



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. 189.033, F.S.; conforming a  
15          cross-reference; amending s. 196.012, F.S.; conforming  
16          provisions to changes made by the act; amending s.  
17          212.20, F.S.; conforming provisions to the repeal by  
18          the act of s. 288.1169, F.S.; amending s. 220.191,  
19          F.S.; revising the definition of the term "cumulative  
20          capital investment" for purposes of the capital  
21          investment tax credit; amending s. 220.196, F.S.;  
22          conforming a cross-reference; amending s. 288.0001,  
23          F.S.; revising required elements of specified analyses  
24          prepared by the Office of Economic and Demographic  
25          Research and the Office of Program Policy Analysis and  
26          Government Accountability; conforming provisions;



27 | amending s. 288.005, F.S.; revising and providing  
28 | definitions; providing for expiration of the  
29 | prohibition; amending s. 288.061, F.S.; requiring the  
30 | Department of Economic Opportunity to prescribe the  
31 | format for certain economic incentive applications;  
32 | providing required elements of the applications;  
33 | revising evaluation and contract requirements of the  
34 | economic development incentive application process;  
35 | revising a definition; providing and revising  
36 | responsibilities of the department; amending s.  
37 | 288.076, F.S.; revising definitions; creating s.  
38 | 288.103, F.S.; providing requirements for economic  
39 | development program incentive contracts with respect  
40 | to a minimum residency period; providing  
41 | applicability; 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; specifying that certain taxes paid serve  
52 | as a limitation on the amount of incentive payments a



53 | business may receive; amending s. 288.108, F.S.;

54 | revising and providing definitions; revising

55 | application requirements and requiring the Department

56 | of Economic Opportunity to certify high-impact

57 | business grant applications; providing duties of the

58 | Governor and the department; amending s. 288.1088,

59 | F.S.; revising provisions relating to the Quick Action

60 | Closing Fund; redesignating the fund as the Florida

61 | Enterprise Fund; revising project eligibility

62 | requirements; providing limitations on, and

63 | authorizing waivers from, local financial support

64 | requirements; revising contract requirements for

65 | certain projects; revising approval requirements for

66 | amendments or modifications of contract requirements

67 | for such projects; revising duties of the Governor;

68 | providing for the carryforward and subsequent release

69 | of specified funds; amending s. 288.1089, F.S.;

70 | revising definitions; revising application

71 | requirements for the Innovation Incentive Program;

72 | authorizing the department to waive certain wage

73 | requirements for projects in a rural area of

74 | opportunity or certified enterprise zone; revising

75 | duties of the Governor and the department; revising

76 | approval requirements for amendments or modifications

77 | of contract requirements for such projects; amending

78 | s. 288.11621, F.S.; conforming a provision to changes



79 | made by the act; repealing s. 288.1169, F.S., relating  
80 | to state agency funding of the International Game Fish  
81 | Association World Center facility; reviving,  
82 | reenacting, and amending s. 288.1229, F.S., relating  
83 | to the promotion and development of sports-related  
84 | industries and amateur athletics; requiring the  
85 | Department of Economic Opportunity to establish the  
86 | Florida Sports Foundation for certain purposes;  
87 | providing duties of the foundation; amending s.  
88 | 288.901, F.S.; revising the purpose and duties of  
89 | Enterprise Florida, Inc., with respect to fostering  
90 | and encouraging high-technology startup and second-  
91 | state business development; revising membership  
92 | requirements for the board of directors of Enterprise  
93 | Florida, Inc.; amending s. 288.9015, F.S.; revising  
94 | the powers of Enterprise Florida, Inc., to conform to  
95 | changes made by the act; amending s. 288.904, F.S.;  
96 | requiring that specified information be included in  
97 | the department's incentive portal; creating s.  
98 | 288.913, F.S.; creating the Innovation Florida  
99 | Initiative; providing legislative findings; providing  
100 | definitions; requiring the department to develop a  
101 | statewide strategic plan for high-technology startup  
102 | and second-stage business growth and development;  
103 | providing requirements for the plan; providing  
104 | marketing requirements; providing reporting



105 requirements; amending s. 288.92, F.S.; revising the  
106 required divisions within Enterprise Florida, Inc., to  
107 conform; amending s. 288.9604, F.S.; providing for  
108 ratification of certain actions taken by the board of  
109 directors of the Florida Development Finance  
110 Corporation; providing requirements for meetings of  
111 the board of directors; amending s. 288.9605, F.S.;  
112 providing additional powers of the corporation;  
113 amending s. 288.980, F.S.; revising requirements for  
114 Military Base Protection Program grant applicants;  
115 making technical changes; amending s. 288.9937, F.S.;  
116 requiring the Office of Program Policy Analysis and  
117 Government Accountability to evaluate the Microfinance  
118 Loan Program; providing requirements for the  
119 evaluation; revising reporting requirements; amending  
120 ss. 288.11625 and 288.11631, F.S.; conforming cross-  
121 references; amending s. 320.08058, F.S.; revising uses  
122 of the proceeds of the Florida Professional Sports  
123 Team license plate; conforming provisions; reenacting  
124 s. 159.803(11), F.S., relating to definitions  
125 applicable to the Florida Private Activity Bond  
126 Allocation Act, to incorporate the amendment made by  
127 the act to s. 288.106, F.S., in a reference thereto;  
128 providing an effective date.

129

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



131  
132 Section 1. Subsection (7) of section 163.3175, Florida  
133 Statutes, is amended to read:  
134 163.3175 Legislative findings on compatibility of  
135 development with military installations; exchange of information  
136 between local governments and military installations.—

137 (7) To facilitate the exchange of information provided for  
138 in this section, a representative of a military installation  
139 acting on behalf of all military installations within that  
140 jurisdiction shall serve ~~be included as an~~ ex officio as a  
141 nonvoting member of the county's or affected local government's  
142 land planning or zoning board. The representative is not  
143 required to file a statement of financial interest pursuant to  
144 s. 112.3145 solely due to his or her service on the county's or  
145 affected local government's land planning or zoning board.

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

148 163.3180 Concurrency.—

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

156 1. Proportionate-share contribution or construction



157 assessed on an existing development before July 1, 2016.

158 2. A new business development that is larger than 6,000  
159 square feet.

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

162 (b) To maintain the exemption from transportation  
163 concurrency and proportionate-share contribution or construction  
164 pursuant to paragraph (a), a new business development must  
165 receive a certificate of occupancy on or before July 1, 2020. If  
166 the certificate of occupancy is not received by July 1, 2020,  
167 the local government may apply transportation concurrency and  
168 require the appropriate proportionate-share contribution or  
169 construction for the business development that would have been  
170 applied except for this subsection. Any outstanding obligation  
171 related to the proportionate-share contribution or construction  
172 runs with the land and is enforceable against any person  
173 claiming a fee interest in the land subject to that obligation.

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

179 (d) Upon written notification to the local government, a  
180 developer may elect to have the local government apply  
181 transportation concurrency and proportionate-share contribution  
182 or construction to a business development.



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

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

186 163.31801 Impact fees; short title; intent; definitions;  
187 ordinances levying impact fees.—

188 (6) (a) Notwithstanding any other provision of law,  
189 ordinance, or resolution, a county, municipality, or special  
190 district may not impose any new or existing impact fee or any  
191 new or existing fee associated with the mitigation of  
192 transportation impacts on new business development before July  
193 1, 2019, unless authorized by the affirmative majority vote of  
194 the governing authority of the county, municipality, or special  
195 district. This paragraph does not apply to:

196 1. An impact fee or fee associated with the mitigation of  
197 transportation impacts previously enacted by law, ordinance, or  
198 resolution assessed on an existing business development before  
199 July 1, 2016.

200 2. A new business development larger than 6,000 square  
201 feet.

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

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

207 (c) To maintain the exemption from impact fees and fees  
208 associated with the mitigation of transportation impacts





209 pursuant to paragraph (a), a new business development must  
210 receive a certificate of occupancy on or before July 1, 2020. If  
211 the certificate of occupancy is not received by July 1, 2020,  
212 the county, municipality, or special district may impose the  
213 appropriate impact fees and fees associated with the mitigation  
214 of transportation impacts on the development that would have  
215 been applied except for this subsection. Any outstanding  
216 obligation related to impact fees, and fees associated with the  
217 mitigation of transportation impacts on the development, runs  
218 with the land and is enforceable against any person claiming a  
219 fee interest in the land subject to that obligation.

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

225 (e) Upon notification to the county, municipality, or  
226 special district, a developer may elect to have impact fees and  
227 fees associated with the mitigation of transportation impacts  
228 imposed on a development.

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

230 Section 4. Section 189.033, Florida Statutes, is amended  
231 to read:

232 189.033 Independent special district services in  
233 disproportionally affected county; rate reduction for providers  
234 providing economic benefits.—If the governing body of an



235 independent special district that provides water, wastewater,  
236 and sanitation services in a disproportionately affected county,  
237 as provided ~~defined~~ in s. 220.191(1)(g)1. ~~288.106(8),~~ determines  
238 that a new user or the expansion of an existing user of one or  
239 more of its utility systems will provide a significant benefit  
240 to the community in terms of increased job opportunities,  
241 economies of scale, or economic development in the area, the  
242 governing body may authorize a reduction of its rates, fees, or  
243 charges for that user for a specified period of time. A  
244 governing body that exercises this power must do so by  
245 resolution that states the anticipated economic benefit  
246 justifying the reduction as well as the period of time that the  
247 reduction will remain in place.

248 Section 5. Paragraph (a) of subsection (14) of section  
249 196.012, Florida Statutes, is amended to read:

250 196.012 Definitions.—For the purpose of this chapter, the  
251 following terms are defined as follows, except where the context  
252 clearly indicates otherwise:

253 (14) "New business" means:

254 (a)1. A business or organization establishing 10 or more  
255 new jobs to employ 10 or more full-time employees in this state  
256 which pays, ~~paying~~ an average wage for such new jobs which ~~that~~  
257 is above the average wage in the area and, ~~which~~ principally  
258 engages in any one or more of the following operations:

259 a. Manufactures, processes, compounds, fabricates, or  
260 produces for sale items of tangible personal property at a fixed



261 location and which comprises an industrial or manufacturing  
 262 plant; or

263 b. Is a target industry business as defined in s.  
 264 288.106(2) ~~288.106(2)(g)~~;

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

271 3. An office space in this state owned and used by a  
 272 business or organization newly domiciled in this state if  
 273 ~~provided~~ such office space houses 50 or more full-time employees  
 274 of such business or organization and; ~~provided that such~~  
 275 ~~business or organization office~~ first begins operation on a site  
 276 clearly separate from any other commercial or industrial  
 277 operation owned by the same business or organization.

278 Section 6. Paragraph (d) of subsection (6) of section  
 279 212.20, Florida Statutes, is amended to read:

280 212.20 Funds collected, disposition; additional powers of  
 281 department; operational expense; refund of taxes adjudicated  
 282 unconstitutionally collected.—

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

285 (d) The proceeds of all other taxes and fees imposed  
 286 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)



287 and (2) (b) shall be distributed as follows:

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

294       2. After the distribution under subparagraph 1., 8.9744  
295 percent of the amount remitted by a sales tax dealer located  
296 within a participating county pursuant to s. 218.61 shall be  
297 transferred into the Local Government Half-cent Sales Tax  
298 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
299 transferred shall be reduced by 0.1 percent, and the department  
300 shall distribute this amount to the Public Employees Relations  
301 Commission Trust Fund less \$5,000 each month, which shall be  
302 added to the amount calculated in subparagraph 3. and  
303 distributed accordingly.

304       3. After the distribution under subparagraphs 1. and 2.,  
305 0.0966 percent shall be transferred to the Local Government  
306 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
307 to s. 218.65.

308       4. After the distributions under subparagraphs 1., 2., and  
309 3., 2.0810 percent of the available proceeds shall be  
310 transferred monthly to the Revenue Sharing Trust Fund for  
311 Counties pursuant to s. 218.215.

312       5. After the distributions under subparagraphs 1., 2., and



313 3., 1.3653 percent of the available proceeds shall be  
314 transferred monthly to the Revenue Sharing Trust Fund for  
315 Municipalities pursuant to s. 218.215. If the total revenue to  
316 be distributed pursuant to this subparagraph is at least as  
317 great as the amount due from the Revenue Sharing Trust Fund for  
318 Municipalities and the former Municipal Financial Assistance  
319 Trust Fund in state fiscal year 1999-2000, no municipality shall  
320 receive less than the amount due from the Revenue Sharing Trust  
321 Fund for Municipalities and the former Municipal Financial  
322 Assistance Trust Fund in state fiscal year 1999-2000. If the  
323 total proceeds to be distributed are less than the amount  
324 received in combination from the Revenue Sharing Trust Fund for  
325 Municipalities and the former Municipal Financial Assistance  
326 Trust Fund in state fiscal year 1999-2000, each municipality  
327 shall receive an amount proportionate to the amount it was due  
328 in state fiscal year 1999-2000.

329 6. Of the remaining proceeds:

330 a. In each fiscal year, the sum of \$29,915,500 shall be  
331 divided into as many equal parts as there are counties in the  
332 state, and one part shall be distributed to each county. The  
333 distribution among the several counties must begin each fiscal  
334 year on or before January 5th and continue monthly for a total  
335 of 4 months. If a local or special law required that any moneys  
336 accruing to a county in fiscal year 1999-2000 under the then-  
337 existing provisions of s. 550.135 be paid directly to the  
338 district school board, special district, or a municipal



339 government, such payment must continue until the local or  
340 special law is amended or repealed. The state covenants with  
341 holders of bonds or other instruments of indebtedness issued by  
342 local governments, special districts, or district school boards  
343 before July 1, 2000, that it is not the intent of this  
344 subparagraph to adversely affect the rights of those holders or  
345 relieve local governments, special districts, or district school  
346 boards of the duty to meet their obligations as a result of  
347 previous pledges or assignments or trusts entered into which  
348 obligated funds received from the distribution to county  
349 governments under then-existing s. 550.135. This distribution  
350 specifically is in lieu of funds distributed under s. 550.135  
351 before July 1, 2000.

352 b. The department shall distribute \$166,667 monthly to  
353 each applicant certified as a facility for a new or retained  
354 professional sports franchise pursuant to s. 288.1162. Up to  
355 \$41,667 shall be distributed monthly by the department to each  
356 certified applicant as defined in s. 288.11621 for a facility  
357 for a spring training franchise. However, not more than \$416,670  
358 may be distributed monthly in the aggregate to all certified  
359 applicants for facilities for spring training franchises.  
360 Distributions begin 60 days after such certification and  
361 continue for not more than 30 years, except as otherwise  
362 provided in s. 288.11621. A certified applicant identified in  
363 this sub-subparagraph may not receive more in distributions than  
364 expended by the applicant for the public purposes provided in s.



