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Proposed Committee Substitute by the Committee on Appropriations

A bill to be entitled

An act relating to economic development; amending s. 20.60, F.S.; requiring the Department of Economic Opportunity to contract with a direct-support organization to promote the sports industry and the participation of residents in certain athletic competitions in this state and to promote the state as a host for certain athletic competitions; amending s. 177.031, F.S.; revising the term "subdivision"; amending s. 196.1995, F.S.; providing that replacement or refreshment of datacenter equipment is exempt from ad valorem taxation under certain circumstances; amending s. 220.191, F.S.; revising the definition of the term "cumulative capital investment"; deleting an obsolete provision; conforming a cross-reference; amending s. 288.0001, F.S.; conforming cross-references; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide a detailed analysis of the retention of Major League Baseball spring training baseball franchises; amending s. 288.005, F.S.; defining the term "average private sector wage in the area"; revising the definition of the term "economic benefits"; amending s. 288.047, F.S.; revising purposes of the Quick-Response Training Program; specifying requirements and limitations with respect to the approval of applications, the execution of agreements, and reimbursement amounts under the



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29 program; requiring the Department of Economic
30 Opportunity to transfer funds to CareerSource Florida,
31 Inc., if certain conditions exist; eliminating a
32 required set aside of funds appropriated to the
33 program; authorizing, rather than requiring, an
34 educational institution receiving program funding to
35 be included in the grant agreement prepared by
36 CareerSource Florida, Inc.; authorizing certain
37 matching contributions to be counted toward the
38 private sector support of Enterprise Florida, Inc.;
39 amending s. 288.061, F.S.; requiring the Department of
40 Economic Opportunity to prescribe a specified
41 application form; requiring the incentive application
42 to include specified information; requiring the
43 department to review such applications under certain
44 circumstances; requiring the Office of Economic and
45 Demographic Research to include certain guidelines for
46 the calculation of economic benefits; providing
47 requirements for an amended definition by the office;
48 prohibiting the department from attributing to a
49 business certain investments for specified purposes;
50 requiring the department to consider certain
51 investments for specified purposes; requiring the
52 department's evaluation of the application to include
53 specified information; requiring the executive
54 director of the department to provide a recommendation
55 to the Governor during a specified timeframe for
56 certain projects; providing requirements for certain
57 recommendations; requiring the department and the



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58 applicant to enter into an agreement or a contract;
59 providing requirements for the contract or agreement;
60 prohibiting the department from entering into an
61 agreement or a contract that has a term of longer than
62 10 years; authorizing the department to enter into a
63 successive agreement or contract for a specified
64 project under certain circumstances; providing
65 applicability; requiring the department to provide
66 specified notice to the Legislature upon the final
67 execution of each contract or agreement; requiring the
68 return of funds under certain circumstances; amending
69 s. 288.076, F.S.; revising definitions; conforming
70 cross-references; providing requirements for
71 information that the department is required to publish
72 on a certain website; amending s. 288.095, F.S.;

73 conforming provisions to changes made by the act;
74 providing that moneys credited to the Economic
75 Development Trust Fund Account consist of specified
76 funds; providing that any balance in the account at
77 the end of the fiscal year remains in the account and
78 are available for carrying out the purposes of the
79 account; creating the Florida Enterprise Fund Account;
80 providing that moneys credited to the Florida
81 Enterprise Fund Account consist of specified funds;
82 providing that any balance in the account at the end
83 of the fiscal year remains in the account and are
84 available for carrying out the purposes of the
85 account; requiring the department to submit certain
86 information to the Legislature; creating the Quick



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87 Action Closing Fund Escrow Account; providing the
88 composition of the account; restricting the usage of
89 moneys in the escrow account to specified payments;
90 requiring specified funds to be deposited by the
91 department in the State Economic Enhancement and
92 Development Trust Funds within a specified period;
93 requiring funds in the escrow account to be managed
94 under specified investment practices; requiring that
95 the funds be made available to make specified
96 payments; requiring the department to transfer
97 interest earnings on a quarterly basis to the State
98 Economic Enhancement and Development Trust Fund;
99 amending s. 288.1045, F.S.; deleting the definition of
100 the term "average wage in the area"; revising the
101 application process for the qualified defense
102 contractor and space flight business tax refund
103 program; authorizing a business to receive an approved
104 refund if the business fails to submit certain
105 documentation under certain circumstances; extending
106 an expiration date; conforming provisions to changes
107 made by the act; amending s. 288.106, F.S.; deleting
108 the definition of the term "average private sector
109 wage in the area"; revising terms; revising the
110 application process for the tax refund program for
111 qualified target industry businesses; removing
112 provisions regarding economic recovery extensions of
113 certain tax refund agreements; making technical
114 changes; providing that certain incentive payments are
115 not repayment of actual taxes paid; providing that



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116 actual taxes paid limit the amount of incentive
117 payments a business may receive; amending s. 288.108,
118 F.S.; revising definitions; requiring a certain
119 economic benefit ratio; authorizing the Governor to
120 approve certain grants without consulting the
121 Legislature; requiring the Governor to provide written
122 descriptions and evaluations to the Legislature under
123 certain circumstances; requiring the Executive Office
124 of the Governor to take certain action upon the
125 Legislature's timely advice; providing requirements
126 for amendments, modifications, or extensions of
127 certain contracts; requiring the department to
128 validate certain performance and to report such
129 validation; requiring the agreement to include certain
130 information; conforming provisions to changes made by
131 the act; amending s. 288.1088, F.S.; renaming the
132 Quick Action Closing Fund as the Florida Enterprise
133 Program; revising the requirements for projects
134 eligible for receipt of funds from the fund; requiring
135 local financial support; defining a term; requiring a
136 certain waiver request to be transmitted in writing to
137 the department with an explanation of the specific
138 justification for the request; requiring the Governor
139 to provide written descriptions and evaluations to the
140 Legislature under certain circumstances; requiring the
141 Executive Office of the Governor to take certain
142 action upon the Legislature's timely advice; providing
143 requirements for amendments, modifications, or
144 extensions of certain contracts; prohibiting the



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145 payment of moneys from the fund to a business until
146 the scheduled goals have been achieved; revising the
147 information that must be included in a contract that
148 sets forth the conditions for payments of moneys from
149 the fund; conforming provisions to changes made by the
150 act; amending s. 288.1089, F.S.; deleting the
151 definition of the term "average private sector wage";
152 conforming provisions to changes made by the act;
153 providing requirements for the waiver of certain
154 requirements for research and development projects,
155 innovation business projects, and alternative and
156 renewable energy projects; requiring the department to
157 provide certain recommendations to the Governor;
158 authorizing the Governor to approve certain grants
159 without consulting the Legislature; requiring the
160 Governor to provide written descriptions and
161 evaluations to the Legislature under certain
162 circumstances; requiring the Executive Office of the
163 Governor to take certain action upon the Legislature's
164 timely advice; providing requirements for amendments,
165 modifications, or extensions of certain contracts;
166 revising the information that must be included in a
167 contract that sets forth the conditions for payments
168 of moneys from the fund; conforming provisions to
169 changes made by the act; amending s. 288.1097, F.S.;
170 authorizing a qualified job training organization to
171 participate in a self-insurance fund; amending s.
172 288.11625, F.S.; requiring applications to be
173 certified by the department for distributions, rather



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174 than approved by the Legislature; conforming
175 provisions to changes made by the act; deleting
176 obsolete provisions; providing applicability;
177 repealing s. 288.1169, F.S., relating to state agency
178 funding of the International Game Fish Association
179 World Center facility; reviving, reenacting, and
180 amending s. 288.1229, F.S., relating to the promotion
181 and development of sports-related industries and
182 amateur athletics; requiring the department to create
183 a direct-support organization to assist the department
184 in certain promotion and development; naming the
185 direct support organization the Florida Sports
186 Foundation; specifying the purpose of the foundation;
187 specifying requirements for the foundation, including
188 appointment of a governing board; requiring that the
189 foundation operate under written contract with the
190 department; specifying provisions that must be
191 included in the contract; providing that the
192 department may allow the foundation to use certain
193 facilities, personnel, and services if it complies
194 with certain provisions; requiring an annual financial
195 audit of the foundation; specifying duties of the
196 foundation; deleting residency requirements for
197 participants of the Sunshine State Games and Florida
198 Senior Games; deleting certain competition
199 requirements; conforming provisions to changes made by
200 the act; amending s. 288.125, F.S.; revising the
201 applicability of the term "entertainment industry";
202 renumbering and amending s. 288.1251, F.S.; renaming



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203 the Office of Film and Entertainment within the
204 department as the Division of Film and Entertainment
205 within Enterprise Florida, Inc.; requiring the
206 division to serve as a liaison between the
207 entertainment industry and other agencies,
208 commissions, and organizations; requiring the
209 president of Enterprise Florida, Inc., to appoint the
210 film and entertainment commissioner within a specified
211 period of time; revising the requirements of the
212 division's strategic plan; renumbering and amending s.
213 288.1252, F.S.; revising the powers and duties of the
214 Florida Film and Entertainment Advisory Council;
215 revising council membership; conforming provisions to
216 changes made by the act; renumbering and amending s.
217 288.1253, F.S.; prohibiting the division and its
218 employees and representatives from accepting specified
219 accommodations, goods, or services from specified
220 parties; providing that a person who accepts any such
221 goods or services is subject to specified penalties;
222 conforming provisions to changes made by the act;
223 amending s. 288.1254, F.S.; revising the date of
224 repeal; authorizing, an award of credits after April
225 1, 2016, under certain conditions; requiring the
226 department to make a determination by a date certain;
227 requiring the department to publish periodic reports;
228 prohibiting the award of tax credits after July 1,
229 2017; requiring the Department of Revenue to deny
230 certain credits received on or after certain dates;
231 creating s. 288.1256, F.S.; creating the Entertainment



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232 Action Fund within the Department of Economic
233 Opportunity; defining terms; authorizing a production
234 company to apply for funds from the Entertainment
235 Action Fund in certain circumstances; requiring the
236 division to review and evaluate applications to
237 determine the eligibility of each project; requiring
238 the division to select projects that maximize the
239 return to the state; requiring certain criteria to be
240 considered by the division; requiring a production
241 company to have financing for a project before it
242 applies for action funds; requiring the department to
243 prescribe a form for an application with specified
244 information; requiring that the division and the
245 department make a recommendation to the Governor to
246 approve or deny an award within a specified timeframe
247 after the completion of the review and evaluation;
248 providing that an award of funds may not constitute
249 more than a specified percentage of qualified
250 expenditures in this state; prohibiting the use of
251 such funds to pay wages to nonresidents; requiring a
252 production to start within a specified period after it
253 is approved by the Governor; requiring that the
254 recommendation include performance conditions that the
255 project must meet to obtain funds; authorizing the
256 Governor to approve certain awards without consulting
257 the Legislature; requiring the Governor to provide
258 written descriptions and evaluations to the
259 Legislature under certain circumstances; requiring the
260 Executive Office of the Governor to take certain



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261 action upon the Legislature's timely advice; providing
262 requirements for amendments, modifications, or
263 extensions of certain contracts; revising the
264 information that must be included in a contract that
265 sets forth the conditions for payments of moneys from
266 the fund; requiring the department and the production
267 company to enter into a specified agreement after
268 approval by the Governor; requiring that the agreement
269 be finalized and signed by an authorized officer of
270 the production company within a specified period after
271 approval by the Governor; prohibiting an approved
272 production company from simultaneously receiving
273 specified benefits for the same production; requiring
274 that the department validate contractor performance
275 and report such validation in the annual report;
276 prohibiting the department from approving awards in
277 excess of the amount appropriated for a fiscal year;
278 requiring the department to maintain a schedule of
279 funds; prohibiting the department or division from
280 accepting applications or conditionally committing
281 funds under certain circumstances; providing that a
282 production company that submits fraudulent information
283 is liable for reimbursement of specified costs;
284 providing a penalty; prohibiting the department or
285 division from waiving any provision or providing an
286 extension of time to meet specified requirements;
287 providing an expiration date; amending s. 288.1258,
288 F.S.; conforming provisions to changes made by the
289 act; prohibiting an approved production company from



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290 simultaneously receiving benefits under specified
291 provisions for the same production; requiring the
292 department to develop a standardized application form
293 in cooperation with the division and other agencies;
294 requiring the production company to submit aggregate
295 data on specified topics; authorizing a production
296 company to renew its certificate of exemption for a
297 specified period; amending s. 288.901, F.S.; revising
298 the members of the board of directors of Enterprise
299 Florida, Inc.; amending s. 288.907 , F.S.; requiring
300 reporting on the number of jobs that provide health
301 benefits to employees; requiring reporting on
302 amendments, modifications, or extensions of certain
303 contracts; amending s. 288.92, F.S.; revising the
304 required divisions within Enterprise Florida, Inc.;
305 amending s. 288.980, F.S.; authorizing grant awards
306 for activities that grow the economy of a defense-
307 dependent community; making technical changes;
308 amending s. 288.9937, F.S.; requiring the Office of
309 Program Policy Analysis and Government Accountability
310 to analyze and evaluate certain programs for a
311 specified period; requiring the Office of Economic and
312 Demographic Research to determine the economic
313 benefits of certain programs; requiring the Office of
314 Program Policy Analysis and Government Accountability
315 to identify inefficiencies in certain programs and to
316 recommend changes to such programs; revising the date
317 by which each office must submit a report to certain
318 persons; amending s. 320.08058, F.S.; conforming



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319 provisions to changes made by the act; revising uses
320 of the proceeds of the Florida Professional Sports
321 Team license plate; amending ss. 189.033, 196.012,
322 212.20, 220.196, 288.11621, 288.11631, 288.9015, and
323 477.0135, F.S.; conforming provisions to changes made
324 by the act; deleting obsolete provisions; reenacting
325 s. 159.803(11), F.S., relating to the definition of
326 the term "Florida First Business Project," to
327 incorporate the amendment made to s. 288.106, F.S., in
328 a reference thereto; providing effective dates.

