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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/15/2016	.	
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Appropriations Subcommittee on Transportation, Tourism, and Economic Development (Latvala) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause and insert:

Section 1. Paragraph (g) is added to subsection (4) of section 20.60, Florida Statutes, to read:

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

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business



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11 leaders, and economic development professionals to formulate and  
12 implement coherent and consistent policies and strategies  
13 designed to promote economic opportunities for all Floridians.  
14 To accomplish such purposes, the department shall:

15 (g) Notwithstanding part I of chapter 287, contract with  
16 the direct-support organization created under s. 288.1229 to  
17 guide, stimulate, and promote the sports industry in this state,  
18 to promote the participation of residents of this state in  
19 amateur athletic competition, and to promote this state as a  
20 host for national and international amateur athletic  
21 competitions.

22 Section 2. Paragraphs (b) and (g) of subsection (1) of  
23 section 220.191, Florida Statutes, are amended to read:

24 220.191 Capital investment tax credit.—

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

26 (b) "Cumulative capital investment" means the total capital  
27 investment in land, buildings, and equipment made by the  
28 qualifying business in connection with a qualifying project  
29 during the period from the beginning of construction of the  
30 project to the commencement of operations. The term does not  
31 include funds granted to or spent on behalf of the qualifying  
32 business by the state, a local government, or other governmental  
33 entity; funds appropriated in the General Appropriations Act; or  
34 funds otherwise provided to the qualifying business by a state  
35 agency, local government, or other governmental entity.

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

38 1. A new or expanding facility in this state which creates  
39 at least 100 new jobs in this state and is in one of the high-



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40 impact sectors identified by Enterprise Florida, Inc., and  
41 certified by the Department of Economic Opportunity pursuant to  
42 s. 288.108(6), including, but not limited to, aviation,  
43 aerospace, automotive, and silicon technology industries.  
44 ~~However, between July 1, 2011, and June 30, 2014, the~~  
45 ~~requirement that a facility be in a high-impact sector is waived~~  
46 ~~for any otherwise eligible business from another state which~~  
47 ~~locates all or a portion of its business to a Disproportionally~~  
48 ~~Affected County. For purposes of this section, the term~~  
49 ~~"Disproportionally Affected County" means Bay County, Escambia~~  
50 ~~County, Franklin County, Gulf County, Okaloosa County, Santa~~  
51 ~~Rosa County, Walton County, or Wakulla County.~~

52 2. A new or expanded facility in this state which is  
53 engaged in a target industry designated pursuant to the  
54 procedure specified in s. 288.106(2) and which is induced by  
55 this credit to create or retain at least 1,000 jobs in this  
56 state, provided that at least 100 of those jobs are new, pay an  
57 annual average wage of at least 130 percent of the average  
58 private sector wage in the area as defined in s. 288.005(1) ~~s.~~  
59 ~~288.106(2)~~, and make a cumulative capital investment of at least  
60 \$100 million. Jobs may be considered retained only if there is  
61 significant evidence that the loss of jobs is imminent.  
62 Notwithstanding subsection (2), annual credits against the tax  
63 imposed by this chapter may not exceed 50 percent of the  
64 increased annual corporate income tax liability or the premium  
65 tax liability generated by or arising out of a project  
66 qualifying under this subparagraph. A facility that qualifies  
67 under this subparagraph for an annual credit against the tax  
68 imposed by this chapter may take the tax credit for a period not



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69 to exceed 5 years.

70 3. A new or expanded headquarters facility in this state  
71 which locates in an enterprise zone and brownfield area and is  
72 induced by this credit to create at least 1,500 jobs which on  
73 average pay at least 200 percent of the statewide average annual  
74 private sector wage, as published by the Department of Economic  
75 Opportunity, and which new or expanded headquarters facility  
76 makes a cumulative capital investment in this state of at least  
77 \$250 million.

78 Section 3. Paragraphs (a), (b), and (e) of subsection (2)  
79 of section 288.0001, Florida Statutes, are amended to read:

80 288.0001 Economic Development Programs Evaluation.—The  
81 Office of Economic and Demographic Research and the Office of  
82 Program Policy Analysis and Government Accountability (OPPAGA)  
83 shall develop and present to the Governor, the President of the  
84 Senate, the Speaker of the House of Representatives, and the  
85 chairs of the legislative appropriations committees the Economic  
86 Development Programs Evaluation.

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

90 (a) By January 1, 2014, and every 3 years thereafter, an  
91 analysis of the following:

92 1. The capital investment tax credit established under s.  
93 220.191.

94 2. The qualified target industry tax refund established  
95 under s. 288.106.

96 3. The brownfield redevelopment bonus refund established  
97 under s. 288.107.



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98           4. High-impact business performance grants established  
99 under s. 288.108.

100           5. The Florida Enterprise Program ~~Quick Action Closing Fund~~  
101 established under s. 288.1088.

102           6. The Innovation Incentive Program established under s.  
103 288.1089.

104           7. Enterprise Zone Program incentives established under ss.  
105 212.08(5) and (15), 212.096, 220.181, and 220.182.

106           8. The New Markets Development Program established under  
107 ss. 288.991-288.9922.

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

110           1. The entertainment industry financial incentive program  
111 established under s. 288.1254.

112           2. The entertainment industry sales tax exemption program  
113 established under s. 288.1258.

114           3. The Florida Tourism Industry Marketing Corporation ~~VISIT~~  
115 ~~Florida~~ and its programs established or funded under ss.  
116 288.122, 288.1226, 288.12265, and 288.124.

117           4. The Florida Sports Foundation and related programs  
118 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
119 288.1168, ~~288.1169~~, and 288.1171.

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

124           Section 4. Present subsection (1) of section 288.005,  
125 Florida Statutes, is amended, and present subsections (3)  
126 through (6) of that section are redesignated as subsections (4)



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127 through (7), respectively, and a new subsection (1) is added to  
128 that section, to read:

129 288.005 Definitions.—As used in this chapter, the term:

130 (1) "Average private sector wage in the area" means the  
131 statewide average wage in the private sector or the average of  
132 all private sector wages in the county or in the standard  
133 metropolitan area in which the project is located, as determined  
134 by the department.

135 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and  
136 induced gains in state revenues as a percentage of the state's  
137 investment. The state's investment includes all state funds  
138 spent or foregone to benefit a business, including state funds  
139 appropriated to public and private entities, state grants, tax  
140 exemptions, tax refunds, tax credits, and other state  
141 incentives.

142 Section 5. Subsections (1), (3), (4), (5), (8), and (9) of  
143 section 288.047, Florida Statutes, are amended to read:

144 288.047 Quick-response training for economic development.—

145 (1) The Quick-Response Training Program is created to  
146 provide grants to meet the workforce-skill needs of existing,  
147 new, and expanding businesses and industries. The program shall  
148 be administered by CareerSource Florida, Inc., in conjunction  
149 with ~~Enterprise Florida, Inc., and~~ the Department of Economic  
150 Opportunity Education. CareerSource Florida, Inc., shall adopt  
151 guidelines for the administration of this program, ~~shall~~ provide  
152 technical services, and ~~shall~~ identify businesses that seek  
153 services through the program. CareerSource Florida, Inc., shall  
154 ~~may contract with Enterprise Florida, Inc., or~~ administer this  
155 program ~~directly, if it is determined that such an arrangement~~



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156 ~~maximizes the amount of the Quick Response grant going to direct~~  
157 ~~services.~~

158       (3) (a) CareerSource Florida, Inc., may accept applications  
159 for grant requests for funding under the program. Requests for  
160 funding may be submitted ~~to the Quick-Response Training Program~~  
161 by a specific business or industry, through a school district  
162 director of career education or community college occupational  
163 dean on behalf of a business or industry, or through official  
164 state or local economic development efforts. Priority for grants  
165 shall be given to businesses and industries in rural areas of  
166 opportunity and other rural areas; in distressed inner-city  
167 areas; in brownfield areas; or that seek to significantly  
168 upgrade employee skills or avoid a significant layoff. In  
169 allocating funds for the purposes of the program, CareerSource  
170 Florida, Inc., shall establish criteria for approval of requests  
171 for funding and shall select the entity that provides the most  
172 efficient, cost-effective instruction meeting such criteria.  
173 Program funds may be allocated to a career center, community  
174 college, or state university. Program funds may be allocated to  
175 private postsecondary institutions only after a review that  
176 includes, but is not limited to, accreditation and licensure  
177 documentation and prior approval by CareerSource Florida, Inc.  
178       (b) Instruction funded through the program must terminate  
179 when participants demonstrate competence at the level specified  
180 in the request; however, the grant term may not exceed 24  
181 months. Costs and expenditures for the Quick-Response Training  
182 Program must be documented and separated from those incurred by  
183 the training provider. The grant agreement must provide for the  
184 payment of funds on a reimbursable basis.



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185           (4) CareerSource Florida, Inc., may enter into grant  
186 agreements as provided under this section, but the total amount  
187 of obligations for payment may not exceed \$30 million for any  
188 24-month period. The total amount of reimbursements approved for  
189 payment by CareerSource Florida, Inc., must be based on actual  
190 performance under the grant agreement and may not exceed the  
191 amount appropriated to CareerSource Florida, Inc., for such  
192 purpose in a fiscal year. The department shall transfer funds to  
193 CareerSource Florida, Inc., as needed to make reimbursement  
194 payments. If sufficient funds are not provided in the General  
195 Appropriations Act to satisfy the reimbursements approved for  
196 payment by CareerSource Florida, Inc., in a fiscal year,  
197 CareerSource Florida, Inc., shall pay reimbursements from the  
198 appropriation for the following fiscal year. ~~For the first 6~~  
199 ~~months of each fiscal year, CareerSource Florida, Inc., shall~~  
200 ~~set aside 30 percent of the amount appropriated by the~~  
201 ~~Legislature for the Quick-Response Training Program to fund~~  
202 ~~instructional programs for businesses located in an enterprise~~  
203 ~~zone or brownfield area. Any unencumbered funds remaining~~  
204 ~~undisbursed from this set-aside at the end of the 6-month period~~  
205 ~~may be used to provide funding for a program that qualifies for~~  
206 ~~funding pursuant to this section.~~

207           (5) ~~Prior to the allocation of funds for a request made~~  
208 ~~pursuant to this section, CareerSource Florida, Inc., shall~~  
209 ~~prepare a grant agreement with ~~between~~ the business or industry~~  
210 ~~requesting funds, the educational institution receiving funding~~  
211 ~~through the program, and CareerSource Florida, Inc. An~~  
212 educational institution providing administrative assistance or  
213 receiving grant funding under this section may be included as a





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214 party to the grant agreement. The ~~Such~~ agreement must include,  
215 but is not limited to:

216 (a) An identification of the personnel necessary to conduct  
217 the instructional program, the qualifications of such personnel,  
218 and the respective responsibilities of the parties for paying  
219 costs associated with the employment of such personnel.

220 (b) An identification of the estimated length of the  
221 instructional program.

222 (c) An identification of all direct, training-related  
223 costs, including tuition and fees, curriculum development, books  
224 and classroom materials, and overhead or indirect costs, not to  
225 exceed 5 percent of the grant amount.

226 (d) An identification of special program requirements that  
227 are not addressed otherwise in the agreement.

228 (e) Permission to access information specific to the wages  
229 and performance of participants upon the completion of  
230 instruction for evaluation purposes. Information which, if  
231 released, would disclose the identity of the person to whom the  
232 information pertains or disclose the identity of the person's  
233 employer is confidential and exempt from ~~the provisions of s.~~  
234 119.07(1). The agreement must specify that any evaluations  
235 published subsequent to the instruction may not identify the  
236 employer or any individual participant.

237 (8) The Quick-Response Training Program may ~~is created to~~  
238 provide assistance to participants in the welfare transition  
239 program. CareerSource Florida, Inc., may award quick-response  
240 training grants and develop applicable guidelines for the  
241 training of participants in the welfare transition program. In  
242 addition to a local economic development organization, grants



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243 must be endorsed by the applicable regional workforce board.

244 (a) Training funded pursuant to this subsection may not  
245 exceed 12 months, and may be provided by the local community  
246 college, school district, regional workforce board, or the  
247 business employing the participant, including on-the-job  
248 training. Training will provide entry-level skills to new  
249 workers, including those employed in retail, who are  
250 participants in the welfare transition program.

251 (b) Participants trained pursuant to this subsection must  
252 be employed at a job paying at least the state minimum wage \$6  
253 per hour.

254 (c) Funds made available pursuant to this subsection may be  
255 expended in connection with the relocation of a business from  
256 one community to another if approved by CareerSource Florida,  
257 Inc.

258 (9) Notwithstanding any other provision of law, ~~eligible~~  
259 matching contributions received during the fiscal year from a  
260 business or an industry participating in ~~under this section from~~  
261 the Quick-Response Training Program may be counted toward the  
262 private sector support of Enterprise Florida, Inc., under s.  
263 288.904.

264 Section 6. Section 288.061, Florida Statutes, is amended to  
265 read:

266 288.061 Economic development incentive application process;  
267 evaluation, approval, and contract requirements.-

268 (1) Beginning January 1, 2017, the department shall  
269 prescribe a form upon which an application for an incentive must  
270 be made. At a minimum, the incentive application must include  
271 all of the following:



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272       (a) The applicant's federal employer identification number,  
273 reemployment assistance account number, and state sales tax  
274 registration number. If such numbers are not available at the  
275 time of application, they must be submitted to the department in  
276 writing before the disbursement of any economic incentive  
277 payments or the grant of any tax credits or refunds.

278       (b) The applicant's signature.

279       (c) The location in this state at which the project is or  
280 will be located.

281       (d) The anticipated commencement date and duration of the  
282 project.

283       (e) A description of the type of business activity,  
284 product, or research and development undertaken by the  
285 applicant, including the six-digit North American Industry  
286 Classification System code for all activities included in the  
287 project.

288       (f) An attestation verifying that the information provided  
289 on the application is true and accurate.

290       (2) ~~(1)~~ Upon receiving a submitted economic development  
291 incentive application, the Division of Strategic Business  
292 Development of the department of Economic Opportunity and  
293 designated staff of Enterprise Florida, Inc., shall review the  
294 application to ensure that the application is complete, whether  
295 and what type of state and local permits may be necessary for  
296 the applicant's project, whether it is possible to waive such  
297 permits, and what state incentives and amounts of such  
298 incentives may be available to the applicant. The department  
299 shall recommend to the executive director to approve or  
300 disapprove an applicant business. If review of the application



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301 demonstrates that the application is incomplete, the executive  
302 director shall notify the applicant business within the first 5  
303 business days after receiving the application.

304 (3) (a) ~~(2)~~ Beginning July 1, 2013, The department shall  
305 review and evaluate each economic development incentive  
306 application for the economic benefits of the proposed award of  
307 state incentives proposed for the project. Such review must  
308 occur before the department approves an economic development  
309 incentive application and each time an agreement or a contract  
310 is amended, modified, or extended by the department.

311 (b) As used in this subsection, the term "economic  
312 benefits" has the same meaning as in s. 288.005. The Office of  
313 Economic and Demographic Research shall establish the  
314 methodology and model used to calculate the economic benefits,  
315 including guidelines for the appropriate application of the  
316 department's internal model. For purposes of this requirement,  
317 an amended definition of the term "economic benefits" may be  
318 developed by the Office of Economic and Demographic Research.  
319 However, the amended definition must reflect the requirement of  
320 s. 288.005 that the calculation of the state's investment  
321 include all state funds spent or foregone to benefit the  
322 business, including state funds appropriated to public and  
323 private entities, to the extent that those funds should  
324 reasonably be known to the department at the time of approval.

325 (c) For the purpose of calculating the economic benefits of  
326 the proposed award of state incentives for the project, the  
327 department may not attribute to the business any capital  
328 investment made by the business using state funds. However, for  
329 the purpose of evaluating an economic development incentive



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330 application, the department shall consider the cumulative  
331 capital investment, as defined in s. 220.191.

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

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

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

338 (c) A review of the historical market performance of the  
339 company.

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

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

344 (f) A review of the corporate governance and management  
345 structure of the company.

346 (g) A review of performance in connection with any  
347 incentives previously awarded by the state or a local  
348 government.

349 (h) Any other review deemed necessary by the department.

350 (5) (a) ~~(3)~~ Within 10 business days after the department  
351 receives a complete ~~the submitted~~ economic development incentive  
352 application, the executive director shall approve or disapprove  
353 the application. Except for ss. 288.108, 288.1088, and 288.1089,  
354 the executive director shall ~~and~~ issue a letter of certification  
355 to the applicant which includes a justification of that  
356 decision, unless the business requests an extension of ~~that~~  
357 time.

358 (b) For ss. 288.108, 288.1088, and 288.1089, within 7



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359 business days after the executive director approves or  
360 disapproves a complete economic development incentive  
361 application, the executive director shall recommend to the  
362 Governor approval or disapproval of the application. If the  
363 recommendation is for approval, the recommendation must include  
364 the total amount of the award; the anticipated project  
365 performance conditions, including, but not limited to, net new  
366 employment in the state, average salary, and total capital  
367 investment incurred by the business; a baseline of current  
368 service and a measure of enhanced capability; the methodology  
369 for validating performance; the schedule of performance grant  
370 payments; and sanctions for failure to meet performance  
371 conditions, including any clawback provisions.

372 (6) (a) Upon approval by the Governor or certification by  
373 the department, the department and the applicant shall enter  
374 into an agreement or a contract. The ~~contract~~ or agreement or  
375 contract with the applicant must specify the total amount of the  
376 award; ~~the~~ the performance conditions that must be met to obtain  
377 the award, including, but not limited to, net new employment in  
378 the state, average salary, and total capital investment incurred  
379 by the business; the schedule for performance and payment; the  
380 methodology for validating performance and the date by which the  
381 business must submit proof of performance to the department; a  
382 process for amending, modifying, or extending the agreement or  
383 contract; ~~and~~ and sanctions that would apply for failure to meet  
384 performance conditions. Any agreement or contract with the  
385 applicant must require that the applicant use the workforce  
386 information systems implemented under s. 445.011 to advertise  
387 job openings created as a result of the state incentive



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388 agreement or contract. Any agreement or contract that requires  
389 the business to make a capital investment must also require that  
390 such investment remain in this state for the duration of the  
391 agreement or contract, with the exception of an investment made  
392 in transportation-related assets specifically used for the  
393 purpose of transporting goods or employees. The department may  
394 enter into one agreement or contract covering all of the state  
395 incentives that are being provided to the applicant. The  
396 agreement or contract must provide that release of funds is  
397 contingent upon sufficient appropriation of funds by the  
398 Legislature.

399 (b) The department may not enter into an agreement or a  
400 contract that has a term of more than 10 years. However, the  
401 department may enter into a successive agreement or contract for  
402 a specific project to extend the initial 10-year term if each  
403 successive agreement or contract is contingent upon the  
404 successful completion of the previous agreement or contract.  
405 This paragraph does not apply to an agreement or a contract for  
406 a project receiving a capital investment tax credit under s.  
407 220.191 or an Innovation Incentive Program award under s.  
408 288.1089.

409 (c) The department shall provide a notice, including an  
410 updated description and evaluation, to the Legislature upon the  
411 final execution of each agreement or contract. Any agreement or  
412 contract executed by the department for a project under s.  
413 288.108, s. 288.1088, or s. 288.1089 must embody performance  
414 conditions and timelines that were in the written description  
415 and evaluation submitted to the Legislature.

416 (7) ~~(b)~~ The release of funds for the incentive or incentives



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417 awarded to the applicant depends upon the statutory requirements  
418 of the particular incentive program. The department may only  
419 make a payment to a business after the department verifies that  
420 the business has met the required project performance conditions  
421 and statutory requirements, and only in the year in which the  
422 payment is scheduled to be paid pursuant to the agreement or  
423 contract. The department may not transfer outside of the state  
424 treasury any funds appropriated by the Legislature for incentive  
425 programs except as expressly provided in the General  
426 Appropriations Act or to make a payment as scheduled in an  
427 agreement or contract.

428 (8)-(4) The department shall validate contractor performance  
429 and report such validation in the annual incentives report  
430 required under s. 288.907.

431 (9)-(5)(a) The executive director may not approve an  
432 economic development incentive application unless the  
433 application includes a signed written declaration by the  
434 applicant which states that the applicant has read the  
435 information in the application and that the information is true,  
436 correct, and complete to the best of the applicant's knowledge  
437 and belief.

438 (b) After an economic development incentive application is  
439 approved, the awardee shall provide, in each year that the  
440 department is required to validate contractor performance, a  
441 signed written declaration. The written declaration must state  
442 that the awardee has reviewed the information and that the  
443 information is true, correct, and complete to the best of the  
444 awardee's knowledge and belief.

445 (10)-(6) The department is authorized to adopt rules to





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446 implement this section.

447 Section 7. Paragraphs (a), (c), and (e) of subsection (1),  
448 subsection (2), paragraph (e) of subsection (3), subsection (6),  
449 and paragraph (a) of subsection (7) of section 288.076, Florida  
450 Statutes, are amended to read:

451 288.076 Return on investment reporting for economic  
452 development programs.—

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

454 (a) "Jobs" has the same meaning as provided in s.  
455 288.106(2) ~~s. 288.106(2)(i)~~.

456 (c) "Project" has the same meaning as provided in s.  
457 288.106(2) ~~s. 288.106(2)(m)~~.

458 (e) "State investment" means all state funds spent or  
459 foregone to benefit a business, including state funds  
460 appropriated to public and private entities, any state grants,  
461 tax exemptions, tax refunds, tax credits, and any other source  
462 of state funds which should reasonably be known to the  
463 department at the time of approval ~~or other state incentives~~  
464 ~~provided to a business under a program administered by the~~  
465 ~~department~~, including the capital investment tax credit under s.  
466 220.191.

467 (2) (a) The department shall maintain a website for the  
468 purpose of publishing the information described in this section.  
469 The information required to be published under this section must  
470 be provided in a format accessible to the public which enables  
471 users to search for and sort specific data and to easily view  
472 and retrieve all data at once.

473 (b) The department must publish a summary document that  
474 provides for all active contracts the information required under



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475 subparagraphs (3)(b)1. and 2. and paragraphs (3)(e) and (f),  
476 including verified results. The summary document must be updated  
477 quarterly and easily accessible on the website.

478 (3) Within 48 hours after expiration of the period of  
479 confidentiality for project information deemed confidential and  
480 exempt pursuant to s. 288.075, the department shall publish the  
481 following information pertaining to each project:

482 (e) *Project performance goals.*—

483 1. The incremental direct jobs attributable to the project,  
484 identifying the number of jobs generated and the number of jobs  
485 retained.

486 2. The number of jobs generated and the number of jobs  
487 retained by the project, and for projects commencing after  
488 October 1, 2013, the average annual wage of persons holding such  
489 jobs and the number of jobs generated and the number of jobs  
490 retained which provide health benefits for the employee.

491 3. The incremental direct capital investment in the state  
492 generated by the project.

493 4. The schedule of performance that the business is  
494 required to meet and the schedule of payments by the state under  
495 the terms of the contract. If a schedule is changed due to a  
496 contract amendment, modification, or extension, such change  
497 shall be noted.

498 (6) Annually, the department shall publish information  
499 relating to the progress of Florida Enterprise Program Quick  
500 Action Closing Fund projects, including the average number of  
501 days between the date the department receives a completed  
502 application and the date on which the application is approved.

503 (7) (a) Within 48 hours after expiration of the period of



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504 confidentiality provided under s. 288.075, the department shall  
505 publish the contract or agreement described in s. 288.061,  
506 redacted to protect the participant business from disclosure of  
507 information that remains confidential or exempt by law. Within  
508 48 hours after approval, the department shall publish any  
509 amendment, modification, or extension to a contract or  
510 agreement, redacted to protect the participant business from  
511 disclosure of information that remains confidential or exempt by  
512 law.

513 Section 8. Subsection (2) and paragraph (c) of subsection  
514 (3) of section 288.095, Florida Statutes, are amended, and  
515 subsections (4) and (5) are added to that section, to read:

516 288.095 Economic Development Trust Fund.—

517 (2) There is created, within the Economic Development Trust  
518 Fund, the Economic Development Incentives Account. The Economic  
519 Development Incentives Account consists of moneys appropriated  
520 to the account for purposes of the tax incentives programs  
521 authorized under ss. 288.1045 and 288.106, and transferred from  
522 local governments for the purposes of the local financial  
523 support provided under ss. 288.1045, ~~and~~ 288.106, and 288.1088.  
524 Moneys in the Economic Development Incentives Account may only  
525 be expended pursuant to Legislative appropriation or an approved  
526 amendment to the department's operating budget pursuant to  
527 chapter 216 ~~shall be subject to the provisions of s.~~  
528 216.301(1)(a). Notwithstanding s. 216.301, and pursuant to s.  
529 216.351, any balance in the account at the end of a fiscal year  
530 remains in the account and is available for carrying out the  
531 purposes of the account.

532 (3)



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533 (c) Moneys in the Economic Development Incentives Account  
534 may be used only to pay tax refunds and make other payments  
535 authorized under s. 288.1045, s. 288.106, ~~or~~ s. 288.107, or s.  
536 288.1088.

537 (4) There is created, within the Economic Development Trust  
538 Fund, the Florida Enterprise Fund Account. The Florida  
539 Enterprise Fund Account consists of moneys appropriated to the  
540 account for purposes of the incentives programs authorized under  
541 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and  
542 288.1089. Moneys in the Florida Enterprise Fund Account may only  
543 be expended pursuant to Legislative appropriation or an approved  
544 amendment to the department's operating budget pursuant to  
545 chapter 216. Notwithstanding s. 216.301, and pursuant to s.  
546 216.351, any balance in the account at the end of a fiscal year  
547 remains in the account and is available for carrying out the  
548 purposes of the account. Notwithstanding s. 17.61(3)(c), the  
549 department shall transfer interest earnings on a quarterly basis  
550 to the State Economic Enhancement and Development Trust Fund.

