the  
768 county or municipality in which the project will be located,  
769 which recommends the applicant be approved as a qualified  
770 applicant, and which indicates that the necessary commitments of  
771 local financial support for the applicant exist. ~~Prior to the~~  
772 ~~adoption of the resolution, the county commission may review the~~  
773 ~~proposed public or private sources of such support and determine~~  
774 ~~whether the proposed sources of local financial support can be~~  
775 ~~provided or, for any applicant whose project is located in a~~  
776 ~~county designated by the Rural Economic Development Initiative,~~  
777 ~~a resolution adopted by the county commissioners of such county~~  
778 ~~requesting that the applicant's project be exempt from the local~~  
779 ~~financial support requirement.~~

780 12. Any additional information requested by the

781 department.

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

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

788 2. The permanent location of the manufacturing,  
789 assembling, fabricating, research, development, or design  
790 facility in this state at which the project is or is to be  
791 located.

792 3. The business entity holding a valid Department of  
793 Defense contract or branch of the Armed Forces of the United  
794 States that previously occupied the facility, and the date such  
795 entity last occupied the facility.

796 4. A copy of the contract to reuse the facility, or such  
797 alternative proof as may be prescribed by the department that  
798 the applicant is seeking to contract for the reuse of such  
799 facility.

800 5. The date the contract to reuse the facility was  
801 executed or is expected to be executed, and the date the  
802 contract is due to expire or is expected to expire.

803 6. The commencement date for project operations under the  
804 contract in this state.

805 7. The number of net new full-time equivalent Florida jobs  
806 included in the project as of December 31 of each year and the

807 average wage of such jobs.

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

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

812 10. A brief statement concerning the applicant's need for  
813 tax refunds, and the proposed uses of such refunds by the  
814 applicant.

815 11. A resolution adopted by the governing board of the  
816 county or municipality in which the project will be located,  
817 which recommends the applicant be approved as a qualified  
818 applicant, and which indicates that the necessary commitments of  
819 local financial support for the applicant exist. ~~Before the~~  
820 ~~adoption of the resolution, the county commission may review the~~  
821 ~~proposed public or private sources of such support and determine~~  
822 ~~whether the proposed sources of local financial support can be~~  
823 ~~provided or, for any applicant whose project is located in a~~  
824 ~~county designated by the Rural Economic Development Initiative,~~  
825 ~~a resolution adopted by the county commissioners of such county~~  
826 ~~requesting that the applicant's project be exempt from the local~~  
827 ~~financial support requirement.~~

828 12. Any additional information requested by the  
829 department.

830 (j) Applications for certification based upon a new space  
831 flight business contract or the consolidation of a space flight  
832 business contract must be submitted to the department as



833 prescribed by the department and must include, but are not  
834 limited to, the following information:

835 1. The applicant's federal employer identification number,  
836 the applicant's Florida sales tax registration number, and a  
837 signature of an officer of the applicant.

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

840 3. The new space flight business contract number, the  
841 space flight business contract numbers of the contract to be  
842 consolidated, or the request-for-proposal number of a proposed  
843 space flight business contract.

844 4. The date the contract was executed and the date the  
845 contract is due to expire, is expected to expire, or was  
846 canceled.

847 5. The commencement date for project operations under the  
848 contract in this state.

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

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

854 8. The percentage of the applicant's gross receipts  
855 derived from space flight business contracts during the 5  
856 taxable years immediately preceding the date the application is  
857 submitted.

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

859 to be retained by the project.

860 10. A brief statement concerning the applicant's need for  
861 tax refunds and the proposed uses of such refunds by the  
862 applicant.

863 11. A resolution adopted by the governing board of the  
864 county or municipality in which the project will be located  
865 which recommends the applicant be approved as a qualified  
866 applicant and indicates that the necessary commitments of local  
867 financial support for the applicant exist. ~~Prior to the adoption  
868 of the resolution, the county commission may review the proposed  
869 public or private sources of such support and determine whether  
870 the proposed sources of local financial support can be provided  
871 or, for any applicant whose project is located in a county  
872 designated by the Rural Economic Development Initiative, a  
873 resolution adopted by the county commissioners of such county  
874 requesting that the applicant's project be exempt from the local  
875 financial support requirement.~~

876 12. Any additional information requested by the  
877 department.

878 (5) ANNUAL CLAIM FOR REFUND.—

879 (b) The department shall verify ~~claim for refund by the  
880 qualified applicant must include a copy of all receipts  
881 pertaining to the payment of taxes for which a refund is sought,  
882 and data related to achieving each performance item contained in  
883 the tax refund agreement pursuant to subsection (4). The amount  
884 requested as a tax refund may not exceed the amount for the~~

885 relevant fiscal year in the written agreement entered pursuant  
886 to subsection (4).

887 (i) A business that fails to timely submit documentation  
888 requested by the department, as required by the agreement  
889 between the business and the department, which results in the  
890 department's withholding an otherwise approved refund may  
891 receive the approved refund if:

892 1. The business submits the requested documentation to the  
893 department.

894 2. The business provides a written statement to the  
895 department explaining the circumstances that resulted in the  
896 business' failure to timely submit the documentation.

897 3. Funds appropriated for this section are available.

898 4. The business was scheduled, by the terms of the  
899 agreement, to submit information to the department between  
900 January 1, 2014, and December 31, 2014.

901 5. The business has satisfied all other requirements of  
902 the agreement.

903 (7) EXPIRATION.—An applicant may not be certified as  
904 qualified under this section after June 30, 2018 ~~2014~~. A tax  
905 refund agreement existing on that date shall continue in effect  
906 in accordance with its terms.

907 Section 14. Paragraphs (c), (j), and (k) of subsection  
908 (2), paragraph (b) of subsection (4), paragraph (b) of  
909 subsection (5), and subsection (8) of section 288.106, Florida  
910 Statutes, are amended to read:

911 288.106 Tax refund program for qualified target industry  
 912 businesses.—

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

914 (c) "Average private sector wage in the area" means ~~the~~  
 915 ~~statewide private sector average wage or~~ the average of all  
 916 private sector wages and salaries in the county ~~or in the~~  
 917 ~~standard metropolitan area~~ in which the project business is  
 918 located or will be located.

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

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

929 2. A qualified target industry business may not receive  
 930 more than 80 percent of the total tax refund from state funds  
 931 authorized for the business under this section.

932 3. The department may grant a waiver that reduces the  
 933 required amount of local financial support for a project to 10  
 934 percent of the annual tax refund awarded to a qualified target  
 935 industry business for a local government, or eliminates the  
 936 required amount of local financial support for a project for a

937 local government located in a rural area of opportunity, as  
 938 designated by the Governor pursuant to s. 288.0656. To be  
 939 eligible for a waiver that reduces or eliminates the required  
 940 amount of local financial support, a local government must  
 941 provide the department with:

942 a. A resolution adopted by the governing body of the  
 943 county or municipality in whose jurisdiction the project will be  
 944 located, requesting that the local financial support requirement  
 945 be waived for the applicant's project.

946 b. A statement prepared by a Florida certified public  
 947 accountant, as defined in s. 473.302, which describes the  
 948 financial constraints preventing the local government from  
 949 providing the local financial support required by this section.  
 950 This sub-subparagraph does not apply to a county considered  
 951 fiscally constrained pursuant to s. 218.67(1).

952 ~~(k) "Local financial support exemption option" means the~~  
 953 ~~option to exercise an exemption from the local financial support~~  
 954 ~~requirement available to any applicant whose project is located~~  
 955 ~~in a brownfield area, a rural city, or a rural community. Any~~  
 956 ~~applicant that exercises this option is not eligible for more~~  
 957 ~~than 80 percent of the total tax refunds allowed such applicant~~  
 958 ~~under this section.~~

959 (4) APPLICATION AND APPROVAL PROCESS.—

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

963 1.a. The jobs proposed to be created under the  
964 application, pursuant to subparagraph (a)4., must pay an  
965 estimated annual average wage equaling at least 115 percent of  
966 the average of all private sector wages and salaries in the  
967 county ~~wage in the area~~ where the business is to be located ~~or~~  
968 ~~the statewide private sector average wage. The governing board~~  
969 ~~of the local governmental entity providing the local financial~~  
970 ~~support of the jurisdiction where the qualified target industry~~  
971 ~~business is to be located shall notify the department and~~  
972 ~~Enterprise Florida, Inc., which calculation of the average~~  
973 ~~private sector wage in the area must be used as the basis for~~  
974 ~~the business's wage commitment.~~ In determining the average  
975 annual wage, the department shall include only new proposed  
976 jobs, and wages for existing jobs shall be excluded from this  
977 calculation.