329

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

331

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

334 20.60 Department of Economic Opportunity; creation; powers
335 and duties.—

336 (4) The purpose of the department is to assist the Governor
337 in working with the Legislature, state agencies, business
338 leaders, and economic development professionals to formulate and
339 implement coherent and consistent policies and strategies
340 designed to promote economic opportunities for all Floridians.
341 To accomplish such purposes, the department shall:

342 (g) Notwithstanding part I of chapter 287, contract with
343 the direct-support organization created under s. 288.1229 to
344 guide, stimulate, and promote the sports industry in this state,
345 to promote the participation of residents of this state in
346 amateur athletic competition, and to promote this state as a
347 host for national and international amateur athletic



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348 competitions.

349 Section 2. Subsection (18) of section 177.031, Florida
350 Statutes, is amended to read:

351 177.031 Definitions.—As used in this part:

352 (18) "Subdivision" means the division of land into three or
353 more lots, parcels, tracts, tiers, blocks, sites, units, or any
354 other division of land; and includes establishment of new
355 streets and alleys, additions, and resubdivisions; and, when
356 appropriate to the context, relates to the process of
357 subdividing or to the lands or area subdivided. The term
358 includes nonresidential divisions of land unless a governing
359 body adopts an ordinance that authorizes nonresidential land
360 divisions for unplatted lands.

361 Section 3. Subsection (5) of section 196.1995, Florida
362 Statutes, is amended to read:

363 196.1995 Economic development ad valorem tax exemption.—

364 (5) Upon a majority vote in favor of such authority, the
365 board of county commissioners or the governing authority of the
366 municipality, at its discretion, by ordinance may exempt from ad
367 valorem taxation up to 100 percent of the assessed value of all
368 improvements to real property made by or for the use of a new
369 business and of all tangible personal property of such new
370 business, or up to 100 percent of the assessed value of all
371 added improvements to real property made to facilitate the
372 expansion of an existing business and of the net increase in all
373 tangible personal property acquired to facilitate such expansion
374 of an existing business. To qualify for this exemption, the
375 improvements to real property must be made or the tangible
376 personal property must be added or increased after approval by



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377 motion or resolution of the local governing body, subject to
378 ordinance adoption or on or after the day the ordinance is
379 adopted. However, if the authority to grant exemptions is
380 approved in a referendum in which the ballot question contained
381 in subsection (3) appears on the ballot, the authority of the
382 board of county commissioners or the governing authority of the
383 municipality to grant exemptions is limited solely to new
384 businesses and expansions of existing businesses that are
385 located in an enterprise zone or brownfield area. Property
386 acquired to replace existing property shall not be considered to
387 facilitate a business expansion. Replacement or refreshment of
388 datacenter equipment for a datacenter shall be considered to be
389 part of a new business for a datacenter that qualifies for this
390 exemption. The exemption applies only to taxes levied by the
391 respective unit of government granting the exemption. The
392 exemption does not apply, however, to taxes levied for the
393 payment of bonds or to taxes authorized by a vote of the
394 electors pursuant to s. 9(b) or s. 12, Art. VII of the State
395 Constitution. Any such exemption shall remain in effect for up
396 to 10 years with respect to any particular facility, or up to 20
397 years for a qualifying datacenter, regardless of any change in
398 the authority of the county or municipality to grant such
399 exemptions. The exemption shall not be prolonged or extended by
400 granting exemptions from additional taxes or by virtue of any
401 reorganization or sale of the business receiving the exemption.

402 Section 4. Paragraphs (b) and (g) of subsection (1) of
403 section 220.191, Florida Statutes, are amended to read:

404 220.191 Capital investment tax credit.-

405 (1) DEFINITIONS.-For purposes of this section:



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406 (b) "Cumulative capital investment" means the total capital
407 investment in land, buildings, and equipment made by the
408 qualifying business in connection with a qualifying project
409 during the period from the beginning of construction of the
410 project to the commencement of operations. The term does not
411 include funds granted to or spent on behalf of the qualifying
412 business by the state, a local government, or other governmental
413 entity; funds appropriated in the General Appropriations Act; or
414 funds otherwise provided to the qualifying business by a state
415 agency, local government, or other governmental entity.

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

418 1. A new or expanding facility in this state which creates
419 at least 100 new jobs in this state and is in one of the high-
420 impact sectors identified by Enterprise Florida, Inc., and
421 certified by the Department of Economic Opportunity pursuant to
422 s. 288.108(6), including, but not limited to, aviation,
423 aerospace, automotive, and silicon technology industries.
424 ~~However, between July 1, 2011, and June 30, 2014, the~~
425 ~~requirement that a facility be in a high-impact sector is waived~~
426 ~~for any otherwise eligible business from another state which~~
427 ~~locates all or a portion of its business to a Disproportionally~~
428 ~~Affected County. For purposes of this section, the term~~
429 ~~"Disproportionally Affected County" means Bay County, Escambia~~
430 ~~County, Franklin County, Gulf County, Okaloosa County, Santa~~
431 ~~Rosa County, Walton County, or Wakulla County.~~

432 2. A new or expanded facility in this state which is
433 engaged in a target industry designated pursuant to the
434 procedure specified in s. 288.106(2) and which is induced by



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435 this credit to create or retain at least 1,000 jobs in this
436 state, provided that at least 100 of those jobs are new, pay an
437 annual average wage of at least 130 percent of the average
438 private sector wage in the area as defined in s. 288.005(1) ~~s.~~
439 ~~288.106(2)~~, and make a cumulative capital investment of at least
440 \$100 million. Jobs may be considered retained only if there is
441 significant evidence that the loss of jobs is imminent.
442 Notwithstanding subsection (2), annual credits against the tax
443 imposed by this chapter may not exceed 50 percent of the
444 increased annual corporate income tax liability or the premium
445 tax liability generated by or arising out of a project
446 qualifying under this subparagraph. A facility that qualifies
447 under this subparagraph for an annual credit against the tax
448 imposed by this chapter may take the tax credit for a period not
449 to exceed 5 years.

450 3. A new or expanded headquarters facility in this state
451 which locates in an enterprise zone and brownfield area and is
452 induced by this credit to create at least 1,500 jobs which on
453 average pay at least 200 percent of the statewide average annual
454 private sector wage, as published by the Department of Economic
455 Opportunity, and which new or expanded headquarters facility
456 makes a cumulative capital investment in this state of at least
457 \$250 million.

458 Section 5. Paragraphs (a), (b), and (e) of subsection (2)
459 of section 288.0001, Florida Statutes, are amended to read:

460 288.0001 Economic Development Programs Evaluation.—The
461 Office of Economic and Demographic Research and the Office of
462 Program Policy Analysis and Government Accountability (OPPAGA)
463 shall develop and present to the Governor, the President of the



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464 Senate, the Speaker of the House of Representatives, and the
465 chairs of the legislative appropriations committees the Economic
466 Development Programs Evaluation.

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

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

472 1. The capital investment tax credit established under s.
473 220.191.

474 2. The qualified target industry tax refund established
475 under s. 288.106.

476 3. The brownfield redevelopment bonus refund established
477 under s. 288.107.

478 4. High-impact business performance grants established
479 under s. 288.108.

480 5. The Florida Enterprise Program ~~Quick Action Closing Fund~~
481 established under s. 288.1088.

482 6. The Innovation Incentive Program established under s.
483 288.1089.

484 7. Enterprise Zone Program incentives established under ss.
485 212.08(5) and (15), 212.096, 220.181, and 220.182.

486 8. The New Markets Development Program established under
487 ss. 288.991-288.9922.

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

490 1. The entertainment industry financial incentive program
491 established under s. 288.1254.

492 2. The entertainment industry sales tax exemption program



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493 established under s. 288.1258.

494 3. The Florida Tourism Industry Marketing Corporation ~~VISIT~~
495 ~~Florida~~ and its programs established or funded under ss.
496 288.122, 288.1226, 288.12265, and 288.124.

497 4. The Florida Sports Foundation and related programs
498 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
499 288.1168, ~~288.1169~~, and 288.1171.

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

504 Section 6. Present subsection (1) of section 288.005,
505 Florida Statutes, is amended, and present subsections (3)
506 through (6) of that section are redesignated as subsections (4)
507 through (7), respectively, and a new subsection (1) is added to
508 that section, to read:

509 288.005 Definitions.—As used in this chapter, the term:

510 (1) "Average private sector wage in the area" means the
511 statewide average wage in the private sector or the average of
512 all private sector wages in the county or in the standard
513 metropolitan area in which the project is located, as determined
514 by the department.

515 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and
516 induced gains in state revenues as a percentage of the state's
517 investment. The state's investment includes all state funds
518 spent or foregone to benefit a business, including state funds
519 appropriated to public and private entities, state grants, tax
520 exemptions, tax refunds, tax credits, and other state
521 incentives.



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522 Section 7. Subsections (1), (3), (4), (5), (8), and (9) of
523 section 288.047, Florida Statutes, are amended to read:

524 288.047 Quick-response training for economic development.—

525 (1) The Quick-Response Training Program is created to
526 provide grants to meet the workforce-skill needs of existing,
527 new, and expanding businesses and industries. The program shall
528 be administered by CareerSource Florida, Inc., in conjunction
529 with ~~Enterprise Florida, Inc., and~~ the Department of Economic
530 Opportunity Education. CareerSource Florida, Inc., shall adopt
531 guidelines for the administration of this program, ~~shall~~ provide
532 technical services, and ~~shall~~ identify businesses that seek
533 services through the program. CareerSource Florida, Inc., shall
534 ~~may contract with Enterprise Florida, Inc., or~~ administer this
535 program ~~directly, if it is determined that such an arrangement~~
536 ~~maximizes the amount of the Quick Response grant going to direct~~
537 ~~services.~~

538 (3) (a) CareerSource Florida, Inc., may accept applications
539 for grant requests for funding under the program. Requests for
540 funding may be submitted ~~to the Quick-Response Training Program~~
541 by a specific business or industry, through a school district
542 director of career education or community college occupational
543 dean on behalf of a business or industry, or through official
544 state or local economic development efforts. Priority for grants
545 shall be given to businesses and industries in rural areas of
546 opportunity and other rural areas; in distressed inner-city
547 areas; in brownfield areas; or that seek to significantly
548 upgrade employee skills or avoid a significant layoff. In
549 allocating funds for the purposes of the program, CareerSource
550 Florida, Inc., shall establish criteria for approval of requests



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551 for funding and shall select the entity that provides the most
552 efficient, cost-effective instruction meeting such criteria.
553 Program funds may be allocated to a career center, community
554 college, or state university. Program funds may be allocated to
555 private postsecondary institutions only after a review that
556 includes, but is not limited to, accreditation and licensure
557 documentation and prior approval by CareerSource Florida, Inc.

558 (b) Instruction funded through the program must terminate
559 when participants demonstrate competence at the level specified
560 in the request; however, the grant term may not exceed 24
561 months. Costs and expenditures for the Quick-Response Training
562 Program must be documented and separated from those incurred by
563 the training provider. The grant agreement must provide for the
564 payment of funds on a reimbursable basis.

565 (4) CareerSource Florida, Inc., may enter into grant
566 agreements as provided under this section, but the total amount
567 of obligations for payment may not exceed \$30 million for any
568 24-month period. The total amount of reimbursements approved for
569 payment by CareerSource Florida, Inc., must be based on actual
570 performance under the grant agreement and may not exceed the
571 amount appropriated to CareerSource Florida, Inc., for such
572 purpose in a fiscal year. The department shall transfer funds to
573 CareerSource Florida, Inc., as needed to make reimbursement
574 payments. If sufficient funds are not provided in the General
575 Appropriations Act to satisfy the reimbursements approved for
576 payment by CareerSource Florida, Inc., in a fiscal year,
577 CareerSource Florida, Inc., shall pay reimbursements from the
578 appropriation for the following fiscal year. For the first 6
579 months of each fiscal year, CareerSource Florida, Inc., shall



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580 ~~set aside 30 percent of the amount appropriated by the~~
581 ~~Legislature for the Quick-Response Training Program to fund~~
582 ~~instructional programs for businesses located in an enterprise~~
583 ~~zone or brownfield area. Any unencumbered funds remaining~~
584 ~~undisbursed from this set-aside at the end of the 6-month period~~
585 ~~may be used to provide funding for a program that qualifies for~~
586 ~~funding pursuant to this section.~~

587 (5) ~~Prior to the allocation of funds for a request made~~
588 ~~pursuant to this section, CareerSource Florida, Inc., shall~~
589 ~~prepare a grant agreement with between the business or industry~~
590 ~~requesting funds, the educational institution receiving funding~~
591 ~~through the program, and CareerSource Florida, Inc. An~~
592 educational institution providing administrative assistance or
593 receiving grant funding under this section may be included as a
594 party to the grant agreement. The ~~Such~~ agreement must include,
595 but is not limited to:

596 (a) An identification of the personnel necessary to conduct
597 the instructional program, the qualifications of such personnel,
598 and the respective responsibilities of the parties for paying
599 costs associated with the employment of such personnel.

600 (b) An identification of the estimated length of the
601 instructional program.

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

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

608 (e) Permission to access information specific to the wages



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609 and performance of participants upon the completion of
610 instruction for evaluation purposes. Information which, if
611 released, would disclose the identity of the person to whom the
612 information pertains or disclose the identity of the person's
613 employer is confidential and exempt from ~~the provisions of s.~~
614 119.07(1). The agreement must specify that any evaluations
615 published subsequent to the instruction may not identify the
616 employer or any individual participant.

617 (8) The Quick-Response Training Program ~~may is created to~~
618 provide assistance to participants in the welfare transition
619 program. CareerSource Florida, Inc., may award quick-response
620 training grants and develop applicable guidelines for the
621 training of participants in the welfare transition program. In
622 addition to a local economic development organization, grants
623 must be endorsed by the applicable regional workforce board.

624 (a) Training funded pursuant to this subsection may not
625 exceed 12 months, and may be provided by the local community
626 college, school district, regional workforce board, or the
627 business employing the participant, including on-the-job
628 training. Training will provide entry-level skills to new
629 workers, including those employed in retail, who are
630 participants in the welfare transition program.

631 (b) Participants trained pursuant to this subsection must
632 be employed at a job paying at least the state minimum wage ~~\$6~~
633 ~~per hour~~.

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



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638 (9) Notwithstanding any other provision of law, ~~eligible~~
639 matching contributions received during the fiscal year from a
640 business or an industry participating in ~~under this section from~~
641 the Quick-Response Training Program may be counted toward the
642 private sector support of Enterprise Florida, Inc., under s.
643 288.904.