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365 288.1162(5) or s. 288.11621(3).

366 c. Beginning 30 days after notice by the Department of  
367 Economic Opportunity to the Department of Revenue that an  
368 applicant has been certified as the professional golf hall of  
369 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
370 shall be distributed monthly, for up to 300 months, to the  
371 applicant.

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

381 d.e. The department shall distribute up to \$83,333 monthly  
382 to each certified applicant as defined in s. 288.11631 for a  
383 facility used by a single spring training franchise, or up to  
384 \$166,667 monthly to each certified applicant as defined in s.  
385 288.11631 for a facility used by more than one spring training  
386 franchise. Monthly distributions begin 60 days after such  
387 certification or July 1, 2016, whichever is later, and continue  
388 for not more than 20 years to each certified applicant as  
389 defined in s. 288.11631 for a facility used by a single spring  
390 training franchise or not more than 25 years to each certified



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391 applicant as defined in s. 288.11631 for a facility used by more  
392 than one spring training franchise. A certified applicant  
393 identified in this sub-subparagraph may not receive more in  
394 distributions than expended by the applicant for the public  
395 purposes provided in s. 288.11631(3).

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

408 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
409 the department shall distribute \$26,286 monthly to the State  
410 Transportation Trust Fund. Beginning July 1, 2016, the  
411 department shall distribute \$15,333 monthly to the State  
412 Transportation Trust Fund.

413 7. All other proceeds must remain in the General Revenue  
414 Fund.

415 Section 7. Paragraph (b) of subsection (1) of section  
416 220.191, Florida Statutes, is amended to read:





417 220.191 Capital investment tax credit.—

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

419 (b) "Cumulative capital investment" means the total  
 420 capital investment in land, buildings, and equipment made by or  
 421 on behalf of a qualifying business in connection with a  
 422 qualifying project during the period from the beginning of  
 423 construction of the project to the commencement of operations.  
 424 The term does not include funds granted to or spent on behalf of  
 425 a qualifying business by the state, a local government, or  
 426 another governmental entity; funds appropriated in the General  
 427 Appropriations Act; or funds otherwise provided to a qualifying  
 428 business by a state agency, a local government, or another  
 429 governmental entity.

430 Section 8. Paragraph (a) of subsection (2) of section  
 431 220.196, Florida Statutes, is amended to read:

432 220.196 Research and development tax credit.—

433 (2) TAX CREDIT.—

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

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

439 2. Claims and is allowed a research credit for such  
 440 qualified research expenses under 26 U.S.C. s. 41 for the same  
 441 taxable year as subparagraph 1.; and

442 3. Is a qualified target industry business as defined in



443 s. 288.106(2)(1) ~~288.106(2)(n)~~. Only qualified target industry  
444 businesses in the manufacturing, life sciences, information  
445 technology, aviation and aerospace, homeland security and  
446 defense, cloud information technology, marine sciences,  
447 materials science, and nanotechnology industries may qualify for  
448 a tax credit under this section. A business applying for a  
449 credit pursuant to this section shall include a letter from the  
450 Department of Economic Opportunity certifying whether the  
451 business meets the requirements of this subparagraph with its  
452 application for credit. The Department of Economic Opportunity  
453 shall provide such a letter upon receiving a request.

454 Section 9. Paragraphs (b) and (e) of subsection (2) of  
455 section 288.0001, Florida Statutes, are amended to read:

456 288.0001 Economic Development Programs Evaluation.—The  
457 Office of Economic and Demographic Research and the Office of  
458 Program Policy Analysis and Government Accountability (OPPAGA)  
459 shall develop and present to the Governor, the President of the  
460 Senate, the Speaker of the House of Representatives, and the  
461 chairs of the legislative appropriations committees the Economic  
462 Development Programs Evaluation.

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

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

468 1. The entertainment industry financial incentive program



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469 established under s. 288.1254.

470 2. The entertainment industry sales tax exemption program  
471 established under s. 288.1258.

472 3. The Florida Tourism Industry Marketing Corporation  
473 ~~VISIT Florida~~ and its programs established or funded under ss.  
474 288.122, 288.1226, 288.12265, and 288.124.

475 4. The Florida Sports Foundation and related programs  
476 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
477 288.1168, ~~288.1169~~, and 288.1171.

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

482 Section 10. Subsections (3) through (6) of section  
483 288.005, Florida Statutes, are renumbered as subsections (4)  
484 through (7), respectively, present subsection (1) is amended,  
485 and a new subsection (1) is added to that section, to read:

486 288.005 Definitions.—As used in this chapter, the term:

487 (1) "Average private sector wage in the area" means the  
488 statewide average wage in the private sector or the average of  
489 all private sector wages in the county or in the standard  
490 metropolitan area in which the project is located, as determined  
491 by the department.

492 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and  
493 induced gains in state revenues as a percentage of the state's  
494 investment. The state's investment includes all state funds



495 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, and other state incentives.

499 Section 11. Section 288.061, Florida Statutes, is amended  
500 to read:

501 288.061 Economic development incentive application  
502 process.—

503 (1) Effective January 1, 2017, the department shall  
504 prescribe the format in which an application for an incentive  
505 shall be made. At a minimum, the incentive application must  
506 include the following:

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

513 (b) The applicant's signature.

514 (c) The location of the project.

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

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

520 (f) An attestation verifying that the information provided



521 on the application is true and correct.

522 (2)(1) Upon receiving a submitted economic development  
523 incentive application, the Division of Strategic Business  
524 Development of the department ~~of Economic Opportunity~~ and  
525 designated staff of Enterprise Florida, Inc., shall review the  
526 application to ensure that the application is complete, whether  
527 and what type of state and local permits may be necessary for  
528 the applicant's project, whether it is possible to waive such  
529 permits, and what state incentives and amounts of such  
530 incentives may be available to the applicant. The department  
531 shall recommend to the executive director to approve or  
532 disapprove an applicant business. If review of the application  
533 demonstrates that the application is incomplete, the executive  
534 director shall notify the applicant business within the first 5  
535 business days after receiving the application.

536 (3) (a) (2) ~~Beginning July 1, 2013,~~ The department shall  
537 review and evaluate each economic development incentive  
538 application for the economic benefits of the proposed award of  
539 state incentives proposed for the project. The review must occur  
540 before the department approves an economic development incentive  
541 application and before any approved incentive agreement or  
542 contract is amended, modified, or extended by the department or  
543 Enterprise Florida, Inc.

544 (b) An amendment, modification, or extension of an  
545 executed contract under s. 288.1045, s. 288.106, s. 288.107, s.  
546 288.108, s. 288.1088, or s. 288.1089 may not result in a 0.5-



547 point or greater reduction in the economic-benefit ratio of the  
548 project, may not result in the waiver of any program  
549 requirement, and is subject to a 14-day legislative  
550 consultation. If the President of the Senate or the Speaker of  
551 the House of Representatives timely advises the Executive Office  
552 of the Governor in writing that the amendment, modification, or  
553 extension exceeds the delegated authority of the Executive  
554 Office of the Governor or is contrary to legislative policy or  
555 intent, the Executive Office of the Governor must void the  
556 amendment, modification, or extension and instruct the  
557 department to immediately change action or proposed action.  
558 Except as otherwise provided in this chapter, the department may  
559 not execute an amendment to an incentive agreement or contract  
560 for a project for which the economic benefits have been reduced  
561 unless the award of state incentives outlined in the incentive  
562 agreement or contract have been reduced by a proportionate  
563 amount. The department must include in its annual report  
564 information pertaining to each incentive contract extension and  
565 each contract amendment or modification that alters a  
566 performance condition that a project must meet to obtain  
567 incentive funds.

568 (c) As used in this subsection, the term "economic  
569 benefits" has the same meaning as provided in s. 288.005. The  
570 Office of Economic and Demographic Research shall establish the  
571 methodology and model used to calculate the economic benefits,  
572 including guidelines for the appropriate application of the



573 model. For purposes of this requirement, an amended definition  
574 of "economic benefits" may be developed by the Office of  
575 Economic and Demographic Research but must include all state  
576 funds spent or forwent to benefit a business, including, but not  
577 limited to, state funds appropriated to public and private  
578 entities, state grants, tax exemptions, tax refunds, tax  
579 credits, other state incentives, and any other source of state  
580 funds which should reasonably be known to the department at the  
581 time of approval.

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

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

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

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

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

595 (c) A review of the historical market performance of the  
596 company.

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



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

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

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

604 (5) (a) ~~(3)~~ Within 10 business days after the department  
605 receives a complete ~~the submitted~~ economic development incentive  
606 application, the executive director shall approve or disapprove  
607 the application and issue a letter of certification to the  
608 applicant which includes a justification of that decision,  
609 unless the business requests an extension of ~~that~~ time.

610 (b) Within 7 business days after the executive director  
611 approves or disapproves a complete economic development  
612 incentive application for a project, the department shall  
613 recommend to the Governor the approval or disapproval of the  
614 application. The recommendation must include a justification for  
615 the recommendation and the proposed performance conditions that  
616 the project must meet to obtain incentive funds.

617 (c) ~~(a)~~ The contract or agreement with the applicant must  
618 specify the total amount of the award, the performance  
619 conditions that must be met to obtain the award, the schedule  
620 for payment, and sanctions that would apply for failure to meet  
621 performance conditions. The contract or agreement with the  
622 applicant must require that the applicant use the state's job  
623 bank system to advertise job openings created as a result of the  
624 state incentive agreement. Any contract or agreement that





625 requires capital investment to be made by the business must also  
626 require that such investment remain in this state for the  
627 duration of the agreement or contract, except an investment made  
628 in transportation-related assets specifically used for the  
629 purpose of transporting goods or employees. The department may  
630 enter into one agreement or contract covering all of the state  
631 incentives that are being provided to the applicant. The  
632 contract must provide that release of funds is contingent upon  
633 sufficient appropriation of funds by the Legislature. The state  
634 may not enter into a contract or agreement with a term of more  
635 than 10 years with any applicant. However, the department may  
636 enter into a successive agreement or contract for a specific  
637 project to extend the initial 10-year term, if each successive  
638 contract or agreement is contingent upon the successful  
639 completion of the previous contract or agreement and meets all  
640 requirements of the applicable economic development program  
641 being utilized as if it was a stand-alone project. The  
642 restriction on the term of the agreement or contract does not  
643 apply if the contract or agreement is for a project receiving an  
644 innovation incentive program award pursuant to s. 288.1089 or a  
645 capital investment tax credit pursuant to s. 220.191.

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

649 (6)-(4) The department shall validate contractor  
650 performance and report such validation in the annual incentives



651 report required under s. 288.907.

652 (7)~~(5)~~(a) The executive director may not approve an  
653 economic development incentive application unless the  
654 application includes a signed written declaration by the  
655 applicant which states that the applicant has read the  
656 information in the application and that the information is true,  
657 correct, and complete to the best of the applicant's knowledge  
658 and belief.

659 (b) After an economic development incentive application is  
660 approved, the awardee shall provide, in each year that the  
661 department is required to validate contractor performance, a  
662 signed written declaration. The written declaration must state  
663 that the awardee has reviewed the information and that the  
664 information is true, correct, and complete to the best of the  
665 awardee's knowledge and belief.

666 (8)~~(6)~~ The department is authorized to adopt rules to  
667 implement this section.

668 Section 12. Paragraphs (c) and (e) of subsection (1) of  
669 section 288.076, Florida Statutes, are amended to read:

670 288.076 Return on investment reporting for economic  
671 development programs.—

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

673 (c) "Project" has the same meaning as provided in s.  
674 288.106(2)(k) ~~288.106(2)(m)~~.

675 (e) "State investment" means all state funds spent or  
676 forwent to benefit a business, including, but not limited to,



677 state funds appropriated to public and private entities, any  
678 state grants, tax exemptions, tax refunds, tax credits, and any  
679 other source of state funds which should reasonably be known to  
680 the department at the time of approval ~~or other state incentives~~  
681 ~~provided to a business under a program administered by the~~  
682 ~~department,~~ including the capital investment tax credit under s.  
683 220.191.

684 Section 13. Section 288.103, Florida Statutes, is created  
685 to read:

686 288.103 Economic development programs; minimum residency  
687 period for awards for projects.-

688 (1) The department shall, in each incentive contract at  
689 the time incentives are awarded, require each project to meet a  
690 minimum 3-year residency period. The contractual residency  
691 period must include a provision for the project to remain in  
692 this state. The residency period begins on the date the project  
693 last receives a program benefit or payment or at the end of a  
694 project's maintenance period, whichever occurs last. The  
695 department must include, in each incentive contract, specific  
696 financial sanctions for businesses that fail to meet the  
697 residency period requirements.

698 (2) This section applies to contracts executed on or after  
699 July 1, 2016, for programs under ss. 220.191, 288.1045, 288.106,  
700 288.107, 288.108, 288.1088, and 288.1089.

701 Section 14. Paragraphs (c) through (j) of subsection (1)  
702 of section 288.1045, Florida Statutes, are redesignated as



703 paragraphs (b) through (i), respectively, paragraphs (l) through  
704 (s) of subsection (1) are redesignated as paragraphs (j) through  
705 (q), respectively, paragraphs (b), (j), and (k) of subsection  
706 (1), paragraphs (b), (c), (d), and (j) of subsection (3),  
707 paragraph (b) of subsection (5), and subsection (7), are  
708 amended, and paragraph (i) is added to subsection (5), to read:

709       288.1045 Qualified defense contractor and space flight  
710 business tax refund program.—

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

712       ~~(b) "Average wage in the area" means the average of all~~  
713 ~~wages and salaries in the state, the county, or in the standard~~  
714 ~~metropolitan area in which the business unit is located.~~

715       (i) ~~(j)~~ "Local financial support" means funding from local  
716 sources, public or private, which is paid to the Economic  
717 Development Trust Fund and which is equal to 20 percent of the  
718 annual tax refund for a qualified applicant.

719       1. Local financial support may include excess payments  
720 made to a utility company under a designated program to allow  
721 decreases in service by the utility company under conditions,  
722 regardless of when application is made.

723       2. A qualified applicant may not provide, directly or  
724 indirectly, more than 5 percent of such funding in any fiscal  
725 year. The sources of such funding may not include, directly or  
726 indirectly, state funds appropriated from the General Revenue  
727 Fund or any state trust fund, excluding tax revenues shared with  
728 local governments pursuant to law.