978 b. The department may waive the average wage requirement  
979 at the request of the local governing body recommending the  
980 project and Enterprise Florida, Inc. The department may waive  
981 the wage requirement for a project located in a brownfield area  
982 designated under s. 376.80, in a rural city, in a rural  
983 community, in an enterprise zone, or for a manufacturing project  
984 at any location in the state if the jobs proposed to be created  
985 pay an estimated annual average wage equaling at least 100  
986 percent of the average of all private sector wages and salaries  
987 in the county ~~wage in the area~~ where the business is to be  
988 located, only if the merits of the individual project or the

989 specific circumstances in the community in relationship to the  
990 project warrant such action. If the local governing body and  
991 Enterprise Florida, Inc., make such a recommendation, it must be  
992 transmitted in writing, and the specific justification for the  
993 waiver recommendation must be explained. If the department  
994 elects to waive the wage requirement, the waiver must be stated  
995 in writing, and the reasons for granting the waiver must be  
996 explained.

997       2. The target industry business's project must result in  
998 the creation of at least 10 jobs at the project and, in the case  
999 of an expansion of an existing business, must result in a net  
1000 increase in employment of at least 10 percent at the business.  
1001 At the request of the local governing body recommending the  
1002 project and Enterprise Florida, Inc., the department may waive  
1003 this requirement for a business in a rural community or  
1004 enterprise zone if the merits of the individual project or the  
1005 specific circumstances in the community in relationship to the  
1006 project warrant such action. If the local governing body and  
1007 Enterprise Florida, Inc., make such a request, the request must  
1008 be transmitted in writing, and the specific justification for  
1009 the request must be explained. If the department elects to grant  
1010 the request, the grant must be stated in writing, and the reason  
1011 for granting the request must be explained.

1012       3. The business activity or product for the applicant's  
1013 project must be within an industry identified by the department  
1014 as a target industry business that contributes to the economic

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1015 growth of the state and the area in which the business is  
1016 located, that produces a higher standard of living for residents  
1017 of this state in the new global economy, or that can be shown to  
1018 make an equivalent contribution to the area's and state's  
1019 economic progress.

1020 (5) TAX REFUND AGREEMENT.—

1021 (b) Compliance with the terms and conditions of the  
1022 agreement is a condition precedent for the receipt of a tax  
1023 refund each year. The failure to comply with the terms and  
1024 conditions of the tax refund agreement results in the loss of  
1025 eligibility for receipt of all tax refunds previously authorized  
1026 under this section and the revocation by the department of the  
1027 certification of the business entity as a qualified target  
1028 industry business, unless the business is eligible to receive  
1029 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~  
1030 ~~the department grants the business an economic recovery~~  
1031 ~~extension.~~

1032 ~~1. A qualified target industry business may submit a~~  
1033 ~~request to the department for an economic recovery extension.~~  
1034 ~~The request must provide quantitative evidence demonstrating how~~  
1035 ~~negative economic conditions in the business's industry, the~~  
1036 ~~effects of a named hurricane or tropical storm, or specific acts~~  
1037 ~~of terrorism affecting the qualified target industry business~~  
1038 ~~have prevented the business from complying with the terms and~~  
1039 ~~conditions of its tax refund agreement.~~

1040 ~~2. Upon receipt of a request under subparagraph 1., the~~



1041 ~~department has 45 days to notify the requesting business, in~~  
1042 ~~writing, whether its extension has been granted or denied. In~~  
1043 ~~determining whether an extension should be granted, the~~  
1044 ~~department shall consider the extent to which negative economic~~  
1045 ~~conditions in the requesting business's industry have occurred~~  
1046 ~~in the state or the effects of a named hurricane or tropical~~  
1047 ~~storm or specific acts of terrorism affecting the qualified~~  
1048 ~~target industry business have prevented the business from~~  
1049 ~~complying with the terms and conditions of its tax refund~~  
1050 ~~agreement. The department shall consider current employment~~  
1051 ~~statistics for this state by industry, including whether the~~  
1052 ~~business's industry had substantial job loss during the prior~~  
1053 ~~year, when determining whether an extension shall be granted.~~

1054 ~~3. As a condition for receiving a prorated refund under~~  
1055 ~~paragraph (6) (e) or an economic recovery extension under this~~  
1056 ~~paragraph, a qualified target industry business must agree to~~  
1057 ~~renegotiate its tax refund agreement with the department to, at~~  
1058 ~~a minimum, ensure that the terms of the agreement comply with~~  
1059 ~~current law and the department's procedures governing~~  
1060 ~~application for and award of tax refunds. Upon approving the~~  
1061 ~~award of a prorated refund or granting an economic recovery~~  
1062 ~~extension, the department shall renegotiate the tax refund~~  
1063 ~~agreement with the business as required by this subparagraph.~~  
1064 ~~When amending the agreement of a business receiving an economic~~  
1065 ~~recovery extension, the department may extend the duration of~~  
1066 ~~the agreement for a period not to exceed 2 years.~~

1067           4. ~~A qualified target industry business may submit a~~  
 1068 ~~request for an economic recovery extension to the department in~~  
 1069 ~~lieu of any tax refund claim scheduled to be submitted after~~  
 1070 ~~January 1, 2009, but before July 1, 2012.~~

1071           5. ~~A qualified target industry business that receives an~~  
 1072 ~~economic recovery extension may not receive a tax refund for the~~  
 1073 ~~period covered by the extension.~~

1074           (8) ~~SPECIAL INCENTIVES. If the department determines it is~~  
 1075 ~~in the best interest of the public for reasons of facilitating~~  
 1076 ~~economic development, growth, or new employment opportunities~~  
 1077 ~~within a Disproportionally Affected County, the department may,~~  
 1078 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~  
 1079 ~~or local financial support eligibility requirements and allow a~~  
 1080 ~~qualified target industry business from another state which~~  
 1081 ~~relocates all or a portion of its business to a~~  
 1082 ~~Disproportionally Affected County to receive a tax refund~~  
 1083 ~~payment of up to \$6,000 multiplied by the number of jobs~~  
 1084 ~~specified in the tax refund agreement under subparagraph~~  
 1085 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~  
 1086 ~~waiver, the executive director of the department shall file with~~  
 1087 ~~the Governor a written statement of the conditions and~~  
 1088 ~~circumstances constituting the reason for the waiver. Such~~  
 1089 ~~business shall be eligible for the additional tax refund~~  
 1090 ~~payments specified in subparagraph (3)(b)4. if it meets the~~  
 1091 ~~criteria. As used in this section, the term "Disproportionally~~  
 1092 ~~Affected County" means Bay County, Escambia County, Franklin~~

1093 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~  
 1094 ~~County, or Wakulla County.~~

1095 Section 15. Paragraphs (f) and (g) of subsection (2) of  
 1096 section 288.108, Florida Statutes, are redesignated as  
 1097 paragraphs (g) and (h), respectively, paragraph (b) of  
 1098 subsection (2) and subsection (5) are amended, and a new  
 1099 paragraph (f) is added to subsection (2) of that section, to  
 1100 read:

1101 288.108 High-impact business.—

1102 (2) DEFINITIONS.—As used in this section, the term:

1103 (b) "Cumulative investment" means the total investment in  
 1104 buildings and equipment made by a qualified high-impact business  
 1105 since the beginning of construction of such facility. The term  
 1106 does not include funds granted to or spent on behalf of the  
 1107 business by the state, a local government, or another  
 1108 governmental entity; funds appropriated in the General  
 1109 Appropriations Act; or funds otherwise provided to the business  
 1110 by a state agency or local government.

1111 (f) "Local financial support" means financial, in-kind, or  
 1112 other quantifiable contributions from local sources that,  
 1113 combined, equal 20 percent or more of the total investment in  
 1114 the project by state and local sources.