644 Section 8. Section 288.061, Florida Statutes, is amended to
645 read:

646 288.061 Economic development incentive application process;
647 evaluation, approval, and contract requirements.-

648 (1) Beginning January 1, 2017, the department shall
649 prescribe a form upon which an application for an incentive must
650 be made. At a minimum, the incentive application must include
651 all of the following:

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

658 (b) The applicant's signature.

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

661 (d) The anticipated commencement date and duration of the
662 project.

663 (e) A description of the type of business activity,
664 product, or research and development undertaken by the
665 applicant, including the six-digit North American Industry
666 Classification System code for all activities included in the



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667 project.

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

670 (2)(1) Upon receiving a submitted economic development
671 incentive application, the Division of Strategic Business
672 Development of the department ~~of Economic Opportunity~~ and
673 designated staff of Enterprise Florida, Inc., shall review the
674 application to ensure that the application is complete, whether
675 and what type of state and local permits may be necessary for
676 the applicant's project, whether it is possible to waive such
677 permits, and what state incentives and amounts of such
678 incentives may be available to the applicant. The department
679 shall recommend to the executive director to approve or
680 disapprove an applicant business. If review of the application
681 demonstrates that the application is incomplete, the executive
682 director shall notify the applicant business within the first 5
683 business days after receiving the application.

684 (3) (a) (2) ~~Beginning July 1, 2013,~~ The department shall
685 review and evaluate each economic development incentive
686 application for the economic benefits of the proposed award of
687 state incentives proposed for the project. Such review must
688 occur before the department approves an economic development
689 incentive application and each time an agreement or a contract
690 is amended, modified, or extended by the department.

691 (b) As used in this subsection, the term "economic
692 benefits" has the same meaning as in s. 288.005. The Office of
693 Economic and Demographic Research shall establish the
694 methodology and model used to calculate the economic benefits,
695 including guidelines for the appropriate application of the



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696 department's internal model. For purposes of this requirement,
697 an amended definition of the term "economic benefits" may be
698 developed by the Office of Economic and Demographic Research.
699 However, the amended definition must reflect the requirement of
700 s. 288.005 that the calculation of the state's investment
701 include all state funds spent or foregone to benefit the
702 business, including state funds appropriated to public and
703 private entities, to the extent that those funds should
704 reasonably be known to the department at the time of approval.

705 (c) For the purpose of calculating the economic benefits of
706 the proposed award of state incentives for the project, the
707 department may not attribute to the business any capital
708 investment made by the business using state funds. However, for
709 the purpose of evaluating an economic development incentive
710 application, the department shall consider the cumulative
711 capital investment, as defined in s. 220.191.

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

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

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

718 (c) A review of the historical market performance of the
719 company.

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

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

724 (f) A review of the corporate governance and management



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725 structure of the company.

726 (g) A review of performance in connection with any
727 incentives previously awarded by the state or a local
728 government.

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

730 (5) (a) ~~(3)~~ Within 10 business days after the department
731 receives a complete ~~the submitted~~ economic development incentive
732 application, the executive director shall approve or disapprove
733 the application. Except for ss. 288.108, 288.1088, 288.1089, and
734 288.1256, the executive director shall ~~and~~ issue a letter of
735 certification to the applicant which includes a justification of
736 that decision, unless the business requests an extension of ~~that~~
737 time.

738 (b) For ss. 288.108, 288.1088, 288.1089, and 288.1256,
739 within 7 business days after the executive director approves or
740 disapproves a complete economic development incentive
741 application, the executive director shall recommend to the
742 Governor approval or disapproval of the application. If the
743 recommendation is for approval, the recommendation must include
744 the total amount of the award; the anticipated project
745 performance conditions, including, but not limited to, net new
746 employment in the state, average salary, and total capital
747 investment incurred by the business; a baseline of current
748 service and a measure of enhanced capability; the methodology
749 for validating performance; the schedule of performance grant
750 payments; and sanctions for failure to meet performance
751 conditions, including any clawback provisions.

752 (6) (a) Upon approval by the Governor or certification by
753 the department, the department and the applicant shall enter



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754 into an agreement or a contract. The ~~contract or~~ agreement or
755 contract with the applicant must specify the total amount of the
756 award; the performance conditions that must be met to obtain
757 the award, including, but not limited to, net new employment in
758 the state, average salary, and total capital investment incurred
759 by the business; the schedule for performance and payment; the
760 methodology for validating performance and the date by which the
761 business must submit proof of performance to the department; a
762 process for amending, modifying, or extending the agreement or
763 contract; and sanctions that would apply for failure to meet
764 performance conditions. Any agreement or contract with the
765 applicant must require that the applicant use the workforce
766 information systems implemented under s. 445.011 to advertise
767 job openings created as a result of the state incentive
768 agreement or contract. Any agreement or contract that requires
769 the business to make a capital investment must also require that
770 such investment remain in this state for the duration of the
771 agreement or contract, with the exception of an investment made
772 in transportation-related assets specifically used for the
773 purpose of transporting goods or employees. The department may
774 enter into one agreement or contract covering all of the state
775 incentives that are being provided to the applicant. The
776 agreement or contract must provide that release of funds is
777 contingent upon sufficient appropriation of funds by the
778 Legislature.

779 (b) The department may not enter into an agreement or a
780 contract that has a term of more than 10 years. However, the
781 department may enter into a successive agreement or contract for
782 a specific project to extend the initial 10-year term if each



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783 successive agreement or contract is contingent upon the
784 successful completion of the previous agreement or contract.
785 This paragraph does not apply to an agreement or a contract for
786 a project receiving a capital investment tax credit under s.
787 220.191 or an Innovation Incentive Program award under s.
788 288.1089.

789 (c) The department shall provide a notice, including an
790 updated description and evaluation, to the Legislature upon the
791 final execution of each agreement or contract. Any agreement or
792 contract executed by the department for a project under s.
793 288.108, s. 288.1088, or s. 288.1089 must embody performance
794 conditions and timelines that were in the written description
795 and evaluation submitted to the Legislature.

796 (7)~~(b)~~ The release of funds for the incentive or incentives
797 awarded to the applicant depends upon the statutory requirements
798 of the particular incentive program. The department may only
799 make a payment to a business after the department verifies that
800 the business has met the required project performance conditions
801 and statutory requirements, and only in the year in which the
802 payment is scheduled to be paid pursuant to the agreement or
803 contract. The department may not transfer outside of the state
804 treasury any funds appropriated by the Legislature for incentive
805 programs except as expressly provided in the General
806 Appropriations Act or to make a payment as scheduled in an
807 agreement or contract.

808 (8)~~(4)~~ The department shall validate contractor performance
809 and report such validation in the annual incentives report
810 required under s. 288.907.

811 (9)~~(5)~~(a) The executive director may not approve an



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812 economic development incentive application unless the
813 application includes a signed written declaration by the
814 applicant which states that the applicant has read the
815 information in the application and that the information is true,
816 correct, and complete to the best of the applicant's knowledge
817 and belief.

818 (b) After an economic development incentive application is
819 approved, the awardee shall provide, in each year that the
820 department is required to validate contractor performance, a
821 signed written declaration. The written declaration must state
822 that the awardee has reviewed the information and that the
823 information is true, correct, and complete to the best of the
824 awardee's knowledge and belief.

825 ~~(10)(6)~~ The department is authorized to adopt rules to
826 implement this section.

827 Section 9. Paragraphs (a), (c), and (e) of subsection (1),
828 subsection (2), paragraph (e) of subsection (3), subsection (6),
829 and paragraph (a) of subsection (7) of section 288.076, Florida
830 Statutes, are amended to read:

831 288.076 Return on investment reporting for economic
832 development programs.—

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

834 (a) "Jobs" has the same meaning as provided in s.
835 288.106(2) ~~s. 288.106(2)(i)~~.

836 (c) "Project" has the same meaning as provided in s.
837 288.106(2) ~~s. 288.106(2)(m)~~.

838 (e) "State investment" means all state funds spent or
839 foregone to benefit a business, including state funds
840 appropriated to public and private entities, any state grants,



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841 tax exemptions, tax refunds, tax credits, and any other source
842 of state funds which should reasonably be known to the
843 department at the time of approval ~~or other state incentives~~
844 ~~provided to a business under a program administered by the~~
845 ~~department~~, including the capital investment tax credit under s.
846 220.191.

847 (2) (a) The department shall maintain a website for the
848 purpose of publishing the information described in this section.
849 The information required to be published under this section must
850 be provided in a format accessible to the public which enables
851 users to search for and sort specific data and to easily view
852 and retrieve all data at once.

853 (b) The department must publish a summary document that
854 provides for all active contracts the information required under
855 subparagraphs (3) (b)1. and 2. and paragraphs (3) (e) and (f),
856 including verified results. The summary document must be updated
857 quarterly and easily accessible on the website.

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

862 (e) *Project performance goals.*—

863 1. The incremental direct jobs attributable to the project,
864 identifying the number of jobs generated and the number of jobs
865 retained.

866 2. The number of jobs generated and the number of jobs
867 retained by the project, and for projects commencing after
868 October 1, 2013, the average annual wage of persons holding such
869 jobs and the number of jobs generated and the number of jobs



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870 retained which provide health benefits for the employee.

871 3. The incremental direct capital investment in the state
872 generated by the project.

873 4. The schedule of performance that the business is
874 required to meet and the schedule of payments by the state under
875 the terms of the contract. If a schedule is changed due to a
876 contract amendment, modification, or extension, such change
877 shall be noted.

878 (6) Annually, the department shall publish information
879 relating to the progress of Florida Enterprise Program Quick
880 ~~Action Closing Fund~~ projects, including the average number of
881 days between the date the department receives a completed
882 application and the date on which the application is approved.

883 (7) (a) Within 48 hours after expiration of the period of
884 confidentiality provided under s. 288.075, the department shall
885 publish the contract or agreement described in s. 288.061,
886 redacted to protect the participant business from disclosure of
887 information that remains confidential or exempt by law. Within
888 48 hours after approval, the department shall publish any
889 amendment, modification, or extension to a contract or
890 agreement, redacted to protect the participant business from
891 disclosure of information that remains confidential or exempt by
892 law.

893 Section 10. Subsection (2) and paragraph (c) of subsection
894 (3) of section 288.095, Florida Statutes, are amended, and
895 subsections (4) and (5) are added to that section, to read:

896 288.095 Economic Development Trust Fund.—

897 (2) There is created, within the Economic Development Trust
898 Fund, the Economic Development Incentives Account. The Economic



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899 Development Incentives Account consists of moneys appropriated
900 to the account for purposes of the tax incentives programs
901 authorized under ss. 288.1045 and 288.106, and transferred from
902 local governments for the purposes of the local financial
903 support provided under ss. 288.1045, ~~and~~ 288.106, and 288.1088.
904 Moneys in the Economic Development Incentives Account may only
905 be expended pursuant to Legislative appropriation or an approved
906 amendment to the department's operating budget pursuant to
907 chapter 216 shall be subject to the provisions of s.
908 216.301(1)(a). Notwithstanding s. 216.301, and pursuant to s.
909 216.351, any balance in the account at the end of a fiscal year
910 remains in the account and is available for carrying out the
911 purposes of the account.

912 (3)

913 (c) Moneys in the Economic Development Incentives Account
914 may be used only to pay tax refunds and make other payments
915 authorized under s. 288.1045, s. 288.106, ~~or~~ s. 288.107, or s.
916 288.1088.

917 (4) There is created, within the Economic Development Trust
918 Fund, the Florida Enterprise Fund Account. The Florida
919 Enterprise Fund Account consists of moneys appropriated to the
920 account for purposes of the incentives programs authorized under
921 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088,
922 288.1089, and 288.1256. Moneys in the Florida Enterprise Fund
923 Account may be expended only pursuant to legislative
924 appropriation or an approved amendment to the department's
925 operating budget pursuant to chapter 216. Notwithstanding s.
926 216.301, and pursuant to s. 216.351, any balance in the account
927 at the end of a fiscal year remains in the account and is



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928 available for carrying out the purposes of the account.
929 Notwithstanding s. 17.61(3)(c), the department shall transfer
930 interest earnings on a quarterly basis to the State Economic
931 Enhancement and Development Trust Fund.

932 (a) By January 2 of each year, the department shall provide
933 to the Legislature a list of potential claims for payment which
934 may be filed in the following fiscal year under ss. 288.0659,
935 288.1045, 288.106, 288.107, 288.108, 288.1088, 288.1089,
936 288.1256.

937 (b) By March 1 of each year, the department shall provide
938 to the Legislature a list of actual claims for payment filed in
939 the following fiscal year under ss. 288.0659, 288.1045, 288.106,
940 288.107, 288.108, 288.1088, 288.1089, and 288.1256.

941 (5)(a) There is created, within the Economic Development
942 Trust Fund, the Quick Action Closing Fund Escrow Account. The
943 Quick Action Closing Fund Escrow Account consists of moneys
944 transferred from Enterprise Florida, Inc., which were held in an
945 escrow account on June 30, 2016, for approved contracts or
946 agreements under s. 288.1088 and moneys for contracts or
947 agreements under s. 288.1088 approved on or after July 1, 2016.

948 (b) Moneys in the account are appropriated to make payments
949 pursuant to agreements or contracts for projects authorized
950 under s. 288.1088, or to make the transfers required pursuant to
951 paragraph (d) or paragraph (e). Notwithstanding s. 216.301, and
952 pursuant to s. 216.351, any balance in the account at the end of
953 a fiscal year remains in the account and is available for
954 carrying out the purposes of the account.

955 (c) The department may make a payment from the account
956 after an independent third party has verified that an applicant



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957 has satisfied all of the requirements of the agreement or
958 contract and the department has determined that an applicant
959 meets the required project performance criteria and that a
960 payment is due.

961 (d) The department shall determine, within 15 days after
962 the end of each calendar quarter, whether moneys are in the
963 account which are associated with an agreement or contract
964 entered into pursuant to s. 288.1088 that the department has
965 terminated, that has otherwise expired, or for which a business
966 has not met performance conditions required by the agreement or
967 contract. Any such funds held in the account must be returned to
968 the State Economic Enhancement and Development Trust Fund within
969 10 days after the determination.