551 (a) By January 2 of each year, the department shall provide  
552 to the Legislature a list of potential claims for payment that  
553 may be filed in the following fiscal year under ss. 288.0659,  
554 288.1045, 288.106, 288.107, 288.108, 288.1088, and 288.1089.

555 (b) By March 1 of each year, the department shall provide  
556 to the Legislature a list of actual claims for payment filed in  
557 the following fiscal year under ss. 288.0659, 288.1045, 288.106,  
558 288.107, 288.108, 288.1088, and 288.1089.

559 (5) (a) There is created, within the Economic Development  
560 Trust Fund, the Quick Action Closing Fund Escrow Account. The  
561 Quick Action Closing Fund Escrow Account consists of moneys



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562 transferred from Enterprise Florida, Inc., which were held in an  
563 escrow account on June 30, 2016, for approved contracts or  
564 agreements under s. 288.1088 and moneys for contracts or  
565 agreements under s. 288.1088 approved on or after July 1, 2016.

566 (b) Moneys in the account are appropriated to make payments  
567 pursuant to agreements or contracts for projects authorized  
568 under s. 288.1088, or to make the transfers required pursuant to  
569 paragraph (d) or (e). Notwithstanding s. 216.301, and pursuant  
570 to s. 216.351, any balance in the account at the end of a fiscal  
571 year remains in the account and is available for carrying out  
572 the purposes of the account.

573 (c) The department may make a payment from the account  
574 after an independent third party has verified that an applicant  
575 has satisfied all of the requirements of the agreement or  
576 contract and the department has determined that an applicant  
577 meets the required project performance criteria and that a  
578 payment is due.

579 (d) The department shall determine, within 15 days after  
580 the end of each calendar quarter, whether moneys are in the  
581 account which are associated with an agreement or contract  
582 entered into pursuant to s. 288.1088 that the department has  
583 terminated, that has otherwise expired, or for which a business  
584 has not met performance conditions required by the agreement or  
585 contract. Any such funds held in the account must be returned to  
586 the State Economic Enhancement and Development Trust Fund within  
587 10 days after the determination.

588 (e) Moneys in the account shall be managed and invested to  
589 generate the maximum amount of interest earnings, consistent  
590 with the requirement that the moneys be available to make



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591 payments as required pursuant to Quick Action Closing Fund  
592 contracts or agreements. Notwithstanding s. 17.61(3)(c), the  
593 department shall transfer interest earnings on a quarterly basis  
594 to the State Economic Enhancement and Development Trust Fund.

595 Section 9. By July 10, 2016, Enterprise Florida, Inc.,  
596 shall transfer any funds held in an escrow account on June 30,  
597 2016, for approved Quick Action Closing Fund agreements or  
598 contracts to the department for deposit in the Quick Action  
599 Closing Fund Escrow Account within the Economic Development  
600 Trust Fund.

601 Section 10. Paragraphs (b), (j), and (k) of subsection (1)  
602 and paragraphs (b), (c), (d), (e), and (j) of subsection (3) of  
603 section 288.1045, Florida Statutes, are amended, paragraph (i)  
604 is added to subsection (5) of that section, and subsection (7)  
605 of that section is amended, to read:

606 288.1045 Qualified defense contractor and space flight  
607 business tax refund program.—

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

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

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

616 1. Local financial support may include excess payments made  
617 to a utility company under a designated program to allow  
618 decreases in service by the utility company under conditions,  
619 regardless of when application is made.



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620           2. A qualified applicant may not provide, directly or  
621 indirectly, more than 5 percent of such funding in any fiscal  
622 year. The sources of such funding may not include, directly or  
623 indirectly, state funds appropriated from the General Revenue  
624 Fund or any state trust fund, excluding tax revenues shared with  
625 local governments pursuant to law.

626           3. A qualified applicant may not receive more than 80  
627 percent of its total tax refunds from state funds that are  
628 allowed the applicant under this section.

629           4. The department may grant a waiver to a local government  
630 that reduces the required amount of local financial support for  
631 a project to 10 percent of the annual tax refund award or that  
632 eliminates the required amount of local financial support for a  
633 project located in an area designated by the Governor as a rural  
634 area of opportunity pursuant to s. 288.0656. To be eligible to  
635 receive a waiver that reduces or eliminates the required amount  
636 of local financial support, a local government must provide the  
637 department with:

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

642           b. A statement prepared by a certified public accountant,  
643 as that term is defined in s. 473.302, which describes the  
644 financial constraints preventing the local government from  
645 providing the local financial support required by this section.  
646 This sub-subparagraph does not apply to a county considered to  
647 be fiscally constrained pursuant to s. 218.67(1).

648           ~~(k) "Local financial support exemption option" means the~~



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649 ~~option to exercise an exemption from the local financial support~~  
650 ~~requirement available to any applicant whose project is located~~  
651 ~~in a county designated by the Rural Economic Development~~  
652 ~~Initiative, if the county commissioners of the county in which~~  
653 ~~the project will be located adopt a resolution requesting that~~  
654 ~~the applicant's project be exempt from the local financial~~  
655 ~~support requirement. Any applicant that exercises this option is~~  
656 ~~not eligible for more than 80 percent of the total tax refunds~~  
657 ~~allowed such applicant under this section.~~

658 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
659 DETERMINATION.—

660 (b) Applications for certification based on the  
661 consolidation of a Department of Defense contract or a new  
662 Department of Defense contract must be submitted to the  
663 department as prescribed by the department and must include, but  
664 are not limited to, the following information:

665 1. The applicant's federal employer identification number,  
666 the applicant's Florida sales tax registration number, and a  
667 signature of an officer of the applicant.

668 2. The permanent location of the manufacturing, assembling,  
669 fabricating, research, development, or design facility in this  
670 state at which the project is or is to be located.

671 3. The Department of Defense contract numbers of the  
672 contract to be consolidated, the new Department of Defense  
673 contract number, or the "RFP" number of a proposed Department of  
674 Defense contract.

675 4. The date the contract was executed or is expected to be  
676 executed, and the date the contract is due to expire or is  
677 expected to expire.





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- 678           5. The commencement date for project operations under the  
679 contract in this state.
- 680           6. The number of net new full-time equivalent Florida jobs  
681 included in the project as of December 31 of each year and the  
682 average wage of such jobs.
- 683           7. The total number of full-time equivalent employees  
684 employed by the applicant in this state.
- 685           8. The percentage of the applicant's gross receipts derived  
686 from Department of Defense contracts during the 5 taxable years  
687 immediately preceding the date the application is submitted.
- 688           9. The number of full-time equivalent jobs in this state to  
689 be retained by the project.
- 690           10. A brief statement concerning the applicant's need for  
691 tax refunds, and the proposed uses of such refunds by the  
692 applicant.
- 693           11. A resolution adopted by the governing board of the  
694 county or municipality in which the project will be located,  
695 which recommends the applicant be approved as a qualified  
696 applicant, and which indicates that the necessary commitments of  
697 local financial support for the applicant exist. ~~Prior to the~~  
698 ~~adoption of the resolution, the county commission may review the~~  
699 ~~proposed public or private sources of such support and determine~~  
700 ~~whether the proposed sources of local financial support can be~~  
701 ~~provided or, for any applicant whose project is located in a~~  
702 ~~county designated by the Rural Economic Development Initiative,~~  
703 ~~a resolution adopted by the county commissioners of such county~~  
704 ~~requesting that the applicant's project be exempt from the local~~  
705 ~~financial support requirement.~~
- 706           12. Any additional information requested by the department.



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

711 1. The applicant's federal employer identification number,  
712 the applicant's Florida sales tax registration number, and a  
713 signature of an officer of the applicant.

714 2. The permanent location of the manufacturing, assembling,  
715 fabricating, research, development, or design facility in this  
716 state at which the project is or is to be located.

717 3. The Department of Defense contract numbers of the  
718 contract under which the defense production jobs will be  
719 converted to nondefense production jobs.

720 4. The date the contract was executed, and the date the  
721 contract is due to expire or is expected to expire, or was  
722 canceled.

723 5. The commencement date for the nondefense production  
724 operations in this state.

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

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

730 8. The percentage of the applicant's gross receipts derived  
731 from Department of Defense contracts during the 5 taxable years  
732 immediately preceding the date the application is submitted.

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

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



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736 tax refunds, and the proposed uses of such refunds by the  
737 applicant.

738 11. A resolution adopted by the governing board of the  
739 county or municipality in which the project will be located,  
740 which recommends the applicant be approved as a qualified  
741 applicant, and which indicates that the necessary commitments of  
742 local financial support for the applicant exist. ~~Prior to the~~  
743 ~~adoption of the resolution, the county commission may review the~~  
744 ~~proposed public or private sources of such support and determine~~  
745 ~~whether the proposed sources of local financial support can be~~  
746 ~~provided or, for any applicant whose project is located in a~~  
747 ~~county designated by the Rural Economic Development Initiative,~~  
748 ~~a resolution adopted by the county commissioners of such county~~  
749 ~~requesting that the applicant's project be exempt from the local~~  
750 ~~financial support requirement.~~

751 12. Any additional information requested by the department.

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

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

758 2. The permanent location of the manufacturing, assembling,  
759 fabricating, research, development, or design facility in this  
760 state at which the project is or is to be located.

761 3. The business entity holding a valid Department of  
762 Defense contract or branch of the Armed Forces of the United  
763 States that previously occupied the facility, and the date such  
764 entity last occupied the facility.



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765           4. A copy of the contract to reuse the facility, or such  
766 alternative proof as may be prescribed by the department that  
767 the applicant is seeking to contract for the reuse of such  
768 facility.

769           5. The date the contract to reuse the facility was executed  
770 or is expected to be executed, and the date the contract is due  
771 to expire or is expected to expire.

772           6. The commencement date for project operations under the  
773 contract in this state.

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

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

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

781           10. A brief statement concerning the applicant's need for  
782 tax refunds, and the proposed uses of such refunds by the  
783 applicant.

784           11. A resolution adopted by the governing board of the  
785 county or municipality in which the project will be located,  
786 which recommends the applicant be approved as a qualified  
787 applicant, and which indicates that the necessary commitments of  
788 local financial support for the applicant exist. ~~Before the~~  
789 ~~adoption of the resolution, the county commission may review the~~  
790 ~~proposed public or private sources of such support and determine~~  
791 ~~whether the proposed sources of local financial support can be~~  
792 ~~provided or, for any applicant whose project is located in a~~  
793 ~~county designated by the Rural Economic Development Initiative,~~



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

797 12. Any additional information requested by the department.

798 (e) To qualify for review by the department, the  
799 application of an applicant must, at a minimum, establish the  
800 following to the satisfaction of the department:

801 1. The jobs proposed to be provided under the application,  
802 pursuant to subparagraph (b)6., subparagraph (c)6., or  
803 subparagraph (j)6., must pay an estimated annual average wage  
804 equaling at least 115 percent of the average private sector wage  
805 in the area where the project is to be located.

806 2. The consolidation of a Department of Defense contract  
807 must result in a net increase of at least 25 percent in the  
808 number of jobs at the applicant's facilities in this state or  
809 the addition of at least 80 jobs at the applicant's facilities  
810 in this state.

811 3. The conversion of defense production jobs to nondefense  
812 production jobs must result in net increases in nondefense  
813 employment at the applicant's facilities in this state.

814 4. The Department of Defense contract or the space flight  
815 business contract does not ~~cannot~~ allow the business to include  
816 the costs of relocation or retooling in its base as allowable  
817 costs under a cost-plus, or similar, contract.

818 5. A business unit of the applicant must have derived not  
819 less than 60 percent of its gross receipts in this state from  
820 Department of Defense contracts or space flight business  
821 contracts over the applicant's last fiscal year, and must have  
822 derived not less than an average of 60 percent of its gross



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823 receipts in this state from Department of Defense contracts or  
824 space flight business contracts over the 5 years preceding the  
825 date an application is submitted pursuant to this section. This  
826 subparagraph does not apply to any application for certification  
827 based on a contract for reuse of a defense-related facility.

828 6. The reuse of a defense-related facility will ~~must~~ result  
829 in the creation of at least 100 jobs at such facility.

830 7. A new space flight business contract or the  
831 consolidation of a space flight business contract will ~~must~~  
832 result in net increases in space flight business employment at  
833 the applicant's facilities in this state.

834 (j) Applications for certification based upon a new space  
835 flight business contract or the consolidation of a space flight  
836 business contract must be submitted to the department as  
837 prescribed by the department and must include, but are not  
838 limited to, the following information:

839 1. The applicant's federal employer identification number,  
840 the applicant's Florida sales tax registration number, and a  
841 signature of an officer of the applicant.

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

844 3. The new space flight business contract number, the space  
845 flight business contract numbers of the contract to be  
846 consolidated, or the request-for-proposal number of a proposed  
847 space flight business contract.

848 4. The date the contract was executed and the date the  
849 contract is due to expire, is expected to expire, or was  
850 canceled.

851 5. The commencement date for project operations under the



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852 contract in this state.

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

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

858 8. The percentage of the applicant's gross receipts derived  
859 from space flight business contracts during the 5 taxable years  
860 immediately preceding the date the application is submitted.

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

863 10. A brief statement concerning the applicant's need for  
864 tax refunds and the proposed uses of such refunds by the  
865 applicant.

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

879 12. Any additional information requested by the department.

880 (5) ANNUAL CLAIM FOR REFUND.-



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881       (i)1. If a business fails to timely submit documentation  
882 requested by the department as required in the agreement between  
883 the business and the department and such failure results in the  
884 department withholding an otherwise approved refund, then the  
885 business may receive the approved refund if:

886       a. The business submits the documentation to the  
887 department.

888       b. The business provides a written statement to the  
889 department detailing the extenuating circumstances that resulted  
890 in the failure to timely submit the documentation required by  
891 the agreement.

892       c. Funds appropriated under this section remain available.

893       d. The business was scheduled under the terms of the  
894 agreement to submit information to the department between  
895 January 1, 2014, and December 31, 2014.

896       e. The business has met all other requirements of the  
897 agreement.

898       2. This paragraph expires December 31, 2017.

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

903       Section 11. Paragraphs (c), (j), (k), and (q) of subsection  
904 (2), paragraph (b) of subsection (4), paragraph (b) of  
905 subsection (5), subsection (8), and subsection (9) of section  
906 288.106, Florida Statutes, are amended to read:

907       288.106 Tax refund program for qualified target industry  
908 businesses.—

909       (2) DEFINITIONS.—As used in this section:





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910 ~~(c) "Average private sector wage in the area" means the~~  
911 ~~statewide private sector average wage or the average of all~~  
912 ~~private sector wages and salaries in the county or in the~~  
913 ~~standard metropolitan area in which the business is located.~~

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

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

924 2. A qualified target industry business may not receive  
925 more than 80 percent of its total tax refunds from state funds  
926 that are allowed the business under this section.

927 3. The department may grant a waiver to a local government  
928 that reduces the required amount of local financial support for  
929 a project to 10 percent of the annual tax refund award or that  
930 eliminates the required amount of local financial support for a  
931 project located in an area designated by the Governor as a rural  
932 area of opportunity pursuant to s. 288.0656. To be eligible to  
933 receive a waiver that reduces or eliminates the required amount  
934 of local financial support, a local government must provide the  
935 department with:

936 a. A resolution adopted by the governing body of the county  
937 or municipality in whose jurisdiction the project will be  
938 located, requesting that the applicant's project be waived from



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939 the local financial support requirement.

940 b. A statement prepared by a certified public accountant,  
941 as that term is defined in s. 473.302, which describes the  
942 financial constraints preventing the local government from  
943 providing the local financial support required by this section.  
944 This sub-subparagraph does not apply to a county considered  
945 fiscally constrained pursuant to s. 218.67(1).

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

953 (p) ~~(q)~~ "Target industry business" means a corporate  
954 headquarters business or any business that is engaged in one of  
955 the target industries identified pursuant to the following  
956 criteria developed by the department in consultation with  
957 Enterprise Florida, Inc.:

958 1. Future growth.—Industry forecasts should indicate strong  
959 expectation for future growth in both employment and output,  
960 according to the most recent available data. Special  
961 consideration should be given to businesses that export goods  
962 to, or provide services in, international markets and businesses  
963 that replace domestic and international imports of goods or  
964 services.

965 2. Stability.—The industry should not be subject to  
966 periodic layoffs, whether due to seasonality or sensitivity to  
967 volatile economic variables such as weather. The industry should



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968 also be relatively resistant to recession, so that the demand  
969 for products of this industry is not typically subject to  
970 decline during an economic downturn.

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

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

977 5. Industrial base diversification and strengthening.—The  
978 industry should contribute toward expanding or diversifying the  
979 state's or area's economic base, as indicated by analysis of  
980 employment and output shares compared to national and regional  
981 trends. Special consideration should be given to industries that  
982 strengthen regional economies by adding value to basic products  
983 or building regional industrial clusters as indicated by  
984 industry analysis. Special consideration should also be given to  
985 the development of strong industrial clusters that include  
986 defense and homeland security businesses.

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

992  
993 The term does not include any business engaged in retail  
994 industry activities; any electrical utility company as defined  
995 in s. 366.02(2); any phosphate or other solid minerals  
996 severance, mining, or processing operation; any oil or gas



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997 exploration or production operation; or any business subject to  
998 regulation by the Division of Hotels and Restaurants of the  
999 Department of Business and Professional Regulation. Any business  
1000 within NAICS code 5611 or 5614, office administrative services  
1001 and business support services, respectively, or any business  
1002 within NAICS code 611310 which offers only baccalaureate or  
1003 higher degree programs that address health care workforce demand  
1004 may be considered a target industry business only after the  
1005 local governing body and Enterprise Florida, Inc., make a  
1006 determination that the community where the business may locate  
1007 has conditions affecting the fiscal and economic viability of  
1008 the local community or area, including but not limited to,  
1009 factors such as low per capita income, high unemployment, high  
1010 underemployment, and a lack of year-round stable employment  
1011 opportunities, and such conditions may be improved by the  
1012 location of such a business to the community. By January 1 of  
1013 every 3rd year, beginning January 1, 2011, the department, in  
1014 consultation with Enterprise Florida, Inc., economic development  
1015 organizations, the State University System, local governments,  
1016 employee and employer organizations, market analysts, and  
1017 economists, shall review and, as appropriate, revise the list of  
1018 such target industries and submit the list to the Governor, the  
1019 President of the Senate, and the Speaker of the House of  
1020 Representatives.

1021 (4) APPLICATION AND APPROVAL PROCESS.—

1022 (b) To qualify for review by the department, the  
1023 application of a target industry business must, at a minimum,  
1024 establish the following to the satisfaction of the department:

1025 1.a. The jobs proposed to be created under the application,



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1026 pursuant to subparagraph (a)4., must pay an estimated annual  
1027 average wage equaling at least 115 percent of the average  
1028 private sector wage in the area where the business is to be  
1029 located ~~or the statewide private sector average wage~~. The  
1030 governing board of the local governmental entity providing the  
1031 local financial support of the jurisdiction where the qualified  
1032 target industry business is to be located shall notify the  
1033 department and Enterprise Florida, Inc., which calculation of  
1034 the average private sector wage in the area must be used as the  
1035 basis for the business's wage commitment. In determining the  
1036 average annual wage, the department shall include only new  
1037 proposed jobs, and wages for existing jobs shall be excluded  
1038 from this calculation.

1039       b. The department may waive the average wage requirement at  
1040 the request of the local governing body recommending the project  
1041 and Enterprise Florida, Inc. The department may waive the wage  
1042 requirement for a project located in a brownfield area  
1043 designated under s. 376.80, in a rural city, in a rural  
1044 community, in an enterprise zone, or for a manufacturing project  
1045 at any location in the state if the jobs proposed to be created  
1046 pay an estimated annual average wage equaling at least 100  
1047 percent of the average private sector wage in the area where the  
1048 business is to be located, only if the merits of the individual  
1049 project or the specific circumstances in the community in  
1050 relationship to the project warrant such action. If the local  
1051 governing body and Enterprise Florida, Inc., make such a  
1052 recommendation, it must be transmitted in writing and must  
1053 include an explanation of, ~~and~~ the specific justification for  
1054 the waiver recommendation ~~must be explained~~. If the department



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1055 elects to waive the wage requirement, the waiver must be stated  
1056 in writing and must include an explanation of, ~~and~~ the reasons  
1057 for granting the waiver ~~must be explained.~~

1058 2. The target industry business's project must result in  
1059 the creation of at least 10 jobs at the project and, in the case  
1060 of an expansion of an existing business, must result in a net  
1061 increase in employment of at least 10 percent at the business.  
1062 At the request of the local governing body recommending the  
1063 project and Enterprise Florida, Inc., the department may waive  
1064 this requirement for a business in a rural community or  
1065 enterprise zone if the merits of the individual project or the  
1066 specific circumstances in the community in relationship to the  
1067 project warrant such action. If the local governing body and  
1068 Enterprise Florida, Inc., make such a request, the request must  
1069 be transmitted in writing and must include an explanation of,  
1070 ~~and~~ the specific justification for the request ~~must be~~  
1071 ~~explained.~~ If the department elects to grant the request, the  
1072 grant must be stated in writing, ~~and~~ explain why the request was  
1073 granted ~~the reason for granting the request must be explained.~~

1074 3. The business activity or product for the applicant's  
1075 project must be within an industry identified by the department  
1076 as a target industry business that contributes to the economic  
1077 growth of the state and the area in which the business is  
1078 located, that produces a higher standard of living for residents  
1079 of this state in the new global economy, or that can be shown to  
1080 make an equivalent contribution to the area's and state's  
1081 economic progress.

1082 (5) TAX REFUND AGREEMENT.—

1083 (b) Compliance with the terms and conditions of the



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1084 agreement is a condition precedent for the receipt of a tax  
1085 refund each year. The failure to comply with the terms and  
1086 conditions of the tax refund agreement results in the loss of  
1087 eligibility for receipt of all tax refunds previously authorized  
1088 under this section and the revocation by the department of the  
1089 certification of the business entity as a qualified target  
1090 industry business, unless the business is eligible to receive  
1091 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~  
1092 ~~the department grants the business an economic recovery~~  
1093 ~~extension.~~

1094 ~~1. A qualified target industry business may submit a~~  
1095 ~~request to the department for an economic recovery extension.~~  
1096 ~~The request must provide quantitative evidence demonstrating how~~  
1097 ~~negative economic conditions in the business's industry, the~~  
1098 ~~effects of a named hurricane or tropical storm, or specific acts~~  
1099 ~~of terrorism affecting the qualified target industry business~~  
1100 ~~have prevented the business from complying with the terms and~~  
1101 ~~conditions of its tax refund agreement.~~

1102 ~~2. Upon receipt of a request under subparagraph 1., the~~  
1103 ~~department has 45 days to notify the requesting business, in~~  
1104 ~~writing, whether its extension has been granted or denied. In~~  
1105 ~~determining whether an extension should be granted, the~~  
1106 ~~department shall consider the extent to which negative economic~~  
1107 ~~conditions in the requesting business's industry have occurred~~  
1108 ~~in the state or the effects of a named hurricane or tropical~~  
1109 ~~storm or specific acts of terrorism affecting the qualified~~  
1110 ~~target industry business have prevented the business from~~  
1111 ~~complying with the terms and conditions of its tax refund~~  
1112 ~~agreement. The department shall consider current employment~~



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1113 ~~statistics for this state by industry, including whether the~~  
1114 ~~business's industry had substantial job loss during the prior~~  
1115 ~~year, when determining whether an extension shall be granted.~~

1116 ~~3. As a condition for receiving a prorated refund under~~  
1117 ~~paragraph (6) (e) or an economic recovery extension under this~~  
1118 ~~paragraph, a qualified target industry business must agree to~~  
1119 ~~renegotiate its tax refund agreement with the department to, at~~  
1120 ~~a minimum, ensure that the terms of the agreement comply with~~  
1121 ~~current law and the department's procedures governing~~  
1122 ~~application for and award of tax refunds. Upon approving the~~  
1123 ~~award of a prorated refund or granting an economic recovery~~  
1124 ~~extension, the department shall renegotiate the tax refund~~  
1125 ~~agreement with the business as required by this subparagraph.~~  
1126 ~~When amending the agreement of a business receiving an economic~~  
1127 ~~recovery extension, the department may extend the duration of~~  
1128 ~~the agreement for a period not to exceed 2 years.~~

1129 ~~4. A qualified target industry business may submit a~~  
1130 ~~request for an economic recovery extension to the department in~~  
1131 ~~lieu of any tax refund claim scheduled to be submitted after~~  
1132 ~~January 1, 2009, but before July 1, 2012.~~

1133 ~~5. A qualified target industry business that receives an~~  
1134 ~~economic recovery extension may not receive a tax refund for the~~  
1135 ~~period covered by the extension.~~

1136 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~  
1137 ~~in the best interest of the public for reasons of facilitating~~  
1138 ~~economic development, growth, or new employment opportunities~~  
1139 ~~within a Disproportionally Affected County, the department may,~~  
1140 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~  
1141 ~~or local financial support eligibility requirements and allow a~~





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1142 ~~qualified target industry business from another state which~~  
1143 ~~relocates all or a portion of its business to a~~  
1144 ~~Disproportionally Affected County to receive a tax refund~~  
1145 ~~payment of up to \$6,000 multiplied by the number of jobs~~  
1146 ~~specified in the tax refund agreement under subparagraph~~  
1147 ~~(5) (a) 1. over the term of the agreement. Prior to granting such~~  
1148 ~~waiver, the executive director of the department shall file with~~  
1149 ~~the Governor a written statement of the conditions and~~  
1150 ~~circumstances constituting the reason for the waiver. Such~~  
1151 ~~business shall be eligible for the additional tax refund~~  
1152 ~~payments specified in subparagraph (3) (b) 4. if it meets the~~  
1153 ~~criteria. As used in this section, the term "Disproportionally~~  
1154 ~~Affected County" means Bay County, Escambia County, Franklin~~  
1155 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~  
1156 ~~County, or Wakulla County.~~

1157       (9) INCENTIVE PAYMENTS.—The incentive payments made to a  
1158 business pursuant to this section are not repayments of the  
1159 actual taxes paid to the state or to a local government by the  
1160 business. The amount of state and local government taxes paid by  
1161 a business serve as a limitation on the amount of incentive  
1162 payments a business may receive.