1115 1. The department may grant a waiver that reduces the  
 1116 required amount of local financial support for a project to 10  
 1117 percent of the award granted to a business pursuant to this  
 1118 section for a local government, or eliminates the local

1119 financial support for a local government located in a rural area  
1120 of opportunity, as designated by the Governor pursuant to s.  
1121 288.0656.

1122 2. A local government requesting a waiver that reduces or  
1123 eliminates the local financial support requirement must provide  
1124 the department with a statement prepared by a Florida certified  
1125 public accountant, as defined in s. 473.302, which describes the  
1126 financial constraints preventing the local government from  
1127 providing the local financial support required by this section.  
1128 This subparagraph does not apply to a county considered fiscally  
1129 constrained pursuant to s. 218.67(1).

1130 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1131 (a) The department shall review an application pursuant to  
1132 s. 288.061 which is received from any eligible business, as  
1133 defined in subsection (2), for consideration as a qualified  
1134 high-impact business before the business has made a decision to  
1135 locate or expand a facility in this state. The business must  
1136 provide the following information:

1137 1. A complete description of the type of facility,  
1138 business operations, and product or service associated with the  
1139 project.

1140 2. The number of full-time equivalent jobs that will be  
1141 created by the project and the average annual wage of those  
1142 jobs.

1143 3. The cumulative amount of investment to be dedicated to  
1144 this project within 3 years.

1145 4. A statement concerning any special impacts the facility  
 1146 is expected to stimulate in the sector, the state, or regional  
 1147 economy and in state universities and community colleges.

1148 5. A statement concerning the role the grant will play in  
 1149 the decision of the applicant business to locate or expand in  
 1150 this state.

1151 6. Any additional information requested by the department.

1152 (b) Within 7 business days after the executive director  
 1153 approves or disapproves an application, the department shall  
 1154 recommend to the Governor the approval or disapproval of an  
 1155 eligible high-impact business for receipt of funds.  
 1156 Recommendations to the Governor must include the total amount of  
 1157 the qualified high-impact business facility performance grant  
 1158 award; the anticipated project performance conditions,  
 1159 including, but not limited to, net new employment in the state,  
 1160 average salary, and total capital investment incurred by the  
 1161 business; a baseline of current service and a measure of  
 1162 enhanced capability; the methodology for validating performance;  
 1163 the schedule of performance grant payments; and sanctions for  
 1164 failure to meet performance conditions ~~Applications shall be~~  
 1165 ~~reviewed and certified pursuant to s. 288.061.~~

1166 (c) The Governor may approve a high-impact business  
 1167 performance grant of less than \$2 million without consulting the  
 1168 Legislature. For such grants, the Governor shall provide a  
 1169 written description and evaluation of the approved project to  
 1170 the chair and vice chair of the Legislative Budget Commission,

1171 the President of the Senate, and the Speaker of the House of  
1172 Representatives, within 1 business day after approval ~~The~~  
1173 ~~department and the qualified high-impact business shall enter~~  
1174 ~~into a performance grant agreement setting forth the conditions~~  
1175 ~~for payment of the qualified high-impact business performance~~  
1176 ~~grant. The agreement shall include the total amount of the~~  
1177 ~~qualified high-impact business facility performance grant award,~~  
1178 ~~the performance conditions that must be met to obtain the award,~~  
1179 ~~including the employment, average salary, investment, the~~  
1180 ~~methodology for determining if the conditions have been met, and~~  
1181 ~~the schedule of performance grant payments.~~

1182 (d) The Governor shall provide a written description and  
1183 evaluation of each eligible high-impact business recommended for  
1184 approval for a high-impact business performance grant of at  
1185 least \$2 million, but not more than \$7.5 million, to the chair  
1186 and vice chair of the Legislative Budget Commission, the  
1187 President of the Senate, and the Speaker of the House of  
1188 Representatives at least 10 days before approving a qualified  
1189 high-impact business performance grant. If the chair or vice  
1190 chair of the Legislative Budget Commission, the President of the  
1191 Senate, or the Speaker of the House of Representatives timely  
1192 advises the Executive Office of the Governor in writing that the  
1193 award of funds exceeds the delegated authority of the Executive  
1194 Office of the Governor or is contrary to legislative policy or  
1195 intent, the Executive Office of the Governor shall void the  
1196 release of funds and instruct the department to immediately

1197 change action or proposed action.

1198 (e) The Governor shall provide the Legislative Budget  
1199 Commission with a written description and evaluation of each  
1200 eligible high-impact business recommended for approval of a  
1201 high-impact business performance grant that exceeds \$7.5 million  
1202 or that provides a waiver of program requirements and is at  
1203 least \$5 million. The Legislative Budget Commission must approve  
1204 such an award before final approval by the Governor.

1205 (f) Any contract or agreement executed by the department  
1206 must embody the performance criteria and timelines submitted to  
1207 the Legislature, whether during the legislative consultation  
1208 period or in the provided written description and evaluation for  
1209 those projects that do not require legislative consultation. If  
1210 the executed contract or agreement fails to embody the  
1211 performance criteria and timelines submitted to the legislature,  
1212 whether during the legislative consultation period or in the  
1213 provided written description and evaluation for those projects  
1214 that do not require legislative consultation, the department may  
1215 not expend any funds on the contract and the Chief Financial  
1216 Officer is not authorized to release payment of funds.

1217 (g) An amendment, modification, or extension of an  
1218 executed contract may not result in a 0.5-point or greater  
1219 reduction in the economic-benefit ratio of the project, may not  
1220 result in waiver of any program requirement, and is subject to a  
1221 14-day legislative consultation. If the chair or vice chair of  
1222 the Legislative Budget Commission, or the President of the

1223 Senate, or the Speaker of the House of Representatives timely  
 1224 advises the Executive Office of the Governor in writing that the  
 1225 amendment, modification, or extension exceeds the delegated  
 1226 authority of the Executive Office of the Governor or is contrary  
 1227 to legislative policy or intent, the Executive Office of the  
 1228 Governor shall void the amendment, modification, or extension  
 1229 and instruct the department to immediately change action or  
 1230 proposed action.

1231 (h) The department shall validate contractor performance  
 1232 and report such validation in the annual incentives report  
 1233 required by s. 288.907.

1234 Section 16. Subsections (2) and (3) of section 288.1088,  
 1235 Florida Statutes, are amended to read:

1236 288.1088 Quick Action Closing Fund.—

1237 (2) There is created within the department the Quick  
 1238 Action Closing Fund. Except as provided in subsection (3),  
 1239 projects eligible for receipt of funds from the Quick Action  
 1240 Closing Fund shall:

1241 (a) Be in an industry as referenced in s. 288.106.

1242 (b) Have a positive economic benefit ratio of at least 3.5  
 1243 to 1, or 350 percent.

1244 (c) Be an inducement to the project's location or  
 1245 expansion in the state.

1246 (d) Pay an average annual wage of at least 125 percent of  
 1247 the average private sector wage in the county in which the  
 1248 project is located or will be located, as defined in s. 288.106



1249 ~~areawide or statewide private sector average wage.~~

1250 (e) Be supported by the local community in which the  
1251 project is to be located.

1252 1. Financial support by the local community must include  
1253 financial, in-kind, or other quantifiable contributions from  
1254 local sources that, combined, equal 20 percent or more of the  
1255 total investment in the project by state and local sources.

1256 2. The department may grant a waiver that reduces the  
1257 required amount of local financial support for a project to 10  
1258 percent of the award granted to a business pursuant to this  
1259 section for a local government, or eliminates the required  
1260 amount of local financial support for a project for a local  
1261 government located in a rural area of opportunity as designated  
1262 by the Governor pursuant to s. 288.0656.

1263 3. A local government requesting a waiver that reduces or  
1264 eliminates the local financial support requirement must provide  
1265 the department with a statement prepared by a Florida certified  
1266 public accountant, as defined in s. 473.302, which describes the  
1267 financial constraints preventing the local government from  
1268 providing the local financial support required by this section.  
1269 This subparagraph does not apply to a county considered fiscally  
1270 constrained pursuant to s. 218.67(1).

1271 (f) For a new business, create at least 10 new jobs, or,  
1272 for an expanding business, increase the number of jobs by at  
1273 least 10 percent.