729       3. A qualified applicant may not receive more than 80  
730 percent of the total tax refund from state funds that are  
731 authorized for the applicant under this section.

732       4. The department may grant a waiver that reduces the  
733 required amount of local financial support for a project to 10  
734 percent of the annual tax refund awarded to a qualified  
735 applicant for a local government, or eliminates the required  
736 amount of local financial support for a project for a local  
737 government located in a rural area of opportunity, as designated  
738 by the Governor pursuant to s. 288.0656. To be eligible to  
739 receive a waiver that reduces or eliminates the required amount  
740 of local financial support, a local government must provide the  
741 department with:

742       a. A resolution adopted by the governing body of the  
743 county or municipality in whose jurisdiction the project will be  
744 located, requesting the applicant's project be waived from the  
745 local financial support requirement.

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

752       ~~(k) "Local financial support exemption option" means the~~  
753 ~~option to exercise an exemption from the local financial support~~  
754 ~~requirement available to any applicant whose project is located~~



755 ~~in a county designated by the Rural Economic Development~~  
756 ~~Initiative, if the county commissioners of the county in which~~  
757 ~~the project will be located adopt a resolution requesting that~~  
758 ~~the applicant's project be exempt from the local financial~~  
759 ~~support requirement. Any applicant that exercises this option is~~  
760 ~~not eligible for more than 80 percent of the total tax refunds~~  
761 ~~allowed such applicant under this section.~~

762 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
763 DETERMINATION.—

764 (b) Applications for certification based on the  
765 consolidation of a Department of Defense contract or a new  
766 Department of Defense contract must be submitted to the  
767 department as prescribed by the department and must include, but  
768 are not limited to, the following information:

769 1. The applicant's federal employer identification number,  
770 the applicant's Florida sales tax registration number, and a  
771 signature of an officer of the applicant.

772 2. The permanent location of the manufacturing,  
773 assembling, fabricating, research, development, or design  
774 facility in this state at which the project is or is to be  
775 located.

776 3. The Department of Defense contract numbers of the  
777 contract to be consolidated, the new Department of Defense  
778 contract number, or the "RFP" number of a proposed Department of  
779 Defense contract.

780 4. The date the contract was executed or is expected to be



781 executed, and the date the contract is due to expire or is  
782 expected to expire.

783 5. The commencement date for project operations under the  
784 contract in this state.

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

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

790 8. The percentage of the applicant's gross receipts  
791 derived from Department of Defense contracts during the 5  
792 taxable years immediately preceding the date the application is  
793 submitted.

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

796 10. A brief statement concerning the applicant's need for  
797 tax refunds, and the proposed uses of such refunds by the  
798 applicant.

799 11. A resolution adopted by the governing board of the  
800 county or municipality in which the project will be located,  
801 which recommends the applicant be approved as a qualified  
802 applicant, and which indicates that the necessary commitments of  
803 local financial support for the applicant exist. ~~Prior to the~~  
804 ~~adoption of the resolution, the county commission may review the~~  
805 ~~proposed public or private sources of such support and determine~~  
806 ~~whether the proposed sources of local financial support can be~~



807 ~~provided or, for any applicant whose project is located in a~~  
808 ~~county designated by the Rural Economic Development Initiative,~~  
809 ~~a resolution adopted by the county commissioners of such county~~  
810 ~~requesting that the applicant's project be exempt from the local~~  
811 ~~financial support requirement.~~

812 12. Any additional information requested by the  
813 department.

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

818 1. The applicant's federal employer identification number,  
819 the applicant's Florida sales tax registration number, and a  
820 signature of an officer of the applicant.

821 2. The permanent location of the manufacturing,  
822 assembling, fabricating, research, development, or design  
823 facility in this state at which the project is or is to be  
824 located.

825 3. The Department of Defense contract numbers of the  
826 contract under which the defense production jobs will be  
827 converted to nondefense production jobs.

828 4. The date the contract was executed, and the date the  
829 contract is due to expire or is expected to expire, or was  
830 canceled.

831 5. The commencement date for the nondefense production  
832 operations in this state.





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

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

838 8. The percentage of the applicant's gross receipts  
839 derived from Department of Defense contracts during the 5  
840 taxable years immediately preceding the date the application is  
841 submitted.

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

844 10. A brief statement concerning the applicant's need for  
845 tax refunds, and the proposed uses of such refunds by the  
846 applicant.

847 11. A resolution adopted by the governing board of the  
848 county or municipality in which the project will be located,  
849 which recommends the applicant be approved as a qualified  
850 applicant, and which indicates that the necessary commitments of  
851 local financial support for the applicant exist. ~~Prior to the~~  
852 ~~adoption of the resolution, the county commission may review the~~  
853 ~~proposed public or private sources of such support and determine~~  
854 ~~whether the proposed sources of local financial support can be~~  
855 ~~provided or, for any applicant whose project is located in a~~  
856 ~~county designated by the Rural Economic Development Initiative,~~  
857 ~~a resolution adopted by the county commissioners of such county~~  
858 ~~requesting that the applicant's project be exempt from the local~~



859 ~~financial support requirement.~~

860       12. Any additional information requested by the  
861 department.

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

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

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

872           3. The business entity holding a valid Department of  
873 Defense contract or branch of the Armed Forces of the United  
874 States that previously occupied the facility, and the date such  
875 entity last occupied the facility.

876           4. A copy of the contract to reuse the facility, or such  
877 alternative proof as may be prescribed by the department that  
878 the applicant is seeking to contract for the reuse of such  
879 facility.

880           5. The date the contract to reuse the facility was  
881 executed or is expected to be executed, and the date the  
882 contract is due to expire or is expected to expire.

883           6. The commencement date for project operations under the  
884 contract in this state.



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

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

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

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

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

908           12. Any additional information requested by the  
909 department.

910           (j) Applications for certification based upon a new space



911 flight business contract or the consolidation of a space flight  
912 business contract must be submitted to the department as  
913 prescribed by the department and must include, but are not  
914 limited to, the following information:

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

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

920 3. The new space flight business contract number, the  
921 space flight business contract numbers of the contract to be  
922 consolidated, or the request-for-proposal number of a proposed  
923 space flight business contract.

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

927 5. The commencement date for project operations under the  
928 contract in this state.

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

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

934 8. The percentage of the applicant's gross receipts  
935 derived from space flight business contracts during the 5  
936 taxable years immediately preceding the date the application is



937 submitted.

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

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

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

956 12. Any additional information requested by the  
957 department.

958 (5) ANNUAL CLAIM FOR REFUND.—

959 (b) The department shall verify ~~claim for refund by the~~  
960 ~~qualified applicant must include a copy of all receipts~~  
961 ~~pertaining to~~ the payment of taxes for which a refund is sought,  
962 and data related to achieving each performance item contained in



963 the tax refund agreement pursuant to subsection (4). The amount  
964 requested as a tax refund may not exceed the amount for the  
965 relevant fiscal year in the written agreement entered pursuant  
966 to subsection (4).

967 (i) A business that fails to timely submit documentation  
968 requested by the department, as required by the agreement  
969 between the business and the department, which results in the  
970 department's withholding an otherwise approved refund may  
971 receive the approved refund if:

972 1. The business submits the requested documentation to the  
973 department.

974 2. The business provides a written statement to the  
975 department explaining the circumstances that resulted in the  
976 business' failure to timely submit the documentation.

977 3. Funds appropriated for this section are available.

978 4. The business was scheduled, by the terms of the  
979 agreement, to submit information to the department between  
980 January 1, 2014, and December 31, 2014.

981 5. The business has satisfied all other requirements of  
982 the agreement.

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

987 Section 15. Paragraphs (c) through (j) of subsection (2)  
988 of section 288.106, Florida Statutes, are redesignated as



989 paragraphs (b) through (i), respectively, paragraphs (l) through  
 990 (r) of subsection (2) are redesignated as paragraphs (j) through  
 991 (p), respectively, subsection (9) is renumbered as subsection  
 992 (10), paragraphs (c), (j), and (k) of subsection (2), paragraph  
 993 (b) of subsection (4), paragraph (b) of subsection (5), and  
 994 subsection (8) of that section are amended, and a new subsection  
 995 (9) is added to that section, to read:

996 288.106 Tax refund program for qualified target industry  
 997 businesses.—

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

999 ~~(c) "Average private sector wage in the area" means the~~  
 1000 ~~statewide private sector average wage or the average of all~~  
 1001 ~~private sector wages and salaries in the county or in the~~  
 1002 ~~standard metropolitan area in which the business is located.~~

1003 (i)-(j) "Local financial support" means funding from local  
 1004 sources, public or private, that is paid to the Economic  
 1005 Development Trust Fund and that is equal to 20 percent of the  
 1006 annual tax refund for a qualified target industry business.

1007 1. A qualified target industry business may not provide,  
 1008 directly or indirectly, more than 5 percent of such funding in  
 1009 any fiscal year. The sources of such funding may not include,  
 1010 directly or indirectly, state funds appropriated from the  
 1011 General Revenue Fund or any state trust fund, excluding tax  
 1012 revenues shared with local governments pursuant to law.

1013 2. A qualified target industry business may not receive  
 1014 more than 80 percent of the total tax refund from state funds



1015 authorized for the business under this section.

1016 3. The department may grant a waiver that reduces the  
1017 required amount of local financial support for a project to 10  
1018 percent of the annual tax refund awarded to a qualified target  
1019 industry business for a local government, or eliminates the  
1020 required amount of local financial support for a project for a  
1021 local government located in a rural area of opportunity, as  
1022 designated by the Governor pursuant to s. 288.0656. To be  
1023 eligible for a waiver that reduces or eliminates the required  
1024 amount of local financial support, a local government must  
1025 provide the department with:

1026 a. A resolution adopted by the governing body of the  
1027 county or municipality in whose jurisdiction the project will be  
1028 located, requesting that the local financial support requirement  
1029 be waived for the applicant's project.

1030 b. A statement prepared by a Florida certified public  
1031 accountant, as defined in s. 473.302, which describes the  
1032 financial constraints preventing the local government from  
1033 providing the local financial support required by this section.  
1034 This sub-subparagraph does not apply to a county considered  
1035 fiscally constrained pursuant to s. 218.67(1).

1036 ~~(k) "Local financial support exemption option" means the~~  
1037 ~~option to exercise an exemption from the local financial support~~  
1038 ~~requirement available to any applicant whose project is located~~  
1039 ~~in a brownfield area, a rural city, or a rural community. Any~~  
1040 ~~applicant that exercises this option is not eligible for more~~





1041 ~~than 80 percent of the total tax refunds allowed such applicant~~  
1042 ~~under this section.~~

1043 (4) APPLICATION AND APPROVAL PROCESS.—

1044 (b) To qualify for review by the department, the  
1045 application of a target industry business must, at a minimum,  
1046 establish the following to the satisfaction of the department:

1047 1.a. The jobs proposed to be created under the  
1048 application, pursuant to subparagraph (a)4., must pay an  
1049 estimated annual average wage equaling at least 115 percent of  
1050 the average private sector wage in the area ~~where the business~~  
1051 ~~is to be located or the statewide private sector average wage.~~  
1052 ~~The governing board of the local governmental entity providing~~  
1053 ~~the local financial support of the jurisdiction where the~~  
1054 ~~qualified target industry business is to be located shall notify~~  
1055 ~~the department and Enterprise Florida, Inc., which calculation~~  
1056 ~~of the average private sector wage in the area must be used as~~  
1057 ~~the basis for the business's wage commitment.~~ In determining the  
1058 average annual wage, the department shall include only new  
1059 proposed jobs, and wages for existing jobs shall be excluded  
1060 from this calculation.

1061 b. The department may waive the average wage requirement  
1062 at the request of the local governing body recommending the  
1063 project and Enterprise Florida, Inc. The department may waive  
1064 the wage requirement for a project located in a brownfield area  
1065 designated under s. 376.80, in a rural city, in a rural  
1066 community, in an enterprise zone, or for a manufacturing project



1067 at any location in the state if the jobs proposed to be created  
 1068 pay an estimated annual average wage equaling at least 100  
 1069 percent of the average private sector wage in the area ~~where the~~  
 1070 ~~business is to be located~~, only if the merits of the individual  
 1071 project or the specific circumstances in the community in  
 1072 relationship to the project warrant such action. If the local  
 1073 governing body and Enterprise Florida, Inc., make such a  
 1074 recommendation, it must be transmitted in writing, and the  
 1075 specific justification for the waiver recommendation must be  
 1076 explained. If the department elects to waive the wage  
 1077 requirement, the waiver must be stated in writing, and the  
 1078 reasons for granting the waiver must be explained.

1079 2. The target industry business's project must result in  
 1080 the creation of at least 10 jobs at the project and, in the case  
 1081 of an expansion of an existing business, must result in a net  
 1082 increase in employment of at least 10 percent at the business.  
 1083 At the request of the local governing body recommending the  
 1084 project and Enterprise Florida, Inc., the department may waive  
 1085 this requirement for a business in a rural community or  
 1086 enterprise zone if the merits of the individual project or the  
 1087 specific circumstances in the community in relationship to the  
 1088 project warrant such action. If the local governing body and  
 1089 Enterprise Florida, Inc., make such a request, the request must  
 1090 be transmitted in writing, and the specific justification for  
 1091 the request must be explained. If the department elects to grant  
 1092 the request, the grant must be stated in writing, and the reason



1093 for granting the request must be explained.

1094 3. The business activity or product for the applicant's  
 1095 project must be within an industry identified by the department  
 1096 as a target industry business that contributes to the economic  
 1097 growth of the state and the area in which the business is  
 1098 located, that produces a higher standard of living for residents  
 1099 of this state in the new global economy, or that can be shown to  
 1100 make an equivalent contribution to the area's and state's  
 1101 economic progress.