1163       (10) EXPIRATION.—An applicant may not be certified as  
1164 qualified under this section after June 30, 2020. A tax refund  
1165 agreement existing on that date shall continue in effect in  
1166 accordance with its terms.

1167       Section 12. Paragraphs (b) and (c) of subsection (2) and  
1168 subsection (5) of section 288.108, Florida Statutes, are amended  
1169 to read:

1170       288.108 High-impact business.—



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1171 (2) DEFINITIONS.—As used in this section, the term:  
1172 (b) “Cumulative investment” means the total investment in  
1173 buildings and equipment made by a qualified high-impact business  
1174 since the beginning of construction of such facility. The term  
1175 does not include funds granted to or spent on behalf of the  
1176 qualifying business by the state, a local government, or other  
1177 governmental entity; funds appropriated in the General  
1178 Appropriations Act; or funds otherwise provided to the  
1179 qualifying business by a state agency, local government, or  
1180 other governmental entity.

1181 (c) “Eligible high-impact business” means a business in one  
1182 of the high-impact sectors identified by Enterprise Florida,  
1183 Inc., ~~and certified by the department as provided in subsection~~  
1184 ~~(5),~~ which is making a cumulative investment in the state of at  
1185 least \$50 million and creating at least 50 new full-time  
1186 equivalent jobs in the state or a research and development  
1187 facility making a cumulative investment of at least \$25 million  
1188 and creating at least 25 new full-time equivalent jobs. Such  
1189 investment and employment must be achieved in a period not to  
1190 exceed 3 years after the date the business enters into an  
1191 agreement with the department as provided in subsection (5) ~~is~~  
1192 certified as a qualified high-impact business.

1193 (5) APPLICATIONS; REVIEW, APPROVAL, AND CERTIFICATION  
1194 PROCESS; GRANT AGREEMENT.—

1195 (a) The department shall review an application pursuant to  
1196 s. 288.061 which is received from any eligible high-impact  
1197 business, as defined in subsection (2), for consideration as a  
1198 qualified high-impact business before the business has made a  
1199 decision to locate or expand a facility in this state. The



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1200 business must provide the following information:

1201 1. A complete description of the type of facility, business  
1202 operations, and product or service associated with the project.

1203 2. The number of full-time equivalent jobs that will be  
1204 created by the project and the average annual wage of those  
1205 jobs.

1206 3. The cumulative amount of investment to be dedicated to  
1207 this project within 3 years.

1208 4. A statement concerning any special impacts the facility  
1209 is expected to stimulate in the sector, the state, or regional  
1210 economy and in state universities and community colleges.

1211 5. A statement concerning the role the grant will play in  
1212 the decision of the applicant business to locate or expand in  
1213 this state.

1214 6. Any additional information requested by the department.

1215 (b) 1. Applications shall be reviewed ~~and certified~~ pursuant  
1216 to s. 288.061.

1217 2. The project must have an economic benefit ratio of at  
1218 least 1 to 1.

1219 (c) The executive director of the department shall  
1220 recommend to the Governor approval or disapproval of a project  
1221 pursuant to s. 288.061. The Governor may approve a high-impact  
1222 business performance grant of less than \$2 million without  
1223 consulting the Legislature and shall provide a written  
1224 description and evaluation of the approved project to the  
1225 President of the Senate and the Speaker of the House of  
1226 Representatives within 1 business day after approval.

1227 (d) For any high-impact business performance grant awarded  
1228 funding in the amount of \$2 million or more, the Governor shall



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1229 provide a written description and evaluation of the project to  
1230 the President of the Senate and the Speaker of the House of  
1231 Representatives at least 14 days before approving the project.  
1232 If the President of the Senate or the Speaker of the House of  
1233 Representatives timely advises the Governor, in writing, that  
1234 his or her planned or proposed action exceeds the delegated  
1235 authority of the Governor or is contrary to legislative policy  
1236 or intent, the Governor shall instruct the department to  
1237 immediately suspend any action planned or proposed.

1238 (e) A written description and evaluation of an amendment, a  
1239 modification, or an extension of an executed agreement which  
1240 results in a 0.5-point or greater reduction in the economic  
1241 benefit ratio of the project must be provided to the President  
1242 of the Senate and the Speaker of the House of Representatives  
1243 within 1 business day after approval. An amendment, a  
1244 modification, or an extension may not be made to an executed  
1245 agreement if:

1246 1. Such action would result in an economic benefit ratio  
1247 less than 1 to 1.

1248 2. The award of state funds outlined in the agreement has  
1249 not been reduced by a proportionate amount.

1250 (f) Upon the approval of the Governor, the department shall  
1251 certify the applicant as a high-impact business and ~~the~~  
1252 ~~qualified high-impact business shall~~ enter into a performance  
1253 grant agreement with the qualified high-impact business pursuant  
1254 to s. 288.061 ~~setting forth the conditions for payment of the~~  
1255 ~~qualified high-impact business performance grant. The agreement~~  
1256 ~~shall include the total amount of the qualified high-impact~~  
1257 ~~business facility performance grant award, the performance~~



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1258 ~~conditions that must be met to obtain the award, including the~~  
1259 ~~employment, average salary, investment, the methodology for~~  
1260 ~~determining if the conditions have been met, and the schedule of~~  
1261 ~~performance grant payments.~~

1262 (g) The department shall validate contractor performance  
1263 and report such validation in the annual incentives report  
1264 required by s. 288.907. The agreement shall require the  
1265 qualified high-impact business to submit proof of performance  
1266 within a certain period of time from the required date of  
1267 performance provided in the agreement, not to exceed 90 days.

1268 Section 13. Section 288.1088, Florida Statutes, are amended  
1269 to read:

1270 288.1088 Florida Enterprise Program ~~Quick Action Closing~~  
1271 ~~Fund.~~—

1272 (1) (a) The Legislature finds that attracting, retaining,  
1273 and providing favorable conditions for the growth of certain  
1274 high-impact business facilities, privately developed critical  
1275 rural infrastructure, or key facilities in economically  
1276 distressed urban or rural communities which provide widespread  
1277 economic benefits to the public through high-quality employment  
1278 opportunities in such facilities or in related facilities  
1279 attracted to the state, through the increased tax base provided  
1280 by the high-impact facility and related businesses, through an  
1281 enhanced entrepreneurial climate in the state and the resulting  
1282 business and employment opportunities, and through the  
1283 stimulation and enhancement of the state's universities and  
1284 community colleges. In the global economy, there exists serious  
1285 and fierce international competition for these facilities, and  
1286 in most instances, when all available resources for economic



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1287 development have been used, the state continues to encounter  
1288 severe competitive disadvantages in vying for these business  
1289 facilities. Florida's rural areas must provide a competitive  
1290 environment for business in the information age. This often  
1291 requires an incentive to make it feasible for private investors  
1292 to provide infrastructure in those areas.

1293 (b) The Legislature finds that the conclusion of the space  
1294 shuttle program and the gap in civil human space flight will  
1295 result in significant job losses that will negatively impact  
1296 families, companies, the state and regional economies, and the  
1297 capability level of this state's aerospace workforce. Thus, the  
1298 Legislature also finds that this loss of jobs is a matter of  
1299 state interest and great public importance. The Legislature  
1300 further finds that it is in the state's interest for provisions  
1301 to be made in incentive programs for economic development to  
1302 maximize the state's ability to mitigate these impacts and to  
1303 develop a more diverse aerospace economy.

1304 (c) The Legislature therefore declares that sufficient  
1305 resources shall be available to respond to extraordinary  
1306 economic opportunities and to compete effectively for these  
1307 high-impact business facilities, critical private infrastructure  
1308 in rural areas, and key businesses in economically distressed  
1309 urban or rural communities, and that up to 20 percent of these  
1310 resources may be used for projects to retain or create high-  
1311 technology jobs that are directly associated with developing a  
1312 more diverse aerospace economy in this state.

1313 (2) There is created within the department the Florida  
1314 Enterprise Program Quick Action Closing Fund. Projects eligible  
1315 for receipt of funds from the program must Quick Action Closing



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1316 ~~Fund shall:~~

1317 (a) Be in an industry identified as a target industry  
1318 pursuant to the procedure specified as referenced in s. 288.106.

1319 (b) Have a positive economic benefit ratio of at least 2.5  
1320 to 1 ~~5 to 1~~.

1321 (c) Be an inducement to the project's location or expansion  
1322 in the state.

1323 (d) Pay an average annual wage of at least 125 percent of  
1324 the average areawide or statewide private sector average wage in  
1325 the area or, for a project to be located in an area designated  
1326 as a rural area of opportunity, an average annual wage of at  
1327 least 100 percent of the average private sector wage in the  
1328 area.

1329 (e) Be supported by the local community in which the  
1330 project is to be located. Support must include a resolution  
1331 adopted by the governing board of the county or municipality in  
1332 which the project will be located, which resolution recommends  
1333 that the project be approved and specifies that the commitments  
1334 of local financial support necessary for the business exist.  
1335 Before the passage of such resolution, the department may also  
1336 accept an official letter from an authorized local economic  
1337 development agency that endorses the proposed project and  
1338 pledges that sources of local financial support for such project  
1339 exist. For the purposes of making pledges of local financial  
1340 support under this paragraph, the authorized local economic  
1341 development agency shall be officially designated by the passage  
1342 of a one-time resolution by the local governing board. For  
1343 purposes of this section, the term "local financial support"  
1344 means funding from local sources, public or private, which is



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1345 paid to the Economic Development Trust Fund and which is equal  
1346 to 20 percent of the Florida Enterprise Program award to a  
1347 business.

1348 1. A business may not provide, directly or indirectly, more  
1349 than 5 percent of such funding in any fiscal year. The sources  
1350 of such funding may not include, directly or indirectly, state  
1351 funds appropriated from the General Revenue Fund or any state  
1352 trust fund, excluding tax revenues shared with local governments  
1353 pursuant to law.

1354 2. A business may not receive more than 80 percent of its  
1355 total award under this section from state funds.

1356 3. The department may grant a waiver to a local government  
1357 that reduces the required amount of local financial support for  
1358 a project to 10 percent of the award or that eliminates the  
1359 required amount of local financial support for a project located  
1360 in an area designated by the Governor as a rural area of  
1361 opportunity pursuant to s. 288.0656. To be eligible to receive a  
1362 waiver that reduces or eliminates the required amount of local  
1363 financial support, a local government must provide the  
1364 department with:

1365 a. A resolution adopted by the governing body of the county  
1366 or municipality in whose jurisdiction the project will be  
1367 located, requesting that the applicant's project be waived from  
1368 the local financial support requirement.

1369 b. A statement prepared by a certified public accountant,  
1370 as that term is defined in s. 473.302, which describes the  
1371 financial constraints preventing the local government from  
1372 providing the local financial support required by this section.

1373 This sub-subparagraph does not apply to a county considered





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1374 fiscally constrained pursuant to s. 218.67(1).

1375 (f) Create at least 10 new jobs.

1376 (3) (a) The department and Enterprise Florida, Inc., shall  
1377 jointly review applications pursuant to s. 288.061 and determine  
1378 the eligibility of each project consistent with the criteria in  
1379 subsection (2). Waiver of the criteria in subsection (2) ~~these~~  
1380 ~~criteria~~ may not be considered except as provided in subsection  
1381 (2) (e) under the following criteria:

1382 ~~1. Based on extraordinary circumstances;~~

1383 ~~2. In order to mitigate the impact of the conclusion of the~~  
1384 ~~space shuttle program; or~~

1385 ~~3. In rural areas of opportunity if the project would~~  
1386 ~~significantly benefit the local or regional economy.~~

1387 (4) (b) The department shall evaluate individual proposals  
1388 for high-impact business facilities. Such evaluation must  
1389 include, but need not be limited to:

1390 (a) 1. A description of the type of facility or  
1391 infrastructure, its operations, and the associated product or  
1392 service associated with the facility.

1393 (b) 2. The number of full-time-equivalent jobs that will be  
1394 created by the facility and the total estimated average annual  
1395 wages of those jobs or, in the case of privately developed rural  
1396 infrastructure, the types of business activities and jobs  
1397 stimulated by the investment.

1398 (c) 3. The cumulative amount of investment to be dedicated  
1399 to the facility within a specified period.

1400 (d) 4. A statement of any special impacts the facility is  
1401 expected to stimulate in a particular business sector in the  
1402 state or regional economy or in the state's universities and



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1403 community colleges.

1404 ~~(e)5.~~ A statement of the role the incentive is expected to  
1405 play in the decision of the applicant business to locate or  
1406 expand in this state or for the private investor to provide  
1407 critical rural infrastructure.

1408 ~~(f)6.~~ A report evaluating the quality and value of the  
1409 company submitting a proposal. The report must include:

1410 ~~1.a.~~ A financial analysis of the company, including an  
1411 evaluation of the company's short-term liquidity ratio as  
1412 measured by its assets to liabilities ~~liability~~, the company's  
1413 profitability ratio, and the company's long-term solvency as  
1414 measured by its debt-to-equity ratio;

1415 ~~2.b.~~ The historical market performance of the company;

1416 ~~3.c.~~ A review of any independent evaluations of the  
1417 company;

1418 ~~4.d.~~ A review of the latest audit of the company's  
1419 financial statement and the related auditor's management letter;  
1420 and

1421 ~~5.e.~~ A review of any other types of audits that are related  
1422 to the internal and management controls of the company.

1423 (g) The amount of local financial support for the project.

1424 ~~(5) (a)-(c)1. Within 7 business days after evaluating a~~  
1425 ~~project,~~ The executive director of the department shall  
1426 recommend to the Governor approval or disapproval of a project  
1427 pursuant to s. 288.061 ~~for receipt of funds from the Quick~~  
1428 ~~Action Closing Fund. In recommending a project, the department~~  
1429 ~~shall include proposed performance conditions that the project~~  
1430 ~~must meet to obtain incentive funds.~~

1431 ~~2.~~ The Governor may approve a project ~~projects~~ without



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1432 consulting the Legislature for a project awarded projects  
1433 ~~requiring~~ less than \$2 million in funding and shall provide a  
1434 written description and evaluation of the approved project to  
1435 the President of the Senate and the Speaker of the House of  
1436 Representatives within 1 business day after approval.

1437 (b) For a project recommended for approval for an award of  
1438 \$2 million or more, the Governor shall provide a written  
1439 description and evaluation of the project to the President of  
1440 the Senate and the Speaker of the House of Representatives at  
1441 least 14 days before approving an award. If the President of the  
1442 Senate or the Speaker of the House of Representatives timely  
1443 advises the Governor, in writing, that his or her planned or  
1444 proposed action exceeds the delegated authority of the Governor  
1445 or is contrary to legislative policy or intent, the Governor  
1446 shall instruct the department to immediately suspend any action  
1447 planned or proposed.

1448 ~~3. For projects requiring funding in the amount of \$2~~  
1449 ~~million to \$5 million, the Governor shall provide a written~~  
1450 ~~description and evaluation of a project recommended for approval~~  
1451 ~~to the chair and vice chair of the Legislative Budget Commission~~  
1452 ~~at least 10 days prior to giving final approval for a project.~~  
1453 ~~The recommendation must include proposed performance conditions~~  
1454 ~~that the project must meet in order to obtain funds.~~

1455 ~~4. If the chair or vice chair of the Legislative Budget~~  
1456 ~~Commission or the President of the Senate or the Speaker of the~~  
1457 ~~House of Representatives timely advises the Executive Office of~~  
1458 ~~the Governor, in writing, that such action or proposed action~~  
1459 ~~exceeds the delegated authority of the Executive Office of the~~  
1460 ~~Governor or is contrary to legislative policy or intent, the~~



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1461 ~~Executive Office of the Governor shall void the release of funds~~  
1462 ~~and instruct the department to immediately change such action or~~  
1463 ~~proposed action until the Legislative Budget Commission or the~~  
1464 ~~Legislature addresses the issue. Notwithstanding such~~  
1465 ~~requirement, any project exceeding \$5 million must be approved~~  
1466 ~~by the Legislative Budget Commission prior to the funds being~~  
1467 ~~released.~~

1468 (c) A written description and evaluation of an amendment, a  
1469 modification, or an extension of an executed contract which  
1470 results in a 0.5-point or greater reduction in the economic  
1471 benefit ratio of the project must be provided to the President  
1472 of the Senate and the Speaker of the House of Representatives  
1473 within 1 business day after approval. An amendment, a  
1474 modification, or an extension may not be made to an executed  
1475 contract if:

1476 1. Such action would result in an economic benefit ratio  
1477 less than 2.5 to 1.

1478 2. The award of state funds outlined in the contract has  
1479 not been reduced by a proportionate amount.

1480 (6) ~~(d)~~ Upon the approval of the Governor, the department  
1481 and the business shall enter into a contract pursuant to s.  
1482 288.061 that sets forth the conditions for payment of moneys  
1483 from the fund. Such payment may not be made to the business  
1484 until the scheduled performance conditions have been achieved.  
1485 The contract must also include the minimum and maximum amount of  
1486 funds that may be awarded, if applicable the total amount of  
1487 funds awarded; the performance conditions that must be met to  
1488 obtain the award, including, but not limited to, net new  
1489 employment in the state, average salary, and total capital



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1490 investment related to the minimum and maximum number of jobs  
1491 that will be created, if applicable; a demonstration of  
1492 ~~demonstrate~~ a baseline of current service and a measure of  
1493 enhanced capability; ~~the methodology for validating performance;~~  
1494 the amount of local financial support that will be annually  
1495 available and that will be paid into the Economic Development  
1496 Trust Fund the schedule of payments from the fund; and sanctions  
1497 ~~for failure to meet performance conditions.~~ The contract must  
1498 provide that payment of moneys from the fund is contingent upon  
1499 sufficient appropriation of funds by the Legislature. The  
1500 department may not enter into a contract with a business if the  
1501 local financial support resolution is not passed by the local  
1502 governing body within 90 days after the department has issued  
1503 the letter of certification.

1504 (7)(e) The department shall validate contractor performance  
1505 and report such validation in the annual incentives report  
1506 required under s. 288.907. The contract shall require the  
1507 business to submit proof of performance within a certain period  
1508 of time from the required date of performance provided in the  
1509 contract, not to exceed 90 days.

1510 (8)(a)(4) Funds appropriated by the Legislature for  
1511 purposes of implementing this section shall be placed in reserve  
1512 and may only be released pursuant to the legislative  
1513 consultation and review requirements set forth in this section.

1514 (b) A scheduled payment from the fund may not be approved  
1515 for a business unless the required local financial support has  
1516 been paid into the account for that project. Funding from local  
1517 sources includes any tax abatement granted to that business  
1518 under s. 196.1995 or the appraised market value of municipal or



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1519 county land conveyed or provided at a discount to that business.  
1520 The amount of any scheduled payment from the fund to such  
1521 business approved under this section must be reduced by the  
1522 amount of any such tax abatement granted or the value of the  
1523 land granted. A report listing all sources of the local  
1524 financial support shall be provided to the department when such  
1525 support is paid to the account.

1526 Section 14. Paragraph (b) of subsection (2), subsection  
1527 (4), subsection (7), and paragraph (b) of subsection (8) of  
1528 section 288.1089, Florida Statutes, are amended to read:

1529 288.1089 Innovation Incentive Program.—

1530 (2) As used in this section, the term:

1531 ~~(b) "Average private sector wage" means the statewide~~  
1532 ~~average wage in the private sector or the average of all private~~  
1533 ~~sector wages in the county or in the standard metropolitan area~~  
1534 ~~in which the project is located as determined by the department.~~

1535 (4) To qualify for review by the department, the applicant  
1536 must, at a minimum, establish the following to the satisfaction  
1537 of the department:

1538 (a) The jobs created by the project must pay an estimated  
1539 annual average wage equaling at least 130 percent of the average  
1540 private sector wage in the area. The department may waive this  
1541 average wage requirement at the request of Enterprise Florida,  
1542 Inc., for a project located in a rural area, a brownfield area,  
1543 or an enterprise zone, when the merits of the individual project  
1544 or the specific circumstances in the community in relationship  
1545 to the project warrant such action. A recommendation for waiver  
1546 by Enterprise Florida, Inc., must include a specific  
1547 justification for the waiver and be transmitted to the



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1548 department in writing. If the department elects to waive the  
1549 wage requirement, the waiver must be stated in writing and  
1550 explain the reasons for granting the waiver ~~must be explained~~.

1551 (b) A research and development project must:

1552 1. Serve as a catalyst for an emerging or evolving  
1553 technology cluster.

1554 2. Demonstrate a plan for significant higher education  
1555 collaboration.

1556 3. Provide the state, at a minimum, a cumulative break-even  
1557 economic benefit within a 20-year period.

1558 4. Be provided with a one-to-one match from the local  
1559 community. The match requirement may be reduced or waived in  
1560 rural areas of opportunity or reduced in rural areas, brownfield  
1561 areas, and enterprise zones. A local government that requests a  
1562 waiver that reduces or eliminates the one-to-one match shall  
1563 provide the department with a statement prepared by a Florida  
1564 certified public accountant, as defined in s. 473.302, which  
1565 describes the financial constraints preventing the local  
1566 government from meeting the local financial support requirement  
1567 of this section. This subparagraph does not apply to a county  
1568 considered fiscally constrained pursuant to s. 218.67(1).

1569 (c) An innovation business project in this state, other  
1570 than a research and development project, must:

1571 1.a. Result in the creation of at least 1,000 direct, new  
1572 jobs at the business; or

1573 b. Result in the creation of at least 500 direct, new jobs  
1574 if the project is located in a rural area, a brownfield area, or  
1575 an enterprise zone.

1576 2. Have an activity or product that is within an industry



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1577 that is designated as a target industry business under s.  
1578 288.106 or a designated sector under s. 288.108.

1579 3.a. Have a cumulative investment of at least \$500 million  
1580 within a 5-year period; or

1581 b. Have a cumulative investment that exceeds \$250 million  
1582 within a 10-year period if the project is located in a rural  
1583 area, brownfield area, or an enterprise zone.

1584 4. Be provided with a one-to-one match from the local  
1585 community. The match requirement may be reduced or waived in  
1586 rural areas of opportunity or reduced in rural areas, brownfield  
1587 areas, and enterprise zones. A local government that requests a  
1588 waiver that reduces or eliminates the one-to-one match shall  
1589 provide the department with a statement prepared by a Florida  
1590 certified public accountant, as defined in s. 473.302, which  
1591 describes the financial constraints preventing the local  
1592 government from meeting the local financial support requirement  
1593 of this section. This subparagraph does not apply to a county  
1594 considered fiscally constrained pursuant to s. 218.67(1).

1595 (d) For an alternative and renewable energy project in this  
1596 state, the project must:

1597 1. Demonstrate a plan for significant collaboration with an  
1598 institution of higher education.~~†~~

1599 2. Provide the state, at a minimum, a cumulative break-even  
1600 economic benefit within a 20-year period.~~†~~

1601 3. Include matching funds provided by the applicant or  
1602 other available sources. The match requirement may be reduced or  
1603 waived in rural areas of opportunity or reduced in rural areas,  
1604 brownfield areas, and enterprise zones.~~†~~

1605 4. Be located in this state.~~†~~~~and~~





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1606           5. Provide at least 35 direct, new jobs that pay an  
1607 estimated annual average wage that equals at least 130 percent  
1608 of the average private sector wage in the area.

1609           (7)(a) The executive director of the department shall  
1610 recommend to the Governor approval or disapproval of a project  
1611 pursuant to s. 288.061. The Governor may approve a project  
1612 awarded less than \$2 million in funding without consulting the  
1613 Legislature and shall provide a written description and  
1614 evaluation of the approved project to the President of the  
1615 Senate and the Speaker of the House of Representatives within 1  
1616 business day after approval. Upon receipt of the evaluation and  
1617 recommendation from the department, the Governor shall approve  
1618 or deny an award. In recommending approval of an award, the  
1619 department shall include proposed performance conditions that  
1620 the applicant must meet in order to obtain incentive funds and  
1621 any other conditions that must be met before the receipt of any  
1622 incentive funds. The Governor shall consult with the President  
1623 of the Senate and the Speaker of the House of Representatives  
1624 before giving approval for an award. Upon review and approval of  
1625 an award by the Legislative Budget Commission, the Executive  
1626 Office of the Governor shall release the funds.