1274 (3) (a) The department and Enterprise Florida, Inc., shall

1275 jointly review applications pursuant to s. 288.061 and determine  
 1276 the eligibility of each project consistent with the criteria in  
 1277 subsection (2). ~~Waiver of these criteria may be considered under~~  
 1278 ~~the following criteria:~~

- 1279 ~~1. Based on extraordinary circumstances;~~
- 1280 ~~2. In order to mitigate the impact of the conclusion of~~  
 1281 ~~the space shuttle program; or~~
- 1282 ~~3. In rural areas of opportunity if the project would~~  
 1283 ~~significantly benefit the local or regional economy.~~

1284 (b) Notwithstanding paragraph (2)(d), the department, at  
 1285 the written request of a local governing body and Enterprise  
 1286 Florida, Inc., may use the statewide average wage in place of  
 1287 the county average wage for a project that will be located in an  
 1288 incorporated rural city having a population of 25,000 or less  
 1289 within a county having a population greater than 1 million.  
 1290 Population shall be based on the most recent United States  
 1291 Census Bureau population estimates.

1292 (c) ~~(b)~~ The department shall evaluate individual proposals  
 1293 for high-impact business facilities. Such evaluation must  
 1294 include, but need not be limited to:

- 1295 1. A description of the type of facility or  
 1296 infrastructure, its operations, and the associated product or  
 1297 service associated with the facility.
- 1298 2. The number of full-time-equivalent jobs that will be  
 1299 created by the facility and the total estimated average annual  
 1300 wages of those jobs or, in the case of privately developed rural

1301 infrastructure, the types of business activities and jobs  
 1302 stimulated by the investment.

1303 3. The cumulative amount of investment to be dedicated to  
 1304 the facility within a specified period.

1305 4. A statement of any special impacts the facility is  
 1306 expected to stimulate in a particular business sector in the  
 1307 state or regional economy or in the state's universities and  
 1308 community colleges.

1309 5. A statement of the role the incentive is expected to  
 1310 play in the decision of the applicant business to locate or  
 1311 expand in this state or for the private investor to provide  
 1312 critical rural infrastructure.

1313 6. A report evaluating the quality and value of the  
 1314 company submitting a proposal. The report must include:

1315 a. A financial analysis of the company, including an  
 1316 evaluation of the company's short-term liquidity ratio as  
 1317 measured by its assets to liability, the company's profitability  
 1318 ratio, and the company's long-term solvency as measured by its  
 1319 debt-to-equity ratio;

1320 b. The historical market performance of the company;

1321 c. A review of any independent evaluations of the company;

1322 d. A review of the latest audit of the company's financial  
 1323 statement and the related auditor's management letter; and

1324 e. A review of any other types of audits that are related  
 1325 to the internal and management controls of the company.

1326 (d) ~~(e)~~1. Within 7 business days after the executive

1327 director approves or disapproves an application ~~evaluating a~~  
1328 ~~project,~~ the department shall recommend to the Governor the  
1329 approval or disapproval of a project for receipt of funds from  
1330 the Quick Action Closing Fund. In recommending a project, the  
1331 department shall include the total amount of recommended funds  
1332 to be awarded; the anticipated project performance conditions,  
1333 including, but not limited to, net new employment in the state,  
1334 average salary, and total capital investment incurred by the  
1335 business; a baseline of current service and a measure of  
1336 enhanced capability; the methodology for validating performance;  
1337 the schedule of payments from the fund; and sanctions for  
1338 failure to meet performance conditions, including any clawback  
1339 provisions ~~proposed performance conditions that the project must~~  
1340 ~~meet to obtain incentive funds.~~

1341 2. The Governor may approve a Quick Action Closing Fund  
1342 project award requiring less than \$2 million in funding ~~projects~~  
1343 without consulting the Legislature ~~for projects requiring less~~  
1344 ~~than \$2 million in funding.~~ For such projects, the Governor  
1345 shall provide a written description and evaluation of the  
1346 approved project to the chair and vice chair of the Legislative  
1347 Budget Commission, the President of the Senate, and the Speaker  
1348 of the House of Representatives within 1 business day after  
1349 approval.

1350 3. ~~For projects requiring funding in the amount of \$2~~  
1351 ~~million to \$5 million,~~ The Governor shall provide a written  
1352 description and evaluation of each Quick Action Closing Fund ~~a~~

1353 project award recommended for approval, which requires funding  
 1354 of \$2 million or more, to the chair and vice chair of the  
 1355 Legislative Budget Commission, the President of the Senate, and  
 1356 the Speaker of the House of Representatives at least 14 ~~10~~ days  
 1357 before ~~prior to~~ giving final approval for a project. The  
 1358 recommendation must include the proposed performance conditions  
 1359 that the project must meet in order to obtain funds.

1360 4. If the chair or vice chair of the Legislative Budget  
 1361 Commission, ~~or~~ the President of the Senate, or the Speaker of  
 1362 the House of Representatives timely advises the Executive Office  
 1363 of the Governor, in writing, that such action or proposed action  
 1364 exceeds the delegated authority of the Executive Office of the  
 1365 Governor or is contrary to legislative policy or intent, the  
 1366 Executive Office of the Governor shall void the release of funds  
 1367 and instruct the department to immediately change such action or  
 1368 proposed action ~~until the Legislative Budget Commission or the~~  
 1369 ~~Legislature addresses the issue. Notwithstanding such~~  
 1370 ~~requirement, any project exceeding \$5 million must be approved~~  
 1371 ~~by the Legislative Budget Commission prior to the funds being~~  
 1372 ~~released.~~

1373 (e) ~~(d)~~ Upon the approval of the Governor in accordance  
 1374 with subparagraph (d)2., or upon expiration of the 14-day  
 1375 legislative consultation period provided in subparagraph (d)3.,  
 1376 unless advisement of objection is provided pursuant to  
 1377 subparagraph (d)4., the department and the business shall enter  
 1378 into a contract that sets forth the conditions for payment of

1379 moneys from the fund. Such payment may not be made to the  
1380 business until the scheduled goals are achieved. The contract  
1381 must include the total amount of funds awarded; the minimum and  
1382 maximum amount of funds that may be awarded; the performance  
1383 conditions that must be met to obtain the award, including, but  
1384 not limited to, net new employment in the state, average salary,  
1385 ~~and~~ total capital investment incurred by the business, and the  
1386 minimum and maximum number of jobs that will be created, if  
1387 applicable; demonstrate a baseline of current service and a  
1388 measure of enhanced capability; the methodology for validating  
1389 performance; the schedule of payments from the fund; and  
1390 sanctions for failure to meet performance conditions. The  
1391 contract must provide that payment of moneys from the fund is  
1392 contingent upon sufficient appropriation of funds by the  
1393 Legislature.

1394 (f) Any contract or agreement executed by the department  
1395 shall embody the performance criteria and timelines submitted to  
1396 the Legislature, whether during the legislative consultation  
1397 period or in the provided written description and evaluation for  
1398 those projects that do not require legislative consultation. If  
1399 the executed contract or agreement fails to embody the  
1400 performance criteria and timelines submitted to the legislature,  
1401 whether during the legislative consultation period or in the  
1402 provided written description and evaluation for those projects  
1403 that do not require legislative consultation, the department may  
1404 not expend any funds on the contract and the Chief Financial

1405 Officer is not authorized to release payment of funds.  
 1406 (g) An amendment, modification, or extension of an  
 1407 executed contract may not result in a 0.5-point or greater  
 1408 reduction in the economic-benefit ratio of the project, may not  
 1409 result in the waiver of any program requirement, and is subject  
 1410 to a 14-day legislative consultation. If the chair or vice chair  
 1411 of the Legislative Budget Commission, the President of the  
 1412 Senate, or the Speaker of the House of Representatives timely  
 1413 advises the Executive Office of the Governor in writing that the  
 1414 amendment, modification, or extension exceeds the delegated  
 1415 authority of the Executive Office of the Governor or is contrary  
 1416 to legislative policy or intent, the Executive Office of the  
 1417 Governor must void the amendment, modification, or extension and  
 1418 instruct the department to immediately change action or proposed  
 1419 action.

1420 (h)(e) The department shall validate contractor  
 1421 performance and report such validation in the annual incentives  
 1422 report required under s. 288.907.