970 (e) Moneys in the account shall be managed and invested to
971 generate the maximum amount of interest earnings, consistent
972 with the requirement that the moneys be available to make
973 payments as required pursuant to Quick Action Closing Fund
974 contracts or agreements. Notwithstanding s. 17.61(3)(c), the
975 department shall transfer interest earnings on a quarterly basis
976 to the State Economic Enhancement and Development Trust Fund.

977 Section 11. By July 10, 2016, Enterprise Florida, Inc.,
978 shall transfer any funds held in an escrow account on June 30,
979 2016, for approved Quick Action Closing Fund agreements or
980 contracts to the Department of Economic Opportunity for deposit
981 in the Quick Action Closing Fund Escrow Account within the
982 Economic Development Trust Fund.

983 Section 12. Paragraphs (b), (j), and (k) of subsection (1)
984 and paragraphs (b), (c), (d), (e), and (j) of subsection (3) of
985 section 288.1045, Florida Statutes, are amended, paragraph (i)



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986 is added to subsection (5) of that section, and subsection (7)
987 of that section is amended, to read:

988 288.1045 Qualified defense contractor and space flight
989 business tax refund program.—

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

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

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

998 1. Local financial support may include excess payments made
999 to a utility company under a designated program to allow
1000 decreases in service by the utility company under conditions,
1001 regardless of when application is made.

1002 2. A qualified applicant may not provide, directly or
1003 indirectly, more than 5 percent of such funding in any fiscal
1004 year. The sources of such funding may not include, directly or
1005 indirectly, state funds appropriated from the General Revenue
1006 Fund or any state trust fund, excluding tax revenues shared with
1007 local governments pursuant to law.

1008 3. A qualified applicant may not receive more than 80
1009 percent of its total tax refunds from state funds that are
1010 allowed the applicant under this section.

1011 4. The department may grant a waiver to a local government
1012 that reduces the required amount of local financial support for
1013 a project to 10 percent of the annual tax refund award or that
1014 eliminates the required amount of local financial support for a



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1015 project located in an area designated by the Governor as a rural
1016 area of opportunity pursuant to s. 288.0656. To be eligible to
1017 receive a waiver that reduces or eliminates the required amount
1018 of local financial support, a local government must provide the
1019 department with:

1020 a. A resolution adopted by the governing body of the county
1021 or municipality in whose jurisdiction the project will be
1022 located, requesting that the applicant's project be waived from
1023 the local financial support requirement.

1024 b. A statement prepared by a certified public accountant,
1025 as that term is defined in s. 473.302, which describes the
1026 financial constraints preventing the local government from
1027 providing the local financial support required by this section.
1028 This sub-subparagraph does not apply to a county considered to
1029 be fiscally constrained pursuant to s. 218.67(1).

1030 ~~(k) "Local financial support exemption option" means the~~
1031 ~~option to exercise an exemption from the local financial support~~
1032 ~~requirement available to any applicant whose project is located~~
1033 ~~in a county designated by the Rural Economic Development~~
1034 ~~Initiative, if the county commissioners of the county in which~~
1035 ~~the project will be located adopt a resolution requesting that~~
1036 ~~the applicant's project be exempt from the local financial~~
1037 ~~support requirement. Any applicant that exercises this option is~~
1038 ~~not eligible for more than 80 percent of the total tax refunds~~
1039 ~~allowed such applicant under this section.~~

1040 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1041 DETERMINATION.—

1042 (b) Applications for certification based on the
1043 consolidation of a Department of Defense contract or a new



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1044 Department of Defense contract must be submitted to the
1045 department as prescribed by the department and must include, but
1046 are not limited to, the following information:

1047 1. The applicant's federal employer identification number,
1048 the applicant's Florida sales tax registration number, and a
1049 signature of an officer of the applicant.

1050 2. The permanent location of the manufacturing, assembling,
1051 fabricating, research, development, or design facility in this
1052 state at which the project is or is to be located.

1053 3. The Department of Defense contract numbers of the
1054 contract to be consolidated, the new Department of Defense
1055 contract number, or the "RFP" number of a proposed Department of
1056 Defense contract.

1057 4. The date the contract was executed or is expected to be
1058 executed, and the date the contract is due to expire or is
1059 expected to expire.

1060 5. The commencement date for project operations under the
1061 contract in this state.

1062 6. The number of net new full-time equivalent Florida jobs
1063 included in the project as of December 31 of each year and the
1064 average wage of such jobs.

1065 7. The total number of full-time equivalent employees
1066 employed by the applicant in this state.

1067 8. The percentage of the applicant's gross receipts derived
1068 from Department of Defense contracts during the 5 taxable years
1069 immediately preceding the date the application is submitted.

1070 9. The number of full-time equivalent jobs in this state to
1071 be retained by the project.

1072 10. A brief statement concerning the applicant's need for



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1073 tax refunds, and the proposed uses of such refunds by the
1074 applicant.

1075 11. A resolution adopted by the governing board of the
1076 county or municipality in which the project will be located,
1077 which recommends the applicant be approved as a qualified
1078 applicant, and which indicates that the necessary commitments of
1079 local financial support for the applicant exist. ~~Prior to the~~
1080 ~~adoption of the resolution, the county commission may review the~~
1081 ~~proposed public or private sources of such support and determine~~
1082 ~~whether the proposed sources of local financial support can be~~
1083 ~~provided or, for any applicant whose project is located in a~~
1084 ~~county designated by the Rural Economic Development Initiative,~~
1085 ~~a resolution adopted by the county commissioners of such county~~
1086 ~~requesting that the applicant's project be exempt from the local~~
1087 ~~financial support requirement.~~

1088 12. Any additional information requested by the department.

1089 (c) Applications for certification based on the conversion
1090 of defense production jobs to nondefense production jobs must be
1091 submitted to the department as prescribed by the department and
1092 must include, but are not limited to, the following information:

1093 1. The applicant's federal employer identification number,
1094 the applicant's Florida sales tax registration number, and a
1095 signature of an officer of the applicant.

1096 2. The permanent location of the manufacturing, assembling,
1097 fabricating, research, development, or design facility in this
1098 state at which the project is or is to be located.

1099 3. The Department of Defense contract numbers of the
1100 contract under which the defense production jobs will be
1101 converted to nondefense production jobs.



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1102 4. The date the contract was executed, and the date the
1103 contract is due to expire or is expected to expire, or was
1104 canceled.

1105 5. The commencement date for the nondefense production
1106 operations in this state.

1107 6. The number of net new full-time equivalent Florida jobs
1108 included in the nondefense production project as of December 31
1109 of each year and the average wage of such jobs.

1110 7. The total number of full-time equivalent employees
1111 employed by the applicant in this state.

1112 8. The percentage of the applicant's gross receipts derived
1113 from Department of Defense contracts during the 5 taxable years
1114 immediately preceding the date the application is submitted.

1115 9. The number of full-time equivalent jobs in this state to
1116 be retained by the project.

1117 10. A brief statement concerning the applicant's need for
1118 tax refunds, and the proposed uses of such refunds by the
1119 applicant.

1120 11. A resolution adopted by the governing board of the
1121 county or municipality in which the project will be located,
1122 which recommends the applicant be approved as a qualified
1123 applicant, and which indicates that the necessary commitments of
1124 local financial support for the applicant exist. ~~Prior to the~~
1125 ~~adoption of the resolution, the county commission may review the~~
1126 ~~proposed public or private sources of such support and determine~~
1127 ~~whether the proposed sources of local financial support can be~~
1128 ~~provided or, for any applicant whose project is located in a~~
1129 ~~county designated by the Rural Economic Development Initiative,~~
1130 ~~a resolution adopted by the county commissioners of such county~~



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1131 ~~requesting that the applicant's project be exempt from the local~~
1132 ~~financial support requirement.~~

1133 12. Any additional information requested by the department.

1134 (d) Applications for certification based on a contract for
1135 reuse of a defense-related facility must be submitted to the
1136 department as prescribed by the department and must include, but
1137 are not limited to, the following information:

1138 1. The applicant's Florida sales tax registration number
1139 and a signature of an officer of the applicant.

1140 2. The permanent location of the manufacturing, assembling,
1141 fabricating, research, development, or design facility in this
1142 state at which the project is or is to be located.

1143 3. The business entity holding a valid Department of
1144 Defense contract or branch of the Armed Forces of the United
1145 States that previously occupied the facility, and the date such
1146 entity last occupied the facility.

1147 4. A copy of the contract to reuse the facility, or such
1148 alternative proof as may be prescribed by the department that
1149 the applicant is seeking to contract for the reuse of such
1150 facility.

1151 5. The date the contract to reuse the facility was executed
1152 or is expected to be executed, and the date the contract is due
1153 to expire or is expected to expire.

1154 6. The commencement date for project operations under the
1155 contract in this state.

1156 7. The number of net new full-time equivalent Florida jobs
1157 included in the project as of December 31 of each year and the
1158 average wage of such jobs.

1159 8. The total number of full-time equivalent employees



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1160 employed by the applicant in this state.

1161 9. The number of full-time equivalent jobs in this state to
1162 be retained by the project.

1163 10. A brief statement concerning the applicant's need for
1164 tax refunds, and the proposed uses of such refunds by the
1165 applicant.

1166 11. A resolution adopted by the governing board of the
1167 county or municipality in which the project will be located,
1168 which recommends the applicant be approved as a qualified
1169 applicant, and which indicates that the necessary commitments of
1170 local financial support for the applicant exist. ~~Before the
1171 adoption of the resolution, the county commission may review the
1172 proposed public or private sources of such support and determine
1173 whether the proposed sources of local financial support can be
1174 provided or, for any applicant whose project is located in a
1175 county designated by the Rural Economic Development Initiative,
1176 a resolution adopted by the county commissioners of such county
1177 requesting that the applicant's project be exempt from the local
1178 financial support requirement.~~

1179 12. Any additional information requested by the department.

1180 (e) To qualify for review by the department, the
1181 application of an applicant must, at a minimum, establish the
1182 following to the satisfaction of the department:

1183 1. The jobs proposed to be provided under the application,
1184 pursuant to subparagraph (b)6., subparagraph (c)6., or
1185 subparagraph (j)6., must pay an estimated annual average wage
1186 equaling at least 115 percent of the average private sector wage
1187 in the area where the project is to be located.

1188 2. The consolidation of a Department of Defense contract



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1189 must result in a net increase of at least 25 percent in the
1190 number of jobs at the applicant's facilities in this state or
1191 the addition of at least 80 jobs at the applicant's facilities
1192 in this state.

1193 3. The conversion of defense production jobs to nondefense
1194 production jobs must result in net increases in nondefense
1195 employment at the applicant's facilities in this state.

1196 4. The Department of Defense contract or the space flight
1197 business contract does not ~~cannot~~ allow the business to include
1198 the costs of relocation or retooling in its base as allowable
1199 costs under a cost-plus, or similar, contract.

1200 5. A business unit of the applicant must have derived not
1201 less than 60 percent of its gross receipts in this state from
1202 Department of Defense contracts or space flight business
1203 contracts over the applicant's last fiscal year, and must have
1204 derived not less than an average of 60 percent of its gross
1205 receipts in this state from Department of Defense contracts or
1206 space flight business contracts over the 5 years preceding the
1207 date an application is submitted pursuant to this section. This
1208 subparagraph does not apply to any application for certification
1209 based on a contract for reuse of a defense-related facility.

1210 6. The reuse of a defense-related facility will ~~must~~ result
1211 in the creation of at least 100 jobs at such facility.

1212 7. A new space flight business contract or the
1213 consolidation of a space flight business contract will ~~must~~
1214 result in net increases in space flight business employment at
1215 the applicant's facilities in this state.

1216 (j) Applications for certification based upon a new space
1217 flight business contract or the consolidation of a space flight



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1218 business contract must be submitted to the department as
1219 prescribed by the department and must include, but are not
1220 limited to, the following information:

1221 1. The applicant's federal employer identification number,
1222 the applicant's Florida sales tax registration number, and a
1223 signature of an officer of the applicant.

1224 2. The permanent location of the space flight business
1225 facility in this state where the project is or will be located.

1226 3. The new space flight business contract number, the space
1227 flight business contract numbers of the contract to be
1228 consolidated, or the request-for-proposal number of a proposed
1229 space flight business contract.

1230 4. The date the contract was executed and the date the
1231 contract is due to expire, is expected to expire, or was
1232 canceled.

1233 5. The commencement date for project operations under the
1234 contract in this state.

1235 6. The number of net new full-time equivalent Florida jobs
1236 included in the project as of December 31 of each year and the
1237 average wage of such jobs.

1238 7. The total number of full-time equivalent employees
1239 employed by the applicant in this state.

1240 8. The percentage of the applicant's gross receipts derived
1241 from space flight business contracts during the 5 taxable years
1242 immediately preceding the date the application is submitted.

1243 9. The number of full-time equivalent jobs in this state to
1244 be retained by the project.

1245 10. A brief statement concerning the applicant's need for
1246 tax refunds and the proposed uses of such refunds by the



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1247 applicant.

1248 11. A resolution adopted by the governing board of the
1249 county or municipality in which the project will be located
1250 which recommends the applicant be approved as a qualified
1251 applicant and indicates that the necessary commitments of local
1252 financial support for the applicant exist. ~~Prior to the adoption~~
1253 ~~of the resolution, the county commission may review the proposed~~
1254 ~~public or private sources of such support and determine whether~~
1255 ~~the proposed sources of local financial support can be provided~~
1256 ~~or, for any applicant whose project is located in a county~~
1257 ~~designated by the Rural Economic Development Initiative, a~~
1258 ~~resolution adopted by the county commissioners of such county~~
1259 ~~requesting that the applicant's project be exempt from the local~~
1260 ~~financial support requirement.~~

1261 12. Any additional information requested by the department.

1262 (5) ANNUAL CLAIM FOR REFUND.—

1263 (i)1. If a business fails to timely submit documentation
1264 requested by the department as required in the agreement between
1265 the business and the department and such failure results in the
1266 department withholding an otherwise approved refund, then the
1267 business may receive the approved refund if:

1268 a. The business submits the documentation to the
1269 department.