1627           (b) For a project recommended for approval for an award of  
1628 \$2 million or more, the Governor shall provide a written  
1629 description and evaluation of the project to the President of  
1630 the Senate and the Speaker of the House of Representatives at  
1631 least 14 days before approving an award. If the President of the  
1632 Senate or the Speaker of the House of Representatives timely  
1633 advises the Governor, in writing, that his or her planned or  
1634 proposed action exceeds the delegated authority of the Governor



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1635 or is contrary to legislative policy or intent, the Governor  
1636 shall instruct the department to immediately suspend any action  
1637 planned or proposed.

1638 (c) A written description and evaluation of an amendment, a  
1639 modification, or an extension of an executed agreement which  
1640 results in a 0.5-point or greater reduction in the economic  
1641 benefit ratio of the project must be provided to the President  
1642 of the Senate and the Speaker of the House of Representatives  
1643 within 1 business day after approval. An amendment, a  
1644 modification, or an extension may not be made to an executed  
1645 agreement if:

1646 1. Such action would result in an economic benefit ratio  
1647 less than 1 to 1.

1648 2. The award of state funds outlined in the agreement has  
1649 not been reduced by a proportionate amount.

1650 (8) (a) After the conditions set forth in subsection (7)  
1651 have been met, ~~the department shall issue a letter certifying~~  
1652 ~~the applicant as qualified for an award.~~ the department and the  
1653 award recipient shall enter into an agreement pursuant to s.  
1654 288.061 ~~that sets forth the conditions for payment of the~~  
1655 ~~incentive funds.~~ The agreement must also include, ~~at a minimum:~~

1656 ~~1. The total amount of funds awarded.~~

1657 ~~2. The performance conditions that must be met in order to~~  
1658 ~~obtain the award or portions of the award, including, but not~~  
1659 ~~limited to, net new employment in the state, average wage, and~~  
1660 ~~total cumulative investment.~~

1661 ~~3. Demonstration of a baseline of current service and a~~  
1662 ~~measure of enhanced capability.~~

1663 ~~4. The methodology for validating performance.~~



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1664           ~~5. The schedule of payments.~~  
1665           ~~6. Sanctions for failure to meet performance conditions,~~  
1666 ~~including any clawback provisions.~~  
1667           ~~(b) Additionally, agreements signed on or after July 1,~~  
1668 ~~2009, must include the following provisions:~~  
1669           ~~2.1.~~ Notwithstanding subsection (4), a requirement that the  
1670 jobs created by the recipient of the incentive funds pay an  
1671 annual average wage at least equal to the relevant industry's  
1672 annual average wage or at least 130 percent of the average  
1673 private sector wage in the area, whichever is greater.  
1674           ~~3.2.~~ A reinvestment requirement. Each recipient of an award  
1675 shall reinvest up to 15 percent of net royalty revenues,  
1676 including revenues from spin-off companies and the revenues from  
1677 the sale of stock it receives from the licensing or transfer of  
1678 inventions, methods, processes, and other patentable discoveries  
1679 conceived or reduced to practice using its facilities in Florida  
1680 or its Florida-based employees, in whole or in part, and to  
1681 which the recipient of the grant becomes entitled during the 20  
1682 years following the effective date of its agreement with the  
1683 department. Each recipient of an award also shall reinvest up to  
1684 15 percent of the gross revenues it receives from naming  
1685 opportunities associated with any facility it builds in this  
1686 state. Reinvestment payments shall commence no later than 6  
1687 months after the recipient of the grant has received the final  
1688 disbursement under the contract and shall continue until the  
1689 maximum reinvestment, as specified in the contract, has been  
1690 paid. Reinvestment payments shall be remitted to the department  
1691 for deposit in the Biomedical Research Trust Fund for companies  
1692 specializing in biomedicine or life sciences, or in the Economic



1693 Development Trust Fund for companies specializing in fields  
1694 other than biomedicine or the life sciences. If these trust  
1695 funds no longer exist at the time of the reinvestment, the  
1696 state's share of reinvestment shall be deposited in their  
1697 successor trust funds as determined by law. Each recipient of an  
1698 award shall annually submit a schedule of the shares of stock  
1699 held by it as payment of the royalty required by this paragraph  
1700 and report on any trades or activity concerning such stock. Each  
1701 recipient's reinvestment obligations survive the expiration or  
1702 termination of its agreement with the state.

1703 ~~4.3.~~ Requirements for the establishment of internship  
1704 programs or other learning opportunities for educators and  
1705 secondary, postsecondary, graduate, and doctoral students.

1706 ~~5.4.~~ A requirement that the recipient submit quarterly  
1707 reports and annual reports related to activities and performance  
1708 to the department, according to standardized reporting periods.

1709 ~~6.5.~~ A requirement for an annual accounting to the  
1710 department of the expenditure of funds disbursed under this  
1711 section.

1712 ~~6. A process for amending the agreement.~~

1713 (9) The department shall validate the performance of an  
1714 innovation business, a research and development facility, or an  
1715 alternative and renewable energy business that has received an  
1716 award. The agreement shall require the innovation business to  
1717 submit proof of performance within a certain period of time from  
1718 the required date of performance provided in the agreement, not  
1719 to exceed 90 days. At the conclusion of the innovation incentive  
1720 award agreement, or its earlier termination, the department  
1721 shall include in the annual incentives report required under s.



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1722 288.907 a detailed description of whether the recipient of the  
1723 innovation incentive grant achieved its specified outcomes.

1724 Section 15. Subsection (5) is added to section 288.1097,  
1725 Florida Statutes, to read:

1726 288.1097 Qualified job training organizations;  
1727 certification; duties.—

1728 (5) Notwithstanding s. 624.4625(1)(b), a qualified job  
1729 training organization that has been certified is eligible to  
1730 participate in a self-insurance fund authorized by s. 624.4625.

1731 Section 16. Effective upon becoming law, section 288.1169,  
1732 Florida Statutes, is repealed.

1733 Section 17. Effective upon becoming law, subsections (1),  
1734 and (3), paragraphs (c), (d), (e), (f), (g), and (i) of  
1735 subsection (4), paragraph (a) of subsection (5), paragraph (d)  
1736 of subsection (6), subsections (7) and (9), and subsections (11)  
1737 through (14) of section 288.11625, Florida Statutes, are amended  
1738 to read:

1739 288.11625 Sports development.—

1740 (1) ADMINISTRATION.—The department shall serve as the state  
1741 agency responsible for screening applicants for state funding  
1742 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

1743 (3) PURPOSE.—The purpose of this section is to provide  
1744 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~  
1745 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,  
1746 reconstructing, renovating, or improving a facility.

1747 (4) APPLICATION AND CERTIFICATION APPROVAL ~~APPROVAL~~ PROCESS.—

1748 (c) Within 60 days after receipt of a completed  
1749 application, the department shall complete its evaluation of the  
1750 application as provided under subsection (5) ~~and notify the~~



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1751 ~~applicant in writing of the department's decision to recommend~~  
1752 ~~approval of the applicant by the Legislature or to deny the~~  
1753 ~~application.~~

1754 (d) By each February 1, the department shall rank the  
1755 applicants and ~~provide to the Legislature the list of the~~  
1756 ~~recommended applicants~~ in ranked order of projects most likely  
1757 to positively impact the state based on criteria established  
1758 under this section. The list must include the department's  
1759 evaluation of the applicant.

1760 (e) ~~A recommended applicant's request for funding must be~~  
1761 ~~approved by the Legislature, enacted by a general law or~~  
1762 ~~conforming bill approved by the Governor in the manner provided~~  
1763 ~~in s. 8, Art. III of the State Constitution. After enactment,~~  
1764 The department must certify an applicant and its ~~approved~~  
1765 request for funding, except as provided in paragraph (6)(f). The  
1766 ~~approved~~ request for funding must be certified as an annual  
1767 distribution amount, and the department must notify the  
1768 Department of Revenue of the initial certification and the  
1769 distribution amount.

1770 1. An application by a unit of local government which is  
1771 ~~approved by the Legislature and subsequently~~ certified by the  
1772 department remains certified for the duration of the  
1773 beneficiary's agreement with the applicant or for 30 years,  
1774 whichever is less, provided the certified applicant has an  
1775 agreement with a beneficiary at the time of initial  
1776 certification by the department.

1777 2. An application by a beneficiary or other applicant which  
1778 is ~~approved by the Legislature and subsequently~~ certified by the  
1779 department remains certified for the duration of the



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1780 beneficiary's agreement with the unit of local government that  
1781 owns the underlying property or for 30 years, whichever is less,  
1782 provided the certified applicant has an agreement with the unit  
1783 of local government at the time of initial certification by the  
1784 department.

1785 3. An applicant that is previously certified pursuant to  
1786 this section does not need ~~legislative approval~~ certification  
1787 each year to receive state funding.

1788 (f) An applicant that is ~~recommended by the department but~~  
1789 not certified ~~approved by the Legislature~~ may reapply and shall  
1790 update any information in the original application as required  
1791 by the department.

1792 (g) The department may certify ~~recommend~~ no more than one  
1793 distribution under this section for any applicant, facility, or  
1794 beneficiary at a time. A facility or beneficiary may not be the  
1795 subject of more than one distribution under s. 212.20 at any  
1796 time for any state-administered sports-related program,  
1797 including s. 288.1162, s. 288.11621, s. 288.11631, or this  
1798 section. This limitation does not apply if the applicant  
1799 demonstrates that the beneficiary that is the subject of the  
1800 distribution under s. 212.20 no longer plays at the facility  
1801 that is the subject of the application under this section.

1802 (i) An application may be submitted to the department for  
1803 evaluation and certification ~~recommendation~~ if the existing  
1804 beneficiary has completed or will complete the terms of an  
1805 existing distribution under chapter 212 for an existing facility  
1806 before a distribution can be made.

1807 (5) EVALUATION PROCESS.—

1808 (a) Before certifying ~~recommending~~ an applicant to receive



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1809 a state distribution under s. 212.20(6)(d)6.e. ~~s.~~  
1810 ~~212.20(6)(d)6.f.~~, the department must verify that:

1811 1. The applicant or beneficiary is responsible for the  
1812 construction, reconstruction, renovation, or improvement of a  
1813 facility and obtained at least three bids for the project.

1814 2. If the applicant is not a unit of local government, a  
1815 unit of local government holds title to the property on which  
1816 the facility and project are, or will be, located.

1817 3. If the applicant is a unit of local government in whose  
1818 jurisdiction the facility is, or will be, located, the unit of  
1819 local government has an exclusive intent agreement to negotiate  
1820 in this state with the beneficiary.

1821 4. A unit of local government in whose jurisdiction the  
1822 facility is, or will be, located supports the application for  
1823 state funds. Such support must be verified by the adoption of a  
1824 resolution, after a public hearing, that the project serves a  
1825 public purpose.

1826 5. The applicant or beneficiary has not previously  
1827 defaulted or failed to meet any statutory requirements of a  
1828 previous state-administered sports-related program under s.  
1829 288.1162, s. 288.11621, s. 288.11631, or this section.  
1830 Additionally, the applicant or beneficiary is not currently  
1831 receiving state distributions under s. 212.20 for the facility  
1832 that is the subject of the application, unless the applicant  
1833 demonstrates that the franchise that applied for a distribution  
1834 under s. 212.20 no longer plays at the facility that is the  
1835 subject of the application.

1836 6. The applicant or beneficiary has sufficiently  
1837 demonstrated a commitment to employ residents of this state,





1838 contract with Florida-based firms, and purchase locally  
1839 available building materials to the greatest extent possible.

1840 7. If the applicant is a unit of local government, the  
1841 applicant has a certified copy of a signed agreement with a  
1842 beneficiary for the use of the facility. If the applicant is a  
1843 beneficiary, the beneficiary must enter into an agreement with  
1844 the department. The applicant's or beneficiary's agreement must  
1845 also require the following:

1846 a. The beneficiary must reimburse the state for state funds  
1847 that will be distributed if the beneficiary relocates or no  
1848 longer occupies or uses the facility as the facility's primary  
1849 tenant before the agreement expires. Reimbursements must be sent  
1850 to the Department of Revenue for deposit into the General  
1851 Revenue Fund.

1852 b. The beneficiary must pay for signage or advertising  
1853 within the facility. The signage or advertising must be placed  
1854 in a prominent location as close to the field of play or  
1855 competition as is practicable, must be displayed consistent with  
1856 signage or advertising in the same location and of like value,  
1857 and must feature Florida advertising approved by the Florida  
1858 Tourism Industry Marketing Corporation.

1859 8. The project will commence within 12 months after  
1860 receiving state funds or did not commence before January 1,  
1861 2013.

1862 (6) DISTRIBUTION.—

1863 (d) The department shall notify the Department of Revenue  
1864 of the applicant's initial certification, and the Department of  
1865 Revenue shall begin distributions within 45 days after such  
1866 notification or upon a date specified by the department as



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1867 requested by the ~~approved~~ applicant, whichever is later.

1868 (7) CONTRACT.—An applicant ~~approved by the Legislature and~~  
1869 certified by the department must enter into a contract with the  
1870 department which:

1871 (e) Requires the applicant to reimburse the state by  
1872 electing to do one of the following:

1873 1. After all distributions have been made, reimburse at the  
1874 end of the contract term any amount by which the total  
1875 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~  
1876 exceed actual new incremental state sales taxes generated by  
1877 sales at the facility during the contract, plus a 5 percent  
1878 penalty on that amount.

1879 2. After the applicant begins to submit the independent  
1880 analysis under paragraph (c), reimburse each year any amount by  
1881 which the previous year's annual distribution exceeds 75 percent  
1882 of the actual new incremental state sales taxes generated by  
1883 sales at the facility.

1884  
1885 Any reimbursement due to the state must be made within 90 days  
1886 after the applicable distribution under this paragraph. If the  
1887 applicant is unable or unwilling to reimburse the state for such  
1888 amount, the department may place a lien on the applicant's  
1889 facility. If the applicant is a municipality or county, it may  
1890 reimburse the state from its half-cent sales tax allocation, as  
1891 provided in s. 218.64(3). Reimbursements must be sent to the  
1892 Department of Revenue for deposit into the General Revenue Fund.

1893 (9) REPORTS.—

1894 (a) On or before November 1 of each year, an applicant  
1895 certified under this section ~~and approved~~ to receive state funds



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1896 must submit to the department any information required by the  
1897 department. The department shall summarize this information for  
1898 inclusion in an ~~its~~ annual report to the Legislature ~~under~~  
1899 ~~paragraph (4) (d)~~.

1900 (b) Every 5 years after an applicant receives its first  
1901 monthly distribution, the department must verify that the  
1902 applicant is meeting the program requirements. If the applicant  
1903 fails to meet these requirements, the department shall notify  
1904 the Governor and the Legislature in its next annual report ~~under~~  
1905 ~~paragraph (4) (d)~~ that the requirements are not being met and  
1906 recommend future action. The department shall take into  
1907 consideration extenuating circumstances that may have prevented  
1908 the applicant from meeting the program requirements, such as  
1909 force majeure events or a significant economic downturn.

1910 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~  
1911 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~  
1912 ~~the Legislative Budget Commission may approve an application for~~  
1913 ~~state funds by an applicant for a new facility or a project~~  
1914 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~  
1915 ~~application may be submitted after May 1, 2014. The department~~  
1916 ~~must review the application and recommend approval to the~~  
1917 ~~Legislature or deny the application. The Legislative Budget~~  
1918 ~~Commission may approve applications on or after January 1, 2015.~~  
1919 ~~The department must certify the applicant within 45 days of~~  
1920 ~~approval by the Legislative Budget Commission. State funds may~~  
1921 ~~not be distributed until the department notifies the Department~~  
1922 ~~of Revenue that the applicant was approved by the Legislative~~  
1923 ~~Budget Commission and certified by the department. An applicant~~  
1924 ~~certified under this subsection is subject to the provisions and~~



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1925 ~~requirements of this section. An applicant that fails to meet~~  
1926 ~~the conditions of this subsection may reapply during future~~  
1927 ~~application periods.~~

1928 (11)~~(12)~~ REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
1929 certified under this section may be subject to repayment of  
1930 distributions upon the occurrence of any of the following:

1931 (a) An applicant's beneficiary has broken the terms of its  
1932 agreement with the applicant and relocated from the facility or  
1933 no longer occupies or uses the facility as the facility's  
1934 primary tenant. The beneficiary must reimburse the state for  
1935 state funds that will be distributed, plus a 5 percent penalty  
1936 on that amount, if the beneficiary relocates before the  
1937 agreement expires.

1938 (b) A determination by the department that an applicant has  
1939 submitted information or made a representation that is  
1940 determined to be false, misleading, deceptive, or otherwise  
1941 untrue. The applicant must reimburse the state for state funds  
1942 that have been and will be distributed, plus a 5 percent penalty  
1943 on that amount, if such determination is made. If the applicant  
1944 is a municipality or county, it may reimburse the state from its  
1945 half-cent sales tax allocation, as provided in s. 218.64(3).

1946 (c) Repayment of distributions must be sent to the  
1947 Department of Revenue for deposit into the General Revenue Fund.

1948 (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in  
1949 writing at least 20 days before the next monthly distribution  
1950 that the department halt future payments. The department shall  
1951 immediately notify the Department of Revenue to halt future  
1952 payments.

1953 (13)~~(14)~~ RULEMAKING.—The department may adopt rules to



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1954 implement this section.

1955           Section 18. The amendments made to s. 288.11625, Florida  
1956 Statutes, apply to applications received, evaluated, and  
1957 recommended for approval by the Department of Economic  
1958 Opportunity in Fiscal Year 2015-2016.

1959           Section 19. Notwithstanding the repeal of section 288.1229,  
1960 Florida Statutes, in s. 485, chapter 2011-142, Laws of Florida,  
1961 section 288.1229, Florida Statutes, is revived, reenacted, and  
1962 amended to read:

1963           288.1229 Promotion and development of sports-related  
1964 industries and amateur athletics; direct-support organization  
1965 established; powers and duties.-

1966           (1) The Department of Economic Opportunity shall establish  
1967 a direct-support organization known as the Florida Sports  
1968 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~  
1969 ~~and Economic Development may authorize a direct-support~~  
1970 ~~organization to assist the~~ department office in:

1971           (a) The promotion and development of the sports industry  
1972 and related industries for the purpose of improving the economic  
1973 presence of these industries in Florida.

1974           (b) The promotion of amateur athletic participation for the  
1975 citizens of Florida and the promotion of Florida as a host for  
1976 national and international amateur athletic competitions for the  
1977 purpose of encouraging and increasing the direct and ancillary  
1978 economic benefits of amateur athletic events and competitions.

1979           (c) The retention of professional sports franchises,  
1980 including the spring training operations of Major League  
1981 Baseball.

1982           (2) The Florida Sports Foundation ~~To be authorized as a~~



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1983 ~~direct support organization, an organization~~ must:

1984 (a) Be incorporated as a corporation not for profit

1985 pursuant to chapter 617.

1986 (b)1. Be governed by a board of directors, which must

1987 consist of 20 ~~up to 15~~ members appointed by the Governor, which

1988 include:

1989 a. Ten members representing Florida major league franchises

1990 of Major League Baseball, National Basketball Association,

1991 National Football League, National Hockey League, and Major

1992 League Soccer teams domiciled in this state.

1993 b. A member representing Florida Sports Commissions.

1994 c. A member representing the boating and fishing industries

1995 in Florida.

1996 d. A member representing the golf industry in Florida.

1997 e. A member representing Major League Baseball spring

1998 training.

1999 f. A member representing the auto racing industry in

2000 Florida.

2001 g. Five members at-large ~~and up to 15 members appointed by~~

2002 ~~the existing board of directors.~~ In making at-large

2003 appointments, the governor ~~board~~ must consider a potential

2004 member's background in community service and sports activism in,

2005 and financial support of, the sports industry, professional

2006 sports, or organized amateur athletics. Members must be

2007 residents of the state and highly knowledgeable about or active

2008 in professional or organized amateur sports.

2009 2. The board must contain representatives of all

2010 geographical regions of the state and must represent ethnic and

2011 gender diversity. The terms of office of the members shall be 4



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2012 years. No member may serve more than two consecutive terms. The  
2013 Governor may remove any member for cause and shall fill all  
2014 vacancies that occur.

2015 (c) Have as its purpose, as stated in its articles of  
2016 incorporation, to receive, hold, invest, and administer  
2017 property; to raise funds and receive gifts; and to promote and  
2018 develop the sports industry and related industries for the  
2019 purpose of increasing the economic presence of these industries  
2020 in Florida.

2021 (d) Have a prior determination by the department ~~Office of~~  
2022 ~~Tourism, Trade, and Economic Development~~ that the organization  
2023 will benefit the department ~~office~~ and act in the best interests  
2024 of the state as a direct-support organization to the department  
2025 ~~office~~.

2026 (3) The Florida Sports Foundation shall operate under  
2027 contract with the department. The department shall enter into a  
2028 contract with the foundation by July 1, 2016. The contract must  
2029 provide ~~Office of Tourism, Trade, and Economic Development shall~~  
2030 ~~contract with the organization and shall include in the contract~~  
2031 that:

2032 (a) The department ~~office~~ may review the foundation's  
2033 ~~organization's~~ articles of incorporation.

2034 (b) The foundation ~~organization~~ shall submit an annual  
2035 budget proposal to the department ~~office~~, on a form provided by  
2036 the department ~~office~~, in accordance with department ~~office~~  
2037 procedures for filing budget proposals based upon the  
2038 recommendation of the department ~~office~~.

2039 (c) Any funds that the foundation ~~organization~~ holds in  
2040 trust will revert to the state upon the expiration or



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2041 cancellation of the contract.

2042 (d) The foundation organization is subject to an annual  
2043 financial and performance review by the department office to  
2044 determine whether the foundation organization is complying with  
2045 the terms of the contract and whether it is acting in a manner  
2046 consistent with the goals of the department office and in the  
2047 best interests of the state.

2048 (e) The fiscal year of the foundation begins organization  
2049 ~~will begin~~ July 1 of each year and ends end June 30 of the next  
2050 ensuing year.

2051 (4) The department Office of Tourism, Trade, and Economic  
2052 ~~Development~~ may allow the foundation organization to use the  
2053 property, facilities, personnel, and services of the department  
2054 ~~office~~ if the foundation organization provides equal employment  
2055 opportunities to all persons regardless of race, color,  
2056 religion, sex, age, or national origin, subject to the approval  
2057 of the executive director of the department office.

2058 (5) The foundation organization shall provide for an annual  
2059 financial audit in accordance with s. 215.981.

2060 (6) The foundation organization is not granted any taxing  
2061 power.

2062 ~~(7) In exercising the power provided in this section, the~~  
2063 ~~Office of Tourism, Trade, and Economic Development may authorize~~  
2064 ~~and contract with the direct-support organization existing on~~  
2065 ~~June 30, 1996, and authorized by the former Florida Department~~  
2066 ~~of Commerce to promote sports-related industries. An appointed~~  
2067 ~~member of the board of directors of such direct-support~~  
2068 ~~organization as of June 30, 1996, may serve the remainder of his~~  
2069 ~~or her unexpired term.~~





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2070            ~~(7)-(8)~~ To promote amateur sports and physical fitness, the  
2071 foundation direct-support organization shall:

2072            (a) Develop, foster, and coordinate services and programs  
2073 for amateur sports for the people of Florida.

2074            (b) Sponsor amateur sports workshops, clinics, conferences,  
2075 and other similar activities.

2076            (c) Give recognition to outstanding developments and  
2077 achievements in, and contributions to, amateur sports.

2078            (d) Encourage, support, and assist local governments and  
2079 communities in the development of or hosting of local amateur  
2080 athletic events and competitions.

2081            (e) Promote Florida as a host for national and  
2082 international amateur athletic competitions.

2083            (f) Develop a statewide programs program of amateur  
2084 athletic competition to be known as the "Florida Senior Games"  
2085 and the "Sunshine State Games."

2086            (g) Continue the successful amateur sports programs  
2087 previously conducted by the Florida Governor's Council on  
2088 Physical Fitness and Amateur Sports created under former s.  
2089 14.22.

2090            (h) Encourage and continue the use of volunteers in its  
2091 amateur sports programs to the maximum extent possible.

2092            (i) Develop, foster, and coordinate services and programs  
2093 designed to encourage the participation of Florida's youth in  
2094 Olympic sports activities and competitions.

2095            (j) Foster and coordinate services and programs designed to  
2096 contribute to the physical fitness of the citizens of Florida.

2097            ~~(8)-(9)~~(a) The Sunshine State Games and Florida Senior Games  
2098 shall both be patterned after the Summer Olympics with



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2099 variations as necessitated by availability of facilities,  
2100 equipment, and expertise. The games shall be designed to  
2101 encourage the participation of athletes representing a broad  
2102 range of age groups, skill levels, and Florida communities.  
2103 ~~Participants shall be residents of this state. Regional~~  
2104 ~~competitions shall be held throughout the state, and the top~~  
2105 ~~qualifiers in each sport shall proceed to the final competitions~~  
2106 ~~to be held at a site in the state with the necessary facilities~~  
2107 ~~and equipment for conducting the competitions.~~

2108 (b) The department ~~Executive Office of the Governor~~ is  
2109 authorized to permit the use of property, facilities, and  
2110 personal services of or at any State University System facility  
2111 or institution by the direct-support organization operating the  
2112 Sunshine State Games and Florida Senior Games. For the purposes  
2113 of this paragraph, personal services includes full-time or part-  
2114 time personnel as well as payroll processing.