1102 (5) TAX REFUND AGREEMENT.—

1103 (b) Compliance with the terms and conditions of the  
 1104 agreement is a condition precedent for the receipt of a tax  
 1105 refund each year. The failure to comply with the terms and  
 1106 conditions of the tax refund agreement results in the loss of  
 1107 eligibility for receipt of all tax refunds previously authorized  
 1108 under this section and the revocation by the department of the  
 1109 certification of the business entity as a qualified target  
 1110 industry business, unless the business is eligible to receive  
 1111 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~  
 1112 ~~the department grants the business an economic recovery~~  
 1113 ~~extension.~~

1114 ~~1. A qualified target industry business may submit a~~  
 1115 ~~request to the department for an economic recovery extension.~~  
 1116 ~~The request must provide quantitative evidence demonstrating how~~  
 1117 ~~negative economic conditions in the business's industry, the~~  
 1118 ~~effects of a named hurricane or tropical storm, or specific acts~~



1119 ~~of terrorism affecting the qualified target industry business~~  
1120 ~~have prevented the business from complying with the terms and~~  
1121 ~~conditions of its tax refund agreement.~~

1122 ~~2. Upon receipt of a request under subparagraph 1., the~~  
1123 ~~department has 45 days to notify the requesting business, in~~  
1124 ~~writing, whether its extension has been granted or denied. In~~  
1125 ~~determining whether an extension should be granted, the~~  
1126 ~~department shall consider the extent to which negative economic~~  
1127 ~~conditions in the requesting business's industry have occurred~~  
1128 ~~in the state or the effects of a named hurricane or tropical~~  
1129 ~~storm or specific acts of terrorism affecting the qualified~~  
1130 ~~target industry business have prevented the business from~~  
1131 ~~complying with the terms and conditions of its tax refund~~  
1132 ~~agreement. The department shall consider current employment~~  
1133 ~~statistics for this state by industry, including whether the~~  
1134 ~~business's industry had substantial job loss during the prior~~  
1135 ~~year, when determining whether an extension shall be granted.~~

1136 ~~3. As a condition for receiving a prorated refund under~~  
1137 ~~paragraph (6) (c) or an economic recovery extension under this~~  
1138 ~~paragraph, a qualified target industry business must agree to~~  
1139 ~~renegotiate its tax refund agreement with the department to, at~~  
1140 ~~a minimum, ensure that the terms of the agreement comply with~~  
1141 ~~current law and the department's procedures governing~~  
1142 ~~application for and award of tax refunds. Upon approving the~~  
1143 ~~award of a prorated refund or granting an economic recovery~~  
1144 ~~extension, the department shall renegotiate the tax refund~~



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1145 ~~agreement with the business as required by this subparagraph.~~  
1146 ~~When amending the agreement of a business receiving an economic~~  
1147 ~~recovery extension, the department may extend the duration of~~  
1148 ~~the agreement for a period not to exceed 2 years.~~

1149 ~~4. A qualified target industry business may submit a~~  
1150 ~~request for an economic recovery extension to the department in~~  
1151 ~~lieu of any tax refund claim scheduled to be submitted after~~  
1152 ~~January 1, 2009, but before July 1, 2012.~~

1153 ~~5. A qualified target industry business that receives an~~  
1154 ~~economic recovery extension may not receive a tax refund for the~~  
1155 ~~period covered by the extension.~~

1156 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~  
1157 ~~in the best interest of the public for reasons of facilitating~~  
1158 ~~economic development, growth, or new employment opportunities~~  
1159 ~~within a Disproportionally Affected County, the department may,~~  
1160 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~  
1161 ~~or local financial support eligibility requirements and allow a~~  
1162 ~~qualified target industry business from another state which~~  
1163 ~~relocates all or a portion of its business to a~~  
1164 ~~Disproportionally Affected County to receive a tax refund~~  
1165 ~~payment of up to \$6,000 multiplied by the number of jobs~~  
1166 ~~specified in the tax refund agreement under subparagraph~~  
1167 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~  
1168 ~~waiver, the executive director of the department shall file with~~  
1169 ~~the Governor a written statement of the conditions and~~  
1170 ~~circumstances constituting the reason for the waiver. Such~~



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1171 ~~business shall be eligible for the additional tax refund~~  
1172 ~~payments specified in subparagraph (3)(b)4. if it meets the~~  
1173 ~~criteria. As used in this section, the term "Disproportionally~~  
1174 ~~Affected County" means Bay County, Escambia County, Franklin~~  
1175 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~  
1176 ~~County, or Wakulla County.~~

1177 (9) INCENTIVE PAYMENTS.—The incentive payments made to a  
1178 business pursuant to this section are not repayments of the  
1179 actual taxes paid to the state or to a local government by the  
1180 business. The amount of state and local government taxes paid  
1181 under subparagraph (3)(d)1. by a business for which the business  
1182 has not and will not receive a credit, refund, or exemption, as  
1183 provided in paragraph (3)(e), serves as a limitation on the  
1184 amount of incentive payments a business may receive.

1185 Section 16. Paragraphs (f) and (g) of subsection (2) of  
1186 section 288.108, Florida Statutes, are redesignated as  
1187 paragraphs (g) and (h), respectively, paragraph (b) of  
1188 subsection (2) and subsection (5) are amended, and a new  
1189 paragraph (f) is added to subsection (2) of that section, to  
1190 read:

1191 288.108 High-impact business.—

1192 (2) DEFINITIONS.—As used in this section, the term:

1193 (b) "Cumulative investment" means the total investment in  
1194 buildings and equipment made by a qualified high-impact business  
1195 since the beginning of construction of such facility. The term  
1196 does not include funds granted to or spent on behalf of the



1197 business by the state, a local government, or another  
1198 governmental entity; funds appropriated in the General  
1199 Appropriations Act; or funds otherwise provided to the business  
1200 by a state agency or local government.

1201 (f) "Local financial support" means financial, in-kind, or  
1202 other quantifiable contributions from local sources that,  
1203 combined, equal 20 percent or more of the total investment in  
1204 the project by state and local sources.

1205 1. The department may grant a waiver that reduces the  
1206 required amount of local financial support for a project to 10  
1207 percent of the award granted to a business pursuant to this  
1208 section for a local government, or eliminates the local  
1209 financial support for a local government located in a rural area  
1210 of opportunity, as designated by the Governor pursuant to s.  
1211 288.0656.

1212 2. A local government requesting a waiver that reduces or  
1213 eliminates the local financial support requirement must provide  
1214 the department with a statement prepared by a Florida certified  
1215 public accountant, as defined in s. 473.302, which describes the  
1216 financial constraints preventing the local government from  
1217 providing the local financial support required by this section.  
1218 This subparagraph does not apply to a county considered fiscally  
1219 constrained pursuant to s. 218.67(1).

1220 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT AGREEMENT.—

1221 (a) The department shall review an application pursuant to  
1222 s. 288.061 which is received from any eligible business, as



1223 defined in subsection (2), for consideration as a qualified  
1224 high-impact business before the business has made a decision to  
1225 locate or expand a facility in this state. The business must  
1226 provide the following information:

1227 1. A complete description of the type of facility,  
1228 business operations, and product or service associated with the  
1229 project.

1230 2. The number of full-time equivalent jobs that will be  
1231 created by the project and the average annual wage of those  
1232 jobs.

1233 3. The cumulative amount of investment to be dedicated to  
1234 this project within 3 years.

1235 4. A statement concerning any special impacts the facility  
1236 is expected to stimulate in the sector, the state, or regional  
1237 economy and in state universities and community colleges.

1238 5. A statement concerning the role the grant will play in  
1239 the decision of the applicant business to locate or expand in  
1240 this state.

1241 6. Any additional information requested by the department.

1242 (b) Within 7 business days after the executive director  
1243 approves or disapproves an application, the department shall  
1244 recommend to the Governor the approval or disapproval of an  
1245 eligible high-impact business for receipt of funds.

1246 Recommendations to the Governor must include the total amount of  
1247 the qualified high-impact business facility performance grant  
1248 award; the anticipated project performance conditions,





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1249 including, but not limited to, net new employment in the state,  
1250 average salary, and total capital investment incurred by the  
1251 business; a baseline of current service and a measure of  
1252 enhanced capability; the methodology for validating performance;  
1253 the schedule of performance grant payments; and sanctions for  
1254 failure to meet performance conditions ~~Applications shall be~~  
1255 ~~reviewed and certified pursuant to s. 288.061.~~

1256 (c) The Governor may approve a high-impact business  
1257 performance grant of less than \$2 million without consulting the  
1258 Legislature. For such grants, the Governor shall provide a  
1259 written description and evaluation of the approved project to  
1260 the President of the Senate and the Speaker of the House of  
1261 Representatives within 1 business day after approval ~~The~~  
1262 ~~department and the qualified high-impact business shall enter~~  
1263 ~~into a performance grant agreement setting forth the conditions~~  
1264 ~~for payment of the qualified high-impact business performance~~  
1265 ~~grant. The agreement shall include the total amount of the~~  
1266 ~~qualified high-impact business facility performance grant award,~~  
1267 ~~the performance conditions that must be met to obtain the award,~~  
1268 ~~including the employment, average salary, investment, the~~  
1269 ~~methodology for determining if the conditions have been met, and~~  
1270 ~~the schedule of performance grant payments.~~

1271 (d) The Governor shall provide a written description and  
1272 evaluation of each eligible high-impact business recommended for  
1273 approval for a high-impact business performance grant of at  
1274 least \$2 million, but not more than \$7.5 million, to the



1275 President of the Senate and the Speaker of the House of  
1276 Representatives at least 14 days before approving a qualified  
1277 high-impact business performance grant. If the President of the  
1278 Senate or the Speaker of the House of Representatives timely  
1279 advises the Executive Office of the Governor in writing that the  
1280 award of funds exceeds the delegated authority of the Executive  
1281 Office of the Governor or is contrary to legislative policy or  
1282 intent, the Executive Office of the Governor shall void the  
1283 release of funds and instruct the department to immediately  
1284 change action or proposed action.

1285 (e) The Governor shall provide the Legislative Budget  
1286 Commission with a written description and evaluation of each  
1287 eligible high-impact business recommended for approval of a  
1288 high-impact business performance grant that exceeds \$7.5 million  
1289 or that provides a waiver of program requirements and is at  
1290 least \$5 million. The Legislative Budget Commission must approve  
1291 such an award before final approval by the Governor.

1292 (f) Any contract or agreement executed by the department  
1293 must embody the performance criteria and timelines submitted to  
1294 the Legislature, whether during the legislative consultation  
1295 period or in the provided written description and evaluation for  
1296 those projects that do not require legislative consultation. If  
1297 the executed contract or agreement fails to embody the  
1298 performance criteria and timelines submitted to the legislature,  
1299 whether during the legislative consultation period or in the  
1300 provided written description and evaluation for those projects



1301 that do not require legislative consultation, the department may  
1302 not expend any funds on the contract and the Chief Financial  
1303 Officer is not authorized to release payment of funds.

1304 (g) An amendment, modification, or extension of an  
1305 executed contract may not result in a 0.5-point or greater  
1306 reduction in the economic-benefit ratio of the project, may not  
1307 result in waiver of any program requirement, and is subject to a  
1308 14-day legislative consultation. If the President of the Senate  
1309 or the Speaker of the House of Representatives timely advises  
1310 the Executive Office of the Governor in writing that the  
1311 amendment, modification, or extension exceeds the delegated  
1312 authority of the Executive Office of the Governor or is contrary  
1313 to legislative policy or intent, the Executive Office of the  
1314 Governor shall void the amendment, modification, or extension  
1315 and instruct the department to immediately change action or  
1316 proposed action.

1317 (h) The department shall validate contractor performance  
1318 and report such validation in the annual incentives report  
1319 required by s. 288.907.

1320 Section 17. Subsections (2), (3), and (4) of section  
1321 288.1088, Florida Statutes, are amended to read:

1322 288.1088 Florida Enterprise ~~Quick Action Closing~~ Fund.—

1323 (2) There is created within the department the Florida  
1324 Enterprise ~~Quick Action Closing~~ Fund. Except as provided in  
1325 subsection (3), projects eligible for receipt of funds from the  
1326 Florida Enterprise ~~Quick Action Closing~~ Fund shall:



- 1327 (a) Be in an industry as referenced in s. 288.106.
- 1328 (b) Have a positive economic benefit ratio of at least 3 ~~5~~  
1329 to 1.
- 1330 (c) Be an inducement to the project's location or  
1331 expansion in the state.
- 1332 (d) Pay an average annual wage of at least 125 percent of  
1333 the average private sector wage in the area ~~areawide or~~  
1334 ~~statewide private sector average wage.~~
- 1335 (e) Be supported by the local community in which the  
1336 project is to be located.
- 1337 1. Financial support by the local community must include  
1338 financial, in-kind, or other quantifiable contributions from  
1339 local sources that, combined, equal 20 percent or more of the  
1340 total investment in the project by state and local sources.
- 1341 2. The department may grant a waiver that reduces the  
1342 required amount of local financial support for a project to 10  
1343 percent of the award granted to a business pursuant to this  
1344 section for a local government, or eliminates the required  
1345 amount of local financial support for a project for a local  
1346 government located in a rural area of opportunity as designated  
1347 by the Governor pursuant to s. 288.0656.
- 1348 3. A local government requesting a waiver that reduces or  
1349 eliminates the local financial support requirement must provide  
1350 the department with a statement prepared by a Florida certified  
1351 public accountant, as defined in s. 473.302, which describes the  
1352 financial constraints preventing the local government from



1353 providing the local financial support required by this section.  
1354 This subparagraph does not apply to a county considered fiscally  
1355 constrained pursuant to s. 218.67(1).

1356 (f) Create at least 10 new jobs.

1357 (3) (a) The department and Enterprise Florida, Inc., shall  
1358 jointly review applications pursuant to s. 288.061 and determine  
1359 the eligibility of each project consistent with the criteria in  
1360 subsection (2). ~~Waiver of these criteria may be considered under~~  
1361 ~~the following criteria:~~

1362 ~~1. Based on extraordinary circumstances;~~

1363 ~~2. In order to mitigate the impact of the conclusion of~~  
1364 ~~the space shuttle program; or~~

1365 ~~3. In rural areas of opportunity if the project would~~  
1366 ~~significantly benefit the local or regional economy.~~

1367 (b) The department shall evaluate individual proposals for  
1368 high-impact business facilities. Such evaluation must include,  
1369 but need not be limited to:

1370 1. A description of the type of facility or  
1371 infrastructure, its operations, and the associated product or  
1372 service associated with the facility.

1373 2. The number of full-time-equivalent jobs that will be  
1374 created by the facility and the total estimated average annual  
1375 wages of those jobs or, in the case of privately developed rural  
1376 infrastructure, the types of business activities and jobs  
1377 stimulated by the investment.

1378 3. The cumulative amount of investment to be dedicated to



1379 the facility within a specified period.

1380 4. A statement of any special impacts the facility is  
1381 expected to stimulate in a particular business sector in the  
1382 state or regional economy or in the state's universities and  
1383 community colleges.

1384 5. A statement of the role the incentive is expected to  
1385 play in the decision of the applicant business to locate or  
1386 expand in this state or for the private investor to provide  
1387 critical rural infrastructure.