1270 b. The business provides a written statement to the
1271 department detailing the extenuating circumstances that resulted
1272 in the failure to timely submit the documentation required by
1273 the agreement.

1274 c. Funds appropriated under this section remain available.

1275 d. The business was scheduled under the terms of the



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1276 agreement to submit information to the department between
1277 January 1, 2014, and December 31, 2014.

1278 e. The business has met all other requirements of the
1279 agreement.

1280 2. This paragraph expires December 31, 2017.

1281 (7) EXPIRATION.—An applicant may not be certified as
1282 qualified under this section after June 30, 2018 ~~2014~~. A tax
1283 refund agreement existing on that date shall continue in effect
1284 in accordance with its terms.

1285 Section 13. Paragraphs (c), (j), (k), and (q) of subsection
1286 (2), paragraph (b) of subsection (4), paragraph (b) of
1287 subsection (5), subsection (8), and subsection (9) of section
1288 288.106, Florida Statutes, are amended to read:

1289 288.106 Tax refund program for qualified target industry
1290 businesses.—

1291 (2) DEFINITIONS.—As used in this section:

1292 ~~(c) "Average private sector wage in the area" means the~~
1293 ~~statewide private sector average wage or the average of all~~
1294 ~~private sector wages and salaries in the county or in the~~
1295 ~~standard metropolitan area in which the business is located.~~

1296 (i) ~~(j)~~ "Local financial support" means funding from local
1297 sources, public or private, which ~~that~~ is paid to the Economic
1298 Development Trust Fund and which ~~that~~ is equal to 20 percent of
1299 the annual tax refund for a qualified target industry business.

1300 1. A qualified target industry business may not provide,
1301 directly or indirectly, more than 5 percent of such funding in
1302 any fiscal year. The sources of such funding may not include,
1303 directly or indirectly, state funds appropriated from the
1304 General Revenue Fund or any state trust fund, excluding tax



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1305 revenues shared with local governments pursuant to law.

1306 2. A qualified target industry business may not receive
1307 more than 80 percent of its total tax refunds from state funds
1308 that are allowed the business under this section.

1309 3. The department may grant a waiver to a local government
1310 that reduces the required amount of local financial support for
1311 a project to 10 percent of the annual tax refund award or that
1312 eliminates the required amount of local financial support for a
1313 project located in an area designated by the Governor as a rural
1314 area of opportunity pursuant to s. 288.0656. To be eligible to
1315 receive a waiver that reduces or eliminates the required amount
1316 of local financial support, a local government must provide the
1317 department with:

1318 a. A resolution adopted by the governing body of the county
1319 or municipality in whose jurisdiction the project will be
1320 located, requesting that the applicant's project be waived from
1321 the local financial support requirement.

1322 b. A statement prepared by a certified public accountant,
1323 as that term is defined in s. 473.302, which describes the
1324 financial constraints preventing the local government from
1325 providing the local financial support required by this section.
1326 This sub-subparagraph does not apply to a county considered
1327 fiscally constrained pursuant to s. 218.67(1).

1328 ~~(k) "Local financial support exemption option" means the~~
1329 ~~option to exercise an exemption from the local financial support~~
1330 ~~requirement available to any applicant whose project is located~~
1331 ~~in a brownfield area, a rural city, or a rural community. Any~~
1332 ~~applicant that exercises this option is not eligible for more~~
1333 ~~than 80 percent of the total tax refunds allowed such applicant~~



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1334 ~~under this section.~~

1335 (o)~~(a)~~ "Target industry business" means a corporate
1336 headquarters business or any business that is engaged in one of
1337 the target industries identified pursuant to the following
1338 criteria developed by the department in consultation with
1339 Enterprise Florida, Inc.:

1340 1. Future growth.—Industry forecasts should indicate strong
1341 expectation for future growth in both employment and output,
1342 according to the most recent available data. Special
1343 consideration should be given to businesses that export goods
1344 to, or provide services in, international markets and businesses
1345 that replace domestic and international imports of goods or
1346 services.

1347 2. Stability.—The industry should not be subject to
1348 periodic layoffs, whether due to seasonality or sensitivity to
1349 volatile economic variables such as weather. The industry should
1350 also be relatively resistant to recession, so that the demand
1351 for products of this industry is not typically subject to
1352 decline during an economic downturn.

1353 3. High wage.—The industry should pay relatively high wages
1354 compared to statewide or area averages.

1355 4. Market and resource independent.—The location of
1356 industry businesses should not be dependent on Florida markets
1357 or resources as indicated by industry analysis, except for
1358 businesses in the renewable energy industry.

1359 5. Industrial base diversification and strengthening.—The
1360 industry should contribute toward expanding or diversifying the
1361 state's or area's economic base, as indicated by analysis of
1362 employment and output shares compared to national and regional



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1363 trends. Special consideration should be given to industries that
1364 strengthen regional economies by adding value to basic products
1365 or building regional industrial clusters as indicated by
1366 industry analysis. Special consideration should also be given to
1367 the development of strong industrial clusters that include
1368 defense and homeland security businesses.

1369 6. Positive economic impact.—The industry is expected to
1370 have strong positive economic impacts on or benefits to the
1371 state or regional economies. Special consideration should be
1372 given to industries that facilitate the development of the state
1373 as a hub for domestic and global trade and logistics.

1374
1375 The term does not include any business engaged in retail
1376 industry activities; any electrical utility company as defined
1377 in s. 366.02(2); any phosphate or other solid minerals
1378 severance, mining, or processing operation; any oil or gas
1379 exploration or production operation; or any business subject to
1380 regulation by the Division of Hotels and Restaurants of the
1381 Department of Business and Professional Regulation. Any business
1382 within NAICS code 5611 or 5614, office administrative services
1383 and business support services, respectively, or any business
1384 within NAICS code 611310 which offers only baccalaureate or
1385 higher degree programs that address health care workforce demand
1386 may be considered a target industry business only after the
1387 local governing body and Enterprise Florida, Inc., make a
1388 determination that the community where the business may locate
1389 has conditions affecting the fiscal and economic viability of
1390 the local community or area, including but not limited to,
1391 factors such as low per capita income, high unemployment, high



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1392 underemployment, and a lack of year-round stable employment
1393 opportunities, and such conditions may be improved by the
1394 location of such a business to the community. By January 1 of
1395 every 3rd year, beginning January 1, 2011, the department, in
1396 consultation with Enterprise Florida, Inc., economic development
1397 organizations, the State University System, local governments,
1398 employee and employer organizations, market analysts, and
1399 economists, shall review and, as appropriate, revise the list of
1400 such target industries and submit the list to the Governor, the
1401 President of the Senate, and the Speaker of the House of
1402 Representatives.

1403 (4) APPLICATION AND APPROVAL PROCESS.—

1404 (b) To qualify for review by the department, the
1405 application of a target industry business must, at a minimum,
1406 establish the following to the satisfaction of the department:

1407 1.a. The jobs proposed to be created under the application,
1408 pursuant to subparagraph (a)4., must pay an estimated annual
1409 average wage equaling at least 115 percent of the average
1410 private sector wage in the area where the business is to be
1411 located ~~or the statewide private sector average wage~~. The
1412 governing board of the local governmental entity providing the
1413 local financial support of the jurisdiction where the qualified
1414 target industry business is to be located shall notify the
1415 department and Enterprise Florida, Inc., which calculation of
1416 the average private sector wage in the area must be used as the
1417 basis for the business's wage commitment. In determining the
1418 average annual wage, the department shall include only new
1419 proposed jobs, and wages for existing jobs shall be excluded
1420 from this calculation.



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1421 b. The department may waive the average wage requirement at
1422 the request of the local governing body recommending the project
1423 and Enterprise Florida, Inc. The department may waive the wage
1424 requirement for a project located in a brownfield area
1425 designated under s. 376.80, in a rural city, in a rural
1426 community, in an enterprise zone, or for a manufacturing project
1427 at any location in the state if the jobs proposed to be created
1428 pay an estimated annual average wage equaling at least 100
1429 percent of the average private sector wage in the area where the
1430 business is to be located, only if the merits of the individual
1431 project or the specific circumstances in the community in
1432 relationship to the project warrant such action. If the local
1433 governing body and Enterprise Florida, Inc., make such a
1434 recommendation, it must be transmitted in writing and must
1435 include an explanation of,~~and~~ the specific justification for
1436 the waiver recommendation ~~must be explained~~. If the department
1437 elects to waive the wage requirement, the waiver must be stated
1438 in writing and must include an explanation of,~~and~~ the reasons
1439 for granting the waiver ~~must be explained~~.

1440 2. The target industry business's project must result in
1441 the creation of at least 10 jobs at the project and, in the case
1442 of an expansion of an existing business, must result in a net
1443 increase in employment of at least 10 percent at the business.
1444 At the request of the local governing body recommending the
1445 project and Enterprise Florida, Inc., the department may waive
1446 this requirement for a business in a rural community or
1447 enterprise zone if the merits of the individual project or the
1448 specific circumstances in the community in relationship to the
1449 project warrant such action. If the local governing body and



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1450 Enterprise Florida, Inc., make such a request, the request must
1451 be transmitted in writing and must include an explanation of
1452 ~~and~~ the specific justification for the request ~~must be~~
1453 ~~explained~~. If the department elects to grant the request, the
1454 grant must be stated in writing ~~and~~ explain why the request was
1455 granted ~~the reason for granting the request must be explained~~.

1456 3. The business activity or product for the applicant's
1457 project must be within an industry identified by the department
1458 as a target industry business that contributes to the economic
1459 growth of the state and the area in which the business is
1460 located, that produces a higher standard of living for residents
1461 of this state in the new global economy, or that can be shown to
1462 make an equivalent contribution to the area's and state's
1463 economic progress.

1464 (5) TAX REFUND AGREEMENT.—

1465 (b) Compliance with the terms and conditions of the
1466 agreement is a condition precedent for the receipt of a tax
1467 refund each year. The failure to comply with the terms and
1468 conditions of the tax refund agreement results in the loss of
1469 eligibility for receipt of all tax refunds previously authorized
1470 under this section and the revocation by the department of the
1471 certification of the business entity as a qualified target
1472 industry business, unless the business is eligible to receive
1473 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
1474 ~~the department grants the business an economic recovery~~
1475 ~~extension~~.

1476 1. ~~A qualified target industry business may submit a~~
1477 ~~request to the department for an economic recovery extension.~~
1478 ~~The request must provide quantitative evidence demonstrating how~~



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1479 ~~negative economic conditions in the business's industry, the~~
1480 ~~effects of a named hurricane or tropical storm, or specific acts~~
1481 ~~of terrorism affecting the qualified target industry business~~
1482 ~~have prevented the business from complying with the terms and~~
1483 ~~conditions of its tax refund agreement.~~

1484 ~~2. Upon receipt of a request under subparagraph 1., the~~
1485 ~~department has 45 days to notify the requesting business, in~~
1486 ~~writing, whether its extension has been granted or denied. In~~
1487 ~~determining whether an extension should be granted, the~~
1488 ~~department shall consider the extent to which negative economic~~
1489 ~~conditions in the requesting business's industry have occurred~~
1490 ~~in the state or the effects of a named hurricane or tropical~~
1491 ~~storm or specific acts of terrorism affecting the qualified~~
1492 ~~target industry business have prevented the business from~~
1493 ~~complying with the terms and conditions of its tax refund~~
1494 ~~agreement. The department shall consider current employment~~
1495 ~~statistics for this state by industry, including whether the~~
1496 ~~business's industry had substantial job loss during the prior~~
1497 ~~year, when determining whether an extension shall be granted.~~

1498 ~~3. As a condition for receiving a prorated refund under~~
1499 ~~paragraph (6)(c) or an economic recovery extension under this~~
1500 ~~paragraph, a qualified target industry business must agree to~~
1501 ~~renegotiate its tax refund agreement with the department to, at~~
1502 ~~a minimum, ensure that the terms of the agreement comply with~~
1503 ~~current law and the department's procedures governing~~
1504 ~~application for and award of tax refunds. Upon approving the~~
1505 ~~award of a prorated refund or granting an economic recovery~~
1506 ~~extension, the department shall renegotiate the tax refund~~
1507 ~~agreement with the business as required by this subparagraph.~~



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1508 ~~When amending the agreement of a business receiving an economic~~
1509 ~~recovery extension, the department may extend the duration of~~
1510 ~~the agreement for a period not to exceed 2 years.~~

1511 ~~4. A qualified target industry business may submit a~~
1512 ~~request for an economic recovery extension to the department in~~
1513 ~~lieu of any tax refund claim scheduled to be submitted after~~
1514 ~~January 1, 2009, but before July 1, 2012.~~

1515 ~~5. A qualified target industry business that receives an~~
1516 ~~economic recovery extension may not receive a tax refund for the~~
1517 ~~period covered by the extension.~~

1518 ~~(8) SPECIAL INCENTIVES.—If the department determines it is~~
1519 ~~in the best interest of the public for reasons of facilitating~~
1520 ~~economic development, growth, or new employment opportunities~~
1521 ~~within a Disproportionally Affected County, the department may,~~
1522 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
1523 ~~or local financial support eligibility requirements and allow a~~
1524 ~~qualified target industry business from another state which~~
1525 ~~relocates all or a portion of its business to a~~
1526 ~~Disproportionally Affected County to receive a tax refund~~
1527 ~~payment of up to \$6,000 multiplied by the number of jobs~~
1528 ~~specified in the tax refund agreement under subparagraph~~
1529 ~~(5) (a)1. over the term of the agreement. Prior to granting such~~
1530 ~~waiver, the executive director of the department shall file with~~
1531 ~~the Governor a written statement of the conditions and~~
1532 ~~circumstances constituting the reason for the waiver. Such~~
1533 ~~business shall be eligible for the additional tax refund~~
1534 ~~payments specified in subparagraph (3) (b)4. if it meets the~~
1535 ~~criteria. As used in this section, the term "Disproportionally~~
1536 ~~Affected County" means Bay County, Escambia County, Franklin~~



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1537 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
1538 ~~County, or Wakulla County.~~

1539 (9) INCENTIVE PAYMENTS.—The incentive payments made to a
1540 business pursuant to this section are not repayments of the
1541 actual taxes paid to the state or to a local government by the
1542 business. The amount of state and local government taxes paid by
1543 a business serve as a limitation on the amount of incentive
1544 payments a business may receive.