2115 Section 20. Section 288.125, Florida Statutes, is amended  
2116 to read:

2117 288.125 Definition of term "entertainment industry."—For  
2118 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,  
2119 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term  
2120 "entertainment industry" means those persons or entities engaged  
2121 in the operation of motion picture or television studios or  
2122 recording studios; those persons or entities engaged in the  
2123 preproduction, production, or postproduction of motion pictures,  
2124 made-for-television movies, television programming, digital  
2125 media projects, commercial advertising, music videos, or sound  
2126 recordings; and those persons or entities providing products or  
2127 services directly related to the preproduction, production, or



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2128 postproduction of motion pictures, made-for-television movies,  
2129 television programming, digital media projects, commercial  
2130 advertising, music videos, or sound recordings, including, but  
2131 not limited to, the broadcast industry.

2132 Section 21. Section 288.1251, Florida Statutes, is  
2133 renumbered as section 288.913, Florida Statutes, and amended to  
2134 read:

2135 288.913 ~~288.1251~~ Promotion and development of entertainment  
2136 industry; Division ~~Office~~ of Film and Entertainment; creation;  
2137 purpose; powers and duties.—

2138 (1) CREATION.—

2139 ~~(a)~~ The Division of Film and Entertainment ~~There is hereby~~  
2140 ~~created within~~ Enterprise Florida, Inc., ~~the department the~~  
2141 ~~Office of Film and Entertainment~~ for the purpose of developing,  
2142 recruiting, marketing, promoting, and providing services to the  
2143 state's entertainment industry. The division shall serve as a  
2144 liaison between the entertainment industry and other state and  
2145 local governmental agencies, local film commissions, and labor  
2146 organizations.

2147 (2) ~~(b)~~ COMMISSIONER.—The president of Enterprise Florida,  
2148 Inc., shall appoint the film and entertainment commissioner, who  
2149 is subject to confirmation by the Senate, within 90 days after  
2150 the effective date of this act ~~department shall conduct a~~  
2151 ~~national search for a qualified person to fill the position of~~  
2152 ~~Commissioner of Film and Entertainment when the position is~~  
2153 ~~vacant. The executive director of the department has the~~  
2154 responsibility to hire the film commissioner. The commissioner  
2155 is subject to the requirements of s. 288.901(1)(c).

2156 Qualifications for the film commissioner include, but are not



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2157 limited to, the following:

2158 (a)1. At least 5 years' A working knowledge of and  
2159 experience with the equipment, personnel, financial, and day-to-  
2160 day production operations of the industries to be served by the  
2161 division Office of Film and Entertainment;

2162 (b)2. Marketing and promotion experience related to the  
2163 film and entertainment industries to be served;

2164 (c)3. Experience working with a variety of individuals  
2165 representing large and small entertainment-related businesses,  
2166 industry associations, local community entertainment industry  
2167 liaisons, and labor organizations; and

2168 (d)4. Experience working with a variety of state and local  
2169 governmental agencies; and-

2170 (e) A record of high-level involvement in production deals  
2171 and contacts with industry decisionmakers.

2172 (3)(2) POWERS AND DUTIES.-

2173 (a) In the performance of its duties, the Division Office  
2174 of Film and Entertainment, in performance of its duties, shall  
2175 develop and periodically:

2176 1. In consultation with the Florida Film and Entertainment  
2177 Advisory Council, update a 5-year the strategic plan every 5  
2178 years to guide the activities of the division Office of Film and  
2179 Entertainment in the areas of entertainment industry  
2180 development, marketing, promotion, liaison services, field  
2181 office administration, and information. The plan must shall:

2182 a. be annual in construction and ongoing in nature.

2183 1. At a minimum, the plan must address the following:

2184 a.b. Include recommendations relating to The organizational  
2185 structure of the division, including any field offices outside



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2186 the state office.

2187 b. The coordination of the division with local or regional  
2188 offices maintained by counties and regions of the state, local  
2189 film commissions, and labor organizations, and the coordination  
2190 of such entities with each other to facilitate a working  
2191 relationship.

2192 c. Strategies to identify, solicit, and recruit  
2193 entertainment production opportunities for the state, including  
2194 implementation of programs for rural and urban areas designed to  
2195 develop and promote the state's entertainment industry.

2196 ~~d.e. Include~~ An annual budget projection for the division  
2197 ~~office~~ for each year of the plan.

2198 ~~d. Include an operational model for the office to use in~~  
2199 ~~implementing programs for rural and urban areas designed to:~~  
2200 ~~(I) develop and promote the state's entertainment industry.~~  
2201 ~~(II) Have the office serve as a liaison between the~~  
2202 ~~entertainment industry and other state and local governmental~~  
2203 ~~agencies, local film commissions, and labor organizations.~~  
2204 ~~(III) Gather statistical information related to the state's~~  
2205 ~~entertainment industry.~~

2206 ~~e.(IV) Provision of~~ Provide information and service to  
2207 businesses, communities, organizations, and individuals engaged  
2208 in entertainment industry activities.

2209 ~~(V) Administer field offices outside the state and~~  
2210 ~~coordinate with regional offices maintained by counties and~~  
2211 ~~regions of the state, as described in sub-sub-subparagraph (II),~~  
2212 ~~as necessary.~~

2213 ~~f.e. Include~~ Performance standards and measurable outcomes  
2214 for the programs to be implemented by the division office.



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2215           2. The plan shall be annually reviewed and approved by the  
2216 board of directors of Enterprise Florida, Inc.

2217           ~~f. Include an assessment of, and make recommendations on,~~  
2218 ~~the feasibility of creating an alternative public private~~  
2219 ~~partnership for the purpose of contracting with such a~~  
2220 ~~partnership for the administration of the state's entertainment~~  
2221 ~~industry promotion, development, marketing, and service~~  
2222 ~~programs.~~

2223           ~~2. Develop, market, and facilitate a working relationship~~  
2224 ~~between state agencies and local governments in cooperation with~~  
2225 ~~local film commission offices for out-of-state and indigenous~~  
2226 ~~entertainment industry production entities.~~

2227           ~~3. Implement a structured methodology prescribed for~~  
2228 ~~coordinating activities of local offices with each other and the~~  
2229 ~~commissioner's office.~~

2230           (b) The division shall also:

2231           ~~1.4.~~ Represent the state's indigenous entertainment  
2232 industry to key decisionmakers within the national and  
2233 international entertainment industry, and to state and local  
2234 officials.

2235           ~~2.5.~~ Prepare an inventory and analysis of the state's  
2236 entertainment industry, including, but not limited to,  
2237 information on crew, related businesses, support services, job  
2238 creation, talent, and economic impact and coordinate with local  
2239 offices to develop an information tool for common use.

2240           ~~3.6.~~ Identify, solicit, and recruit entertainment  
2241 production opportunities for the state.

2242           ~~4.7.~~ Assist rural communities and other small communities  
2243 in the state in developing the expertise and capacity necessary



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2244 for such communities to develop, market, promote, and provide  
2245 services to the state's entertainment industry.

2246 ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in  
2247 the performance of its duties, may:

2248 1. Conduct or contract for specific promotion and marketing  
2249 functions, including, but not limited to, production of a  
2250 statewide directory, production and maintenance of a ~~an Internet~~  
2251 website, establishment and maintenance of a toll-free telephone  
2252 number, organization of trade show participation, and  
2253 appropriate cooperative marketing opportunities.

2254 2. Conduct its affairs, carry on its operations, establish  
2255 offices, and exercise the powers granted by this act in any  
2256 state, territory, district, or possession of the United States.

2257 3. Carry out any program of information, special events, or  
2258 publicity designed to attract the entertainment industry to  
2259 Florida.

2260 4. Develop relationships and leverage resources with other  
2261 public and private organizations or groups in their efforts to  
2262 publicize to the entertainment industry in this state, other  
2263 states, and other countries the depth of Florida's entertainment  
2264 industry talent, crew, production companies, production  
2265 equipment resources, related businesses, and support services,  
2266 including the establishment of and expenditure for a program of  
2267 cooperative advertising with these public and private  
2268 organizations and groups in accordance with the provisions of  
2269 chapter 120.

2270 5. Provide and arrange for reasonable and necessary  
2271 promotional items and services for such persons as the division  
2272 ~~office~~ deems proper in connection with the performance of the



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2273 promotional and other duties of the division office.

2274         6. Prepare an ~~annual~~ economic impact analysis on  
2275 entertainment industry-related activities in the state.

2276         7. Request or accept any grant, payment, or gift of funds  
2277 or property made by this state, the United States, or any  
2278 department or agency thereof, or by any individual, firm,  
2279 corporation, municipality, county, or organization, for ~~any or~~  
2280 ~~all of~~ the purposes of the division's Office of Film and  
2281 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~  
2282 activities authorized by ~~enumerated in~~ this paragraph. Such  
2283 funds shall be deposited in a separate account with Enterprise  
2284 Florida, Inc., the Grants and Donations Trust Fund of the  
2285 ~~Executive Office of the Governor~~ for use by the division Office  
2286 ~~of Film and Entertainment~~ in carrying out its responsibilities  
2287 and duties ~~as delineated in law~~. The division office may expend  
2288 such funds in accordance with the terms and conditions of any  
2289 such grant, payment, or gift in the pursuit of its  
2290 administration or in support of fulfilling its duties and  
2291 responsibilities. The division office shall separately account  
2292 for the public funds and the private funds deposited into the  
2293 account trust fund.

2294         Section 22. Section 288.1252, Florida Statutes, is  
2295 renumbered as section 288.914, Florida Statutes, and amended to  
2296 read:

2297         288.914 ~~288.1252~~ Florida Film and Entertainment Advisory  
2298 Council; ~~creation~~; purpose; membership; powers and duties.—

2299         ~~(1) CREATION. There is created within the department, for~~  
2300 ~~administrative purposes only, the Florida Film and Entertainment~~  
2301 ~~Advisory Council.~~





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2302           (1)-(2) CREATION AND PURPOSE.—The Florida Film and  
2303 Entertainment Advisory Council is created ~~purpose of the Council~~  
2304 ~~is~~ to serve as an advisory body to the Division of Film and  
2305 Entertainment within Enterprise Florida, Inc., and department  
2306 ~~and to the Office of Film and Entertainment~~ to provide these  
2307 ~~offices with~~ industry insight and expertise related to  
2308 developing, marketing, and promoting, ~~and providing service to~~  
2309 the state's entertainment industry.

2310           (2)-(3) MEMBERSHIP.—

2311           (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be  
2312 appointed by the Governor, 3 ~~5~~ to be appointed by the President  
2313 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the  
2314 House of Representatives.

2315           (b) When making appointments to the council, the Governor,  
2316 the President of the Senate, and the Speaker of the House of  
2317 Representatives shall appoint persons who are residents of the  
2318 state and who are highly knowledgeable of, active in, and  
2319 recognized as leaders in Florida's motion picture, television,  
2320 video, sound recording, or other entertainment industries. These  
2321 persons must ~~shall~~ include, but need not be limited to,  
2322 representatives of local film commissions, representatives of  
2323 entertainment associations, a representative of the broadcast  
2324 industry, representatives of labor organizations in the  
2325 entertainment industry, and board chairs, presidents, chief  
2326 executive officers, chief operating officers, or persons of  
2327 comparable executive position or stature of leading or otherwise  
2328 important entertainment industry businesses and offices. Council  
2329 members must ~~shall~~ be appointed in such a manner as to equitably  
2330 represent the broadest spectrum of the entertainment industry



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2331 and geographic areas of the state.

2332 (c) Council members shall serve for 4-year terms. A council  
2333 member serving as of July 1, 2016, may serve the remainder of  
2334 his or her term, but upon the conclusion of the term or upon  
2335 vacancy, the appointment must be made in accordance with this  
2336 section.

2337 (d) Subsequent appointments shall be made by the official  
2338 who appointed the council member whose expired term is to be  
2339 filled.

2340 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~  
2341 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,  
2342 CareerSource Florida, Inc., and VISIT Florida shall serve as ex  
2343 officio, nonvoting members of the council.

2344 (f) Absence from three consecutive meetings shall result in  
2345 automatic removal from the council.

2346 (g) A vacancy on the council shall be filled for the  
2347 remainder of the unexpired term by the official who appointed  
2348 the vacating member.

2349 (h) No more than one member of the council may be an  
2350 employee of any one company, organization, or association.

2351 (i) Any member shall be eligible for reappointment but may  
2352 not serve more than two consecutive terms.

2353 (3) ~~(4)~~ MEETINGS; ORGANIZATION.—

2354 (a) The council shall meet at least no less frequently than  
2355 once each quarter of the calendar year, and but may meet more  
2356 often as determined necessary set by the council.

2357 (b) The council shall annually elect from its appointed  
2358 membership one member to serve as chair ~~of the council~~ and one  
2359 member to serve as vice chair. The Division ~~Office~~ of Film and



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2360 Entertainment shall provide staff assistance to the council,  
2361 which must ~~shall~~ include, but need not be limited to, keeping  
2362 records of the proceedings of the council, and serving as  
2363 custodian of all books, documents, and papers filed with the  
2364 council.

2365 (c) A majority of the members of the council constitutes  
2366 ~~shall constitute~~ a quorum.

2367 (d) Members of the council shall serve without  
2368 compensation, but are ~~shall be~~ entitled to reimbursement for per  
2369 diem and travel expenses in accordance with s. 112.061 while in  
2370 performance of their duties.

2371 (4) ~~(5)~~ POWERS AND DUTIES.—The Florida Film and  
2372 Entertainment Advisory Council has ~~shall have all~~ the power  
2373 ~~powers necessary or convenient~~ to carry out and effectuate the  
2374 ~~purposes and provisions of~~ this act, including, but not limited  
2375 to, the power to:

2376 (a) Adopt bylaws for the governance of its affairs and the  
2377 conduct of its business.

2378 (b) Advise the Division and ~~consult with the Office~~ of Film  
2379 and Entertainment on the content, development, and  
2380 implementation of the division's 5-year strategic plan ~~to guide~~  
2381 ~~the activities of the office.~~

2382 (c) ~~Review the Commissioner of Film and Entertainment's~~  
2383 ~~administration of the programs related to the strategic plan,~~  
2384 and Advise the Division of Film and Entertainment ~~commissioner~~  
2385 on the division's programs and any changes that might be made to  
2386 better meet the strategic plan.

2387 (d) Consider and study the needs of the entertainment  
2388 industry for the purpose of advising the Division of Film and



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2389 ~~Entertainment film commissioner and the department.~~

2390 (e) ~~Identify and make recommendations on state agency and~~  
2391 ~~local government actions that may have an impact on the~~  
2392 ~~entertainment industry or that may appear to industry~~  
2393 ~~representatives as an official state or local actions action~~  
2394 ~~affecting production in the state, and advise the Division of~~  
2395 ~~Film and Entertainment of such actions.~~

2396 (f) Consider all matters submitted to it by the Division of  
2397 Film and Entertainment ~~film commissioner and the department.~~

2398 ~~(g) Advise and consult with the film commissioner and the~~  
2399 ~~department, at their request or upon its own initiative,~~  
2400 ~~regarding the promulgation, administration, and enforcement of~~  
2401 ~~all laws and rules relating to the entertainment industry.~~

2402 ~~(g)(h) Suggest policies and practices for the conduct of~~  
2403 ~~business by the Office of Film and Entertainment or by the~~  
2404 ~~department that will improve interaction with internal~~  
2405 ~~operations affecting the entertainment industry and will enhance~~  
2406 ~~related state the economic development initiatives of the state~~  
2407 ~~for the industry.~~

2408 ~~(i) Appear on its own behalf before boards, commissions,~~  
2409 ~~departments, or other agencies of municipal, county, or state~~  
2410 ~~government, or the Federal Government.~~

2411 Section 23. Section 288.1253, Florida Statutes, is  
2412 renumbered as section 288.915, Florida Statutes, and amended to  
2413 read:

2414 288.915 ~~288.1253~~ Travel and entertainment expenses.—

2415 (1) As used in this section, the term "travel expenses"  
2416 means the actual, necessary, and reasonable costs of  
2417 transportation, meals, lodging, and incidental expenses normally



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2418 incurred by an employee of the Division Office of Film and  
2419 Entertainment within Enterprise Florida, Inc., as which costs  
2420 are defined and prescribed by ~~rules adopted by the~~ department  
2421 rule, subject to approval by the Chief Financial Officer.

2422 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the  
2423 department shall adopt rules by which the Division of Film and  
2424 Entertainment ~~it~~ may make expenditures by reimbursement to~~+~~ the  
2425 Governor, the Lieutenant Governor, security staff of the  
2426 Governor or Lieutenant Governor, the Commissioner of Film and  
2427 Entertainment, or staff of the Division Office of Film and  
2428 Entertainment for travel expenses or entertainment expenses  
2429 incurred by such individuals solely and exclusively in  
2430 connection with the performance of the statutory duties of the  
2431 division Office of Film and Entertainment. The rules are subject  
2432 to approval by the Chief Financial Officer before adoption. The  
2433 rules shall require the submission of paid receipts, or other  
2434 proof of expenditure prescribed by the Chief Financial Officer,  
2435 with any claim for reimbursement.

2436 (3) The Division Office of Film and Entertainment shall  
2437 include in the annual report for the entertainment industry  
2438 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~  
2439 ~~288.1254(10)~~ a report of the division's office's expenditures  
2440 for the previous fiscal year. The report must consist of a  
2441 summary of all travel, entertainment, and incidental expenses  
2442 incurred within the United States and all travel, entertainment,  
2443 and incidental expenses incurred outside the United States, as  
2444 well as a summary of all successful projects that developed from  
2445 such travel.

2446 (4) The Division Office of Film and Entertainment and its



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2447 employees and representatives, when authorized, may accept and  
2448 use complimentary travel, accommodations, meeting space, meals,  
2449 equipment, transportation, and any other goods or services  
2450 necessary for or beneficial to the performance of the division's  
2451 ~~office's~~ duties and purposes, so long as such acceptance or use  
2452 is not in conflict with part III of chapter 112. The department  
2453 shall, by rule, develop internal controls to ensure that such  
2454 goods or services accepted or used pursuant to this subsection  
2455 are limited to those that will assist solely and exclusively in  
2456 the furtherance of the division's ~~office's~~ goals and are in  
2457 compliance with part III of chapter 112. Notwithstanding this  
2458 subsection, the division and its employees and representatives  
2459 may not accept any complimentary travel, accommodations, meeting  
2460 space, meals, equipment, transportation, or other goods or  
2461 services from an entity or a party, including an employee, a  
2462 designee, or a representative of such entity or party, which has  
2463 received, has applied to receive, or anticipates that it will  
2464 receive through an application, funds under s. 288.1256. If the  
2465 division or its employee or representative accepts such goods or  
2466 services, the division or its employee or representative is  
2467 subject to the penalties provided in s. 112.317.

2468 (5) A ~~Any~~ claim submitted under this section is not  
2469 required to be sworn to before a notary public or other officer  
2470 authorized to administer oaths, but a ~~any~~ claim authorized or  
2471 required to be made under any provision of this section shall  
2472 contain a statement that the expenses were actually incurred as  
2473 necessary travel or entertainment expenses in the performance of  
2474 official duties of the Division ~~Office~~ of Film and Entertainment  
2475 and shall be verified by written declaration that it is true and



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2476 correct as to every material matter. A ~~Any~~ person who willfully  
2477 makes and subscribes to a any claim that ~~which~~ he or she does  
2478 not believe to be true and correct as to every material matter  
2479 or who willfully aids or assists in, procures, or counsels or  
2480 advises with respect to, the preparation or presentation of a  
2481 claim pursuant to this section which ~~that~~ is fraudulent or false  
2482 as to any material matter, whether such falsity or fraud is with  
2483 the knowledge or consent of the person authorized or required to  
2484 present the claim, commits a misdemeanor of the second degree,  
2485 punishable as provided in s. 775.082 or s. 775.083. Whoever  
2486 receives a reimbursement by means of a false claim is civilly  
2487 liable, in the amount of the overpayment, for the reimbursement  
2488 of the public fund from which the claim was paid.

2489 Section 24. Paragraph (a) of subsection (5), paragraph (c)  
2490 of subsection (9), and subsection (10) of section 288.1254,  
2491 Florida Statutes, are amended to read:

2492 288.1254 Entertainment industry financial incentive  
2493 program.—

2494 (5) TRANSFER OF TAX CREDITS.—

2495 (a) *Authorization.*—Upon application to ~~the Office of Film~~  
2496 ~~and Entertainment~~ and approval by the department, a certified  
2497 production company, or a partner or member that has received a  
2498 distribution under paragraph (4)(g), may elect to transfer, in  
2499 whole or in part, any unused credit amount granted under this  
2500 section. An election to transfer any unused tax credit amount  
2501 under chapter 212 or chapter 220 must be made no later than 5  
2502 years after the date the credit is awarded, after which period  
2503 the credit expires and may not be used. The department shall  
2504 notify the Department of Revenue of the election and transfer.



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2505 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
2506 CREDITS; FRAUDULENT CLAIMS.—

2507 (c) *Forfeiture of tax credits.*—A determination by the  
2508 Department of Revenue, as a result of an audit pursuant to  
2509 paragraph (a) or from information received from the department  
2510 ~~Office of Film and Entertainment~~, that an applicant received tax  
2511 credits pursuant to this section to which the applicant was not  
2512 entitled is grounds for forfeiture of previously claimed and  
2513 received tax credits. The applicant is responsible for returning  
2514 forfeited tax credits to the Department of Revenue, and such  
2515 funds shall be paid into the General Revenue Fund of the state.  
2516 Tax credits purchased in good faith are not subject to  
2517 forfeiture unless the transferee submitted fraudulent  
2518 information in the purchase or failed to meet the requirements  
2519 in subsection (5).

2520 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~  
2521 ~~of Film and Entertainment~~ shall submit an annual report for the  
2522 previous fiscal year to the Governor, the President of the  
2523 Senate, and the Speaker of the House of Representatives which  
2524 outlines the incentive program's return on investment and  
2525 economic benefits to the state. The report must also include an  
2526 estimate of the full-time equivalent positions created by each  
2527 production that received tax credits under this section and  
2528 information relating to the distribution of productions  
2529 receiving credits by geographic region and type of production.  
2530 The report must also include the expenditures report required  
2531 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information  
2532 describing the relationship between tax exemptions and  
2533 incentives to industry growth required under s. 288.1258(5).





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2534 Section 25. Effective upon becoming law, subsection (11) of  
2535 section 288.1254, Florida Statutes, is amended to read:

2536 288.1254 Entertainment industry financial incentive  
2537 program.—

2538 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~  
2539 ~~2016~~, except that:

2540 (a) Tax credits certified under paragraph (3) (d) before  
2541 April 1, 2016 ~~July 1, 2016~~, may be awarded under paragraph  
2542 (3) (f) on or after April 1, 2016 ~~July 1, 2016~~, if the other  
2543 requirements of this section are met.

2544 1. A qualified production must facilitate the submittal of  
2545 all required information under subparagraph (3) (f)1. to the  
2546 department by August 1, 2016. A qualified production that does  
2547 not meet this requirement may not be awarded tax credits. A  
2548 waiver of the deadline is not permitted.

2549 2. The department must complete the review of the  
2550 accountant's submittal, report the final verified amount of  
2551 actual qualified expenditures, and determine and approve the  
2552 final tax credit award amount to each certified applicant based  
2553 on the final verified amount of actual qualified expenditures as  
2554 required in subparagraph (3) (f)2. by June 30, 2017. Tax credits  
2555 may not be awarded to any qualified production if the  
2556 determination and approval is not made by June 30, 2017. A  
2557 wavier of the deadline is not permitted.

2558 3. The Department of Revenue shall deny any credit claimed  
2559 on a tax return when that credit was awarded on or after July 1,  
2560 2017.

2561 (b)1. The department must publish a report on its website  
2562 by May 30, 2016, providing the number of:



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2563 a. Certified productions that submitted data substantiating  
2564 each qualified expenditure as required under sub-subparagraph  
2565 (3) (f)1.a.;

2566 b. Certified productions currently under review by  
2567 independent certified public accountants as required under sub-  
2568 subparagraphs (3) (f)1.a. and b.;

2569 c. Compliance audits submitted by the accountants and  
2570 currently under review by the department as required under sub-  
2571 subparagraph (3) (f)1.b.; and

2572 d. Final tax credit award determinations and approvals that  
2573 the department has made as required under sub-subparagraph  
2574 (3) (f)1.a. and subparagraph (3) (f)2.

2575 2. The department must update the report on its website by  
2576 September 1, 2016, and December 30, 2016.

2577 (c) Notwithstanding paragraph (7) (c), tax credits may not  
2578 be certified on or after April 1, 2016, and the Department of  
2579 Revenue shall deny any credit claimed on a tax return when that  
2580 credit was certified under paragraph (3) (d) on or after April 1,  
2581 2016.

2582 (d) ~~(b)~~ Tax credits carried forward under paragraph (4) (e)  
2583 remain valid for the period specified.

2584 (e) ~~(e)~~ Subsections (5), (8), and (9) shall remain in effect  
2585 until July 1, 2021.