1423 Section 17. Paragraph (b) of subsection (2) and  
 1424 subsections (4), (7), and (8) of section 288.1089, Florida  
 1425 Statutes, are amended to read:

1426 288.1089 Innovation Incentive Program.—

1427 (2) As used in this section, the term:

1428 (b) "Average private sector wage in the area" means ~~the~~  
 1429 ~~statewide average wage in the private sector or~~ the average of  
 1430 all private sector wages and salaries in the county ~~or in the~~

1431 ~~standard metropolitan area~~ in which the project is located ~~as~~  
1432 ~~determined by the department.~~

1433 (4) To qualify for review by the department, the applicant  
1434 must, at a minimum, establish the following to the satisfaction  
1435 of the department:

1436 (a) The jobs created by the project must pay an estimated  
1437 annual average wage equaling at least 130 percent of the average  
1438 private sector wage in the area. The department may waive this  
1439 average wage requirement at the request of Enterprise Florida,  
1440 Inc., for a project located in a rural area, a brownfield area,  
1441 or an enterprise zone, when the merits of the individual project  
1442 or the specific circumstances in the community in relationship  
1443 to the project warrant such action. A recommendation for waiver  
1444 by Enterprise Florida, Inc., must include a specific  
1445 justification for the waiver and be transmitted to the  
1446 department in writing. If the department elects to waive the  
1447 wage requirement, the waiver must be stated in writing and the  
1448 reasons for granting the waiver must be explained.

1449 (b) A research and development project must:

1450 1. Serve as a catalyst for an emerging or evolving  
1451 technology cluster.

1452 2. Demonstrate a plan for significant higher education  
1453 collaboration.

1454 3. Provide the state, at a minimum, a cumulative break-  
1455 even economic benefit within a 20-year period.

1456 4. Be provided with a one-to-one match from the local



1457 community. The match requirement may be reduced or waived in  
1458 rural areas of opportunity or reduced in rural areas, brownfield  
1459 areas, and enterprise zones. A local government requesting a  
1460 waiver that reduces or eliminates the one-to-one match must  
1461 provide the department with a statement prepared by a Florida  
1462 certified public accountant, as defined in s. 473.302, which  
1463 describes the financial constraints preventing the local  
1464 government from meeting the local financial support requirement  
1465 of this section. This subparagraph does not apply to a county  
1466 considered fiscally constrained pursuant to s. 218.67(1).

1467 (c) An innovation business project in this state, other  
1468 than a research and development project, must:

1469 1.a. Result in the creation of at least 1,000 direct, new  
1470 jobs at the business; or

1471 b. Result in the creation of at least 500 direct, new jobs  
1472 if the project is located in a rural area, a brownfield area, or  
1473 an enterprise zone.

1474 2. Have an activity or product that is within an industry  
1475 that is designated as a target industry business under s.  
1476 288.106 or a designated sector under s. 288.108.

1477 3.a. Have a cumulative investment of at least \$500 million  
1478 within a 5-year period; or

1479 b. Have a cumulative investment that exceeds \$250 million  
1480 within a 10-year period if the project is located in a rural  
1481 area, brownfield area, or an enterprise zone.

1482 4. Be provided with a one-to-one match from the local

1483 community. The match requirement may be reduced or waived in  
1484 rural areas of opportunity or reduced in rural areas, brownfield  
1485 areas, and enterprise zones. A local government requesting a  
1486 waiver that reduces or eliminates the one-to-one match must  
1487 provide the department with a statement prepared by a Florida  
1488 certified public accountant, as defined in s. 473.302, which  
1489 describes the financial constraints preventing the local  
1490 government from meeting the local financial support requirement  
1491 of this section. This subparagraph does not apply to a county  
1492 considered fiscally constrained pursuant to s. 218.67(1).

1493 (d) For an alternative and renewable energy project in  
1494 this state, the project must:

1495 1. Demonstrate a plan for significant collaboration with  
1496 an institution of higher education.~~†~~

1497 2. Provide the state, at a minimum, a cumulative break-  
1498 even economic benefit within a 20-year period.~~†~~

1499 3. Include matching funds provided by the applicant or  
1500 other available sources. The match requirement may be reduced or  
1501 waived in rural areas of opportunity or reduced in rural areas,  
1502 brownfield areas, and enterprise zones. A local government  
1503 requesting a waiver that reduces or eliminates the one-to-one  
1504 match must provide the department with a statement prepared by a  
1505 Florida certified public accountant, as defined in s. 473.302,  
1506 which describes the financial constraints preventing the local  
1507 government from meeting the one-to-one match requirement of this  
1508 section. This subparagraph does not apply to a county considered

1509 fiscally constrained pursuant to s. 218.67(1).~~†~~

1510 4. Be located in this state.† ~~and~~

1511 5. Provide at least 35 direct~~†~~ new jobs that pay an  
 1512 estimated annual average wage that equals at least 130 percent  
 1513 of the average private sector wage in the area.

1514 (7)(a) Within 7 business days after the executive director  
 1515 approves or disapproves an application for an innovation  
 1516 incentive award proposal, the department shall recommend to the  
 1517 Governor the approval or disapproval of an innovation incentive  
 1518 award. In recommending an award, the department shall include  
 1519 the total amount of the innovation incentive award; the  
 1520 anticipated performance conditions that must be met to obtain  
 1521 the award, including, but not limited to, net new employment in  
 1522 the state, average salary, and total capital investment incurred  
 1523 by the business; a baseline of current service and a measure of  
 1524 enhanced capability; the methodology for validating performance;  
 1525 the schedule of payments; and sanctions for failure to meet  
 1526 performance conditions, including any clawback provisions ~~Upon~~  
 1527 ~~receipt of the evaluation and recommendation from the~~  
 1528 ~~department, the Governor shall approve or deny an award. In~~  
 1529 ~~recommending approval of an award, the department shall include~~  
 1530 ~~proposed performance conditions that the applicant must meet in~~  
 1531 ~~order to obtain incentive funds and any other conditions that~~  
 1532 ~~must be met before the receipt of any incentive funds. The~~  
 1533 ~~Governor shall consult with the President of the Senate and the~~  
 1534 ~~Speaker of the House of Representatives before giving approval~~

1535 ~~for an award. Upon review and approval of an award by the~~  
1536 ~~Legislative Budget Commission, the Executive Office of the~~  
1537 ~~Governor shall release the funds.~~

1538 (b) The Governor may approve an innovation incentive award  
1539 of less than \$2 million without consulting the Legislature. For  
1540 such awards, the Governor shall provide a written description  
1541 and evaluation of the approved project to the chair and vice  
1542 chair of the Legislative Budget Commission, the President of the  
1543 Senate, and the Speaker of the House of Representatives within 1  
1544 business day after approval.

1545 (c) The Governor shall provide a written description and  
1546 evaluation of each innovation incentive award proposal  
1547 recommended for approval for an innovation incentive award of at  
1548 least \$2 million, but not more than \$7.5 million, to the chair  
1549 and vice chair of the Legislative Budget Commission, the  
1550 President of the Senate, and the Speaker of the House of  
1551 Representatives at least 14 days before giving final approval  
1552 for an award. If the chair or vice chair of the Legislative  
1553 Budget Commission, the President of the Senate, or the Speaker  
1554 of the House of Representatives timely advises the Executive  
1555 Office of the Governor in writing that the award of incentive  
1556 funds exceeds the delegated authority of the Executive Office of  
1557 the Governor or is contrary to legislative policy or intent, the  
1558 Executive Office of the Governor shall void the release of funds  
1559 and instruct the department to immediately change action or  
1560 proposed action.

1561        (d) The Governor shall provide the Legislative Budget  
1562 Commission a written description and evaluation of each eligible  
1563 business recommended for approval of an innovation incentive  
1564 award that exceeds \$7.5 million or that provides a waiver of  
1565 program requirements and is at least \$5 million. The Legislative  
1566 Budget Commission must approve such an award before final  
1567 approval by the Governor.

1568        (e) Any contract or agreement executed by the department  
1569 shall embody the performance criteria and timelines submitted to  
1570 the Legislature, whether during the legislative consultation  
1571 period or in the provided written description and evaluation for  
1572 those projects that do not require legislative consultation. If  
1573 the executed contract or agreement fails to embody the  
1574 performance criteria and timelines submitted to the Legislature,  
1575 whether during the legislative consultation period or in the  
1576 provided written description and evaluation for those projects  
1577 that do not require legislative consultation, the department may  
1578 not expend any funds on the contract and the Chief Financial  
1579 Officer is not authorized to release payment of funds.