1545 (10) EXPIRATION.—An applicant may not be certified as
1546 qualified under this section after June 30, 2020. A tax refund
1547 agreement existing on that date shall continue in effect in
1548 accordance with its terms.

1549 Section 14. Paragraphs (b) and (c) of subsection (2) and
1550 subsection (5) of section 288.108, Florida Statutes, are amended
1551 to read:

1552 288.108 High-impact business.—

1553 (2) DEFINITIONS.—As used in this section, the term:

1554 (b) “Cumulative investment” means the total investment in
1555 buildings and equipment made by a qualified high-impact business
1556 since the beginning of construction of such facility. The term
1557 does not include funds granted to or spent on behalf of the
1558 qualifying business by the state, a local government, or other
1559 governmental entity; funds appropriated in the General
1560 Appropriations Act; or funds otherwise provided to the
1561 qualifying business by a state agency, local government, or
1562 other governmental entity.

1563 (c) “Eligible high-impact business” means a business in one
1564 of the high-impact sectors identified by Enterprise Florida,
1565 Inc., and certified by the department as provided in subsection



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1566 ~~(5)~~, which is making a cumulative investment in the state of at
1567 least \$50 million and creating at least 50 new full-time
1568 equivalent jobs in the state or a research and development
1569 facility making a cumulative investment of at least \$25 million
1570 and creating at least 25 new full-time equivalent jobs. Such
1571 investment and employment must be achieved in a period not to
1572 exceed 3 years after the date the business enters into an
1573 agreement with the department as provided in subsection (5) is
1574 certified as a qualified high-impact business.

1575 (5) APPLICATIONS; REVIEW, APPROVAL, AND CERTIFICATION
1576 PROCESS; GRANT AGREEMENT.—

1577 (a) The department shall review an application pursuant to
1578 s. 288.061 which is received from any eligible high-impact
1579 business, as defined in subsection (2), for consideration as a
1580 qualified high-impact business before the business has made a
1581 decision to locate or expand a facility in this state. The
1582 business must provide the following information:

1583 1. A complete description of the type of facility, business
1584 operations, and product or service associated with the project.

1585 2. The number of full-time equivalent jobs that will be
1586 created by the project and the average annual wage of those
1587 jobs.

1588 3. The cumulative amount of investment to be dedicated to
1589 this project within 3 years.

1590 4. A statement concerning any special impacts the facility
1591 is expected to stimulate in the sector, the state, or regional
1592 economy and in state universities and community colleges.

1593 5. A statement concerning the role the grant will play in
1594 the decision of the applicant business to locate or expand in



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1595 this state.

1596 6. Any additional information requested by the department.

1597 (b)1. Applications shall be reviewed ~~and certified~~ pursuant
1598 to s. 288.061.

1599 2. The project must have an economic benefit ratio of at
1600 least 1 to 1.

1601 (c) The executive director of the department shall
1602 recommend to the Governor approval or disapproval of a project
1603 pursuant to s. 288.061. The Governor may approve a high-impact
1604 business performance grant of less than \$2 million without
1605 consulting the Legislature and shall provide a written
1606 description and evaluation of the approved project to the
1607 President of the Senate and the Speaker of the House of
1608 Representatives within 1 business day after approval.

1609 (d) For any high-impact business performance grant awarded
1610 funding in the amount of \$2 million or more, the Governor shall
1611 provide a written description and evaluation of the project to
1612 the President of the Senate and the Speaker of the House of
1613 Representatives at least 14 days before approving the project.
1614 If the President of the Senate or the Speaker of the House of
1615 Representatives timely advises the Governor, in writing, that
1616 his or her planned or proposed action exceeds the delegated
1617 authority of the Governor or is contrary to legislative policy
1618 or intent, the Governor shall instruct the department to
1619 immediately suspend any action planned or proposed.

1620 (e) A written description and evaluation of an amendment, a
1621 modification, or an extension of an executed agreement which
1622 results in a 0.5-point or greater reduction in the economic
1623 benefit ratio of the project must be provided to the President



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1624 of the Senate and the Speaker of the House of Representatives
1625 within 1 business day after approval. An amendment, a
1626 modification, or an extension may not be made to an executed
1627 agreement if:

1628 1. Such action would result in an economic benefit ratio
1629 less than 1 to 1.

1630 2. The award of state funds outlined in the agreement has
1631 not been reduced by a proportionate amount.

1632 (f) Upon the approval of the Governor, the department shall
1633 certify the applicant as a high-impact business and the
1634 qualified high-impact business shall enter into a performance
1635 grant agreement with the qualified high-impact business pursuant
1636 to s. 288.061 setting forth the conditions for payment of the
1637 qualified high-impact business performance grant. The agreement
1638 shall include the total amount of the qualified high-impact
1639 business facility performance grant award, the performance
1640 conditions that must be met to obtain the award, including the
1641 employment, average salary, investment, the methodology for
1642 determining if the conditions have been met, and the schedule of
1643 performance grant payments.

1644 (g) The department shall validate contractor performance
1645 and report such validation in the annual incentives report
1646 required by s. 288.907. The agreement shall require the
1647 qualified high-impact business to submit proof of performance
1648 within a certain period of time from the required date of
1649 performance provided in the agreement, not to exceed 90 days.

1650 Section 15. Section 288.1088, Florida Statutes, is amended
1651 to read:

1652 288.1088 Florida Enterprise Program Quick Action Closing



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1653 ~~Fund.~~—

1654 (1) (a) The Legislature finds that attracting, retaining,
1655 and providing favorable conditions for the growth of certain
1656 high-impact business facilities, privately developed critical
1657 rural infrastructure, or key facilities in economically
1658 distressed urban or rural communities which provide widespread
1659 economic benefits to the public through high-quality employment
1660 opportunities in such facilities or in related facilities
1661 attracted to the state, through the increased tax base provided
1662 by the high-impact facility and related businesses, through an
1663 enhanced entrepreneurial climate in the state and the resulting
1664 business and employment opportunities, and through the
1665 stimulation and enhancement of the state's universities and
1666 community colleges. In the global economy, there exists serious
1667 and fierce international competition for these facilities, and
1668 in most instances, when all available resources for economic
1669 development have been used, the state continues to encounter
1670 severe competitive disadvantages in vying for these business
1671 facilities. Florida's rural areas must provide a competitive
1672 environment for business in the information age. This often
1673 requires an incentive to make it feasible for private investors
1674 to provide infrastructure in those areas.

1675 (b) The Legislature finds that the conclusion of the space
1676 shuttle program and the gap in civil human space flight will
1677 result in significant job losses that will negatively impact
1678 families, companies, the state and regional economies, and the
1679 capability level of this state's aerospace workforce. Thus, the
1680 Legislature also finds that this loss of jobs is a matter of
1681 state interest and great public importance. The Legislature



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1682 further finds that it is in the state's interest for provisions
1683 to be made in incentive programs for economic development to
1684 maximize the state's ability to mitigate these impacts and to
1685 develop a more diverse aerospace economy.

1686 (c) The Legislature therefore declares that sufficient
1687 resources shall be available to respond to extraordinary
1688 economic opportunities and to compete effectively for these
1689 high-impact business facilities, critical private infrastructure
1690 in rural areas, and key businesses in economically distressed
1691 urban or rural communities, and that up to 20 percent of these
1692 resources may be used for projects to retain or create high-
1693 technology jobs that are directly associated with developing a
1694 more diverse aerospace economy in this state.

1695 (2) There is created within the department the Florida
1696 Enterprise Program ~~Quick Action Closing Fund~~. Projects eligible
1697 for receipt of funds from the program must ~~Quick Action Closing~~
1698 ~~Fund shall:~~

1699 (a) Be in an industry identified as a target industry
1700 pursuant to the procedure specified as referenced in s. 288.106.

1701 (b) Have a positive economic benefit ratio of at least 2.5
1702 to 1 ~~5 to 1~~.

1703 (c) Be an inducement to the project's location or expansion
1704 in the state.

1705 (d) Pay an average annual wage of at least 125 percent of
1706 the average areawide or statewide private sector average wage in
1707 the area or, for a project to be located in an area designated
1708 as a rural area of opportunity, an average annual wage of at
1709 least 100 percent of the average private sector wage in the
1710 area.



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1711 (e) Be supported by the local community in which the
1712 project is to be located. Support must include a resolution
1713 adopted by the governing board of the county or municipality in
1714 which the project will be located, which resolution recommends
1715 that the project be approved and specifies that the commitments
1716 of local financial support necessary for the business exist.
1717 Before the passage of such resolution, the department may also
1718 accept an official letter from an authorized local economic
1719 development agency that endorses the proposed project and
1720 pledges that sources of local financial support for such project
1721 exist. For the purposes of making pledges of local financial
1722 support under this paragraph, the authorized local economic
1723 development agency shall be officially designated by the passage
1724 of a one-time resolution by the local governing board. For
1725 purposes of this section, the term "local financial support"
1726 means funding from local sources, public or private, which is
1727 paid to the Economic Development Trust Fund and which is equal
1728 to 20 percent of the Florida Enterprise Program award to a
1729 business.

1730 1. A business may not provide, directly or indirectly, more
1731 than 5 percent of such funding in any fiscal year. The sources
1732 of such funding may not include, directly or indirectly, state
1733 funds appropriated from the General Revenue Fund or any state
1734 trust fund, excluding tax revenues shared with local governments
1735 pursuant to law.

1736 2. A business may not receive more than 80 percent of its
1737 total award under this section from state funds.

1738 3. The department may grant a waiver to a local government
1739 that reduces the required amount of local financial support for



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1740 a project to 10 percent of the award or that eliminates the
1741 required amount of local financial support for a project located
1742 in an area designated by the Governor as a rural area of
1743 opportunity pursuant to s. 288.0656. To be eligible to receive a
1744 waiver that reduces or eliminates the required amount of local
1745 financial support, a local government must provide the
1746 department with:

1747 a. A resolution adopted by the governing body of the county
1748 or municipality in whose jurisdiction the project will be
1749 located, requesting that the applicant's project be waived from
1750 the local financial support requirement.

1751 b. A statement prepared by a certified public accountant,
1752 as that term is defined in s. 473.302, which describes the
1753 financial constraints preventing the local government from
1754 providing the local financial support required by this section.
1755 This sub-subparagraph does not apply to a county considered
1756 fiscally constrained pursuant to s. 218.67(1).

1757 (f) Create at least 10 new jobs.

1758 (3) ~~(a)~~ The department and Enterprise Florida, Inc., shall
1759 jointly review applications pursuant to s. 288.061 and determine
1760 the eligibility of each project consistent with the criteria in
1761 subsection (2). Waiver of the criteria in subsection (2) ~~these~~
1762 ~~criteria~~ may not be considered except as provided in paragraph
1763 (2) (e) under the following criteria:

1764 ~~1. Based on extraordinary circumstances;~~

1765 ~~2. In order to mitigate the impact of the conclusion of the~~
1766 ~~space shuttle program; or~~

1767 ~~3. In rural areas of opportunity if the project would~~
1768 ~~significantly benefit the local or regional economy.~~



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1769 ~~(4)(b)~~ The department shall evaluate individual proposals
1770 for high-impact business facilities. Such evaluation must
1771 include, but need not be limited to:

1772 ~~(a)1.~~ A description of the type of facility or
1773 infrastructure, its operations, and the associated product or
1774 service associated with the facility.

1775 ~~(b)2.~~ The number of full-time-equivalent jobs that will be
1776 created by the facility and the total estimated average annual
1777 wages of those jobs or, in the case of privately developed rural
1778 infrastructure, the types of business activities and jobs
1779 stimulated by the investment.

1780 ~~(c)3.~~ The cumulative amount of investment to be dedicated
1781 to the facility within a specified period.

1782 ~~(d)4.~~ A statement of any special impacts the facility is
1783 expected to stimulate in a particular business sector in the
1784 state or regional economy or in the state's universities and
1785 community colleges.

1786 ~~(e)5.~~ A statement of the role the incentive is expected to
1787 play in the decision of the applicant business to locate or
1788 expand in this state or for the private investor to provide
1789 critical rural infrastructure.

1790 ~~(f)6.~~ A report evaluating the quality and value of the
1791 company submitting a proposal. The report must include:

1792 ~~1.a.~~ A financial analysis of the company, including an
1793 evaluation of the company's short-term liquidity ratio as
1794 measured by its assets to liabilities ~~liability~~, the company's
1795 profitability ratio, and the company's long-term solvency as
1796 measured by its debt-to-equity ratio;

1797 ~~2.b.~~ The historical market performance of the company;



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1798 ~~3.e.~~ A review of any independent evaluations of the
1799 company;

1800 ~~4.d.~~ A review of the latest audit of the company's
1801 financial statement and the related auditor's management letter;
1802 and

1803 ~~5.e.~~ A review of any other types of audits that are related
1804 to the internal and management controls of the company.

1805 (g) The amount of local financial support for the project.

1806 ~~(5) (a)-(c) 1. Within 7 business days after evaluating a~~
1807 ~~project, The executive director of the department shall~~
1808 ~~recommend to the Governor approval or disapproval of a project~~
1809 ~~pursuant to s. 288.061 for receipt of funds from the Quick~~
1810 ~~Action Closing Fund. In recommending a project, the department~~
1811 ~~shall include proposed performance conditions that the project~~
1812 ~~must meet to obtain incentive funds.~~

1813 ~~2.~~ The Governor may approve a project ~~projects~~ without
1814 consulting the Legislature for a project awarded ~~projects~~
1815 ~~requiring~~ less than \$2 million in funding and shall provide a
1816 written description and evaluation of the approved project to
1817 the President of the Senate and the Speaker of the House of
1818 Representatives within 1 business day after approval.

1819 (b) For a project recommended for approval for an award of
1820 \$2 million or more, the Governor shall provide a written
1821 description and evaluation of the project to the President of
1822 the Senate and the Speaker of the House of Representatives at
1823 least 14 days before approving an award. If the President of the
1824 Senate or the Speaker of the House of Representatives timely
1825 advises the Governor, in writing, that his or her planned or
1826 proposed action exceeds the delegated authority of the Governor



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1827 or is contrary to legislative policy or intent, the Governor
1828 shall instruct the department to immediately suspend any action
1829 planned or proposed.