2586 Section 26. Section 288.1256, Florida Statutes, is created  
2587 to read:

2588 288.1256 Entertainment Action Fund.—

2589 (1) The Entertainment Action Fund is created within the  
2590 department in order to respond to extraordinary opportunities  
2591 and to compete effectively with other states to attract and



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2592 retain production companies and to provide favorable conditions  
2593 for the growth of the entertainment industry in this state.  
2594 (2) As used in this section, the term:  
2595 (a) "Division" means the Division of Film and Entertainment  
2596 within Enterprise Florida, Inc.  
2597 (b) "Principal photography" means the filming of major or  
2598 significant components of a project which involve lead actors.  
2599 (c) "Production" means a theatrical, direct-to-video, or  
2600 direct-to-Internet motion picture; a made-for-television motion  
2601 picture; visual effects or digital animation sequences produced  
2602 in conjunction with a motion picture; a commercial; a music  
2603 video; an industrial or educational film; an infomercial; a  
2604 documentary film; a television pilot program; a presentation for  
2605 a television pilot program; a television series, including, but  
2606 not limited to, a drama, a reality show, a comedy, a soap opera,  
2607 a telenovela, a game show, an awards show, or a miniseries  
2608 production; a direct-to-Internet television series; or a digital  
2609 media project by the entertainment industry. One season of a  
2610 television series is considered one production. The term does  
2611 not include a weather or market program; a sporting event or a  
2612 sporting event broadcast; a gala; a production that solicits  
2613 funds; a home shopping program; a political program; a political  
2614 documentary; political advertising; a gambling-related project  
2615 or production; a concert production; a local, a regional, or an  
2616 Internet-distributed-only news show or current-events show; a  
2617 sports news or a sports recap show; a pornographic production;  
2618 or any production deemed obscene under chapter 847. A production  
2619 may be produced on or by film, tape, or otherwise by means of a  
2620 motion picture camera; an electronic camera or device; a tape



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2621 device; a computer; any combination of the foregoing; or any  
2622 other means, method, or device.

2623 (d) "Production company" means a corporation, limited  
2624 liability company, partnership, or other legal entity engaged in  
2625 one or more productions in this state.

2626 (e) "Production expenditures" means the costs of tangible  
2627 and intangible property used for, and services performed  
2628 primarily and customarily in, production, including  
2629 preproduction and postproduction, but excluding costs for  
2630 development, marketing, and distribution. The term includes, but  
2631 is not limited to:

2632 1. Wages, salaries, or other compensation paid to legal  
2633 residents of this state, including amounts paid through payroll  
2634 service companies, for technical and production crews,  
2635 directors, producers, and performers.

2636 2. Net expenditures for sound stages, backlots, production  
2637 editing, digital effects, sound recordings, sets, and set  
2638 construction. As used in this paragraph, the term "net  
2639 expenditures" means the actual amount of money a project spent  
2640 for equipment or other tangible personal property, after  
2641 subtracting any consideration received for reselling or  
2642 transferring the item after the production ends, if applicable.

2643 3. Net expenditures for rental equipment, including, but  
2644 not limited to, cameras and grip or electrical equipment.

2645 4. Up to \$300,000 of the costs of newly purchased computer  
2646 software and hardware unique to the project, including servers,  
2647 data processing, and visualization technologies, which are  
2648 located in and used exclusively in this state for the production  
2649 of digital media.



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2650           5. Expenditures for meals, travel, and accommodations.  
2651           (f) "Project" means a production in this state meeting the  
2652 requirements of this section. The term does not include a  
2653 production:  
2654           1. In which less than 70 percent of the positions that make  
2655 up its production cast and below-the-line production crew are  
2656 filled by legal residents of this state, whose residency is  
2657 demonstrated by a valid Florida driver license or other state-  
2658 issued identification confirming residency, or students enrolled  
2659 full-time in an entertainment-related course of study at an  
2660 institution of higher education in this state; or  
2661           2. That contains obscene content as defined in s.  
2662 847.001(10).  
2663           (g) "Qualified expenditures" means production expenditures  
2664 incurred in this state by a production company for:  
2665           1. Goods purchased or leased from, or services, including,  
2666 but not limited to, insurance costs and bonding, payroll  
2667 services, and legal fees, which are provided by a vendor or  
2668 supplier in this state which is registered with the Department  
2669 of State or the Department of Revenue, has a physical location  
2670 in this state, and employs one or more legal residents of this  
2671 state. This does not include rebilled goods or services provided  
2672 by an in-state company from out-of-state vendors or suppliers.  
2673 If services provided by the vendor or supplier include personal  
2674 services or labor, only personal services or labor provided by  
2675 residents of this state, evidenced by the required documentation  
2676 of residency in this state, qualify.  
2677           2. Payments to legal residents of this state in the form of  
2678 salary, wages, or other compensation up to a maximum of \$400,000



2679 per resident. A completed declaration of residency in this state  
2680 must accompany the documentation submitted to the department for  
2681 reimbursement.

2682  
2683 For a project involving an event, such as an awards show, the  
2684 term does not include expenditures solely associated with the  
2685 event itself and not directly required by the production. The  
2686 term does not include expenditures incurred before the agreement  
2687 is signed. The production company may not include in the  
2688 calculation for qualified expenditures the original purchase  
2689 price for equipment or other tangible property that is later  
2690 sold or transferred by the production company for consideration.  
2691 In such cases, the qualified expenditure is the net of the  
2692 original purchase price minus the consideration received upon  
2693 sale or transfer.

2694 (h) "Underutilized county" means a county in which less  
2695 than \$500,000 in qualified expenditures were made in the last 2  
2696 fiscal years.

2697 (3) A production company may apply for funds from the  
2698 Entertainment Action Fund for a production or successive seasons  
2699 of a production. The division shall review and evaluate  
2700 applications to determine the eligibility of each project  
2701 consistent with the requirements of this section. The division  
2702 shall leverage funds to select projects that maximize the return  
2703 to the state. The division must accept applications for at least  
2704 3 months, and shall provide public notice of the application  
2705 period. The division may allow multiple, nonoverlapping  
2706 application periods in a fiscal year subject to the availability  
2707 of funds. The division shall review and evaluate applications



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2708 timely received during the application period to identify any  
2709 competitive projects to recommend for approval as provided in  
2710 this section. The division may determine that no applications  
2711 were submitted which meet the requirements of this section and  
2712 maximize the return to the state.

2713 (4) The division, in its review and evaluation of  
2714 applications, must consider the following criteria, which are  
2715 listed in order of priority, with the highest priority given to  
2716 paragraph (a):

2717 (a) The number of state residents who will be employed in  
2718 full-time equivalent and part-time positions related to the  
2719 project, the duration of such employment, and the average wages  
2720 paid to such residents. Preference shall be given to a project  
2721 that expects to pay higher than the statewide average wage.

2722 (b) The amount of qualified and nonqualified expenditures  
2723 that will be made in this state.

2724 (c) Planned or executed contracts with production  
2725 facilities or soundstages in this state and the percentage of  
2726 principal photography or production activity that will occur at  
2727 each location.

2728 (d) Planned preproduction and postproduction to occur in  
2729 this state.

2730 (e) The amount of capital investment, especially fixed  
2731 capital investment, to be made directly by the production  
2732 company in this state related to the project and the amount of  
2733 any other capital investment to be made in this state related to  
2734 the project.

2735 (f) The duration of the project in this state.

2736 (g) The amount and duration of principal photography or



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2737 production activity that will occur in an underutilized county.

2738 (h) The extent to which the production company will promote  
2739 Florida, including the production of marketing materials  
2740 promoting this state as a tourist destination or a film and  
2741 entertainment production destination; placement of state agency  
2742 logos in the production and credits; authorized use of  
2743 production assets, characters, and themes by this state;  
2744 promotional videos for this state included on optical disc  
2745 formats; and other marketing integration.

2746 (i) The employment of students enrolled full-time in an  
2747 entertainment-related course of study at an institution of  
2748 higher education in this state or of graduates from such an  
2749 institution within 12 months after graduation.

2750 (j) Plans to work with entertainment industry-related  
2751 courses of study at an institution of higher education in this  
2752 state.

2753 (k) Local support and any local financial commitment for  
2754 the project.

2755 (l) The project is about this state or shows this state in  
2756 a positive light.

2757 (m) A review of the production company's past activities in  
2758 this state or other states.

2759 (n) The length of time the production company has made  
2760 productions in this state, the number of productions the  
2761 production company has made in this state, and the production  
2762 company's overall commitment to this state. This includes a  
2763 production company that is based in this state.

2764 (o) Expected contributions to this state's economy,  
2765 consistent with the state strategic economic development plan





2766 prepared by the department.

2767 (p) The expected effect of the award on the viability of  
2768 the project and the probability that the project would be  
2769 undertaken in this state if funds are granted to the production  
2770 company.

2771 (5) A production company must have financing in place for a  
2772 project before it applies for funds under this section.

2773 (6) The department shall prescribe a form upon which an  
2774 application must be made to the division. At a minimum, the  
2775 application must include:

2776 (a) The applicant's federal employer identification number,  
2777 reemployment assistance account number, and state sales tax  
2778 registration number, as applicable. If such numbers are not  
2779 available at the time of application, they must be submitted to  
2780 the department in writing before the disbursement of any  
2781 payments.

2782 (b) The signature of the applicant.

2783 (c) A detailed budget of planned qualified and nonqualified  
2784 expenditures in this state.

2785 (d) The type and amount of capital investment that will be  
2786 made in this state.

2787 (e) The locations in this state where the project will  
2788 occur.

2789 (f) The anticipated commencement date and duration of the  
2790 project.

2791 (g) The proposed number of state residents and nonstate  
2792 residents who will be employed in full-time equivalent and part-  
2793 time positions related to the project and wages paid to such  
2794 persons.



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2795 (h) The total number of full-time equivalent employees  
2796 employed by the production company in this state, if applicable.

2797 (i) Proof of financing for the project.

2798 (j) The amount of promotion of Florida which the production  
2799 company will provide for the state.

2800 (k) An attestation verifying that the information provided  
2801 on the application is true and accurate.

2802 (l) Any additional information requested by the department  
2803 or division.

2804 (7) The division and department must make a recommendation  
2805 to the Governor to approve or deny a project pursuant to s.  
2806 288.061. An award of funds may constitute up to 30 percent of  
2807 qualified expenditures in this state and may not fund wages paid  
2808 to nonresidents. The division may recommend an award of funds  
2809 that is less than 30 percent of qualified expenditures in this  
2810 state. A production must start within 1 year after the date the  
2811 project is approved by the Governor. The recommendation must  
2812 include the performance conditions that the project must meet to  
2813 obtain funds.

2814 (a) The Governor may approve an award of less than \$2  
2815 million without consulting the Legislature and shall provide a  
2816 written description and evaluation of the approved project to  
2817 the President of the Senate and the Speaker of the House of  
2818 Representatives within 1 business day after approval.

2819 (b) For a project recommended for approval for an award of  
2820 \$2 million or more, the Governor shall provide a written  
2821 description and evaluation of the project to the President of  
2822 the Senate and the Speaker of the House of Representatives at  
2823 least 14 days before approving the award. If the President of



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2824 the Senate or the Speaker of the House of Representatives timely  
2825 advises the Governor, in writing, that his or her planned or  
2826 proposed action exceeds the delegated authority of the Governor  
2827 or is contrary to legislative policy or intent, the Governor  
2828 shall instruct the department to immediately suspend any action  
2829 planned or proposed.

2830 (c) A written description and evaluation of an amendment, a  
2831 modification, or an extension of an executed agreement must be  
2832 provided to the President of the Senate and the Speaker of the  
2833 House of Representatives within 1 business day after approval.  
2834 An amendment, a modification, or an extension may not be made to  
2835 an executed agreement if the award of state funds outlined in  
2836 the agreement has not been reduced by a proportionate amount.

2837 (8) Upon the approval of the Governor, the department and  
2838 the production company shall enter into an agreement pursuant to  
2839 s. 288.061 that also specifies:

2840 (a) The performance conditions the production company must  
2841 meet to obtain payment of moneys from the fund. Performance  
2842 conditions must include the criteria considered in the review  
2843 and evaluation of the application. Performance conditions must  
2844 relate to activity that occurs in this state.

2845 (b) That the department may review and verify any records  
2846 of the production company to ascertain whether that company is  
2847 in compliance with this section and the agreement.

2848 (c) That payment of moneys from the fund is contingent upon  
2849 sufficient appropriation of funds by the Legislature.

2850 (9) The agreement must be finalized and signed by an  
2851 authorized officer of the production company within 90 days  
2852 after the Governor's approval. A production company that



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2853 receives funds under this section may not receive benefits under  
2854 s. 288.1258 for the same production.

2855 (10) (a) The department shall validate contractor  
2856 performance and report such validation in an annual report. The  
2857 agreement shall require the production company to submit proof  
2858 of performance within a certain period of time from the required  
2859 date of performance provided in the agreement, not to exceed 90  
2860 days.

2861 (b) Each November 1, the department and the division shall  
2862 submit an annual report for the previous fiscal year to the  
2863 Governor, the President of the Senate, and the Speaker of the  
2864 House of Representatives which outlines the program's return on  
2865 investment and economic benefits to the state. The report must  
2866 also include an estimate of the full-time equivalent positions  
2867 created by each production that received a grant under this  
2868 section and information relating to the distribution of  
2869 productions receiving credits by geographic region and type of  
2870 production. In addition, the report must include the  
2871 expenditures report required under s. 288.915, the information  
2872 describing the relationship between tax exemptions and  
2873 incentives to industry growth required under s. 288.1258(5), and  
2874 program performance information required under this section.

2875 (11) The department may not approve awards in excess of the  
2876 amount appropriated for a fiscal year. The department must  
2877 maintain a schedule of funds to be paid from the appropriation  
2878 for the fiscal year that begins on July 1. For the first 6  
2879 months of each fiscal year, the department shall set aside 50  
2880 percent of the amount appropriated for the fund by the  
2881 Legislature. At the end of the 6-month period, these funds are



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2882 available to provide funding under this section for applications  
2883 submitted on or after January 1. The department or division may  
2884 not accept any applications or conditionally commit funds or  
2885 grant priority to a production company if funds are not  
2886 available in the current period.

2887 (12) A production company that submits fraudulent  
2888 information under this section is liable for reimbursement of  
2889 the reasonable costs and fees associated with the review,  
2890 processing, investigation, and prosecution of the fraudulent  
2891 claim. A production company that receives a payment under this  
2892 section through a claim that is fraudulent is liable for  
2893 reimbursement of the payment amount, plus a penalty in an amount  
2894 double the payment amount. The penalty is in addition to any  
2895 criminal penalty for which the production company is liable for  
2896 the same acts. The production company is also liable for costs  
2897 and fees incurred by the state in investigating and prosecuting  
2898 the fraudulent claim.

2899 (13) The department or division may not waive any provision  
2900 or provide an extension of time to meet any requirement of this  
2901 section.

2902 (14) This section expires on July 1, 2026. An agreement in  
2903 existence on that date shall continue in effect in accordance  
2904 with its terms.

2905 Section 27. Section 288.1258, Florida Statutes, is amended  
2906 to read:

2907 288.1258 Entertainment industry qualified production  
2908 companies; application procedure; categories; duties of the  
2909 Department of Revenue; records and reports.—

2910 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—



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2911 (a) Any production company engaged in this state in the  
2912 production of motion pictures, made-for-TV motion pictures,  
2913 television series, commercial advertising, music videos, or  
2914 sound recordings may submit an application for exemptions under  
2915 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to  
2916 be approved by the Department of Economic Opportunity ~~Office of~~  
2917 ~~Film and Entertainment~~ as a qualified production company for the  
2918 purpose of receiving a sales and use tax certificate of  
2919 exemption from the Department of Revenue to exempt purchases on  
2920 or after the date that the completed application is filed with  
2921 the Department of Revenue.

2922 (b) As used in ~~For the purposes of~~ this section, the term  
2923 "qualified production company" means any production company that  
2924 has submitted a properly completed application to the Department  
2925 of Revenue and that is subsequently qualified by the Department  
2926 of Economic Opportunity ~~Office of Film and Entertainment.~~

2927 (2) APPLICATION PROCEDURE.—

2928 (a) The Department of Revenue shall ~~will~~ review all  
2929 submitted applications for the required information. Within 10  
2930 working days after the receipt of a properly completed  
2931 application, the Department of Revenue shall ~~will~~ forward the  
2932 completed application to the Department of Economic Opportunity  
2933 ~~Office of Film and Entertainment~~ for approval.

2934 (b)1. The Department of Economic Opportunity ~~Office of Film~~  
2935 ~~and Entertainment~~ shall establish a process by which an  
2936 entertainment industry production company may be approved by the  
2937 department ~~office~~ as a qualified production company and may  
2938 receive a certificate of exemption from the Department of  
2939 Revenue for the sales and use tax exemptions under ss. 212.031,



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2940 212.06, and 212.08. A production company that receives a sales  
2941 tax exemption certificate under this section for a production  
2942 may not receive benefits under s. 288.1256 for the same  
2943 production.

2944       2. Upon determination by the department ~~Office of Film and~~  
2945 ~~Entertainment~~ that a production company meets the established  
2946 approval criteria and qualifies for exemption, the department  
2947 ~~Office of Film and Entertainment~~ shall return the approved  
2948 application or application renewal or extension to the  
2949 Department of Revenue, which shall issue a certificate of  
2950 exemption.

2951       3. The department ~~Office of Film and Entertainment~~ shall  
2952 deny an application or application for renewal or extension from  
2953 a production company if it determines that the production  
2954 company does not meet the established approval criteria.

2955       (c) The department ~~Office of Film and Entertainment~~ shall  
2956 develop, with the cooperation of the Department of Revenue, the  
2957 Division of Film and Entertainment within Enterprise Florida,  
2958 Inc., and local government entertainment industry promotion  
2959 agencies, a standardized application form for use in approving  
2960 qualified production companies.

2961       1. The application form shall include, but not be limited  
2962 to, production-related information on employment, proposed  
2963 budgets, planned purchases of items exempted from sales and use  
2964 taxes under ss. 212.031, 212.06, and 212.08, a signed  
2965 affirmation from the applicant that any items purchased for  
2966 which the applicant is seeking a tax exemption are intended for  
2967 use exclusively as an integral part of entertainment industry  
2968 preproduction, production, or postproduction activities engaged



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2969 in primarily in this state, and a signed affirmation from the  
2970 department ~~Office of Film and Entertainment~~ that the information  
2971 on the application form has been verified and is correct. In  
2972 lieu of information on projected employment, proposed budgets,  
2973 or planned purchases of exempted items, a production company  
2974 seeking a 1-year certificate of exemption may submit summary  
2975 historical data on employment, production budgets, and purchases  
2976 of exempted items related to production activities in this  
2977 state. Any information gathered from production companies for  
2978 the purposes of this section shall be considered confidential  
2979 taxpayer information and shall be disclosed only as provided in  
2980 s. 213.053.

2981 2. The application form may be distributed to applicants by  
2982 the department, the Division ~~Office~~ of Film and Entertainment,  
2983 or local film commissions.

2984 (d) All applications, renewals, and extensions for  
2985 designation as a qualified production company shall be processed  
2986 by the department ~~Office of Film and Entertainment~~.

2987 (e) ~~If In the event that~~ the Department of Revenue  
2988 determines that a production company no longer qualifies for a  
2989 certificate of exemption, or has used a certificate of exemption  
2990 for purposes other than those authorized by this section and  
2991 chapter 212, the Department of Revenue shall revoke the  
2992 certificate of exemption of that production company, and any  
2993 sales or use taxes exempted on items purchased or leased by the  
2994 production company during the time such company did not qualify  
2995 for a certificate of exemption or improperly used a certificate  
2996 of exemption shall become immediately due to the Department of  
2997 Revenue, along with interest and penalty as provided by s.





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2998 212.12. In addition to the other penalties imposed by law, any  
2999 person who knowingly and willfully falsifies an application, or  
3000 uses a certificate of exemption for purposes other than those  
3001 authorized by this section and chapter 212, commits a felony of  
3002 the third degree, punishable as provided in ss. 775.082,  
3003 775.083, and 775.084.

3004 (3) CATEGORIES.—

3005 (a)1. A production company may be qualified for designation  
3006 as a qualified production company for a period of 1 year if the  
3007 company has operated a business in Florida at a permanent  
3008 address for a period of 12 consecutive months. Such a qualified  
3009 production company shall receive a single 1-year certificate of  
3010 exemption from the Department of Revenue for the sales and use  
3011 tax exemptions under ss. 212.031, 212.06, and 212.08, which  
3012 certificate shall expire 1 year after issuance or upon the  
3013 cessation of business operations in the state, at which time the  
3014 certificate shall be surrendered to the Department of Revenue.

3015 ~~2. The Office of Film and Entertainment shall develop a~~  
3016 ~~method by which~~ A qualified production company may submit a new  
3017 application for annually renew a 1-year certificate of exemption  
3018 upon the expiration of that company's certificate of exemption;  
3019 however, upon approval of the department, such qualified  
3020 production company may annually renew the 1-year certificate of  
3021 exemption for a period of up to 5 years without submitting  
3022 ~~requiring the production company to resubmit~~ a new application  
3023 during that 5-year period.

3024 3. Each year, or upon surrender of the certificate of  
3025 exemption to the Department of Revenue, the Any qualified  
3026 production company shall may submit to the department aggregate



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3027 data for production-related information on employment,  
3028 expenditures in this state, capital investment, and purchases of  
3029 items exempted from sales and use taxes under ss. 212.031,  
3030 212.06, and 212.08 for inclusion in the annual report required  
3031 under subsection (5) ~~a new application for a 1-year certificate~~  
3032 ~~of exemption upon the expiration of that company's certificate~~  
3033 ~~of exemption.~~

3034 (b)1. A production company may be qualified for designation  
3035 as a qualified production company for a period of 90 days. Such  
3036 production company shall receive a single 90-day certificate of  
3037 exemption from the Department of Revenue for the sales and use  
3038 tax exemptions under ss. 212.031, 212.06, and 212.08, which  
3039 certificate shall expire 90 days after issuance or upon the  
3040 cessation of business operations in the state, at which time,  
3041 with extensions contingent upon approval of the Office of Film  
3042 and Entertainment. the certificate shall be surrendered to the  
3043 Department of Revenue upon its expiration.

3044 2. A qualified production company may submit a new  
3045 application for a 90-day certificate of exemption each quarter  
3046 upon the expiration of that company's certificate of exemption;  
3047 however, upon approval of the department, such qualified  
3048 production company may renew the 90-day certificate of exemption  
3049 for a period of up to 1 year without submitting a new  
3050 application during that 1-year period.

3051 3.2. Each 90 days, or upon surrender of the certificate of  
3052 exemption to the Department of Revenue, the qualified ~~Any~~  
3053 production company shall ~~may~~ submit to the department aggregate  
3054 data for production-related information on employment,  
3055 expenditures in this state, capital investment, and purchases of



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3056 items exempted from sales and use taxes under ss. 212.031,  
3057 212.06, and 212.08 for inclusion in the annual report required  
3058 under subsection (5) a new application for a 90-day certificate  
3059 of exemption upon the expiration of that company's certificate  
3060 of exemption.

3061 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

3062 (a) The Department of Revenue shall review the initial  
3063 application and notify the applicant of any omissions and  
3064 request additional information if needed. An application shall  
3065 be complete upon receipt of all requested information. The  
3066 Department of Revenue shall forward all complete applications to  
3067 the department Office of Film and Entertainment within 10  
3068 working days.

3069 (b) The Department of Revenue shall issue a numbered  
3070 certificate of exemption to a qualified production company  
3071 within 5 working days of the receipt of an approved application,  
3072 application renewal, or application extension from the  
3073 department Office of Film and Entertainment.

3074 (c) The Department of Revenue may adopt ~~promulgate~~ such  
3075 rules and shall prescribe and publish such forms as may be  
3076 necessary to effectuate the purposes of this section or any of  
3077 the sales tax exemptions which are reasonably related to the  
3078 provisions of this section.

3079 (d) The Department of Revenue is authorized to establish  
3080 audit procedures in accordance with the provisions of ss.  
3081 212.12, 212.13, and 213.34 which relate to the sales tax  
3082 exemption provisions of this section.

3083 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
3084 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department



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3085 ~~Office of Film and Entertainment~~ shall keep annual records from  
3086 the information provided on taxpayer applications for tax  
3087 exemption certificates and regularly reported as required in  
3088 this section ~~beginning January 1, 2001~~. These records also must  
3089 reflect a ratio of the annual amount of sales and use tax  
3090 exemptions under this section, plus the funds granted incentives  
3091 ~~awarded~~ pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated  
3092 amount of funds expended by certified productions. In addition,  
3093 the department ~~office~~ shall maintain data showing annual growth  
3094 in Florida-based entertainment industry companies and  
3095 entertainment industry employment and wages. The employment  
3096 information must include ~~an estimate of~~ the full-time equivalent  
3097 positions created by each production that received funds tax  
3098 ~~credits~~ pursuant to s. 288.1256 ~~s. 288.1254~~. The department  
3099 ~~Office of Film and Entertainment~~ shall include this information  
3100 in the annual report for the entertainment industry ~~financial~~  
3101 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~  
3102 ~~288.1254(10)~~.

3103 Section 28. Paragraphs (a) and (b) of subsection (5) of  
3104 section 288.901, Florida Statutes, are amended to read:

3105 288.901 Enterprise Florida, Inc.—

3106 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3107 (a) In addition to the Governor or his or her designee, the  
3108 board of directors shall consist of the following appointed  
3109 members:

- 3110 1. The Commissioner of Education or his or her designee.
- 3111 2. The Chief Financial Officer or his or her designee.
- 3112 3. The Attorney General or his or her designee.
- 3113 4. The Commissioner of Agriculture or his or her designee.



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3114           5. The chairperson of the board of directors of  
3115 CareerSource Florida, Inc.  
3116           6. The Secretary of State or his or her designee.  
3117           7. The president of CareerSource Florida, Inc.  
3118           ~~8.7.~~ Twelve members from the private sector, six of whom  
3119 shall be appointed by the Governor, three of whom shall be  
3120 appointed by the President of the Senate, and three of whom  
3121 shall be appointed by the Speaker of the House of  
3122 Representatives. Members appointed by the Governor are subject  
3123 to Senate confirmation.