1580        (f) An amendment, modification, or extension of an  
1581 executed contract may not result in a 0.5-point or greater  
1582 reduction in the economic-benefit ratio of the project, may not  
1583 result in the waiver of any program requirement, and is subject  
1584 to a 14-day legislative consultation. If the chair or vice chair  
1585 of the Legislative Budget Commission, the President of the  
1586 Senate, or the Speaker of the House of Representatives timely

1587 advises the Executive Office of the Governor in writing that the  
1588 amendment, modification, or extension exceeds the delegated  
1589 authority of the Executive Office of the Governor or is contrary  
1590 to legislative policy or intent, the Executive Office of the  
1591 Governor shall void the amendment, modification, or extension  
1592 and instruct the department to immediately change action or  
1593 proposed action.

1594 (8)(a) In addition to the requirements provided in  
1595 paragraph (7) (a), a contract between the department and an award  
1596 recipient ~~After the conditions set forth in subsection (7) have~~  
1597 ~~been met, the department shall issue a letter certifying the~~  
1598 ~~applicant as qualified for an award. The department and the~~  
1599 ~~award recipient shall enter into an agreement that sets forth~~  
1600 ~~the conditions for payment of the incentive funds. The agreement~~  
1601 ~~must include, at a minimum:~~

1602 1. ~~The total amount of funds awarded.~~

1603 2. ~~The performance conditions that must be met in order to~~  
1604 ~~obtain the award or portions of the award, including, but not~~  
1605 ~~limited to, net new employment in the state, average wage, and~~  
1606 ~~total cumulative investment.~~

1607 3. ~~Demonstration of a baseline of current service and a~~  
1608 ~~measure of enhanced capability.~~

1609 4. ~~The methodology for validating performance.~~

1610 5. ~~The schedule of payments.~~

1611 6. ~~Sanctions for failure to meet performance conditions,~~  
1612 ~~including any clawback provisions.~~

1613 ~~(b) Additionally, agreements signed on or after July 1,~~  
1614 ~~2009,~~ must include the following provisions:

1615 1. Notwithstanding subsection (4), a requirement that the  
1616 jobs created by the recipient of the incentive funds pay an  
1617 annual average wage at least equal to the relevant industry's  
1618 annual average wage or at least 130 percent of the average  
1619 private sector wage in the area, whichever is greater.

1620 2. A reinvestment requirement. Each recipient of an award  
1621 shall reinvest up to 15 percent of net royalty revenues,  
1622 including revenues from spin-off companies and the revenues from  
1623 the sale of stock it receives from the licensing or transfer of  
1624 inventions, methods, processes, and other patentable discoveries  
1625 conceived or reduced to practice using its facilities in Florida  
1626 or its Florida-based employees, in whole or in part, and to  
1627 which the recipient of the grant becomes entitled during the 20  
1628 years following the effective date of its agreement with the  
1629 department. Each recipient of an award also shall reinvest up to  
1630 15 percent of the gross revenues it receives from naming  
1631 opportunities associated with any facility it builds in this  
1632 state. Reinvestment payments shall commence no later than 6  
1633 months after the recipient of the grant has received the final  
1634 disbursement under the contract and shall continue until the  
1635 maximum reinvestment, as specified in the contract, has been  
1636 paid. Reinvestment payments shall be remitted to the department  
1637 for deposit in the Biomedical Research Trust Fund for companies  
1638 specializing in biomedicine or life sciences, or in the Economic

1639 Development Trust Fund for companies specializing in fields  
1640 other than biomedicine or the life sciences. If these trust  
1641 funds no longer exist at the time of the reinvestment, the  
1642 state's share of reinvestment shall be deposited in their  
1643 successor trust funds as determined by law. Each recipient of an  
1644 award shall annually submit a schedule of the shares of stock  
1645 held by it as payment of the royalty required by this paragraph  
1646 and report on any trades or activity concerning such stock. Each  
1647 recipient's reinvestment obligations survive the expiration or  
1648 termination of its agreement with the state.

1649 3. Requirements for the establishment of internship  
1650 programs or other learning opportunities for educators and  
1651 secondary, postsecondary, graduate, and doctoral students.

1652 4. A requirement that the recipient submit quarterly  
1653 reports and annual reports related to activities and performance  
1654 to the department, according to standardized reporting periods.

1655 5. A requirement for an annual accounting to the  
1656 department of the expenditure of funds disbursed under this  
1657 section.

1658 6. A process for amending the agreement.

1659 Section 18. Section 288.1169, Florida Statutes, is  
1660 repealed.

1661 Section 19. Subsection (2) and paragraph (b) of subsection  
1662 (5) of section 288.901, Florida Statutes, are amended to read:

1663 288.901 Enterprise Florida, Inc.—

1664 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the



1665 economic development organization for the state, using ~~utilizing~~  
 1666 private sector and public sector expertise in collaboration with  
 1667 the department to:

1668 (a) Increase private investment in Florida.†

1669 (b) Advance international and domestic trade  
 1670 opportunities.†

1671 (c) Market the state both as a probusiness location for  
 1672 new investment and as an unparalleled tourist destination.†

1673 (d) Revitalize Florida's space and aerospace industries,  
 1674 and promote emerging complementary industries.†

1675 (e) Promote opportunities for minority-owned businesses.†

1676 (f) Assist and market professional and amateur sport teams  
 1677 and sporting events in Florida.† ~~and~~

1678 (g) Assist, promote, and enhance economic opportunities in  
 1679 this state's rural and urban communities.

1680 (h) Foster and encourage high-technology startup and  
 1681 second-stage business development within the state.

1682 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

1683 (b) In making their appointments, the Governor, the  
 1684 President of the Senate, and the Speaker of the House of  
 1685 Representatives shall ensure that the composition of the board  
 1686 of directors reflects the diversity of Florida's business  
 1687 community and is representative of the economic development  
 1688 goals in subsection (2). The board must include at least one  
 1689 director for each of the following areas of expertise:  
 1690 international business, tourism marketing, the space or

1691 aerospace industry, managing or financing a minority-owned  
1692 business, manufacturing, finance and accounting, rural economic  
1693 development, and sports marketing.

1694 Section 20. Section 288.913, Florida Statutes, is created  
1695 to read:

1696 288.913 Innovation Florida Initiative.—

1697 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature  
1698 finds that successful high-technology startup and second-stage  
1699 businesses are critical to the state's overall economic growth  
1700 and such businesses play an outsized role in job creation. The  
1701 Legislature also finds that Enterprise Florida, Inc., the  
1702 state's economic development organization, is uniquely suited to  
1703 foster and encourage more high-technology startup and second-  
1704 stage business development within the state. Therefore, the  
1705 Legislature declares that it is the policy of the state to  
1706 prioritize high-technology startup and second-stage business  
1707 development within the state and directs Enterprise Florida,  
1708 Inc., to develop the Innovation Florida Initiative to further  
1709 such policy.

1710 (2) DEFINITIONS.—As used in this section, the term:

1711 (a) "Advanced technology products" means high-technology  
1712 products produced by a business that employs a high proportion  
1713 of scientists, engineers, and technicians. Such products may be  
1714 classified within, but not be limited to, the following fields:

1715 1. Biotechnology products related to advanced scientific  
1716 discoveries in genetics.

1717 2. Life science products related to the application of  
1718 nonbiological scientific advances to medical science.

1719 3. Optoelectronic products related to the emission or  
1720 detection of light.

1721 4. Information and communications products related to the  
1722 processing of increased volumes of information in shorter  
1723 periods of time.

1724 5. Electronics products related to design advances in  
1725 electronic components that result in improved performance and  
1726 capacity, or reduced size.

1727 6. Flexible manufacturing products related to robotics,  
1728 numerically-controlled machine tools, and similar products  
1729 involving industrial automation that allows for greater  
1730 flexibility in the manufacturing process and reduction in the  
1731 amount of human intervention.

1732 7. Advanced materials products related to advances in the  
1733 development of materials that allow for further development and  
1734 application of other advanced technologies.