1830 ~~3. For projects requiring funding in the amount of \$2~~
1831 ~~million to \$5 million, the Governor shall provide a written~~
1832 ~~description and evaluation of a project recommended for approval~~
1833 ~~to the chair and vice chair of the Legislative Budget Commission~~
1834 ~~at least 10 days prior to giving final approval for a project.~~
1835 ~~The recommendation must include proposed performance conditions~~
1836 ~~that the project must meet in order to obtain funds.~~

1837 ~~4. If the chair or vice chair of the Legislative Budget~~
1838 ~~Commission or the President of the Senate or the Speaker of the~~
1839 ~~House of Representatives timely advises the Executive Office of~~
1840 ~~the Governor, in writing, that such action or proposed action~~
1841 ~~exceeds the delegated authority of the Executive Office of the~~
1842 ~~Governor or is contrary to legislative policy or intent, the~~
1843 ~~Executive Office of the Governor shall void the release of funds~~
1844 ~~and instruct the department to immediately change such action or~~
1845 ~~proposed action until the Legislative Budget Commission or the~~
1846 ~~Legislature addresses the issue. Notwithstanding such~~
1847 ~~requirement, any project exceeding \$5 million must be approved~~
1848 ~~by the Legislative Budget Commission prior to the funds being~~
1849 ~~released.~~

1850 (c) A written description and evaluation of an amendment, a
1851 modification, or an extension of an executed contract which
1852 results in a 0.5-point or greater reduction in the economic
1853 benefit ratio of the project must be provided to the President
1854 of the Senate and the Speaker of the House of Representatives
1855 within 1 business day after approval. An amendment, a



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1856 modification, or an extension may not be made to an executed
1857 contract if:

1858 1. Such action would result in an economic benefit ratio
1859 less than 2.5 to 1.

1860 2. The award of state funds outlined in the contract has
1861 not been reduced by a proportionate amount.

1862 (6)~~(d)~~ Upon the approval of the Governor, the department
1863 and the business shall enter into a contract pursuant to s.
1864 288.061 that sets forth the conditions for payment of moneys
1865 from the fund. Such payment may not be made to the business
1866 until the scheduled performance conditions have been achieved.
1867 The contract must also include the minimum and maximum amount of
1868 funds that may be awarded, if applicable the total amount of
1869 funds awarded; the performance conditions related to the minimum
1870 and maximum number of jobs that will be created, if applicable
1871 that must be met to obtain the award, including, but not limited
1872 to, net new employment in the state, average salary, and total
1873 capital investment; a demonstration of demonstrate a baseline of
1874 current service and a measure of enhanced capability; and the
1875 amount of local financial support that will be annually
1876 available and that will be paid into the Economic Development
1877 Trust Fund the methodology for validating performance; the
1878 schedule of payments from the fund; and sanctions for failure to
1879 meet performance conditions. The contract must provide that
1880 payment of moneys from the fund is contingent upon sufficient
1881 appropriation of funds by the Legislature. The department may
1882 not enter into a contract with a business if the local financial
1883 support resolution is not passed by the local governing body
1884 within 90 days after the Governor has approved the award.



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1885 (7) ~~(e)~~ The department shall validate contractor performance
1886 and report such validation in the annual incentives report
1887 required under s. 288.907. The contract shall require the
1888 business to submit proof of performance within a certain period
1889 of time from the required date of performance provided in the
1890 contract, not to exceed 90 days.

1891 (8) (a) ~~(4)~~ Funds appropriated by the Legislature for
1892 purposes of implementing this section shall be placed in reserve
1893 and may only be released pursuant to the legislative
1894 consultation and review requirements set forth in this section.

1895 (b) A scheduled payment from the fund may not be approved
1896 for a business unless the required local financial support has
1897 been paid into the account for that project. Funding from local
1898 sources includes any tax abatement granted to that business
1899 under s. 196.1995 or the appraised market value of municipal or
1900 county land conveyed or provided at a discount to that business.
1901 The amount of any scheduled payment from the fund to such
1902 business approved under this section must be reduced by the
1903 amount of any such tax abatement granted or the value of the
1904 land granted. A report listing all sources of the local
1905 financial support shall be provided to the department when such
1906 support is paid to the account.

1907 Section 16. Paragraph (b) of subsection (2) and subsections
1908 (4), (7), (8), and (9) of section 288.1089, Florida Statutes,
1909 are amended to read:

1910 288.1089 Innovation Incentive Program.—

1911 (2) As used in this section, the term:

1912 ~~(b) "Average private sector wage" means the statewide~~
1913 ~~average wage in the private sector or the average of all private~~



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1914 ~~sector wages in the county or in the standard metropolitan area~~
1915 ~~in which the project is located as determined by the department.~~

1916 (4) To qualify for review by the department, the applicant
1917 must, at a minimum, establish the following to the satisfaction
1918 of the department:

1919 (a) The jobs created by the project must pay an estimated
1920 annual average wage equaling at least 130 percent of the average
1921 private sector wage in the area. The department may waive this
1922 average wage requirement at the request of Enterprise Florida,
1923 Inc., for a project located in a rural area, a brownfield area,
1924 or an enterprise zone, when the merits of the individual project
1925 or the specific circumstances in the community in relationship
1926 to the project warrant such action. A recommendation for waiver
1927 by Enterprise Florida, Inc., must include a specific
1928 justification for the waiver and be transmitted to the
1929 department in writing. If the department elects to waive the
1930 wage requirement, the waiver must be stated in writing and
1931 explain the reasons for granting the waiver ~~must be explained.~~

1932 (b) A research and development project must:

1933 1. Serve as a catalyst for an emerging or evolving
1934 technology cluster.

1935 2. Demonstrate a plan for significant higher education
1936 collaboration.

1937 3. Provide the state, at a minimum, a cumulative break-even
1938 economic benefit within a 20-year period.

1939 4. Be provided with a one-to-one match from the local
1940 community. The match requirement may be reduced or waived in
1941 rural areas of opportunity or reduced in rural areas, brownfield
1942 areas, and enterprise zones. A local government that requests a



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1943 waiver that reduces or eliminates the one-to-one match shall
1944 provide the department with a statement prepared by a Florida
1945 certified public accountant, as defined in s. 473.302, which
1946 describes the financial constraints preventing the local
1947 government from meeting the local financial support requirement
1948 of this section. This subparagraph does not apply to a county
1949 considered fiscally constrained pursuant to s. 218.67(1).

1950 (c) An innovation business project in this state, other
1951 than a research and development project, must:

1952 1.a. Result in the creation of at least 1,000 direct, new
1953 jobs at the business; or

1954 b. Result in the creation of at least 500 direct, new jobs
1955 if the project is located in a rural area, a brownfield area, or
1956 an enterprise zone.

1957 2. Have an activity or product that is within an industry
1958 that is designated as a target industry business under s.
1959 288.106 or a designated sector under s. 288.108.

1960 3.a. Have a cumulative investment of at least \$500 million
1961 within a 5-year period; or

1962 b. Have a cumulative investment that exceeds \$250 million
1963 within a 10-year period if the project is located in a rural
1964 area, brownfield area, or an enterprise zone.

1965 4. Be provided with a one-to-one match from the local
1966 community. The match requirement may be reduced or waived in
1967 rural areas of opportunity or reduced in rural areas, brownfield
1968 areas, and enterprise zones. A local government that requests a
1969 waiver that reduces or eliminates the one-to-one match shall
1970 provide the department with a statement prepared by a Florida
1971 certified public accountant, as defined in s. 473.302, which



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1972 describes the financial constraints preventing the local
1973 government from meeting the local financial support requirement
1974 of this section. This subparagraph does not apply to a county
1975 considered fiscally constrained pursuant to s. 218.67(1).

1976 (d) For an alternative and renewable energy project in this
1977 state, the project must:

1978 1. Demonstrate a plan for significant collaboration with an
1979 institution of higher education.~~†~~

1980 2. Provide the state, at a minimum, a cumulative break-even
1981 economic benefit within a 20-year period.~~†~~

1982 3. Include matching funds provided by the applicant or
1983 other available sources. The match requirement may be reduced or
1984 waived in rural areas of opportunity or reduced in rural areas,
1985 brownfield areas, and enterprise zones.~~†~~

1986 4. Be located in this state.~~†~~ and

1987 5. Provide at least 35 direct, new jobs that pay an
1988 estimated annual average wage that equals at least 130 percent
1989 of the average private sector wage in the area.

1990 (7)(a) The executive director of the department shall
1991 recommend to the Governor approval or disapproval of a project
1992 pursuant to s. 288.061. The Governor may approve a project
1993 awarded less than \$2 million in funding without consulting the
1994 Legislature and shall provide a written description and
1995 evaluation of the approved project to the President of the
1996 Senate and the Speaker of the House of Representatives within 1
1997 business day after approval. ~~Upon receipt of the evaluation and~~
1998 ~~recommendation from the department, the Governor shall approve~~
1999 ~~or deny an award. In recommending approval of an award, the~~
2000 ~~department shall include proposed performance conditions that~~



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2001 ~~the applicant must meet in order to obtain incentive funds and~~
2002 ~~any other conditions that must be met before the receipt of any~~
2003 ~~incentive funds. The Governor shall consult with the President~~
2004 ~~of the Senate and the Speaker of the House of Representatives~~
2005 ~~before giving approval for an award. Upon review and approval of~~
2006 ~~an award by the Legislative Budget Commission, the Executive~~
2007 ~~Office of the Governor shall release the funds.~~

2008 (b) For a project recommended for approval for an award of
2009 \$2 million or more, the Governor shall provide a written
2010 description and evaluation of the project to the President of
2011 the Senate and the Speaker of the House of Representatives at
2012 least 14 days before approving an award. If the President of the
2013 Senate or the Speaker of the House of Representatives timely
2014 advises the Governor, in writing, that his or her planned or
2015 proposed action exceeds the delegated authority of the Governor
2016 or is contrary to legislative policy or intent, the Governor
2017 shall instruct the department to immediately suspend any action
2018 planned or proposed.

2019 (c) A written description and evaluation of an amendment, a
2020 modification, or an extension of an executed agreement which
2021 results in a 0.5-point or greater reduction in the economic
2022 benefit ratio of the project must be provided to the President
2023 of the Senate and the Speaker of the House of Representatives
2024 within 1 business day after approval. An amendment, a
2025 modification, or an extension may not be made to an executed
2026 agreement if:

- 2027 1. Such action would result in an economic benefit ratio
2028 less than 1 to 1.
2029 2. The award of state funds outlined in the agreement has



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2030 not been reduced by a proportionate amount.

2031 (8) ~~(a)~~ After the conditions set forth in subsection (7)
2032 have been met, ~~the department shall issue a letter certifying~~
2033 ~~the applicant as qualified for an award.~~ the department and the
2034 award recipient shall enter into an agreement pursuant to s.
2035 288.061 ~~that sets forth the conditions for payment of the~~
2036 ~~incentive funds.~~ The agreement must also include, ~~at a minimum:~~

2037 ~~(a)1. The total amount of funds awarded.~~

2038 ~~2. The performance conditions that must be met in order to~~
2039 ~~obtain the award or portions of the award, including, but not~~
2040 ~~limited to, net new employment in the state, average wage, and~~
2041 ~~total cumulative investment.~~

2042 ~~3.~~ Demonstration of a baseline of current service and a
2043 measure of enhanced capability.

2044 ~~4. The methodology for validating performance.~~

2045 ~~5. The schedule of payments.~~

2046 ~~6. Sanctions for failure to meet performance conditions,~~
2047 ~~including any clawback provisions.~~

2048 ~~(b) Additionally, agreements signed on or after July 1,~~
2049 ~~2009, must include the following provisions:~~

2050 ~~(b)1.~~ Notwithstanding subsection (4), a requirement that
2051 the jobs created by the recipient of the incentive funds pay an
2052 annual average wage at least equal to the relevant industry's
2053 annual average wage or at least 130 percent of the average
2054 private sector wage in the area, whichever is greater.

2055 ~~(c)2.~~ A reinvestment requirement. Each recipient of an
2056 award shall reinvest up to 15 percent of net royalty revenues,
2057 including revenues from spin-off companies and the revenues from
2058 the sale of stock it receives from the licensing or transfer of



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2059 inventions, methods, processes, and other patentable discoveries
2060 conceived or reduced to practice using its facilities in Florida
2061 or its Florida-based employees, in whole or in part, and to
2062 which the recipient of the grant becomes entitled during the 20
2063 years following the effective date of its agreement with the
2064 department. Each recipient of an award also shall reinvest up to
2065 15 percent of the gross revenues it receives from naming
2066 opportunities associated with any facility it builds in this
2067 state. Reinvestment payments shall commence no later than 6
2068 months after the recipient of the grant has received the final
2069 disbursement under the contract and shall continue until the
2070 maximum reinvestment, as specified in the contract, has been
2071 paid. Reinvestment payments shall be remitted to the department
2072 for deposit in the Biomedical Research Trust Fund for companies
2073 specializing in biomedicine or life sciences, or in the Economic
2074 Development Trust Fund for companies specializing in fields
2075 other than biomedicine or the life sciences. If these trust
2076 funds no longer exist at the time of the reinvestment, the
2077 state's share of reinvestment shall be deposited in their
2078 successor trust funds as determined by law. Each recipient of an
2079 award shall annually submit a schedule of the shares of stock
2080 held by it as payment of the royalty required by this paragraph
2081 and report on any trades or activity concerning such stock. Each
2082 recipient's reinvestment obligations survive the expiration or
2083 termination of its agreement with the state.

2084 ~~(d)3-~~ Requirements for the establishment of internship
2085 programs or other learning opportunities for educators and
2086 secondary, postsecondary, graduate, and doctoral students.

2087 ~~(e)4-~~ A requirement that the recipient submit quarterly



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2088 reports and annual reports related to activities and performance
2089 to the department, according to standardized reporting periods.

2090 (f)5. A requirement for an annual accounting to the
2091 department of the expenditure of funds disbursed under this
2092 section.