3124           (b) In making their appointments, the Governor, the  
3125 President of the Senate, and the Speaker of the House of  
3126 Representatives shall ensure that the composition of the board  
3127 of directors reflects the diversity of Florida's business  
3128 community and is representative of the economic development  
3129 goals in subsection (2). The board must include at least one  
3130 director for each of the following areas of expertise:  
3131 international business, tourism marketing, the space or  
3132 aerospace industry, managing or financing a minority-owned  
3133 business, manufacturing, finance and accounting, and rural  
3134 economic development ~~sports marketing~~.

3135           Section 29. Subsection (1) of section 288.9015, Florida  
3136 Statutes, is amended to read:

3137           288.9015 Powers of Enterprise Florida, Inc.; board of  
3138 directors.—

3139           (1) Enterprise Florida, Inc., shall integrate its efforts  
3140 in business recruitment and expansion, job creation, marketing  
3141 the state for tourism ~~and sports~~, and promoting economic  
3142 opportunities for minority-owned businesses and promoting



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3143 economic opportunities for rural and distressed urban  
3144 communities with those of the department, to create an  
3145 aggressive, agile, and collaborative effort to reinvigorate the  
3146 state's economy.

3147 Section 30. Paragraph (c) of subsection (1), paragraph (d)  
3148 of subsection (2), and subsection (3) of section 288.907,  
3149 Florida Statutes, are amended, and subsection (14) is added to  
3150 that section, to read:

3151 288.907 Annual incentives report.—By December 30 of each  
3152 year, Enterprise Florida, Inc., in conjunction with the  
3153 department, shall provide the Governor, the President of the  
3154 Senate, and the Speaker of the House of Representatives a  
3155 detailed incentives report quantifying the economic benefits for  
3156 all of the economic development incentive programs marketed by  
3157 Enterprise Florida, Inc. The annual incentives report must  
3158 include:

3159 (1) For each incentive program:

3160 (c) The actual amount of private capital invested, the  
3161 actual number of jobs created, the actual number of jobs created  
3162 which provide health benefits for the employee, the actual  
3163 number of jobs retained, the actual number of jobs retained  
3164 which provide health benefits for the employee, and actual wages  
3165 paid for incentive agreements completed during the previous 3  
3166 years for each target industry sector.

3167 (2) For projects completed during the previous state fiscal  
3168 year:

3169 (d) The projects for which a tax refund, tax credit, or  
3170 cash grant agreement was executed, identifying for each project:

3171 1. The number of jobs committed to be created and the



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3172 number of those jobs that will provide health benefits for the  
3173 employee.

3174 2. The number of jobs committed to be retained and the  
3175 number of those jobs that will provide health benefits for the  
3176 employee.

3177 3.2. The amount of capital investments committed to be  
3178 made.

3179 4.3. The annual average wage committed to be paid.

3180 5.4. The amount of state economic development incentives  
3181 committed to the project from each incentive program under the  
3182 project's terms of agreement with the Department of Economic  
3183 Opportunity.

3184 6.5. The amount and type of local matching funds committed  
3185 to the project.

3186 (3) For economic development projects that received tax  
3187 refunds, tax credits, or cash grants under the terms of an  
3188 agreement for incentives:

3189 (a) The number of jobs actually created and the number of  
3190 those jobs that provided health benefits for the employee.

3191 (b) The number of jobs actually retained and the number of  
3192 those jobs that provided health benefits for the employee.

3193 (c) ~~(b)~~ The amount of capital investments actually made.

3194 (d) ~~(e)~~ The annual average wage paid.

3195 (14) For the previous fiscal year, information relating to  
3196 any of the following changes made to an agreement:

3197 (a) Contract extensions.

3198 (b) Amendments or modifications that alter a performance  
3199 condition that a project must meet to receive payment.

3200 Section 31. Subsection (1) of section 288.92, Florida



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3201 Statutes, is amended to read:

3202 288.92 Divisions of Enterprise Florida, Inc.—

3203 (1) Enterprise Florida, Inc., may create and dissolve  
3204 divisions as necessary to carry out its mission. Each division  
3205 shall have distinct responsibilities and complementary missions.  
3206 At a minimum, Enterprise Florida, Inc., shall have divisions  
3207 related to the following areas:

3208 (a) International Trade and Business Development;

3209 (b) Business Retention and Recruitment;

3210 (c) Tourism Marketing;

3211 (d) Minority Business Development; and

3212 (e) Film and Entertainment ~~Sports Industry Development~~.

3213 Section 32. Paragraph (c) of subsection (3) and subsection  
3214 (4) of section 288.980, Florida Statutes, are amended to read:

3215 288.980 Military base retention; legislative intent; grants  
3216 program.—

3217 (3)

3218 (c) The department shall require that an applicant:

3219 1. Represent a local government with a military  
3220 installation or military installations that could be adversely  
3221 affected by federal actions.

3222 ~~2. Agree to match at least 30 percent of any grant awarded.~~

3223 ~~3.~~ Prepare a coordinated program or plan of action  
3224 delineating how the eligible project will be administered and  
3225 accomplished.

3226 ~~3.4.~~ Provide documentation describing the potential for  
3227 changes to the mission of a military installation located in the  
3228 applicant's community and the potential impacts such changes  
3229 will have on the applicant's community.





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3230 (4) The Florida Defense Reinvestment Grant Program is  
3231 established to respond to the need for this state to work in  
3232 conjunction with defense-dependent communities in developing and  
3233 implementing strategies and approaches that will help  
3234 communities support the missions of military installations, and  
3235 in developing and implementing alternative economic  
3236 diversification strategies to transition from a defense economy  
3237 to a nondefense economy. The department shall administer the  
3238 program.

3239 (a) Eligible applicants include defense-dependent counties  
3240 and cities, and local economic development councils located  
3241 within such communities. ~~The program shall be administered by~~  
3242 ~~the department and~~ Grant awards may be provided to support  
3243 community-based activities that:

3244 1. ~~(a)~~ Protect existing military installations;  
3245 2. ~~(b)~~ Diversify or grow the economy of a defense-dependent  
3246 community; or

3247 3. ~~(c)~~ Develop plans for the reuse of closed or realigned  
3248 military installations, including any plans necessary for  
3249 infrastructure improvements needed to facilitate reuse and  
3250 related marketing activities.

3251 (b) Applications for grants under paragraph (a) ~~this~~  
3252 ~~subsection~~ must include a coordinated program of work or plan of  
3253 action delineating how the eligible project will be administered  
3254 and accomplished, which must include a plan for ensuring close  
3255 cooperation between civilian and military authorities in the  
3256 conduct of the funded activities and a plan for public  
3257 involvement. An applicant must agree to match at least 30  
3258 percent of any grant awarded.



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3259 Section 33. Section 288.9937, Florida Statutes, is amended  
3260 to read:

3261 288.9937 Evaluation of programs.—The Office of Economic and  
3262 Demographic Research and the Office of Program Policy Analysis  
3263 and Government Accountability shall analyze and evaluate, ~~and~~  
3264 ~~determine the economic benefits, as defined in s. 288.005, of~~  
3265 the first 3 years of the Microfinance Loan Program and the  
3266 Microfinance Guarantee Program. The analysis by the Office of  
3267 Economic and Demographic Research must determine the economic  
3268 benefits, as defined in s. 288.005, and also evaluate the number  
3269 of jobs created, the increase or decrease in personal income,  
3270 and the impact on state gross domestic product from the direct,  
3271 indirect, and induced effects of the state's investment. The  
3272 analysis by the Office of Program Policy Analysis and Government  
3273 Accountability must ~~also~~ identify any inefficiencies in the  
3274 programs and provide recommendations for changes to the  
3275 programs. Each ~~The~~ office shall submit a report to the President  
3276 of the Senate and the Speaker of the House of Representatives by  
3277 January 15 ~~±~~, 2018. This section expires January 31, 2018.

3278 Section 34. Paragraph (a) of subsection (6), paragraph (b)  
3279 of subsection (9), paragraph (a) of subsection (35), subsection  
3280 (60), and paragraph (b) of subsection (64) of section 320.08058,  
3281 Florida Statutes, are amended to read:

3282 320.08058 Specialty license plates.—

3283 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
3284 PLATES.—

3285 (a) Because the United States Olympic Committee has  
3286 selected this state to participate in a combined fundraising  
3287 program that provides for one-half of all money raised through



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3288 volunteer giving to stay in this state and be administered by  
3289 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ to  
3290 support amateur sports, and because the United States Olympic  
3291 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~  
3292 ~~Inc.~~ are nonprofit organizations dedicated to providing  
3293 athletes with support and training and preparing athletes of all  
3294 ages and skill levels for sports competition, and because the  
3295 Florida Sports Foundation ~~Enterprise Florida, Inc.~~ assists in  
3296 the bidding for sports competitions that provide significant  
3297 impact to the economy of this state, and the Legislature  
3298 supports the efforts of the United States Olympic Committee and  
3299 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the  
3300 Legislature establishes a Florida United States Olympic  
3301 Committee license plate for the purpose of providing a  
3302 continuous funding source to support this worthwhile effort.  
3303 Florida United States Olympic Committee license plates must  
3304 contain the official United States Olympic Committee logo and  
3305 must bear a design and colors that are approved by the  
3306 department. The word "Florida" must be centered at the top of  
3307 the plate.

3308 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3309 (b) The license plate annual use fees are to be annually  
3310 distributed as follows:

3311 1. Fifty-five percent of the proceeds from the Florida  
3312 Professional Sports Team plate must be deposited into the  
3313 Professional Sports Development Trust Fund within the Department  
3314 of Economic Opportunity. These funds must be used solely to  
3315 attract and support major sports events in this state. As used  
3316 in this subparagraph, the term "major sports events" means, but



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3317 is not limited to, championship or all-star contests of Major  
3318 League Baseball, the National Basketball Association, the  
3319 National Football League, the National Hockey League, Major  
3320 League Soccer, the men's and women's National Collegiate  
3321 Athletic Association championships ~~Final Four basketball~~  
3322 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All  
3323 funds must be used to support and promote major sporting events,  
3324 and the uses must be approved by the Department of Economic  
3325 Opportunity.

3326         2. The remaining proceeds of the Florida Professional  
3327 Sports Team license plate must be allocated to the Florida  
3328 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
3329 deposited into the Professional Sports Development Trust Fund  
3330 within the Department of Economic Opportunity. These funds must  
3331 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
3332 ~~Inc.~~, to promote the economic development of the sports  
3333 industry; to distribute licensing and royalty fees to  
3334 participating professional sports teams; ~~to promote education~~  
3335 ~~programs in Florida schools that provide an awareness of the~~  
3336 ~~benefits of physical activity and nutrition standards; to~~  
3337 ~~partner with the Department of Education and the Department of~~  
3338 ~~Health to develop a program that recognizes schools whose~~  
3339 ~~students demonstrate excellent physical fitness or fitness~~  
3340 ~~improvement;~~ to institute a grant program for communities  
3341 bidding on minor sporting events that create an economic impact  
3342 for the state; to distribute funds to Florida-based charities  
3343 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
3344 ~~Inc.~~, and the participating professional sports teams; and to  
3345 fulfill the sports promotion responsibilities of the Department



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3346 of Economic Opportunity.

3347       3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
3348 shall provide an annual financial audit in accordance with s.  
3349 215.981 of its financial accounts and records by an independent  
3350 certified public accountant pursuant to the contract established  
3351 by the Department of Economic Opportunity as specified in s.  
3352 288.1229(5). The auditor shall submit the audit report to the  
3353 Department of Economic Opportunity for review and approval. If  
3354 the audit report is approved, the Department of Economic  
3355 Opportunity shall certify the audit report to the Auditor  
3356 General for review.

3357       4. Notwithstanding the provisions of subparagraphs 1. and  
3358 2., proceeds from the Professional Sports Development Trust Fund  
3359 may also be used for operational expenses of the Florida Sports  
3360 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
3361 the Sunshine State Games and Florida Senior Games.

3362       (35) FLORIDA GOLF LICENSE PLATES.—

3363       (a) The Department of Highway Safety and Motor Vehicles  
3364 shall develop a Florida Golf license plate as provided in this  
3365 section. The word "Florida" must appear at the bottom of the  
3366 plate. The Dade Amateur Golf Association, following consultation  
3367 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~  
3368 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
3369 revised sample plate for consideration by the department.

3370       (60) FLORIDA NASCAR LICENSE PLATES.—

3371       (a) The department shall develop a Florida NASCAR license  
3372 plate as provided in this section. Florida NASCAR license plates  
3373 must bear the colors and design approved by the department. The  
3374 word "Florida" must appear at the top of the plate, and the term



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3375 "NASCAR" must appear at the bottom of the plate. The National  
3376 Association for Stock Car Auto Racing, following consultation  
3377 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
3378 submit a sample plate for consideration by the department.

3379 (b) The license plate annual use fees shall be distributed  
3380 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
3381 license plate annual use fees shall be annually allocated as  
3382 follows:

3383 1. Up to 5 percent of the proceeds from the annual use fees  
3384 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
3385 ~~Inc.~~, for the administration of the NASCAR license plate  
3386 program.

3387 2. The National Association for Stock Car Auto Racing shall  
3388 receive up to \$60,000 in proceeds from the annual use fees to be  
3389 used to pay startup costs, including costs incurred in  
3390 developing and issuing the plates. Thereafter, 10 percent of the  
3391 proceeds from the annual use fees shall be provided to the  
3392 association for the royalty rights for the use of its marks.

3393 3. The remaining proceeds from the annual use fees shall be  
3394 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~  
3395 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
3396 will retain 15 percent to support its regional grant program,  
3397 attracting sporting events to Florida; 20 percent to support the  
3398 marketing of motorsports-related tourism in the state; and 50  
3399 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)  
3400 charitable organization, to support Florida-based charitable  
3401 organizations.

3402 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
3403 shall provide an annual financial audit in accordance with s.



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3404 215.981 of its financial accounts and records by an independent  
3405 certified public accountant pursuant to the contract established  
3406 by the Department of Economic Opportunity as specified in s.  
3407 288.1229(5). The auditor shall submit the audit report to the  
3408 Department of Economic Opportunity for review and approval. If  
3409 the audit report is approved, the Department of Economic  
3410 Opportunity shall certify the audit report to the Auditor  
3411 General for review.

3412 (64) FLORIDA TENNIS LICENSE PLATES.—

3413 (b) The department shall distribute the annual use fees to  
3414 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
3415 license plate annual use fees shall be annually allocated as  
3416 follows:

3417 1. Up to 5 percent of the proceeds from the annual use fees  
3418 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
3419 ~~Inc.~~ to administer the license plate program.

3420 2. The United States Tennis Association Florida Section  
3421 Foundation shall receive the first \$60,000 in proceeds from the  
3422 annual use fees to reimburse it for startup costs,  
3423 administrative costs, and other costs it incurs in the  
3424 development and approval process.

3425 3. Up to 5 percent of the proceeds from the annual use fees  
3426 may be used for promoting and marketing the license plates. The  
3427 remaining proceeds shall be available for grants by the United  
3428 States Tennis Association Florida Section Foundation to  
3429 nonprofit organizations to operate youth tennis programs and  
3430 adaptive tennis programs for special populations of all ages,  
3431 and for building, renovating, and maintaining public tennis  
3432 courts.



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3433 Section 35. Subsection (18) of section 177.031, Florida  
3434 Statutes, is amended to read:

3435 177.031 Definitions.—As used in this part:

3436 (18) "Subdivision" means the division of land into three or  
3437 more lots, parcels, tracts, tiers, blocks, sites, units, or any  
3438 other division of land; and includes establishment of new  
3439 streets and alleys, additions, and resubdivisions; and, when  
3440 appropriate to the context, relates to the process of  
3441 subdividing or to the lands or area subdivided. The term  
3442 includes nonresidential divisions of land unless a governing  
3443 body adopts an ordinance that authorizes nonresidential land  
3444 divisions for unplatted lands.

3445 Section 36. Subsection (5) of section 196.1995, Florida  
3446 Statutes, is amended to read:

3447 196.1995 Economic development ad valorem tax exemption.—

3448 (5) Upon a majority vote in favor of such authority, the  
3449 board of county commissioners or the governing authority of the  
3450 municipality, at its discretion, by ordinance may exempt from ad  
3451 valorem taxation up to 100 percent of the assessed value of all  
3452 improvements to real property made by or for the use of a new  
3453 business and of all tangible personal property of such new  
3454 business, or up to 100 percent of the assessed value of all  
3455 added improvements to real property made to facilitate the  
3456 expansion of an existing business and of the net increase in all  
3457 tangible personal property acquired to facilitate such expansion  
3458 of an existing business. To qualify for this exemption, the  
3459 improvements to real property must be made or the tangible  
3460 personal property must be added or increased after approval by  
3461 motion or resolution of the local governing body, subject to





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3462 ordinance adoption or on or after the day the ordinance is  
3463 adopted. However, if the authority to grant exemptions is  
3464 approved in a referendum in which the ballot question contained  
3465 in subsection (3) appears on the ballot, the authority of the  
3466 board of county commissioners or the governing authority of the  
3467 municipality to grant exemptions is limited solely to new  
3468 businesses and expansions of existing businesses that are  
3469 located in an enterprise zone or brownfield area. Property  
3470 acquired to replace existing property shall not be considered to  
3471 facilitate a business expansion. Replacement or refreshment of  
3472 datacenter equipment for a datacenter shall be considered to be  
3473 part of a new business for a datacenter that qualifies for this  
3474 exemption. The exemption applies only to taxes levied by the  
3475 respective unit of government granting the exemption. The  
3476 exemption does not apply, however, to taxes levied for the  
3477 payment of bonds or to taxes authorized by a vote of the  
3478 electors pursuant to s. 9(b) or s. 12, Art. VII of the State  
3479 Constitution. Any such exemption shall remain in effect for up  
3480 to 10 years with respect to any particular facility, or up to 20  
3481 years for a qualifying datacenter, regardless of any change in  
3482 the authority of the county or municipality to grant such  
3483 exemptions. The exemption shall not be prolonged or extended by  
3484 granting exemptions from additional taxes or by virtue of any  
3485 reorganization or sale of the business receiving the exemption.

3486 Section 37. Section 189.033, Florida Statutes, is amended  
3487 to read:

3488 189.033 Independent special district services in  
3489 disproportionally affected county; rate reduction for providers  
3490 providing economic benefits.—If the governing body of an



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3491 independent special district that provides water, wastewater,  
3492 and sanitation services in a disproportionately affected county,  
3493 as provided ~~defined~~ in s. 220.191(1)(g)1. ~~s. 288.106(8)~~,  
3494 determines that a new user or the expansion of an existing user  
3495 of one or more of its utility systems will provide a significant  
3496 benefit to the community in terms of increased job  
3497 opportunities, economies of scale, or economic development in  
3498 the area, the governing body may authorize a reduction of its  
3499 rates, fees, or charges for that user for a specified period of  
3500 time. A governing body that exercises this power must do so by  
3501 resolution that states the anticipated economic benefit  
3502 justifying the reduction as well as the period of time that the  
3503 reduction will remain in place.

3504 Section 38. Paragraph (a) of subsection (14) of section  
3505 196.012, Florida Statutes, is amended to read:

3506 196.012 Definitions.—For the purpose of this chapter, the  
3507 following terms are defined as follows, except where the context  
3508 clearly indicates otherwise:

3509 (14) "New business" means:

3510 (a)1. A business or organization establishing 10 or more  
3511 new jobs to employ 10 or more full-time employees in this state  
3512 which pays, ~~paying~~ an average wage for such new jobs which ~~that~~  
3513 is above the average wage in the area and, ~~which~~ principally  
3514 engages in any one or more of the following operations:

3515 a. Manufactures, processes, compounds, fabricates, or  
3516 produces for sale items of tangible personal property at a fixed  
3517 location and which comprises an industrial or manufacturing  
3518 plant; or

3519 b. Is a target industry business as defined in s.



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3520 288.106(2) ~~s. 288.106(2)(a)~~;

3521         2. A business or organization establishing 25 or more new  
3522 jobs to employ 25 or more full-time employees in this state, the  
3523 sales factor of which, as defined by s. 220.15(5), for the  
3524 facility with respect to which it requests an economic  
3525 development ad valorem tax exemption is less than 0.50 for each  
3526 year the exemption is claimed; or

3527         3. An office space in this state owned and used by a  
3528 business or organization newly domiciled in this state if~~;~~  
3529 ~~provided~~ such office space houses 50 or more full-time employees  
3530 of such business or organization and~~;~~ ~~provided that such~~  
3531 ~~business or organization office~~ first begins operation on a site  
3532 clearly separate from any other commercial or industrial  
3533 operation owned by the same business or organization.

3534         Section 39. Effective upon becoming law, paragraph (d) of  
3535 subsection (6) of section 212.20, Florida Statutes, is amended  
3536 to read:

3537         212.20 Funds collected, disposition; additional powers of  
3538 department; operational expense; refund of taxes adjudicated  
3539 unconstitutionally collected.—

3540         (6) Distribution of all proceeds under this chapter and ss.  
3541 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

3542         (d) The proceeds of all other taxes and fees imposed  
3543 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
3544 and (2)(b) shall be distributed as follows:

3545         1. In any fiscal year, the greater of \$500 million, minus  
3546 an amount equal to 4.6 percent of the proceeds of the taxes  
3547 collected pursuant to chapter 201, or 5.2 percent of all other  
3548 taxes and fees imposed pursuant to this chapter or remitted



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3549 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
3550 monthly installments into the General Revenue Fund.

3551         2. After the distribution under subparagraph 1., 8.9744  
3552 percent of the amount remitted by a sales tax dealer located  
3553 within a participating county pursuant to s. 218.61 shall be  
3554 transferred into the Local Government Half-cent Sales Tax  
3555 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
3556 transferred shall be reduced by 0.1 percent, and the department  
3557 shall distribute this amount to the Public Employees Relations  
3558 Commission Trust Fund less \$5,000 each month, which shall be  
3559 added to the amount calculated in subparagraph 3. and  
3560 distributed accordingly.

3561         3. After the distribution under subparagraphs 1. and 2.,  
3562 0.0966 percent shall be transferred to the Local Government  
3563 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
3564 to s. 218.65.

3565         4. After the distributions under subparagraphs 1., 2., and  
3566 3., 2.0810 percent of the available proceeds shall be  
3567 transferred monthly to the Revenue Sharing Trust Fund for  
3568 Counties pursuant to s. 218.215.

3569         5. After the distributions under subparagraphs 1., 2., and  
3570 3., 1.3653 percent of the available proceeds shall be  
3571 transferred monthly to the Revenue Sharing Trust Fund for  
3572 Municipalities pursuant to s. 218.215. If the total revenue to  
3573 be distributed pursuant to this subparagraph is at least as  
3574 great as the amount due from the Revenue Sharing Trust Fund for  
3575 Municipalities and the former Municipal Financial Assistance  
3576 Trust Fund in state fiscal year 1999-2000, no municipality shall  
3577 receive less than the amount due from the Revenue Sharing Trust



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3578 Fund for Municipalities and the former Municipal Financial  
3579 Assistance Trust Fund in state fiscal year 1999-2000. If the  
3580 total proceeds to be distributed are less than the amount  
3581 received in combination from the Revenue Sharing Trust Fund for  
3582 Municipalities and the former Municipal Financial Assistance  
3583 Trust Fund in state fiscal year 1999-2000, each municipality  
3584 shall receive an amount proportionate to the amount it was due  
3585 in state fiscal year 1999-2000.

3586 6. Of the remaining proceeds:

3587 a. In each fiscal year, the sum of \$29,915,500 shall be  
3588 divided into as many equal parts as there are counties in the  
3589 state, and one part shall be distributed to each county. The  
3590 distribution among the several counties must begin each fiscal  
3591 year on or before January 5th and continue monthly for a total  
3592 of 4 months. If a local or special law required that any moneys  
3593 accruing to a county in fiscal year 1999-2000 under the then-  
3594 existing provisions of s. 550.135 be paid directly to the  
3595 district school board, special district, or a municipal  
3596 government, such payment must continue until the local or  
3597 special law is amended or repealed. The state covenants with  
3598 holders of bonds or other instruments of indebtedness issued by  
3599 local governments, special districts, or district school boards  
3600 before July 1, 2000, that it is not the intent of this  
3601 subparagraph to adversely affect the rights of those holders or  
3602 relieve local governments, special districts, or district school  
3603 boards of the duty to meet their obligations as a result of  
3604 previous pledges or assignments or trusts entered into which  
3605 obligated funds received from the distribution to county  
3606 governments under then-existing s. 550.135. This distribution



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3607 specifically is in lieu of funds distributed under s. 550.135  
3608 before July 1, 2000.

3609       b. The department shall distribute \$166,667 monthly to each  
3610 applicant certified as a facility for a new or retained  
3611 professional sports franchise pursuant to s. 288.1162. Up to  
3612 \$41,667 shall be distributed monthly by the department to each  
3613 certified applicant as defined in s. 288.11621 for a facility  
3614 for a spring training franchise. However, not more than \$416,670  
3615 may be distributed monthly in the aggregate to all certified  
3616 applicants for facilities for spring training franchises.  
3617 Distributions begin 60 days after such certification and  
3618 continue for not more than 30 years, except as otherwise  
3619 provided in s. 288.11621. A certified applicant identified in  
3620 this sub-subparagraph may not receive more in distributions than  
3621 expended by the applicant for the public purposes provided in s.  
3622 288.1162(5) or s. 288.11621(3).