1735 8. Aerospace products related to military and civil  
1736 helicopters, airplanes, and spacecraft.

1737 9. Weapons products related to products with military  
1738 application.

1739 10. Nuclear technology products related to nuclear power  
1740 production apparatus.

1741 (b) "High-technology startup" means a business unit that  
1742 has been in operation for less than 5 years, and employs fewer

1743 than 10 employees, which produces a high proportion of advanced  
1744 technology products.

1745 (c) "Second-stage business" means a business unit that  
1746 employs at least 10 but not more than 50 employees, generates at  
1747 least \$1 million but not more than \$25 million in annual  
1748 revenue, and produces a high proportion of advanced technology  
1749 products.

1750 (3) STATEWIDE STRATEGIC PLAN.—

1751 (a) The department shall develop a statewide strategic  
1752 plan for high-technology startup and second-stage business  
1753 growth and development in consultation with Enterprise Florida,  
1754 Inc., the Institute for the Commercialization of Public  
1755 Research, the Florida Economic Gardening Institute, the state's  
1756 local and regional economic development organizations, and other  
1757 stakeholders, public and private, that have experience and  
1758 expertise in high-technology startup and second-stage business  
1759 growth and development activities.

1760 (b) In developing the strategic plan, the department shall  
1761 evaluate best practices; examine the startup, entrepreneurship,  
1762 and second-stage business programs of other states; and survey  
1763 high-technology startups and second-stage businesses and support  
1764 organizations, both within and outside the state.

1765 (c) The strategic plan must include:

1766 1. Actionable steps to provide technical support to local  
1767 and regional economic development organizations to enhance high-  
1768 technology startup and second-stage business growth at local and

1769 regional levels.

1770 2. An evaluation of the accessibility of the state's  
1771 economic development incentive and loan programs to high-  
1772 technology startups and second-stage businesses.

1773 (d) By January 1, 2017, the department shall deliver the  
1774 strategic plan to the Governor, the President of the Senate, and  
1775 the Speaker of the House of Representatives.

1776 (e) Upon completion of the strategic plan, the plan shall  
1777 become part of the 5-year statewide strategic plan developed by  
1778 the Division of Strategic Business Development required by s.  
1779 20.60.

1780 (4) MARKETING.—Enterprise Florida, Inc., shall market the  
1781 state's economic development activities related to the growth  
1782 and development of high-technology startups and second-stage  
1783 businesses both inside and outside the state.

1784 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide  
1785 information regarding its activities related to the growth and  
1786 development of high-technology startups and second-stage  
1787 businesses in its annual report required by s. 288.906.

1788 Section 21. Paragraph (b) of subsection (3) of section  
1789 288.9604, Florida Statutes, is amended to read:

1790 288.9604 Creation of the authority.—

1791 (3)

1792 (b)1. The powers of the corporation shall be exercised by  
1793 the directors thereof. A majority of the directors constitutes a  
1794 quorum for the purposes of conducting business and exercising

1795 the powers of the corporation and for all other purposes. Action  
 1796 may be taken by the corporation upon a vote of a majority of the  
 1797 directors present, unless in any case the bylaws require a  
 1798 larger number. Any person may be appointed as director if he or  
 1799 she resides, or is engaged in business, which means owning a  
 1800 business, practicing a profession, or performing a service for  
 1801 compensation or serving as an officer or director of a  
 1802 corporation or other business entity so engaged, within the  
 1803 state.

1804 2. Any action taken by the full board of directors of the  
 1805 corporation on or before March 31, 2015, to ratify or reject  
 1806 actions taken by a previous board while such previous board was  
 1807 incomplete due to director vacancies, has the same effect as if  
 1808 the ratifying or rejecting board took the original action.

1809 Section 22. Section 288.9937, Florida Statutes, is amended  
 1810 to read:

1811 288.9937 Evaluation of programs.—The Office of Economic  
 1812 and Demographic Research and the Office of Program Policy  
 1813 Analysis and Government Accountability shall analyze and  
 1814 ~~evaluate, and determine the economic benefits, as defined in s.~~  
 1815 ~~288.005,~~ of the first 3 years of the Microfinance Loan Program  
 1816 and the Microfinance Guarantee Program. The analysis by the  
 1817 Office of Economic and Demographic Research must ~~also~~ evaluate  
 1818 the number of jobs created, the increase or decrease in personal  
 1819 income, and the impact on state gross domestic product from the  
 1820 direct, indirect, and induced effects of the state's investment.

1821 The analysis by the Office of Program Policy Analysis and  
 1822 Government Accountability must ~~also~~ identify any inefficiencies  
 1823 in the programs and provide recommendations for changes to the  
 1824 programs. Each ~~The~~ office shall submit a report to the President  
 1825 of the Senate and the Speaker of the House of Representatives by  
 1826 January 15 ~~4~~, 2018. This section expires January 31, 2018.

1827 Section 23. Section 189.033, Florida Statutes, is amended  
 1828 to read:

1829 189.033 Independent special district services in  
 1830 disproportionately affected county; rate reduction for providers  
 1831 providing economic benefits.—If the governing body of an  
 1832 independent special district that provides water, wastewater,  
 1833 and sanitation services in a disproportionately affected county,  
 1834 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a  
 1835 new user or the expansion of an existing user of one or more of  
 1836 its utility systems will provide a significant benefit to the  
 1837 community in terms of increased job opportunities, economies of  
 1838 scale, or economic development in the area, the governing body  
 1839 may authorize a reduction of its rates, fees, or charges for  
 1840 that user for a specified period of time. A governing body that  
 1841 exercises this power must do so by resolution that states the  
 1842 anticipated economic benefit justifying the reduction as well as  
 1843 the period of time that the reduction will remain in place.

1844 Section 24. Paragraph (a) of subsection (14) of section  
 1845 196.012, Florida Statutes, is amended to read:

1846 196.012 Definitions.—For the purpose of this chapter, the

1847 following terms are defined as follows, except where the context  
1848 clearly indicates otherwise:

1849 (14) "New business" means:

1850 (a)1. A business or organization establishing 10 or more  
1851 new jobs to employ 10 or more full-time employees in this state,  
1852 paying an average wage for such new jobs that is above the  
1853 average wage in the area, which principally engages in any one  
1854 or more of the following operations:

1855 a. Manufactures, processes, compounds, fabricates, or  
1856 produces for sale items of tangible personal property at a fixed  
1857 location and which comprises an industrial or manufacturing  
1858 plant; or

1859 b. Is a target industry business as defined in s.

1860 288.106(2)(p) ~~288.106(2)(q)~~;

1861 2. A business or organization establishing 25 or more new  
1862 jobs to employ 25 or more full-time employees in this state, the  
1863 sales factor of which, as defined by s. 220.15(5), for the  
1864 facility with respect to which it requests an economic  
1865 development ad valorem tax exemption is less than 0.50 for each  
1866 year the exemption is claimed; or

1867 3. An office space in this state owned and used by a  
1868 business or organization newly domiciled in this state; provided  
1869 such office space houses 50 or more full-time employees of such  
1870 business or organization; provided that such business or  
1871 organization office first begins operation on a site clearly  
1872 separate from any other commercial or industrial operation owned



1873 by the same business or organization.

1874 Section 25. Subsections (1) and (3), paragraph (a) of  
 1875 subsection (5), and paragraph (e) of subsection (7) of section  
 1876 288.11625, Florida Statutes, are amended to read:

1877 288.11625 Sports development.—

1878 (1) ADMINISTRATION.—The department shall serve as the  
 1879 state agency responsible for screening applicants for state  
 1880 funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

1881 (3) PURPOSE.—The purpose of this section is to provide  
 1882 applicants state funding under s. 212.20(6)(d)6.e.  
 1883 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,  
 1884 reconstructing, renovating, or improving a facility.

1885 (5) EVALUATION PROCESS.—

1886 (a) Before recommending an applicant to receive a state  
 1887 distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the  
 1888 department must verify that:

1889 1. The applicant or beneficiary is responsible for the  
 1890 construction, reconstruction, renovation, or improvement of a  
 1891 facility and obtained at least three bids for the project.

1892 2. If the applicant is not a unit of local government, a  
 1893 unit of local government holds title to the property on which  
 1894 the facility and project are, or will be, located.