1388 6. A report evaluating the quality and value of the  
1389 company submitting a proposal. The report must include:

1390 a. A financial analysis of the company, including an  
1391 evaluation of the company's short-term liquidity ratio as  
1392 measured by its assets to liability, the company's profitability  
1393 ratio, and the company's long-term solvency as measured by its  
1394 debt-to-equity ratio;

1395 b. The historical market performance of the company;

1396 c. A review of any independent evaluations of the company;

1397 d. A review of the latest audit of the company's financial  
1398 statement and the related auditor's management letter; and

1399 e. A review of any other types of audits that are related  
1400 to the internal and management controls of the company.

1401 (c)1. Within 7 business days after the executive director  
1402 approves or disapproves an application ~~evaluating a project~~, the  
1403 department shall recommend to the Governor the approval or  
1404 disapproval of a project for receipt of funds from the Florida



1405 Enterprise ~~Quick Action Closing~~ Fund. In recommending a project,  
1406 the department shall include the total amount of recommended  
1407 funds to be awarded; the anticipated project performance  
1408 conditions, including, but not limited to, net new employment in  
1409 the state, average salary, and total capital investment incurred  
1410 by the business; a baseline of current service and a measure of  
1411 enhanced capability; the methodology for validating performance;  
1412 the schedule of payments from the fund; and sanctions for  
1413 failure to meet performance conditions, including any clawback  
1414 provisions ~~proposed performance conditions that the project must~~  
1415 ~~meet to obtain incentive funds.~~

1416 2. The Governor may approve a Florida Enterprise Fund  
1417 project award requiring less than \$2 million in funding ~~projects~~  
1418 ~~without consulting the Legislature for projects requiring less~~  
1419 ~~than \$2 million in funding.~~ For such projects, the Governor  
1420 shall provide a written description and evaluation of the  
1421 approved project to the President of the Senate and the Speaker  
1422 of the House of Representatives within 1 business day after  
1423 approval.

1424 3. ~~For projects requiring funding in the amount of \$2~~  
1425 ~~million to \$5 million,~~ The Governor shall provide a written  
1426 description and evaluation of each Florida Enterprise Fund a  
1427 project award recommended for approval, which requires funding  
1428 of \$2 million or more, to the President of the Senate and the  
1429 Speaker of the House of Representatives ~~to the chair and vice~~  
1430 ~~chair of the Legislative Budget Commission~~ at least 14 ~~10~~ days



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1431 before ~~prior to~~ giving final approval for a project. The  
1432 recommendation must include the proposed performance conditions  
1433 that the project must meet in order to obtain funds.

1434 4. ~~If the chair or vice chair of the Legislative Budget~~  
1435 ~~Commission or the President of the Senate or the Speaker of the~~  
1436 House of Representatives timely advises the Executive Office of  
1437 the Governor, in writing, that such action or proposed action  
1438 exceeds the delegated authority of the Executive Office of the  
1439 Governor or is contrary to legislative policy or intent, the  
1440 Executive Office of the Governor shall void the release of funds  
1441 and instruct the department to immediately change such action or  
1442 proposed action ~~until the Legislative Budget Commission or the~~  
1443 ~~Legislature addresses the issue. Notwithstanding such~~  
1444 ~~requirement, any project exceeding \$5 million must be approved~~  
1445 ~~by the Legislative Budget Commission prior to the funds being~~  
1446 ~~released.~~

1447 (d) Upon the approval of the Governor in accordance with  
1448 subparagraph (c)2., or upon expiration of the 14-day legislative  
1449 consultation period provided in subparagraph (c)3., unless  
1450 advisement of objection is provided pursuant to subparagraph  
1451 (c)4., the department and the business shall enter into a  
1452 contract that sets forth the conditions for payment of moneys  
1453 from the fund. Such payment may not be made to the business  
1454 until the scheduled goals are achieved. The contract must  
1455 include the total amount of funds awarded; the minimum and  
1456 maximum amount of funds that may be awarded; the performance





1457 conditions that must be met to obtain the award, including, but  
1458 not limited to, net new employment in the state, average salary,  
1459 ~~and~~ total capital investment incurred by the business, and the  
1460 minimum and maximum number of jobs that will be created, if  
1461 applicable; demonstrate a baseline of current service and a  
1462 measure of enhanced capability; the methodology for validating  
1463 performance; the schedule of payments from the fund; and  
1464 sanctions for failure to meet performance conditions. The  
1465 contract must provide that payment of moneys from the fund is  
1466 contingent upon sufficient appropriation of funds by the  
1467 Legislature.

1468 (e) Any contract or agreement executed by the department  
1469 shall embody the performance criteria and timelines submitted to  
1470 the Legislature, whether during the legislative consultation  
1471 period or in the provided written description and evaluation for  
1472 those projects that do not require legislative consultation. If  
1473 the executed contract or agreement fails to embody the  
1474 performance criteria and timelines submitted to the legislature,  
1475 whether during the legislative consultation period or in the  
1476 provided written description and evaluation for those projects  
1477 that do not require legislative consultation, the department may  
1478 not expend any funds on the contract and the Chief Financial  
1479 Officer is not authorized to release payment of funds.

1480 (f) An amendment, modification, or extension of an  
1481 executed contract may not result in a 0.5-point or greater  
1482 reduction in the economic-benefit ratio of the project, may not



1483 result in the waiver of any program requirement, and is subject  
1484 to a 14-day legislative consultation. If the President of the  
1485 Senate or the Speaker of the House of Representatives timely  
1486 advises the Executive Office of the Governor in writing that the  
1487 amendment, modification, or extension exceeds the delegated  
1488 authority of the Executive Office of the Governor or is contrary  
1489 to legislative policy or intent, the Executive Office of the  
1490 Governor must void the amendment, modification, or extension and  
1491 instruct the department to immediately change action or proposed  
1492 action.

1493 (g)~~(e)~~ The department shall validate contractor  
1494 performance and report such validation in the annual incentives  
1495 report required under s. 288.907.

1496 (4) Funds appropriated by the Legislature for purposes of  
1497 implementing this section shall be placed in reserve and may  
1498 only be released pursuant to the legislative consultation and  
1499 review requirements set forth in this section. Notwithstanding  
1500 s. 216.301, and pursuant to s. 216.351, the department may carry  
1501 forward the balance of any unexpended state appropriations into  
1502 succeeding fiscal years. Such funds shall remain in reserve and  
1503 may only be released pursuant to the legislative consultation  
1504 and review requirements set forth in this section.

1505 Section 18. Paragraphs (c) through (p) of subsection (2)  
1506 of section 288.1089, Florida Statutes, are redesignated as  
1507 paragraphs (b) through (o), respectively, and paragraph (b) of  
1508 subsection (2), and subsections (4), (7), and (8) are amended,



1509 to read:

1510 288.1089 Innovation Incentive Program.—

1511 (2) As used in this section, the term:

1512 ~~(b) "Average private sector wage " means the statewide~~  
1513 ~~average wage in the private sector or the average of all private~~  
1514 ~~sector wages in the county or in the standard metropolitan area~~  
1515 ~~in which the project is located as determined by the department.~~

1516 (4) To qualify for review by the department, the applicant  
1517 must, at a minimum, establish the following to the satisfaction  
1518 of the department:

1519 (a) The jobs created by the project must pay an estimated  
1520 annual average wage equaling at least 130 percent of the average  
1521 private sector wage in the area. The department may waive this  
1522 average wage requirement at the request of Enterprise Florida,  
1523 Inc., for a project located in a rural area, a brownfield area,  
1524 or an enterprise zone, when the merits of the individual project  
1525 or the specific circumstances in the community in relationship  
1526 to the project warrant such action. A recommendation for waiver  
1527 by Enterprise Florida, Inc., must include a specific  
1528 justification for the waiver and be transmitted to the  
1529 department in writing. If the department elects to waive the  
1530 wage requirement, the waiver must be stated in writing and the  
1531 reasons for granting the waiver must be explained.

1532 (b) A research and development project must:

1533 1. Serve as a catalyst for an emerging or evolving  
1534 technology cluster.



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- 1535           2. Demonstrate a plan for significant higher education  
1536 collaboration.
- 1537           3. Provide the state, at a minimum, a cumulative break-  
1538 even economic benefit within a 20-year period.
- 1539           4. Be provided with a one-to-one match from the local  
1540 community. The match requirement may be reduced or waived in  
1541 rural areas of opportunity or reduced in rural areas, brownfield  
1542 areas, and enterprise zones. A local government requesting a  
1543 waiver that reduces or eliminates the one-to-one match must  
1544 provide the department with a statement prepared by a Florida  
1545 certified public accountant, as defined in s. 473.302, which  
1546 describes the financial constraints preventing the local  
1547 government from meeting the local financial support requirement  
1548 of this section. This subparagraph does not apply to a county  
1549 considered fiscally constrained pursuant to s. 218.67(1).
- 1550           (c) An innovation business project in this state, other  
1551 than a research and development project, must:
- 1552           1.a. Result in the creation of at least 1,000 direct, new  
1553 jobs at the business; or
- 1554           b. Result in the creation of at least 500 direct, new jobs  
1555 if the project is located in a rural area, a brownfield area, or  
1556 an enterprise zone.
- 1557           2. Have an activity or product that is within an industry  
1558 that is designated as a target industry business under s.  
1559 288.106 or a designated sector under s. 288.108.
- 1560           3.a. Have a cumulative investment of at least \$500 million



1561 within a 5-year period; or  
 1562       b. Have a cumulative investment that exceeds \$250 million  
 1563 within a 10-year period if the project is located in a rural  
 1564 area, brownfield area, or an enterprise zone.  
 1565       4. Be provided with a one-to-one match from the local  
 1566 community. The match requirement may be reduced or waived in  
 1567 rural areas of opportunity or reduced in rural areas, brownfield  
 1568 areas, and enterprise zones. A local government requesting a  
 1569 waiver that reduces or eliminates the one-to-one match must  
 1570 provide the department with a statement prepared by a Florida  
 1571 certified public accountant, as defined in s. 473.302, which  
 1572 describes the financial constraints preventing the local  
 1573 government from meeting the local financial support requirement  
 1574 of this section. This subparagraph does not apply to a county  
 1575 considered fiscally constrained pursuant to s. 218.67(1).  
 1576       (d) For an alternative and renewable energy project in  
 1577 this state, the project must:  
 1578       1. Demonstrate a plan for significant collaboration with  
 1579 an institution of higher education.~~†~~  
 1580       2. Provide the state, at a minimum, a cumulative break-  
 1581 even economic benefit within a 20-year period.~~†~~  
 1582       3. Include matching funds provided by the applicant or  
 1583 other available sources. The match requirement may be reduced or  
 1584 waived in rural areas of opportunity or reduced in rural areas,  
 1585 brownfield areas, and enterprise zones. A local government  
 1586 requesting a waiver that reduces or eliminates the one-to-one



1587 match must provide the department with a statement prepared by a  
1588 Florida certified public accountant, as defined in s. 473.302,  
1589 which describes the financial constraints preventing the local  
1590 government from meeting the one-to-one match requirement of this  
1591 section. This subparagraph does not apply to a county considered  
1592 fiscally constrained pursuant to s. 218.67(1).~~†~~

1593 4. Be located in this state.†~~and~~

1594 5. Provide at least 35 direct~~†~~ new jobs that pay an  
1595 estimated annual average wage that equals at least 130 percent  
1596 of the average private sector wage in the area.

1597 (7)(a) Within 7 business days after the executive director  
1598 approves or disapproves an application for an innovation  
1599 incentive award proposal, the department shall recommend to the  
1600 Governor the approval or disapproval of an innovation incentive  
1601 award. In recommending an award, the department shall include  
1602 the total amount of the innovation incentive award; the  
1603 anticipated performance conditions that must be met to obtain  
1604 the award, including, but not limited to, net new employment in  
1605 the state, average salary, and total capital investment incurred  
1606 by the business; a baseline of current service and a measure of  
1607 enhanced capability; the methodology for validating performance;  
1608 the schedule of payments; and sanctions for failure to meet  
1609 performance conditions, including any clawback provisions ~~Upon~~  
1610 ~~receipt of the evaluation and recommendation from the~~  
1611 ~~department, the Governor shall approve or deny an award. In~~  
1612 ~~recommending approval of an award, the department shall include~~



1613 ~~proposed performance conditions that the applicant must meet in~~  
1614 ~~order to obtain incentive funds and any other conditions that~~  
1615 ~~must be met before the receipt of any incentive funds. The~~  
1616 ~~Governor shall consult with the President of the Senate and the~~  
1617 ~~Speaker of the House of Representatives before giving approval~~  
1618 ~~for an award. Upon review and approval of an award by the~~  
1619 ~~Legislative Budget Commission, the Executive Office of the~~  
1620 ~~Governor shall release the funds.~~

1621 (b) The Governor may approve an innovation incentive award  
1622 of less than \$2 million without consulting the Legislature. For  
1623 such awards, the Governor shall provide a written description  
1624 and evaluation of the approved project to the President of the  
1625 Senate and the Speaker of the House of Representatives within 1  
1626 business day after approval.

1627 (c) The Governor shall provide a written description and  
1628 evaluation of each innovation incentive award proposal  
1629 recommended for approval for an innovation incentive award of at  
1630 least \$2 million, but not more than \$7.5 million, to the  
1631 President of the Senate and the Speaker of the House of  
1632 Representatives at least 14 days before giving final approval  
1633 for an award. If the President of the Senate or the Speaker of  
1634 the House of Representatives timely advises the Executive Office  
1635 of the Governor in writing that the award of incentive funds  
1636 exceeds the delegated authority of the Executive Office of the  
1637 Governor or is contrary to legislative policy or intent, the  
1638 Executive Office of the Governor shall void the release of funds



1639 and instruct the department to immediately change action or  
1640 proposed action.

1641 (d) The Governor shall provide the Legislative Budget  
1642 Commission a written description and evaluation of each eligible  
1643 business recommended for approval of an innovation incentive  
1644 award that exceeds \$7.5 million or that provides a waiver of  
1645 program requirements and is at least \$5 million. The Legislative  
1646 Budget Commission must approve such an award before final  
1647 approval by the Governor.

1648 (e) Any contract or agreement executed by the department  
1649 shall embody the performance criteria and timelines submitted to  
1650 the Legislature, whether during the legislative consultation  
1651 period or in the provided written description and evaluation for  
1652 those projects that do not require legislative consultation. If  
1653 the executed contract or agreement fails to embody the  
1654 performance criteria and timelines submitted to the Legislature,  
1655 whether during the legislative consultation period or in the  
1656 provided written description and evaluation for those projects  
1657 that do not require legislative consultation, the department may  
1658 not expend any funds on the contract and the Chief Financial  
1659 Officer is not authorized to release payment of funds.