3623       c. Beginning 30 days after notice by the Department of  
3624 Economic Opportunity to the Department of Revenue that an  
3625 applicant has been certified as the professional golf hall of  
3626 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
3627 shall be distributed monthly, for up to 300 months, to the  
3628 applicant.

3629       ~~d. Beginning 30 days after notice by the Department of~~  
3630 ~~Economic Opportunity to the Department of Revenue that the~~  
3631 ~~applicant has been certified as the International Game Fish~~  
3632 ~~Association World Center facility pursuant to s. 288.1169, and~~  
3633 ~~the facility is open to the public, \$83,333 shall be distributed~~  
3634 ~~monthly, for up to 168 months, to the applicant. This~~  
3635 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~



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3636 ~~lump sum payment of \$999,996 shall be made after certification~~  
3637 ~~and before July 1, 2000.~~

3638 ~~d.e.~~ The department shall distribute up to \$83,333 monthly  
3639 to each certified applicant as defined in s. 288.11631 for a  
3640 facility used by a single spring training franchise, or up to  
3641 \$166,667 monthly to each certified applicant as defined in s.  
3642 288.11631 for a facility used by more than one spring training  
3643 franchise. Monthly distributions begin 60 days after such  
3644 certification or July 1, 2016, whichever is later, and continue  
3645 for not more than 20 years to each certified applicant as  
3646 defined in s. 288.11631 for a facility used by a single spring  
3647 training franchise or not more than 25 years to each certified  
3648 applicant as defined in s. 288.11631 for a facility used by more  
3649 than one spring training franchise. A certified applicant  
3650 identified in this sub-subparagraph may not receive more in  
3651 distributions than expended by the applicant for the public  
3652 purposes provided in s. 288.11631(3).

3653 ~~e.f.~~ Beginning 45 days after notice by the Department of  
3654 Economic Opportunity to the Department of Revenue that an  
3655 applicant has been ~~approved by the Legislature and~~ certified by  
3656 the Department of Economic Opportunity under s. 288.11625 or  
3657 upon a date specified by the Department of Economic Opportunity  
3658 as provided under s. 288.11625(6)(d), the department shall  
3659 distribute each month an amount equal to one-twelfth of the  
3660 annual distribution amount certified by the Department of  
3661 Economic Opportunity for the applicant. The department may not  
3662 distribute more than \$7 million in the 2014-2015 fiscal year or  
3663 more than \$13 million annually thereafter under this sub-  
3664 subparagraph.



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3665 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
3666 the department shall distribute \$26,286 monthly to the State  
3667 Transportation Trust Fund. Beginning July 1, 2016, the  
3668 department shall distribute \$15,333 monthly to the State  
3669 Transportation Trust Fund.

3670 7. All other proceeds must remain in the General Revenue  
3671 Fund.

3672 Section 40. Paragraph (a) of subsection (2) of section  
3673 220.196, Florida Statutes, is amended to read:

3674 220.196 Research and development tax credit.—

3675 (2) TAX CREDIT.—

3676 (a) As provided in this section, a business enterprise is  
3677 eligible for a credit against the tax imposed by this chapter if  
3678 it:

3679 1. Has qualified research expenses in this state in the  
3680 taxable year exceeding the base amount;

3681 2. Claims and is allowed a research credit for such  
3682 qualified research expenses under 26 U.S.C. s. 41 for the same  
3683 taxable year as subparagraph 1.; and

3684 3. Is a qualified target industry business as defined in s.  
3685 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry  
3686 businesses in the manufacturing, life sciences, information  
3687 technology, aviation and aerospace, homeland security and  
3688 defense, cloud information technology, marine sciences,  
3689 materials science, and nanotechnology industries may qualify for  
3690 a tax credit under this section. A business applying for a  
3691 credit pursuant to this section shall include a letter from the  
3692 Department of Economic Opportunity certifying whether the  
3693 business meets the requirements of this subparagraph with its





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3694 application for credit. The Department of Economic Opportunity  
3695 shall provide such a letter upon receiving a request.

3696 Section 41. Subsection (7) of section 288.11621, Florida  
3697 Statutes, is amended to read:

3698 288.11621 Spring training baseball franchises.—

3699 (7) STRATEGIC PLANNING.—The department shall request  
3700 assistance from the Florida Sports Foundation Enterprise  
3701 ~~Florida, Inc.~~, and the Florida Grapefruit League Association to  
3702 develop a comprehensive strategic plan to:

3703 (a) Finance spring training facilities.

3704 (b) Monitor and oversee the use of state funds awarded to  
3705 applicants.

3706 (c) Identify the financial impact that spring training has  
3707 on the state and ways in which to maintain or improve that  
3708 impact.

3709 (d) Identify opportunities to develop public-private  
3710 partnerships to engage in marketing activities and advertise  
3711 spring training baseball.

3712 (e) Identify efforts made by other states to maintain or  
3713 develop partnerships with baseball spring training teams.

3714 (f) Develop recommendations for the Legislature to sustain  
3715 or improve this state's spring training tradition.

3716 Section 42. Effective upon becoming law, paragraph (c) of  
3717 subsection (2) and paragraphs (a), (c), and (d) of subsection  
3718 (3) of section 288.11631, Florida Statutes, are amended to read:

3719 288.11631 Retention of Major League Baseball spring  
3720 training baseball franchises.—

3721 (2) CERTIFICATION PROCESS.—

3722 (c) Each applicant certified on or after July 1, 2013,



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3723 shall enter into an agreement with the department which:  
3724       1. Specifies the amount of the state incentive funding to  
3725 be distributed. The amount of state incentive funding per  
3726 certified applicant may not exceed \$20 million. However, if a  
3727 certified applicant's facility is used by more than one spring  
3728 training franchise, the maximum amount may not exceed \$50  
3729 million, and the Department of Revenue shall make distributions  
3730 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
3731 ~~212.20(6)(d)6.e.~~  
3732       2. States the criteria that the certified applicant must  
3733 meet in order to remain certified. These criteria must include a  
3734 provision stating that the spring training franchise must  
3735 reimburse the state for any funds received if the franchise does  
3736 not comply with the terms of the contract. If bonds were issued  
3737 to construct or renovate a facility for a spring training  
3738 franchise, the required reimbursement must be equal to the total  
3739 amount of state distributions expected to be paid from the date  
3740 the franchise violates the agreement with the applicant through  
3741 the final maturity of the bonds.  
3742       3. States that the certified applicant is subject to  
3743 decertification if the certified applicant fails to comply with  
3744 this section or the agreement.  
3745       4. States that the department may recover state incentive  
3746 funds if the certified applicant is decertified.  
3747       5. Specifies the information that the certified applicant  
3748 must report to the department.  
3749       6. Includes any provision deemed prudent by the department.  
3750       (3) USE OF FUNDS.—  
3751       (a) A certified applicant may use funds provided under s.



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3752 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

3753 1. Serve the public purpose of constructing or renovating a  
3754 facility for a spring training franchise.

3755 2. Pay or pledge for the payment of debt service on, or to  
3756 fund debt service reserve funds, arbitrage rebate obligations,  
3757 or other amounts payable with respect thereto, bonds issued for  
3758 the construction or renovation of such facility, or for the  
3759 reimbursement of such costs or the refinancing of bonds issued  
3760 for such purposes.

3761 (c) The Department of Revenue may not distribute funds  
3762 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,  
3763 2016. Further, the Department of Revenue may not distribute  
3764 funds to an applicant certified on or after July 1, 2013, until  
3765 it receives notice from the department that:

3766 1. The certified applicant has encumbered funds under  
3767 either subparagraph (a)1. or subparagraph (a)2.; and

3768 2. If applicable, any existing agreement with a spring  
3769 training franchise for the use of a facility has expired.

3770 (d)1. All certified applicants shall place unexpended state  
3771 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
3772 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use  
3773 only as authorized in this section.

3774 2. A certified applicant may request that the department  
3775 notify the Department of Revenue to suspend further  
3776 distributions of state funds made available under s.  
3777 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after  
3778 expiration of an existing agreement with a spring training  
3779 franchise to provide the certified applicant with an opportunity  
3780 to enter into a new agreement with a spring training franchise,



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3781 at which time the distributions shall resume.

3782 3. The expenditure of state funds distributed to an  
3783 applicant certified after July 1, 2013, must begin within 48  
3784 months after the initial receipt of the state funds. In  
3785 addition, the construction or renovation of a spring training  
3786 facility must be completed within 24 months after the project's  
3787 commencement.

3788 Section 43. Subsection (5) of section 477.0135, Florida  
3789 Statutes, is amended to read:

3790 477.0135 Exemptions.—

3791 (5) A license is not required of any individual providing  
3792 makeup, special effects, or cosmetology services to an actor,  
3793 stunt person, musician, extra, or other talent during a  
3794 production recognized by the Department of Economic Opportunity  
3795 ~~Office of Film and Entertainment~~ as a project ~~qualified~~  
3796 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such  
3797 services are not required to be performed in a licensed salon.  
3798 Individuals exempt under this subsection may not provide such  
3799 services to the general public.

3800 Section 44. For the purpose of incorporating the amendment  
3801 made by this act to section 288.106, Florida Statutes, in a  
3802 reference thereto, subsection (11) of section 159.803, Florida  
3803 Statutes, is reenacted to read:

3804 159.803 Definitions.—As used in this part, the term:

3805 (11) "Florida First Business project" means any project  
3806 which is certified by the Department of Economic Opportunity as  
3807 eligible to receive an allocation from the Florida First  
3808 Business allocation pool established pursuant to s. 159.8083.  
3809 The Department of Economic Opportunity may certify those



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3810 projects meeting the criteria set forth in s. 288.106(4) (b) or  
3811 any project providing a substantial economic benefit to this  
3812 state.

3813 Section 45. Except as otherwise expressly provided in this  
3814 act and except for this section, which shall take effect upon  
3815 this act becoming a law, this act shall take effect July 1,  
3816 2016.

3817  
3818 ===== T I T L E A M E N D M E N T =====

3819 And the title is amended as follows:

3820 Delete everything before the enacting clause  
3821 and insert:

3822 A bill to be entitled  
3823 An act relating to economic development; amending s.  
3824 20.60, F.S.; requiring the Department of Economic  
3825 Opportunity to contract with a direct-support  
3826 organization to promote the sports industry and the  
3827 participation of residents in certain athletic  
3828 competitions in this state and to promote the state as  
3829 a host for certain athletic competitions; amending s.  
3830 220.191, F.S.; revising the definition of the term  
3831 "cumulative capital investment"; deleting an obsolete  
3832 provision; conforming a cross-reference; amending s.  
3833 288.0001, F.S.; conforming cross-references; requiring  
3834 the Office of Economic and Demographic Research and  
3835 the Office of Program Policy Analysis and Government  
3836 Accountability to provide a detailed analysis of the  
3837 retention of Major League Baseball spring training  
3838 baseball franchises; amending s. 288.005, F.S.;



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3839 defining the term "average private sector wage in the  
3840 area"; revising the definition of the term "economic  
3841 benefits"; amending s. 288.047, F.S.; revising  
3842 purposes of the Quick-Response Training Program;  
3843 specifying requirements and limitations with respect  
3844 to the approval of applications, the execution of  
3845 agreements, and reimbursement amounts under the  
3846 program; requiring the Department of Economic  
3847 Opportunity to transfer funds to CareerSource Florida,  
3848 Inc., if certain conditions exist; eliminating a  
3849 required set aside of funds appropriated to the  
3850 program; authorizing, rather than requiring, an  
3851 educational institution receiving program funding to  
3852 be included in the grant agreement prepared by  
3853 CareerSource Florida, Inc.; authorizing certain  
3854 matching contributions to be counted toward the  
3855 private sector support of Enterprise Florida, Inc.;  
3856 amending s. 288.061, F.S.; requiring the Department of  
3857 Economic Opportunity to prescribe a specified  
3858 application form; requiring the incentive application  
3859 to include specified information; requiring the  
3860 department to review such applications under certain  
3861 circumstances; requiring the Office of Economic and  
3862 Demographic Research to include certain guidelines for  
3863 the calculation of economic benefits; providing  
3864 requirements for an amended definition by the office;  
3865 prohibiting the department from attributing to a  
3866 business certain investments for specified purposes;  
3867 requiring the department to consider certain



3868 investments for specified purposes; requiring the  
3869 department's evaluation of the application to include  
3870 specified information; requiring the executive  
3871 director of the department to provide a recommendation  
3872 to the Governor during a specified timeframe for  
3873 certain projects; providing requirements for certain  
3874 recommendations; requiring the department and the  
3875 applicant to enter into an agreement or a contract;  
3876 providing requirements for the contract or agreement;  
3877 prohibiting the department from entering into an  
3878 agreement or a contract that has a term of longer than  
3879 10 years; authorizing the department to enter into a  
3880 successive agreement or contract for a specified  
3881 project under certain circumstances; providing  
3882 applicability; requiring the department to provide  
3883 specified notice to the Legislature upon the final  
3884 execution of each contract or agreement; requiring the  
3885 return of funds under certain circumstances; amending  
3886 s. 288.076, F.S.; revising definitions; conforming  
3887 cross-references; providing requirements for  
3888 information that the department is required to publish  
3889 on a certain website; amending s. 288.095, F.S.;

3890 conforming provisions to changes made by the act;  
3891 providing that moneys credited to the Economic  
3892 Development Trust Fund Account consist of specified  
3893 funds; providing that any balance in the account at  
3894 the end of the fiscal year remains in the account and  
3895 are available for carrying out the purposes of the  
3896 account; creating the Florida Enterprise Fund Account;



3897 providing that moneys credited to the Florida  
3898 Enterprise Fund Fund Account consist of specified  
3899 funds; providing that any balance in the account at  
3900 the end of the fiscal year remains in the account and  
3901 are available for carrying out the purposes of the  
3902 account; requiring the department to submit certain  
3903 information to the Legislature; creating the Quick  
3904 Action Closing Fund Escrow Account; providing the  
3905 composition of the account; restricting the usage of  
3906 moneys in the escrow account to specified payments;  
3907 requiring specified funds to be deposited by the  
3908 department in the State Economic Enhancement and  
3909 Development Trust Funds within a specified period;  
3910 requiring funds in the escrow account to be managed  
3911 under specified investment practices; requiring that  
3912 the funds be made available to make specified  
3913 payments; requiring the department to transfer  
3914 interest earnings on a quarterly basis to the State  
3915 Economic Enhancement and Development Trust Fund;  
3916 amending s. 288.1045, F.S.; deleting the definition of  
3917 the term "average wage in the area"; revising the  
3918 application process for the qualified defense  
3919 contractor and space flight business tax refund  
3920 program; authorizing a business to receive an approved  
3921 refund if the business fails to submit certain  
3922 documentation under certain circumstances; extending  
3923 an expiration date; conforming provisions to changes  
3924 made by the act; amending s. 288.106, F.S.; deleting  
3925 the definition of the term "average private sector





3926 wage in the area"; revising terms; revising the  
3927 application process for the tax refund program for  
3928 qualified target industry businesses; removing  
3929 provisions regarding economic recovery extensions of  
3930 certain tax refund agreements; making technical  
3931 changes; providing that certain incentive payments are  
3932 not repayment of actual taxes paid; providing that  
3933 actual taxes paid limit the amount of incentive  
3934 payments a business may receive; amending s. 288.108,  
3935 F.S.; revising definitions; requiring a certain  
3936 economic benefit ratio; authorizing the Governor to  
3937 approve certain grants without consulting the  
3938 Legislature; requiring the Governor to provide written  
3939 descriptions and evaluations to the Legislature under  
3940 certain circumstances; requiring the Executive Office  
3941 of the Governor to take certain action upon the  
3942 Legislature's timely advice; providing requirements  
3943 for amendments, modifications, or extensions of  
3944 certain contracts; requiring the department to  
3945 validate certain performance and to report such  
3946 validation; requiring the agreement to include certain  
3947 information; conforming provisions to changes made by  
3948 the act; amending s. 288.1088, F.S.; renaming the  
3949 Quick Action Closing Fund as the Florida Enterprise  
3950 Program; revising the requirements for projects  
3951 eligible for receipt of funds from the fund; requiring  
3952 local financial support; defining a term; requiring a  
3953 certain waiver request to be transmitted in writing to  
3954 the department with an explanation of the specific



3955 justification for the request; requiring the Governor  
3956 to provide written descriptions and evaluations to the  
3957 Legislature under certain circumstances; requiring the  
3958 Executive Office of the Governor to take certain  
3959 action upon the Legislature's timely advice; providing  
3960 requirements for amendments, modifications, or  
3961 extensions of certain contracts; prohibiting the  
3962 payment of moneys from the fund to a business until  
3963 the scheduled goals have been achieved; revising the  
3964 information that must be included in a contract that  
3965 sets forth the conditions for payments of moneys from  
3966 the fund; conforming provisions to changes made by the  
3967 act; amending s. 288.1089, F.S.; deleting the  
3968 definition of the term "average private sector wage";  
3969 conforming provisions to changes made by the act;  
3970 providing requirements for the waiver of certain  
3971 requirements for research and development projects,  
3972 innovation business projects, and alternative and  
3973 renewable energy projects; requiring the department to  
3974 provide certain recommendations to the Governor;  
3975 authorizing the Governor to approve certain grants  
3976 without consulting the Legislature; requiring the  
3977 Governor to provide written descriptions and  
3978 evaluations to the Legislature under certain  
3979 circumstances; requiring the Executive Office of the  
3980 Governor to take certain action upon the Legislature's  
3981 timely advice; providing requirements for amendments,  
3982 modifications, or extensions of certain contracts;  
3983 revising the information that must be included in a



3984 contract that sets forth the conditions for payments  
3985 of moneys from the fund; conforming provisions to  
3986 changes made by the act; amending s. 288.1097, F.S.;  
3987 authorizing a qualified job training organization to  
3988 participate in a self-insurance fund; repealing s.  
3989 288.1169, F.S., relating to state agency funding of  
3990 the International Game Fish Association World Center  
3991 facility; amending s. 288.11625, F.S.; requiring  
3992 applications to be certified by the department for  
3993 distributions, rather than approved by the  
3994 Legislature; conforming provisions to changes made by  
3995 the act; deleting obsolete provisions; providing  
3996 applicability; reviving, reenacting, and amending s.  
3997 288.1229, F.S., relating to the promotion and  
3998 development of sports-related industries and amateur  
3999 athletics; requiring the department to create a  
4000 direct-support organization to assist the department  
4001 in certain promotion and development; naming the  
4002 direct support organization the Florida Sports  
4003 Foundation; specifying the purpose of the foundation;  
4004 specifying requirements for the foundation, including  
4005 appointment of a governing board; requiring that the  
4006 foundation operate under written contract with the  
4007 department; specifying provisions that must be  
4008 included in the contract; providing that the  
4009 department may allow the foundation to use certain  
4010 facilities, personnel, and services if it complies  
4011 with certain provisions; requiring an annual financial  
4012 audit of the foundation; specifying duties of the



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4013 foundation; deleting residency requirements for  
4014 participants of the Sunshine State Games and Florida  
4015 Senior Games; deleting certain competition  
4016 requirements; conforming provisions to changes made by  
4017 the act; amending s. 288.125, F.S.; revising the  
4018 applicability of the term "entertainment industry";  
4019 renumbering and amending s. 288.1251, F.S.; renaming  
4020 the Office of Film and Entertainment within the  
4021 department as the Division of Film and Entertainment  
4022 within Enterprise Florida, Inc.; requiring the  
4023 division to serve as a liaison between the  
4024 entertainment industry and other agencies,  
4025 commissions, and organizations; requiring the  
4026 president of Enterprise Florida, Inc., to appoint the  
4027 film and entertainment commissioner within a specified  
4028 period of time; revising the requirements of the  
4029 division's strategic plan; renumbering and amending s.  
4030 288.1252, F.S.; revising the powers and duties of the  
4031 Florida Film and Entertainment Advisory Council;  
4032 revising council membership; conforming provisions to  
4033 changes made by the act; renumbering and amending s.  
4034 288.1253, F.S.; prohibiting the division and its  
4035 employees and representatives from accepting specified  
4036 accommodations, goods, or services from specified  
4037 parties; providing that a person who accepts any such  
4038 goods or services is subject to specified penalties;  
4039 conforming provisions to changes made by the act;  
4040 amending s. 288.1254, F.S.; revising the date of  
4041 repeal; authorizing, an award of credits after April



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4042 1, 2016, under certain conditions; requiring the  
4043 department to make a determination by a date certain;  
4044 requiring the department to publish periodic reports;  
4045 prohibiting the award of tax credits after July 1,  
4046 2017; requiring the Department of Revenue to deny  
4047 certain credits received on or after certain dates;  
4048 creating s. 288.1256, F.S.; creating the Entertainment  
4049 Action Fund within the Department of Economic  
4050 Opportunity; defining terms; authorizing a production  
4051 company to apply for funds from the Entertainment  
4052 Action Fund in certain circumstances; requiring the  
4053 division to review and evaluate applications to  
4054 determine the eligibility of each project; requiring  
4055 the division to select projects that maximize the  
4056 return to the state; requiring certain criteria to be  
4057 considered by the division; requiring a production  
4058 company to have financing for a project before it  
4059 applies for action funds; requiring the department to  
4060 prescribe a form for an application with specified  
4061 information; requiring that the division and the  
4062 department make a recommendation to the Governor to  
4063 approve or deny an award within a specified timeframe  
4064 after the completion of the review and evaluation;  
4065 providing that an award of funds may not constitute  
4066 more than a specified percentage of qualified  
4067 expenditures in this state; prohibiting the use of  
4068 such funds to pay wages to nonresidents; requiring a  
4069 production to start within a specified period after it  
4070 is approved by the Governor; requiring that the



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4071 recommendation include performance conditions that the  
4072 project must meet to obtain funds; authorizing the  
4073 Governor to approve certain awards without consulting  
4074 the Legislature; requiring the Governor to provide  
4075 written descriptions and evaluations to the  
4076 Legislature under certain circumstances; requiring the  
4077 Executive Office of the Governor to take certain  
4078 action upon the Legislature's timely advice; providing  
4079 requirements for amendments, modifications, or  
4080 extensions of certain contracts; revising the  
4081 information that must be included in a contract that  
4082 sets forth the conditions for payments of moneys from  
4083 the fund; requiring the department and the production  
4084 company to enter into a specified agreement after  
4085 approval by the Governor; requiring that the agreement  
4086 be finalized and signed by an authorized officer of  
4087 the production company within a specified period after  
4088 approval by the Governor; prohibiting an approved  
4089 production company from simultaneously receiving  
4090 specified benefits for the same production; requiring  
4091 that the department validate contractor performance  
4092 and report such validation in the annual report;  
4093 prohibiting the department from approving awards in  
4094 excess of the amount appropriated for a fiscal year;  
4095 requiring the department to maintain a schedule of  
4096 funds; prohibiting the department or division from  
4097 accepting applications or conditionally committing  
4098 funds under certain circumstances; providing that a  
4099 production company that submits fraudulent information



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4100 is liable for reimbursement of specified costs;  
4101 providing a penalty; prohibiting the department or  
4102 division from waiving any provision or providing an  
4103 extension of time to meet specified requirements;  
4104 providing an expiration date; amending s. 288.1258,  
4105 F.S.; conforming provisions to changes made by the  
4106 act; prohibiting an approved production company from  
4107 simultaneously receiving benefits under specified  
4108 provisions for the same production; requiring the  
4109 department to develop a standardized application form  
4110 in cooperation with the division and other agencies;  
4111 requiring the production company to submit aggregate  
4112 data on specified topics; authorizing a production  
4113 company to renew its certificate of exemption for a  
4114 specified period; amending s. 288.901, F.S.; revising  
4115 the members of the board of directors of Enterprise  
4116 Florida, Inc.; amending s. 288.907 , F.S.; requiring  
4117 reporting on the number of jobs that provide health  
4118 benefits to employees; requiring reporting on  
4119 amendments, modifications, or extensions of certain  
4120 contracts; amending s. 288.92, F.S.; revising the  
4121 required divisions within Enterprise Florida, Inc. ;  
4122 amending s. 288.980, F.S.; authorizing grant awards  
4123 for activities that grow the economy of a defense-  
4124 dependent community; making technical changes;  
4125 amending s. 288.9937, F.S.; requiring the Office of  
4126 Program Policy Analysis and Government Accountability  
4127 to analyze and evaluate certain programs for a  
4128 specified period; requiring the Office of Economic and



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4129 Demographic Research to determine the economic  
4130 benefits of certain programs; requiring the Office of  
4131 Program Policy Analysis and Government Accountability  
4132 to identify inefficiencies in certain programs and to  
4133 recommend changes to such programs; revising the date  
4134 by which each office must submit a report to certain  
4135 persons; amending s. 320.08058, F.S.; conforming  
4136 provisions to changes made by the act; amending uses  
4137 of the proceeds of the Florida Professional Sports  
4138 Team license plate; amending s. 177.031, F.S.;  
4139 revising the term "subdivision"; amending s. 196.1995,  
4140 F.S.; providing that replacement or refreshment of  
4141 datacenter equipment is exempt from ad valorem  
4142 taxation under certain circumstances; amending ss.  
4143 189.033, 196.012, 212.20, 220.196, 288.11631,  
4144 288.9015, and 477.0135, F.S.; conforming provisions to  
4145 changes made by the act; deleting obsolete provisions;  
4146 reenacting s. 159.803(11), F.S., relating to the  
4147 definition of the term "Florida First Business  
4148 Project," to incorporate the amendment made to s.  
4149 288.106, F.S., in reference thereto; providing  
4150 effective dates.