1895 3. If the applicant is a unit of local government in whose  
 1896 jurisdiction the facility is, or will be, located, the unit of  
 1897 local government has an exclusive intent agreement to negotiate  
 1898 in this state with the beneficiary.

1899           4. A unit of local government in whose jurisdiction the  
 1900 facility is, or will be, located supports the application for  
 1901 state funds. Such support must be verified by the adoption of a  
 1902 resolution, after a public hearing, that the project serves a  
 1903 public purpose.

1904           5. The applicant or beneficiary has not previously  
 1905 defaulted or failed to meet any statutory requirements of a  
 1906 previous state-administered sports-related program under s.  
 1907 288.1162, s. 288.11621, s. 288.11631, or this section.  
 1908 Additionally, the applicant or beneficiary is not currently  
 1909 receiving state distributions under s. 212.20 for the facility  
 1910 that is the subject of the application, unless the applicant  
 1911 demonstrates that the franchise that applied for a distribution  
 1912 under s. 212.20 no longer plays at the facility that is the  
 1913 subject of the application.

1914           6. The applicant or beneficiary has sufficiently  
 1915 demonstrated a commitment to employ residents of this state,  
 1916 contract with Florida-based firms, and purchase locally  
 1917 available building materials to the greatest extent possible.

1918           7. If the applicant is a unit of local government, the  
 1919 applicant has a certified copy of a signed agreement with a  
 1920 beneficiary for the use of the facility. If the applicant is a  
 1921 beneficiary, the beneficiary must enter into an agreement with  
 1922 the department. The applicant's or beneficiary's agreement must  
 1923 also require the following:

1924           a. The beneficiary must reimburse the state for state

1925 funds that will be distributed if the beneficiary relocates or  
 1926 no longer occupies or uses the facility as the facility's  
 1927 primary tenant before the agreement expires. Reimbursements must  
 1928 be sent to the Department of Revenue for deposit into the  
 1929 General Revenue Fund.

1930 b. The beneficiary must pay for signage or advertising  
 1931 within the facility. The signage or advertising must be placed  
 1932 in a prominent location as close to the field of play or  
 1933 competition as is practicable, must be displayed consistent with  
 1934 signage or advertising in the same location and of like value,  
 1935 and must feature Florida advertising approved by the Florida  
 1936 Tourism Industry Marketing Corporation.

1937 8. The project will commence within 12 months after  
 1938 receiving state funds or did not commence before January 1,  
 1939 2013.

1940 (7) CONTRACT.—An applicant approved by the Legislature and  
 1941 certified by the department must enter into a contract with the  
 1942 department which:

1943 (e) Requires the applicant to reimburse the state by  
 1944 electing to do one of the following:

1945 1. After all distributions have been made, reimburse at  
 1946 the end of the contract term any amount by which the total  
 1947 distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~  
 1948 exceed actual new incremental state sales taxes generated by  
 1949 sales at the facility during the contract, plus a 5 percent  
 1950 penalty on that amount.

1951           2. After the applicant begins to submit the independent  
 1952 analysis under paragraph (c), reimburse each year any amount by  
 1953 which the previous year's annual distribution exceeds 75 percent  
 1954 of the actual new incremental state sales taxes generated by  
 1955 sales at the facility.

1956  
 1957 Any reimbursement due to the state must be made within 90 days  
 1958 after the applicable distribution under this paragraph. If the  
 1959 applicant is unable or unwilling to reimburse the state for such  
 1960 amount, the department may place a lien on the applicant's  
 1961 facility. If the applicant is a municipality or county, it may  
 1962 reimburse the state from its half-cent sales tax allocation, as  
 1963 provided in s. 218.64(3). Reimbursements must be sent to the  
 1964 Department of Revenue for deposit into the General Revenue Fund.

1965           Section 26. Paragraph (c) of subsection (2) and paragraphs  
 1966 (a), (c), and (d) of subsection (3) of section 288.11631,  
 1967 Florida Statutes, are amended to read:

1968           288.11631 Retention of Major League Baseball spring  
 1969 training baseball franchises.—

1970           (2) CERTIFICATION PROCESS.—

1971           (c) Each applicant certified on or after July 1, 2013,  
 1972 shall enter into an agreement with the department which:

1973           1. Specifies the amount of the state incentive funding to  
 1974 be distributed. The amount of state incentive funding per  
 1975 certified applicant may not exceed \$20 million. However, if a  
 1976 certified applicant's facility is used by more than one spring

1977 training franchise, the maximum amount may not exceed \$50  
 1978 million, and the Department of Revenue shall make distributions  
 1979 to the applicant pursuant to s. 212.20(6)(d)6.d.  
 1980 ~~212.20(6)(d)6.e.~~

1981 2. States the criteria that the certified applicant must  
 1982 meet in order to remain certified. These criteria must include a  
 1983 provision stating that the spring training franchise must  
 1984 reimburse the state for any funds received if the franchise does  
 1985 not comply with the terms of the contract. If bonds were issued  
 1986 to construct or renovate a facility for a spring training  
 1987 franchise, the required reimbursement must be equal to the total  
 1988 amount of state distributions expected to be paid from the date  
 1989 the franchise violates the agreement with the applicant through  
 1990 the final maturity of the bonds.

1991 3. States that the certified applicant is subject to  
 1992 decertification if the certified applicant fails to comply with  
 1993 this section or the agreement.

1994 4. States that the department may recover state incentive  
 1995 funds if the certified applicant is decertified.

1996 5. Specifies the information that the certified applicant  
 1997 must report to the department.

1998 6. Includes any provision deemed prudent by the  
 1999 department.

2000 (3) USE OF FUNDS.—

2001 (a) A certified applicant may use funds provided under s.  
 2002 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

2003 1. Serve the public purpose of constructing or renovating  
 2004 a facility for a spring training franchise.

2005 2. Pay or pledge for the payment of debt service on, or to  
 2006 fund debt service reserve funds, arbitrage rebate obligations,  
 2007 or other amounts payable with respect thereto, bonds issued for  
 2008 the construction or renovation of such facility, or for the  
 2009 reimbursement of such costs or the refinancing of bonds issued  
 2010 for such purposes.

2011 (c) The Department of Revenue may not distribute funds  
 2012 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.  
 2013 Further, the Department of Revenue may not distribute funds to  
 2014 an applicant certified on or after July 1, 2013, until it  
 2015 receives notice from the department that:

2016 1. The certified applicant has encumbered funds under  
 2017 either subparagraph (a)1. or subparagraph (a)2.; and

2018 2. If applicable, any existing agreement with a spring  
 2019 training franchise for the use of a facility has expired.

2020 (d)1. All certified applicants shall place unexpended  
 2021 state funds received pursuant to s. 212.20(6)(d)6.d.  
 2022 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use  
 2023 only as authorized in this section.

2024 2. A certified applicant may request that the department  
 2025 notify the Department of Revenue to suspend further  
 2026 distributions of state funds made available under s.  
 2027 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration  
 2028 of an existing agreement with a spring training franchise to

2029 provide the certified applicant with an opportunity to enter  
 2030 into a new agreement with a spring training franchise, at which  
 2031 time the distributions shall resume.

2032 3. The expenditure of state funds distributed to an  
 2033 applicant certified after July 1, 2013, must begin within 48  
 2034 months after the initial receipt of the state funds. In  
 2035 addition, the construction or renovation of a spring training  
 2036 facility must be completed within 24 months after the project's  
 2037 commencement.

2038 Section 27. For the purpose of incorporating the amendment  
 2039 made by this act to section 288.106, Florida Statutes, in a  
 2040 reference thereto, subsection (11) of section 159.803, Florida  
 2041 Statutes, is reenacted to read:

2042 159.803 Definitions.—As used in this part, the term:

2043 (11) "Florida First Business project" means any project  
 2044 which is certified by the Department of Economic Opportunity as  
 2045 eligible to receive an allocation from the Florida First  
 2046 Business allocation pool established pursuant to s. 159.8083.  
 2047 The Department of Economic Opportunity may certify those  
 2048 projects meeting the criteria set forth in s. 288.106(4)(b) or  
 2049 any project providing a substantial economic benefit to this  
 2050 state.

2051 Section 28. This act shall take effect July 1, 2016.