1660 (f) An amendment, modification, or extension of an  
1661 executed contract may not result in a 0.5-point or greater  
1662 reduction in the economic-benefit ratio of the project, may not  
1663 result in the waiver of any program requirement, and is subject  
1664 to a 14-day legislative consultation. If the President of the





1665 Senate or the Speaker of the House of Representatives timely  
1666 advises the Executive Office of the Governor in writing that the  
1667 amendment, modification, or extension exceeds the delegated  
1668 authority of the Executive Office of the Governor or is contrary  
1669 to legislative policy or intent, the Executive Office of the  
1670 Governor shall void the amendment, modification, or extension  
1671 and instruct the department to immediately change action or  
1672 proposed action.

1673 (8)(a) In addition to the requirements provided in  
1674 paragraph (7) (a), a contract between the department and an award  
1675 recipient ~~After the conditions set forth in subsection (7) have~~  
1676 ~~been met, the department shall issue a letter certifying the~~  
1677 ~~applicant as qualified for an award. The department and the~~  
1678 ~~award recipient shall enter into an agreement that sets forth~~  
1679 ~~the conditions for payment of the incentive funds. The agreement~~  
1680 ~~must include, at a minimum:~~

1681 ~~1. The total amount of funds awarded.~~

1682 ~~2. The performance conditions that must be met in order to~~  
1683 ~~obtain the award or portions of the award, including, but not~~  
1684 ~~limited to, net new employment in the state, average wage, and~~  
1685 ~~total cumulative investment.~~

1686 ~~3. Demonstration of a baseline of current service and a~~  
1687 ~~measure of enhanced capability.~~

1688 ~~4. The methodology for validating performance.~~

1689 ~~5. The schedule of payments.~~

1690 ~~6. Sanctions for failure to meet performance conditions,~~



1691 ~~including any clawback provisions.~~

1692 ~~(b) Additionally, agreements signed on or after July 1,~~  
1693 ~~2009,~~ must include the following provisions:

1694 1. Notwithstanding subsection (4), a requirement that the  
1695 jobs created by the recipient of the incentive funds pay an  
1696 annual average wage at least equal to the relevant industry's  
1697 annual average wage or at least 130 percent of the average  
1698 private sector wage in the area, whichever is greater.

1699 2. A reinvestment requirement. Each recipient of an award  
1700 shall reinvest up to 15 percent of net royalty revenues,  
1701 including revenues from spin-off companies and the revenues from  
1702 the sale of stock it receives from the licensing or transfer of  
1703 inventions, methods, processes, and other patentable discoveries  
1704 conceived or reduced to practice using its facilities in Florida  
1705 or its Florida-based employees, in whole or in part, and to  
1706 which the recipient of the grant becomes entitled during the 20  
1707 years following the effective date of its agreement with the  
1708 department. Each recipient of an award also shall reinvest up to  
1709 15 percent of the gross revenues it receives from naming  
1710 opportunities associated with any facility it builds in this  
1711 state. Reinvestment payments shall commence no later than 6  
1712 months after the recipient of the grant has received the final  
1713 disbursement under the contract and shall continue until the  
1714 maximum reinvestment, as specified in the contract, has been  
1715 paid. Reinvestment payments shall be remitted to the department  
1716 for deposit in the Biomedical Research Trust Fund for companies



1717 specializing in biomedicine or life sciences, or in the Economic  
1718 Development Trust Fund for companies specializing in fields  
1719 other than biomedicine or the life sciences. If these trust  
1720 funds no longer exist at the time of the reinvestment, the  
1721 state's share of reinvestment shall be deposited in their  
1722 successor trust funds as determined by law. Each recipient of an  
1723 award shall annually submit a schedule of the shares of stock  
1724 held by it as payment of the royalty required by this paragraph  
1725 and report on any trades or activity concerning such stock. Each  
1726 recipient's reinvestment obligations survive the expiration or  
1727 termination of its agreement with the state.

1728 3. Requirements for the establishment of internship  
1729 programs or other learning opportunities for educators and  
1730 secondary, postsecondary, graduate, and doctoral students.

1731 4. A requirement that the recipient submit quarterly  
1732 reports and annual reports related to activities and performance  
1733 to the department, according to standardized reporting periods.

1734 5. A requirement for an annual accounting to the  
1735 department of the expenditure of funds disbursed under this  
1736 section.

1737 6. A process for amending the agreement.

1738 Section 19. Subsection (7) of section 288.11621, Florida  
1739 Statutes, is amended to read:

1740 288.11621 Spring training baseball franchises.—

1741 (7) STRATEGIC PLANNING.—The department shall request  
1742 assistance from the Florida Sports Foundation ~~Enterprise~~



1743 ~~Florida, Inc.,~~ and the Florida Grapefruit League Association to  
 1744 develop a comprehensive strategic plan to:

1745 (a) Finance spring training facilities.

1746 (b) Monitor and oversee the use of state funds awarded to  
 1747 applicants.

1748 (c) Identify the financial impact that spring training has  
 1749 on the state and ways in which to maintain or improve that  
 1750 impact.

1751 (d) Identify opportunities to develop public-private  
 1752 partnerships to engage in marketing activities and advertise  
 1753 spring training baseball.

1754 (e) Identify efforts made by other states to maintain or  
 1755 develop partnerships with baseball spring training teams.

1756 (f) Develop recommendations for the Legislature to sustain  
 1757 or improve this state's spring training tradition.

1758 Section 20. Section 288.1169, Florida Statutes, is  
 1759 repealed.

1760 Section 21. Notwithstanding the repeal of section  
 1761 288.1229, Florida Statutes, by s. 485, chapter 2011-142, Laws of  
 1762 Florida, section 288.1229, Florida Statutes, is revived,  
 1763 reenacted, and amended to read:

1764 288.1229 Promotion and development of sports-related  
 1765 industries and amateur athletics; direct-support organization  
 1766 established; powers and duties.—

1767 (1) The Department of Economic Opportunity shall establish  
 1768 a direct-support organization known as the Florida Sports



1769 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~  
1770 ~~and Economic Development may authorize a direct-support~~  
1771 ~~organization to assist the~~ department office in:

1772 (a) The promotion and development of the sports industry  
1773 and related industries for the purpose of improving the economic  
1774 presence of these industries in Florida.

1775 (b) The promotion of amateur athletic participation for  
1776 the citizens of Florida and the promotion of Florida as a host  
1777 for national and international amateur athletic competitions for  
1778 the purpose of encouraging and increasing the direct and  
1779 ancillary economic benefits of amateur athletic events and  
1780 competitions.

1781 (c) The retention of professional sports franchises,  
1782 including the spring training operations of Major League  
1783 Baseball.

1784 (2) The Florida Sports Foundation shall ~~To be authorized~~  
1785 ~~as a direct-support organization, an organization must:~~

1786 (a) Be incorporated as a corporation not for profit  
1787 pursuant to chapter 617.

1788 (b) 1. Be governed by a board of directors, consisting  
1789 ~~which must consist of 20 up to 15~~ members appointed by the  
1790 Governor, including:

1791 a. Ten members representing Florida major league  
1792 franchises of Major League Baseball, National Basketball  
1793 Association, National Football League, Arena Football League,  
1794 National Hockey League, and Major League Soccer teams domiciled



1795 in this state.

1796 b. A member representing Florida sports commissions.

1797 c. A member representing the boating and fishing

1798 industries of the state.

1799 d. A member representing the golf industry of the state.

1800 e. A member representing Major League Baseball spring

1801 training.

1802 f. A member representing the auto racing industry of the

1803 state.

1804 g. Five members at-large and up to 15 members appointed by

1805 the existing board of directors. In making at-large

1806 appointments, the Governor ~~board~~ must consider a potential

1807 member's background in community service and sports activism in,

1808 and financial support of, the sports industry, professional

1809 sports, or organized amateur athletics. Members must be

1810 residents of the state and highly knowledgeable about or active

1811 in professional or organized amateur sports.

1812 2. The board must contain representatives of all

1813 geographical regions of the state and must represent ethnic and

1814 gender diversity. The terms of office of the members shall be 4

1815 years. No member may serve more than two consecutive terms. The

1816 Governor may remove any member for cause and shall fill all

1817 vacancies that occur.

1818 (c) Have as its purpose, as stated in its articles of

1819 incorporation, to receive, hold, invest, and administer

1820 property; to raise funds and receive gifts; and to promote and



1821 develop the sports industry and related industries for the  
1822 purpose of increasing the economic presence of these industries  
1823 in Florida.

1824 (d) Have a prior determination by the department ~~Office of~~  
1825 ~~Tourism, Trade, and Economic Development~~ that the organization  
1826 will benefit the department ~~office~~ and act in the best interests  
1827 of the state as a direct-support organization to the department  
1828 ~~office~~.

1829 (3) The Florida Sports Foundation shall operate under  
1830 contract with the department. The department shall enter into a  
1831 contract with the foundation by July 1, 2016. The contract must  
1832 provide ~~Office of Tourism, Trade, and Economic Development shall~~  
1833 ~~contract with the organization and shall include in the contract~~  
1834 that:

1835 (a) The department ~~office~~ may review the foundation's  
1836 ~~organization's~~ articles of incorporation.

1837 (b) The foundation ~~organization~~ shall submit an annual  
1838 budget proposal to the department ~~office~~, on a form provided by  
1839 the department ~~office~~, in accordance with department ~~office~~  
1840 procedures for filing budget proposals based upon the  
1841 recommendation of the department ~~office~~.

1842 (c) Any funds that the foundation ~~organization~~ holds in  
1843 trust shall ~~will~~ revert to the state upon the expiration or  
1844 cancellation of the contract.

1845 (d) The foundation ~~organization~~ is subject to an annual  
1846 financial and performance review by the department ~~office~~ to



1847 determine whether the foundation ~~organization~~ is complying with  
 1848 the terms of the contract and whether it is acting in a manner  
 1849 consistent with the goals of the department ~~office~~ and in the  
 1850 best interests of the state.

1851 (e) The fiscal year of the foundation begins ~~organization~~  
 1852 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next  
 1853 ensuing year.

1854 (4) The department ~~Office of Tourism, Trade, and Economic~~  
 1855 ~~Development~~ may allow the foundation ~~organization~~ to use the  
 1856 property, facilities, personnel, and services of the department  
 1857 ~~office~~ if the foundation ~~organization~~ provides equal employment  
 1858 opportunities to all persons regardless of race, color,  
 1859 religion, sex, age, or national origin, subject to the approval  
 1860 of the executive director of the department ~~office~~.

1861 (5) The foundation ~~organization~~ shall provide for an  
 1862 annual financial audit in accordance with s. 215.981.

1863 (6) The foundation ~~organization~~ is not granted any taxing  
 1864 power.

1865 ~~(7) In exercising the power provided in this section, the~~  
 1866 ~~Office of Tourism, Trade, and Economic Development may authorize~~  
 1867 ~~and contract with the direct support organization existing on~~  
 1868 ~~June 30, 1996, and authorized by the former Florida Department~~  
 1869 ~~of Commerce to promote sports related industries. An appointed~~  
 1870 ~~member of the board of directors of such direct support~~  
 1871 ~~organization as of June 30, 1996, may serve the remainder of his~~  
 1872 ~~or her unexpired term.~~





1873            ~~(7)-(8)~~ To promote amateur sports and physical fitness, the  
 1874 foundation ~~direct-support organization~~ shall:

1875            (a) Develop, foster, and coordinate services and programs  
 1876 for amateur sports for the people of Florida.

1877            (b) Sponsor amateur sports workshops, clinics,  
 1878 conferences, and other similar activities.

1879            (c) Give recognition to outstanding developments and  
 1880 achievements in, and contributions to, amateur sports.

1881            (d) Encourage, support, and assist local governments and  
 1882 communities in the development of or hosting of local amateur  
 1883 athletic events and competitions.

1884            (e) Promote Florida as a host for national and  
 1885 international amateur athletic competitions.

1886            (f) Develop a statewide programs ~~program~~ of amateur  
 1887 athletic competition to be known as the "Florida Senior Games"  
 1888 and the "Sunshine State Games."

1889            (g) Continue the successful amateur sports programs  
 1890 previously conducted by the Florida Governor's Council on  
 1891 Physical Fitness and Amateur Sports created under former s.  
 1892 14.22.

1893            (h) Encourage and continue the use of volunteers in its  
 1894 amateur sports programs to the maximum extent possible.

1895            (i) Develop, foster, and coordinate services and programs  
 1896 designed to encourage the participation of Florida's youth in  
 1897 Olympic sports activities and competitions.

1898            (j) Foster and coordinate services and programs designed



1899 to contribute to the physical fitness of the citizens of  
 1900 Florida.

1901 (8)~~(9)~~(a) The Sunshine State Games and Florida Senior  
 1902 Games shall both be patterned after the Summer Olympics with  
 1903 variations as necessitated by availability of facilities,  
 1904 equipment, and expertise. The games shall be designed to  
 1905 encourage the participation of athletes representing a broad  
 1906 range of age groups, skill levels, and Florida communities.  
 1907 ~~Participants shall be residents of this state. Regional~~  
 1908 ~~competitions shall be held throughout the state, and the top~~  
 1909 ~~qualifiers in each sport shall proceed to the final competitions~~  
 1910 ~~to be held at a site in the state with the necessary facilities~~  
 1911 ~~and equipment for conducting the competitions.~~

1912 (b) The department ~~Executive Office of the Governor~~ is  
 1913 authorized to permit the use of property, facilities, and  
 1914 personal services of or at any State University System facility  
 1915 or institution by the direct-support organization operating the  
 1916 Sunshine State Games and Florida Senior Games. For the purposes  
 1917 of this paragraph, personal services includes full-time or part-  
 1918 time personnel as well as payroll processing.

1919 Section 22. Subsection (2) and paragraph (b) of subsection  
 1920 (5) of section 288.901, Florida Statutes, are amended to read:

1921 288.901 Enterprise Florida, Inc.—

1922 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the  
 1923 economic development organization for the state, using ~~utilizing~~  
 1924 private sector and public sector expertise in collaboration with



1925 the department to:

1926 (a) Increase private investment in Florida.†

1927 (b) Advance international and domestic trade

1928 opportunities.†

1929 (c) Market the state both as a probusiness location for

1930 new investment and as an unparalleled tourist destination.†

1931 (d) Revitalize Florida's space and aerospace industries,

1932 and promote emerging complementary industries.†

1933 (e) Promote opportunities for minority-owned businesses.†

1934 (f) Assist and market professional and amateur sport teams

1935 and sporting events in Florida.† ~~and~~

1936 (g) Assist, promote, and enhance economic opportunities in

1937 this state's rural and urban communities.

1938 (h) Foster and encourage high-technology startup and

1939 second-stage business development within the state.

1940 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

1941 (b) In making their appointments, the Governor, the

1942 President of the Senate, and the Speaker of the House of

1943 Representatives shall ensure that the composition of the board

1944 of directors reflects the diversity of Florida's business

1945 community and is representative of the economic development

1946 goals in subsection (2). The board must include at least one

1947 director for each of the following areas of expertise:

1948 international business, tourism marketing, the space or

1949 aerospace industry, managing or financing a minority-owned

1950 business, manufacturing, finance and accounting, and rural



1951 economic development ~~sports marketing~~.

1952 Section 23. Subsection (1) of section 288.9015, Florida  
1953 Statutes, is amended to read:

1954 288.9015 Powers of Enterprise Florida, Inc.; board of  
1955 directors.—

1956 (1) Enterprise Florida, Inc., shall integrate its efforts  
1957 in business recruitment and expansion, job creation, marketing  
1958 the state for tourism ~~and sports~~, and promoting economic  
1959 opportunities for minority-owned businesses and promoting  
1960 economic opportunities for rural and distressed urban  
1961 communities with those of the department, to create an  
1962 aggressive, agile, and collaborative effort to reinvigorate the  
1963 state's economy.

1964 Section 24. Subsection (6) is added to section 288.904,  
1965 Florida Statutes, to read:

1966 288.904 Funding for Enterprise Florida, Inc.; performance  
1967 and return on the public's investment.—

1968 (6) The Department of Economic Opportunity's incentive  
1969 portal must include information related to incentive contracts,  
1970 including vendor contracts for incentives, vendor payments for  
1971 incentive contracts, and results achieved from incentive  
1972 contracts.

1973 Section 25. Section 288.913, Florida Statutes, is created  
1974 to read:

1975 288.913 Innovation Florida Initiative.—

1976 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature



1977 finds that successful high-technology startup and second-stage  
 1978 businesses are critical to the state's overall economic growth  
 1979 and such businesses play an outsized role in job creation. The  
 1980 Legislature also finds that Enterprise Florida, Inc., the  
 1981 state's economic development organization, is uniquely suited to  
 1982 foster and encourage more high-technology startup and second-  
 1983 stage business development within the state. Therefore, the  
 1984 Legislature declares that it is the policy of the state to  
 1985 prioritize high-technology startup and second-stage business  
 1986 development within the state and directs Enterprise Florida,  
 1987 Inc., to develop the Innovation Florida Initiative to further  
 1988 such policy.

1989 (2) DEFINITIONS.—As used in this section, the term:

1990 (a) "Advanced technology products" means high-technology  
 1991 products produced by a business that employs a high proportion  
 1992 of scientists, engineers, and technicians. Such products may be  
 1993 classified within, but not be limited to, the following fields:

1994 1. Biotechnology products related to advanced scientific  
 1995 discoveries in genetics.

1996 2. Life science products related to the application of  
 1997 nonbiological scientific advances to medical science.

1998 3. Optoelectronic products related to the emission or  
 1999 detection of light.

2000 4. Information and communications products related to the  
 2001 processing of increased volumes of information in shorter  
 2002 periods of time.



2003           5. Electronics products related to design advances in  
2004 electronic components that result in improved performance and  
2005 capacity, or reduced size.

2006           6. Flexible manufacturing products related to robotics,  
2007 numerically-controlled machine tools, and similar products  
2008 involving industrial automation that allows for greater  
2009 flexibility in the manufacturing process and reduction in the  
2010 amount of human intervention.

2011           7. Advanced materials products related to advances in the  
2012 development of materials that allow for further development and  
2013 application of other advanced technologies.

2014           8. Aerospace products related to military and civil  
2015 helicopters, airplanes, and spacecraft.

2016           9. Weapons products related to products with military  
2017 application.

2018           10. Nuclear technology products related to nuclear power  
2019 production apparatus.

2020           (b) "High-technology startup" means a business unit that  
2021 has been in operation for less than 5 years, and employs fewer  
2022 than 10 employees, which produces a high proportion of advanced  
2023 technology products.

2024           (c) "Second-stage business" means a business unit that  
2025 employs at least 10 but not more than 50 employees, generates at  
2026 least \$1 million but not more than \$25 million in annual  
2027 revenue, and produces a high proportion of advanced technology  
2028 products.



2029        (3) STATEWIDE STRATEGIC PLAN.—

2030        (a) The department shall develop a statewide strategic  
2031 plan for high-technology startup and second-stage business  
2032 growth and development in consultation with Enterprise Florida,  
2033 Inc., the Institute for the Commercialization of Public  
2034 Research, the Florida Economic Gardening Institute, the state's  
2035 local and regional economic development organizations, and other  
2036 stakeholders, public and private, that have experience and  
2037 expertise in high-technology startup and second-stage business  
2038 growth and development activities.

2039        (b) In developing the strategic plan, the department shall  
2040 evaluate best practices; examine the startup, entrepreneurship,  
2041 and second-stage business programs of other states; and survey  
2042 high-technology startups and second-stage businesses and support  
2043 organizations, both within and outside the state.

2044        (c) The strategic plan must include:

2045        1. Actionable steps to provide technical support to local  
2046 and regional economic development organizations to enhance high-  
2047 technology startup and second-stage business growth at local and  
2048 regional levels.

2049        2. An evaluation of the accessibility of the state's  
2050 economic development incentive and loan programs to high-  
2051 technology startups and second-stage businesses.

2052        (d) By January 1, 2017, the department shall deliver the  
2053 strategic plan to the Governor, the President of the Senate, and  
2054 the Speaker of the House of Representatives.



2055 (e) Upon completion of the strategic plan, the plan shall  
 2056 become part of the 5-year statewide strategic plan developed by  
 2057 the Division of Strategic Business Development required by s.  
 2058 20.60.

2059 (4) MARKETING.—Enterprise Florida, Inc., shall market the  
 2060 state's economic development activities related to the growth  
 2061 and development of high-technology startups and second-stage  
 2062 businesses both inside and outside the state.

2063 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide  
 2064 information regarding its activities related to the growth and  
 2065 development of high-technology startups and second-stage  
 2066 businesses in its annual report required by s. 288.906.

2067 Section 26. Subsection (1) of section 288.92, Florida  
 2068 Statutes, is amended to read:

2069 288.92 Divisions of Enterprise Florida, Inc.—

2070 (1) Enterprise Florida, Inc., may create and dissolve  
 2071 divisions as necessary to carry out its mission. Each division  
 2072 shall have distinct responsibilities and complementary missions.  
 2073 At a minimum, Enterprise Florida, Inc., shall have divisions  
 2074 related to the following areas:

- 2075 (a) International Trade and Business Development;
- 2076 (b) Business Retention and Recruitment;
- 2077 (c) Tourism Marketing; and
- 2078 (d) Minority Business Development. ~~;~~ and
- 2079 ~~(e) Sports Industry Development.~~

2080 Section 27. Paragraph (b) of subsection (3) of section





2081 288.9604, Florida Statutes, is amended to read:

2082 288.9604 Creation of the authority.—

2083 (3)

2084 (b)1. The powers of the corporation shall be exercised by  
2085 the directors thereof. A majority of the directors constitutes a  
2086 quorum for the purposes of conducting business and exercising  
2087 the powers of the corporation and for all other purposes. Action  
2088 may be taken by the corporation upon a vote of a majority of the  
2089 directors present, unless in any case the bylaws require a  
2090 larger number. Any person may be appointed as director if he or  
2091 she resides, or is engaged in business, which means owning a  
2092 business, practicing a profession, or performing a service for  
2093 compensation or serving as an officer or director of a  
2094 corporation or other business entity so engaged, within the  
2095 state.

2096 2. Meetings of the directors may be conducted remotely by  
2097 utilizing communications media technology. The board shall hold  
2098 a meeting in person if the board is aware of opposition to a  
2099 bond issuance on the agenda for such meeting or if the board  
2100 receives a request to hold the meeting in person at least 72  
2101 hours before the scheduled meeting. For purposes of this  
2102 subparagraph, the term "communications media technology" means  
2103 conference telephone, video conference, or other communications  
2104 technology by which all persons attending a meeting may audibly  
2105 communicate.

2106 3. Any action taken by the full board of directors of the



2107 corporation on or before March 31, 2015, to ratify or reject  
 2108 actions taken by a previous board while such previous board was  
 2109 incomplete due to director vacancies, has the same effect as if  
 2110 the ratifying or rejecting board took the original action.

2111 Section 28. Paragraph (x) is added to subsection (2) of  
 2112 section 288.9605, Florida Statutes, to read:

2113 288.9605 Corporation powers.—

2114 (2) The corporation is authorized and empowered to:

2115 (x) Execute and deliver documents, agreements, and  
 2116 instruments in accordance with and to the extent permitted by  
 2117 the Electronic Signature Act of 1996, part I of chapter 668.

2118 Section 29. Paragraph (c) of subsection (3) and subsection  
 2119 (4) of section 288.980, Florida Statutes, is amended to read:

2120 288.980 Military base retention; legislative intent;  
 2121 grants program.—

2122 (3)

2123 (c) The department shall require that an applicant:

2124 1. Represent a local government with a military  
 2125 installation or military installations that could be adversely  
 2126 affected by federal actions.

2127 ~~2. Agree to match at least 30 percent of any grant~~  
 2128 ~~awarded.~~

2129 ~~2.3.~~ Prepare a coordinated program or plan of action  
 2130 delineating how the eligible project will be administered and  
 2131 accomplished.

2132 ~~3.4.~~ Provide documentation describing the potential for



2133 changes to the mission of a military installation located in the  
2134 applicant's community and the potential impacts such changes  
2135 will have on the applicant's community.

2136 (4) The Florida Defense Reinvestment Grant Program is  
2137 established to respond to the need for this state to work in  
2138 conjunction with defense-dependent communities in developing and  
2139 implementing strategies and approaches that will help  
2140 communities support the missions of military installations, and  
2141 in developing and implementing alternative economic  
2142 diversification strategies to transition from a defense economy  
2143 to a nondefense economy. The department shall administer the  
2144 program.

2145 (a) Eligible applicants include defense-dependent counties  
2146 and cities, and local economic development councils located  
2147 within such communities. ~~The program shall be administered by~~  
2148 ~~the department and~~ Grant awards may be provided to support  
2149 community-based activities that:

2150 1. ~~(a)~~ Protect existing military installations;

2151 2. ~~(b)~~ Diversify the economy of a defense-dependent  
2152 community; or

2153 3. ~~(c)~~ Develop plans for the reuse of closed or realigned  
2154 military installations, including any plans necessary for  
2155 infrastructure improvements needed to facilitate reuse and  
2156 related marketing activities.

2157 (b) Applications for grants under paragraph (a) ~~this~~  
2158 ~~subsection~~ must include a coordinated program of work or plan of



2159 | action delineating how the eligible project will be administered  
2160 | and accomplished, which must include a plan for ensuring close  
2161 | cooperation between civilian and military authorities in the  
2162 | conduct of the funded activities and a plan for public  
2163 | involvement. An applicant must agree to match at least 30  
2164 | percent of any grant awarded.

2165 |       Section 30. Section 288.9937, Florida Statutes, is amended  
2166 | to read:

2167 |       288.9937 Evaluation of programs.—The Office of Economic  
2168 | and Demographic Research and the Office of Program Policy  
2169 | Analysis and Government Accountability shall analyze and  
2170 | ~~evaluate, and determine the economic benefits, as defined in s.~~  
2171 | ~~288.005,~~ of the first 3 years of the Microfinance Loan Program  
2172 | and the Microfinance Guarantee Program. The analysis by the  
2173 | Office of Economic and Demographic Research must ~~also~~ evaluate  
2174 | the number of jobs created, the increase or decrease in personal  
2175 | income, and the impact on state gross domestic product from the  
2176 | direct, indirect, and induced effects of the state's investment.  
2177 | The analysis by the Office of Program Policy Analysis and  
2178 | Government Accountability must ~~also~~ identify any inefficiencies  
2179 | in the programs and provide recommendations for changes to the  
2180 | programs. Each ~~The~~ office shall submit a report to the President  
2181 | of the Senate and the Speaker of the House of Representatives by  
2182 | January 15 ~~4~~, 2018. This section expires January 31, 2018.

2183 |       Section 31. Subsections (1) and (3), paragraph (a) of  
2184 | subsection (5), and paragraph (e) of subsection (7) of section



2185 288.11625, Florida Statutes, are amended to read:

2186 288.11625 Sports development.—

2187 (1) ADMINISTRATION.—The department shall serve as the  
 2188 state agency responsible for screening applicants for state  
 2189 funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

2190 (3) PURPOSE.—The purpose of this section is to provide  
 2191 applicants state funding under s. 212.20(6)(d)6.e.  
 2192 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,  
 2193 reconstructing, renovating, or improving a facility.

2194 (5) EVALUATION PROCESS.—

2195 (a) Before recommending an applicant to receive a state  
 2196 distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the  
 2197 department must verify that:

2198 1. The applicant or beneficiary is responsible for the  
 2199 construction, reconstruction, renovation, or improvement of a  
 2200 facility and obtained at least three bids for the project.

2201 2. If the applicant is not a unit of local government, a  
 2202 unit of local government holds title to the property on which  
 2203 the facility and project are, or will be, located.

2204 3. If the applicant is a unit of local government in whose  
 2205 jurisdiction the facility is, or will be, located, the unit of  
 2206 local government has an exclusive intent agreement to negotiate  
 2207 in this state with the beneficiary.

2208 4. A unit of local government in whose jurisdiction the  
 2209 facility is, or will be, located supports the application for  
 2210 state funds. Such support must be verified by the adoption of a



2211 resolution, after a public hearing, that the project serves a  
2212 public purpose.

2213         5. The applicant or beneficiary has not previously  
2214 defaulted or failed to meet any statutory requirements of a  
2215 previous state-administered sports-related program under s.  
2216 288.1162, s. 288.11621, s. 288.11631, or this section.  
2217 Additionally, the applicant or beneficiary is not currently  
2218 receiving state distributions under s. 212.20 for the facility  
2219 that is the subject of the application, unless the applicant  
2220 demonstrates that the franchise that applied for a distribution  
2221 under s. 212.20 no longer plays at the facility that is the  
2222 subject of the application.

2223         6. The applicant or beneficiary has sufficiently  
2224 demonstrated a commitment to employ residents of this state,  
2225 contract with Florida-based firms, and purchase locally  
2226 available building materials to the greatest extent possible.

2227         7. If the applicant is a unit of local government, the  
2228 applicant has a certified copy of a signed agreement with a  
2229 beneficiary for the use of the facility. If the applicant is a  
2230 beneficiary, the beneficiary must enter into an agreement with  
2231 the department. The applicant's or beneficiary's agreement must  
2232 also require the following:

2233             a. The beneficiary must reimburse the state for state  
2234 funds that will be distributed if the beneficiary relocates or  
2235 no longer occupies or uses the facility as the facility's  
2236 primary tenant before the agreement expires. Reimbursements must



2237 | be sent to the Department of Revenue for deposit into the  
2238 | General Revenue Fund.

2239 |       b. The beneficiary must pay for signage or advertising  
2240 | within the facility. The signage or advertising must be placed  
2241 | in a prominent location as close to the field of play or  
2242 | competition as is practicable, must be displayed consistent with  
2243 | signage or advertising in the same location and of like value,  
2244 | and must feature Florida advertising approved by the Florida  
2245 | Tourism Industry Marketing Corporation.

2246 |       8. The project will commence within 12 months after  
2247 | receiving state funds or did not commence before January 1,  
2248 | 2013.

2249 |       (7) CONTRACT.—An applicant approved by the Legislature and  
2250 | certified by the department must enter into a contract with the  
2251 | department which:

2252 |       (e) Requires the applicant to reimburse the state by  
2253 | electing to do one of the following:

2254 |       1. After all distributions have been made, reimburse at  
2255 | the end of the contract term any amount by which the total  
2256 | distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~  
2257 | exceed actual new incremental state sales taxes generated by  
2258 | sales at the facility during the contract, plus a 5 percent  
2259 | penalty on that amount.

2260 |       2. After the applicant begins to submit the independent  
2261 | analysis under paragraph (c), reimburse each year any amount by  
2262 | which the previous year's annual distribution exceeds 75 percent



2263 of the actual new incremental state sales taxes generated by  
 2264 sales at the facility.

2265  
 2266 Any reimbursement due to the state must be made within 90 days  
 2267 after the applicable distribution under this paragraph. If the  
 2268 applicant is unable or unwilling to reimburse the state for such  
 2269 amount, the department may place a lien on the applicant's  
 2270 facility. If the applicant is a municipality or county, it may  
 2271 reimburse the state from its half-cent sales tax allocation, as  
 2272 provided in s. 218.64(3). Reimbursements must be sent to the  
 2273 Department of Revenue for deposit into the General Revenue Fund.

2274 Section 32. Paragraph (c) of subsection (2) and paragraphs  
 2275 (a), (c), and (d) of subsection (3) of section 288.11631,  
 2276 Florida Statutes, are amended to read:

2277 288.11631 Retention of Major League Baseball spring  
 2278 training baseball franchises.—

2279 (2) CERTIFICATION PROCESS.—

2280 (c) Each applicant certified on or after July 1, 2013,  
 2281 shall enter into an agreement with the department which:

2282 1. Specifies the amount of the state incentive funding to  
 2283 be distributed. The amount of state incentive funding per  
 2284 certified applicant may not exceed \$20 million. However, if a  
 2285 certified applicant's facility is used by more than one spring  
 2286 training franchise, the maximum amount may not exceed \$50  
 2287 million, and the Department of Revenue shall make distributions  
 2288 to the applicant pursuant to s. 212.20(6)(d)6.d.





2289 ~~212.20(6)(d)6.e.~~

2290           2. States the criteria that the certified applicant must  
 2291 meet in order to remain certified. These criteria must include a  
 2292 provision stating that the spring training franchise must  
 2293 reimburse the state for any funds received if the franchise does  
 2294 not comply with the terms of the contract. If bonds were issued  
 2295 to construct or renovate a facility for a spring training  
 2296 franchise, the required reimbursement must be equal to the total  
 2297 amount of state distributions expected to be paid from the date  
 2298 the franchise violates the agreement with the applicant through  
 2299 the final maturity of the bonds.

2300           3. States that the certified applicant is subject to  
 2301 decertification if the certified applicant fails to comply with  
 2302 this section or the agreement.

2303           4. States that the department may recover state incentive  
 2304 funds if the certified applicant is decertified.

2305           5. Specifies the information that the certified applicant  
 2306 must report to the department.

2307           6. Includes any provision deemed prudent by the  
 2308 department.

2309           (3) USE OF FUNDS.—

2310           (a) A certified applicant may use funds provided under s.  
 2311 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

2312           1. Serve the public purpose of constructing or renovating  
 2313 a facility for a spring training franchise.

2314           2. Pay or pledge for the payment of debt service on, or to



2315 fund debt service reserve funds, arbitrage rebate obligations,  
 2316 or other amounts payable with respect thereto, bonds issued for  
 2317 the construction or renovation of such facility, or for the  
 2318 reimbursement of such costs or the refinancing of bonds issued  
 2319 for such purposes.

2320 (c) The Department of Revenue may not distribute funds  
 2321 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.  
 2322 Further, the Department of Revenue may not distribute funds to  
 2323 an applicant certified on or after July 1, 2013, until it  
 2324 receives notice from the department that:

2325 1. The certified applicant has encumbered funds under  
 2326 either subparagraph (a)1. or subparagraph (a)2.; and

2327 2. If applicable, any existing agreement with a spring  
 2328 training franchise for the use of a facility has expired.

2329 (d)1. All certified applicants shall place unexpended  
 2330 state funds received pursuant to s. 212.20(6)(d)6.d.  
 2331 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use  
 2332 only as authorized in this section.

2333 2. A certified applicant may request that the department  
 2334 notify the Department of Revenue to suspend further  
 2335 distributions of state funds made available under s.  
 2336 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration  
 2337 of an existing agreement with a spring training franchise to  
 2338 provide the certified applicant with an opportunity to enter  
 2339 into a new agreement with a spring training franchise, at which  
 2340 time the distributions shall resume.



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2341           3. The expenditure of state funds distributed to an  
2342 applicant certified after July 1, 2013, must begin within 48  
2343 months after the initial receipt of the state funds. In  
2344 addition, the construction or renovation of a spring training  
2345 facility must be completed within 24 months after the project's  
2346 commencement.

2347           Section 33. Paragraph (a) of subsection (6), paragraph (b)  
2348 of subsection (9), paragraph (a) of subsection (35), subsection  
2349 (60), and paragraph (b) of subsection (64) of section 320.08058,  
2350 Florida Statutes, are amended to read:

2351           320.08058 Specialty license plates.—

2352           (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
2353 PLATES.—

2354           (a) Because the United States Olympic Committee has  
2355 selected this state to participate in a combined fundraising  
2356 program that provides for one-half of all money raised through  
2357 volunteer giving to stay in this state and be administered by  
2358 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, to  
2359 support amateur sports, and because the United States Olympic  
2360 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~  
2361 ~~Inc.~~ are nonprofit organizations dedicated to providing  
2362 athletes with support and training and preparing athletes of all  
2363 ages and skill levels for sports competition, and because the  
2364 Florida Sports Foundation ~~Enterprise Florida, Inc.~~, assists in  
2365 the bidding for sports competitions that provide significant  
2366 impact to the economy of this state, and the Legislature



2367 supports the efforts of the United States Olympic Committee and  
 2368 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the  
 2369 Legislature establishes a Florida United States Olympic  
 2370 Committee license plate for the purpose of providing a  
 2371 continuous funding source to support this worthwhile effort.  
 2372 Florida United States Olympic Committee license plates must  
 2373 contain the official United States Olympic Committee logo and  
 2374 must bear a design and colors that are approved by the  
 2375 department. The word "Florida" must be centered at the top of  
 2376 the plate.

2377 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

2378 (b) The license plate annual use fees are to be annually  
 2379 distributed as follows:

2380 1. Fifty-five percent of the proceeds from the Florida  
 2381 Professional Sports Team plate must be deposited into the  
 2382 Professional Sports Development Trust Fund within the Department  
 2383 of Economic Opportunity. These funds must be used solely to  
 2384 attract and support major sports events in this state. As used  
 2385 in this subparagraph, the term "major sports events" means, but  
 2386 is not limited to, championship or all-star contests of Major  
 2387 League Baseball, the National Basketball Association, the  
 2388 National Football League, the National Hockey League, Major  
 2389 League Soccer, the men's and women's National Collegiate  
 2390 Athletic Association championships ~~Final Four basketball~~  
 2391 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All  
 2392 funds must be used to support and promote major sporting events,



2393 and the uses must be approved by the Department of Economic  
2394 Opportunity.

2395       2. The remaining proceeds of the Florida Professional  
2396 Sports Team license plate must be allocated to the Florida  
2397 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
2398 deposited into the Professional Sports Development Trust Fund  
2399 within the Department of Economic Opportunity. These funds must  
2400 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
2401 ~~Inc.,~~ to promote the economic development of the sports  
2402 industry; to distribute licensing and royalty fees to  
2403 participating professional sports teams; ~~to promote education~~  
2404 ~~programs in Florida schools that provide an awareness of the~~  
2405 ~~benefits of physical activity and nutrition standards; to~~  
2406 ~~partner with the Department of Education and the Department of~~  
2407 ~~Health to develop a program that recognizes schools whose~~  
2408 ~~students demonstrate excellent physical fitness or fitness~~  
2409 ~~improvement;~~ to institute a grant program for communities  
2410 bidding on minor sporting events that create an economic impact  
2411 for the state; to distribute funds to Florida-based charities  
2412 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
2413 ~~Inc.,~~ and the participating professional sports teams; and to  
2414 fulfill the sports promotion responsibilities of the Department  
2415 of Economic Opportunity.

2416       3. The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~  
2417 shall provide an annual financial audit in accordance with s.  
2418 215.981 of its financial accounts and records by an independent



2419 certified public accountant pursuant to the contract established  
 2420 by the Department of Economic Opportunity as specified in s.  
 2421 288.1229(5). The auditor shall submit the audit report to the  
 2422 Department of Economic Opportunity for review and approval. If  
 2423 the audit report is approved, the Department of Economic  
 2424 Opportunity shall certify the audit report to the Auditor  
 2425 General for review.

2426 4. Notwithstanding the provisions of subparagraphs 1. and  
 2427 2., proceeds from the Professional Sports Development Trust Fund  
 2428 may also be used for operational expenses of the Florida Sports  
 2429 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
 2430 the Sunshine State Games and Florida Senior Games.

2431 (35) FLORIDA GOLF LICENSE PLATES.—

2432 (a) The Department of Highway Safety and Motor Vehicles  
 2433 shall develop a Florida Golf license plate as provided in this  
 2434 section. The word "Florida" must appear at the bottom of the  
 2435 plate. The Dade Amateur Golf Association, following consultation  
 2436 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~  
 2437 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
 2438 revised sample plate for consideration by the department.

2439 (60) FLORIDA NASCAR LICENSE PLATES.—

2440 (a) The department shall develop a Florida NASCAR license  
 2441 plate as provided in this section. Florida NASCAR license plates  
 2442 must bear the colors and design approved by the department. The  
 2443 word "Florida" must appear at the top of the plate, and the term  
 2444 "NASCAR" must appear at the bottom of the plate. The National



2445 Association for Stock Car Auto Racing, following consultation  
2446 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
2447 submit a sample plate for consideration by the department.

2448 (b) The license plate annual use fees shall be distributed  
2449 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The  
2450 license plate annual use fees shall be annually allocated as  
2451 follows:

2452 1. Up to 5 percent of the proceeds from the annual use  
2453 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
2454 ~~Florida, Inc.~~, for the administration of the NASCAR license  
2455 plate program.

2456 2. The National Association for Stock Car Auto Racing  
2457 shall receive up to \$60,000 in proceeds from the annual use fees  
2458 to be used to pay startup costs, including costs incurred in  
2459 developing and issuing the plates. Thereafter, 10 percent of the  
2460 proceeds from the annual use fees shall be provided to the  
2461 association for the royalty rights for the use of its marks.

2462 3. The remaining proceeds from the annual use fees shall  
2463 be distributed to the Florida Sports Foundation ~~Enterprise~~  
2464 ~~Florida, Inc.~~. The Florida Sports Foundation ~~Enterprise Florida,~~  
2465 ~~Inc.~~ will retain 15 percent to support its regional grant  
2466 program, attracting sporting events to Florida; 20 percent to  
2467 support the marketing of motorsports-related tourism in the  
2468 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
2469 501(c)(3) charitable organization, to support Florida-based  
2470 charitable organizations.



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2471 (c) The Florida Sports Foundation ~~Enterprise Florida,~~  
2472 ~~Inc.,~~ shall provide an annual financial audit in accordance with  
2473 s. 215.981 of its financial accounts and records by an  
2474 independent certified public accountant pursuant to the contract  
2475 established by the Department of Economic Opportunity as  
2476 specified in s. 288.1229(5). The auditor shall submit the audit  
2477 report to the Department of Economic Opportunity for review and  
2478 approval. If the audit report is approved, the Department of  
2479 Economic Opportunity shall certify the audit report to the  
2480 Auditor General for review.

2481 (64) FLORIDA TENNIS LICENSE PLATES.—

2482 (b) The department shall distribute the annual use fees to  
2483 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
2484 license plate annual use fees shall be annually allocated as  
2485 follows:

2486 1. Up to 5 percent of the proceeds from the annual use  
2487 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
2488 ~~Florida, Inc.,~~ to administer the license plate program.

2489 2. The United States Tennis Association Florida Section  
2490 Foundation shall receive the first \$60,000 in proceeds from the  
2491 annual use fees to reimburse it for startup costs,  
2492 administrative costs, and other costs it incurs in the  
2493 development and approval process.

2494 3. Up to 5 percent of the proceeds from the annual use  
2495 fees may be used for promoting and marketing the license plates.  
2496 The remaining proceeds shall be available for grants by the





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2497 United States Tennis Association Florida Section Foundation to  
2498 nonprofit organizations to operate youth tennis programs and  
2499 adaptive tennis programs for special populations of all ages,  
2500 and for building, renovating, and maintaining public tennis  
2501 courts.

2502 Section 34. For the purpose of incorporating the amendment  
2503 made by this act to section 288.106, Florida Statutes, in a  
2504 reference thereto, subsection (11) of section 159.803, Florida  
2505 Statutes, is reenacted to read:

2506 159.803 Definitions.—As used in this part, the term:

2507 (11) "Florida First Business project" means any project  
2508 which is certified by the Department of Economic Opportunity as  
2509 eligible to receive an allocation from the Florida First  
2510 Business allocation pool established pursuant to s. 159.8083.  
2511 The Department of Economic Opportunity may certify those  
2512 projects meeting the criteria set forth in s. 288.106(4)(b) or  
2513 any project providing a substantial economic benefit to this  
2514 state.

2515 Section 35. This act shall take effect July 1, 2016.