2093 ~~6. A process for amending the agreement.~~

2094 (9) The department shall validate the performance of an
2095 innovation business, a research and development facility, or an
2096 alternative and renewable energy business that has received an
2097 award. The agreement shall require the innovation business to
2098 submit proof of performance within a certain period of time from
2099 the required date of performance provided in the agreement, not
2100 to exceed 90 days. At the conclusion of the innovation incentive
2101 award agreement, or its earlier termination, the department
2102 shall include in the annual incentives report required under s.
2103 288.907 a detailed description of whether the recipient of the
2104 innovation incentive grant achieved its specified outcomes.

2105 Section 17. Subsection (5) is added to section 288.1097,
2106 Florida Statutes, to read:

2107 288.1097 Qualified job training organizations;
2108 certification; duties.—

2109 (5) Notwithstanding s. 624.4625(1)(b), a qualified job
2110 training organization that has been certified is eligible to
2111 participate in a self-insurance fund authorized by s. 624.4625.

2112 Section 18. Effective upon becoming law, subsections (1),
2113 (3), and (4), paragraph (a) of subsection (5), paragraph (d) of
2114 subsection (6), subsections (7) and (9), and subsections (11)
2115 through (14) of section 288.11625, Florida Statutes, are amended
2116 to read:



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2117 288.11625 Sports development.—

2118 (1) ADMINISTRATION.—The department shall serve as the state
2119 agency responsible for screening applicants for state funding
2120 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

2121 (3) PURPOSE.—The purpose of this section is to provide
2122 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~
2123 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
2124 reconstructing, renovating, or improving a facility.

2125 (4) APPLICATION AND CERTIFICATION ~~APPROVAL~~ PROCESS.—

2126 (a) The department shall establish the procedures and
2127 application forms deemed necessary pursuant to the requirements
2128 of this section. The department may notify an applicant of any
2129 additional required or incomplete information necessary to
2130 evaluate an application.

2131 (b) The annual application period is from June 1 through
2132 November 1.

2133 (c) Within 60 days after receipt of a completed
2134 application, the department shall complete its evaluation of the
2135 application as provided under subsection (5) ~~and notify the~~
2136 ~~applicant in writing of the department's decision to recommend~~
2137 ~~approval of the applicant by the Legislature or to deny the~~
2138 ~~application.~~

2139 (d) By each February 1, the department shall rank the
2140 applicants ~~and provide to the Legislature the list of the~~
2141 ~~recommended applicants~~ in ranked order of projects most likely
2142 to positively impact the state based on criteria established
2143 under this section. The list must include the department's
2144 evaluation of the applicant.

2145 (e) ~~A recommended applicant's request for funding must be~~



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2146 ~~approved by the Legislature, enacted by a general law or~~
2147 ~~conforming bill approved by the Governor in the manner provided~~
2148 ~~in s. 8, Art. III of the State Constitution. After enactment,~~
2149 The department must certify an applicant and its ~~approved~~
2150 request for funding, except as provided in paragraph (6) (f). The
2151 ~~approved~~ request for funding must be certified as an annual
2152 distribution amount, and the department must notify the
2153 Department of Revenue of the initial certification and the
2154 distribution amount.

2155 1. An application by a unit of local government which is
2156 ~~approved by the Legislature and subsequently~~ certified by the
2157 department remains certified for the duration of the
2158 beneficiary's agreement with the applicant or for 30 years,
2159 whichever is less, provided the certified applicant has an
2160 agreement with a beneficiary at the time of initial
2161 certification by the department.

2162 2. An application by a beneficiary or other applicant which
2163 is ~~approved by the Legislature and subsequently~~ certified by the
2164 department remains certified for the duration of the
2165 beneficiary's agreement with the unit of local government that
2166 owns the underlying property or for 30 years, whichever is less,
2167 provided the certified applicant has an agreement with the unit
2168 of local government at the time of initial certification by the
2169 department.

2170 3. An applicant that is previously certified pursuant to
2171 this section does not need ~~legislative approval~~ certification
2172 each year to receive state funding.

2173 (f) An applicant that is ~~recommended by the department but~~
2174 not certified ~~approved by the Legislature~~ may reapply and shall



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2175 update any information in the original application as required
2176 by the department.

2177 (g) The department may certify ~~recommend~~ no more than one
2178 distribution under this section for any applicant, facility, or
2179 beneficiary at a time. A facility or beneficiary may not be the
2180 subject of more than one distribution under s. 212.20 at any
2181 time for any state-administered sports-related program,
2182 including s. 288.1162, s. 288.11621, s. 288.11631, or this
2183 section. This limitation does not apply if the applicant
2184 demonstrates that the beneficiary that is the subject of the
2185 distribution under s. 212.20 no longer plays at the facility
2186 that is the subject of the application under this section.

2187 (h) An application submitted either by a first-time
2188 applicant whose project exceeds \$300 million and commenced on
2189 the facility's existing site before January 1, 2014, or by a
2190 beneficiary that has completed the terms of a previous agreement
2191 for distributions under chapter 212 for an existing facility
2192 shall be considered an application for a new facility for
2193 purposes that include, but are not limited to, incremental and
2194 baseline tax calculations.

2195 (i) An application may be submitted to the department for
2196 evaluation and certification ~~recommendation~~ if the existing
2197 beneficiary has completed or will complete the terms of an
2198 existing distribution under chapter 212 for an existing facility
2199 before a distribution can be made.

2200 (5) EVALUATION PROCESS.—

2201 (a) Before certifying ~~recommending~~ an applicant to receive
2202 a state distribution under s. 212.20(6)(d)6.e. ~~s.~~
2203 ~~212.20(6)(d)6.f.~~, the department must verify that:



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2204 1. The applicant or beneficiary is responsible for the
2205 construction, reconstruction, renovation, or improvement of a
2206 facility and obtained at least three bids for the project.

2207 2. If the applicant is not a unit of local government, a
2208 unit of local government holds title to the property on which
2209 the facility and project are, or will be, located.

2210 3. If the applicant is a unit of local government in whose
2211 jurisdiction the facility is, or will be, located, the unit of
2212 local government has an exclusive intent agreement to negotiate
2213 in this state with the beneficiary.

2214 4. A unit of local government in whose jurisdiction the
2215 facility is, or will be, located supports the application for
2216 state funds. Such support must be verified by the adoption of a
2217 resolution, after a public hearing, that the project serves a
2218 public purpose.

2219 5. The applicant or beneficiary has not previously
2220 defaulted or failed to meet any statutory requirements of a
2221 previous state-administered sports-related program under s.
2222 288.1162, s. 288.11621, s. 288.11631, or this section.
2223 Additionally, the applicant or beneficiary is not currently
2224 receiving state distributions under s. 212.20 for the facility
2225 that is the subject of the application, unless the applicant
2226 demonstrates that the franchise that applied for a distribution
2227 under s. 212.20 no longer plays at the facility that is the
2228 subject of the application.

2229 6. The applicant or beneficiary has sufficiently
2230 demonstrated a commitment to employ residents of this state,
2231 contract with Florida-based firms, and purchase locally
2232 available building materials to the greatest extent possible.



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2233 7. If the applicant is a unit of local government, the
2234 applicant has a certified copy of a signed agreement with a
2235 beneficiary for the use of the facility. If the applicant is a
2236 beneficiary, the beneficiary must enter into an agreement with
2237 the department. The applicant's or beneficiary's agreement must
2238 also require the following:

2239 a. The beneficiary must reimburse the state for state funds
2240 that will be distributed if the beneficiary relocates or no
2241 longer occupies or uses the facility as the facility's primary
2242 tenant before the agreement expires. Reimbursements must be sent
2243 to the Department of Revenue for deposit into the General
2244 Revenue Fund.

2245 b. The beneficiary must pay for signage or advertising
2246 within the facility. The signage or advertising must be placed
2247 in a prominent location as close to the field of play or
2248 competition as is practicable, must be displayed consistent with
2249 signage or advertising in the same location and of like value,
2250 and must feature Florida advertising approved by the Florida
2251 Tourism Industry Marketing Corporation.

2252 8. The project will commence within 12 months after
2253 receiving state funds or did not commence before January 1,
2254 2013.

2255 (6) DISTRIBUTION.—

2256 (d) The department shall notify the Department of Revenue
2257 of the applicant's initial certification, and the Department of
2258 Revenue shall begin distributions within 45 days after such
2259 notification or upon a date specified by the department as
2260 requested by the ~~approved~~ applicant, whichever is later.

2261 (7) CONTRACT.—An applicant ~~approved by the Legislature and~~



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2262 certified by the department must enter into a contract with the
2263 department which:

2264 (a) Specifies the terms of the state's investment.

2265 (b) States the criteria that the certified applicant must
2266 meet in order to remain certified.

2267 (c) Requires the applicant to submit the independent
2268 analysis required under subsection (6) and an annual independent
2269 analysis.

2270 1. The applicant must agree to submit to the department,
2271 beginning 12 months after completion of a project or 12 months
2272 after the first four annual distributions, whichever is earlier,
2273 an annual analysis by an independent certified public accountant
2274 demonstrating the actual amount of new incremental state sales
2275 taxes generated by sales at the facility during the previous 12-
2276 month period. The applicant shall certify to the department a
2277 comparison of the actual amount of state sales taxes generated
2278 by sales at the facility during the previous 12-month period to
2279 the baseline under paragraph (6) (b).

2280 2. The applicant must submit the certification within 90
2281 days after the end of the previous 12-month period. The
2282 department shall verify the analysis.

2283 (d) Specifies information that the certified applicant must
2284 report to the department.

2285 (e) Requires the applicant to reimburse the state by
2286 electing to do one of the following:

2287 1. After all distributions have been made, reimburse at the
2288 end of the contract term any amount by which the total
2289 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~
2290 exceed actual new incremental state sales taxes generated by



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2291 sales at the facility during the contract, plus a 5 percent
2292 penalty on that amount.

2293 2. After the applicant begins to submit the independent
2294 analysis under paragraph (c), reimburse each year any amount by
2295 which the previous year's annual distribution exceeds 75 percent
2296 of the actual new incremental state sales taxes generated by
2297 sales at the facility.

2298
2299 Any reimbursement due to the state must be made within 90 days
2300 after the applicable distribution under this paragraph. If the
2301 applicant is unable or unwilling to reimburse the state for such
2302 amount, the department may place a lien on the applicant's
2303 facility. If the applicant is a municipality or county, it may
2304 reimburse the state from its half-cent sales tax allocation, as
2305 provided in s. 218.64(3). Reimbursements must be sent to the
2306 Department of Revenue for deposit into the General Revenue Fund.

2307 (f) Includes any provisions deemed prudent by the
2308 department.

2309 (9) REPORTS.—

2310 (a) On or before November 1 of each year, an applicant
2311 certified under this section ~~and approved~~ to receive state funds
2312 must submit to the department any information required by the
2313 department. The department shall summarize this information for
2314 inclusion in an ~~its~~ annual report to the Legislature ~~under~~
2315 ~~paragraph (4) (d)~~.

2316 (b) Every 5 years after an applicant receives its first
2317 monthly distribution, the department must verify that the
2318 applicant is meeting the program requirements. If the applicant
2319 fails to meet these requirements, the department shall notify



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2320 the Governor and the Legislature in its next annual report ~~under~~
2321 ~~paragraph (4) (d)~~ that the requirements are not being met and
2322 recommend future action. The department shall take into
2323 consideration extenuating circumstances that may have prevented
2324 the applicant from meeting the program requirements, such as
2325 force majeure events or a significant economic downturn.

2326 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~
2327 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~
2328 ~~the Legislative Budget Commission may approve an application for~~
2329 ~~state funds by an applicant for a new facility or a project~~
2330 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~
2331 ~~application may be submitted after May 1, 2014. The department~~
2332 ~~must review the application and recommend approval to the~~
2333 ~~Legislature or deny the application. The Legislative Budget~~
2334 ~~Commission may approve applications on or after January 1, 2015.~~
2335 ~~The department must certify the applicant within 45 days of~~
2336 ~~approval by the Legislative Budget Commission. State funds may~~
2337 ~~not be distributed until the department notifies the Department~~
2338 ~~of Revenue that the applicant was approved by the Legislative~~
2339 ~~Budget Commission and certified by the department. An applicant~~
2340 ~~certified under this subsection is subject to the provisions and~~
2341 ~~requirements of this section. An applicant that fails to meet~~
2342 ~~the conditions of this subsection may reapply during future~~
2343 ~~application periods.~~

2344 ~~(11) (12) REPAYMENT OF DISTRIBUTIONS.~~-An applicant that is
2345 certified under this section may be subject to repayment of
2346 distributions upon the occurrence of any of the following:

2347 (a) An applicant's beneficiary has broken the terms of its
2348 agreement with the applicant and relocated from the facility or



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2349 no longer occupies or uses the facility as the facility's
2350 primary tenant. The beneficiary must reimburse the state for
2351 state funds that will be distributed, plus a 5 percent penalty
2352 on that amount, if the beneficiary relocates before the
2353 agreement expires.

2354 (b) A determination by the department that an applicant has
2355 submitted information or made a representation that is
2356 determined to be false, misleading, deceptive, or otherwise
2357 untrue. The applicant must reimburse the state for state funds
2358 that have been and will be distributed, plus a 5 percent penalty
2359 on that amount, if such determination is made. If the applicant
2360 is a municipality or county, it may reimburse the state from its
2361 half-cent sales tax allocation, as provided in s. 218.64(3).

2362 (c) Repayment of distributions must be sent to the
2363 Department of Revenue for deposit into the General Revenue Fund.

2364 (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in
2365 writing at least 20 days before the next monthly distribution
2366 that the department halt future payments. The department shall
2367 immediately notify the Department of Revenue to halt future
2368 payments.

2369 (13)~~(14)~~ RULEMAKING.—The department may adopt rules to
2370 implement this section.

2371 Section 19. The amendments made to s. 288.11625, Florida
2372 Statutes, apply to applications received, evaluated, and
2373 recommended for approval by the Department of Economic
2374 Opportunity in the 2015-2016 fiscal year.

2375 Section 20. Effective upon becoming law, section 288.1169,
2376 Florida Statutes, is repealed.

2377 Section 21. Notwithstanding the repeal of section 288.1229,



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2378 Florida Statutes, in s. 485, chapter 2011-142, Laws of Florida,
2379 section 288.1229, Florida Statutes, is revived, reenacted, and
2380 amended to read:

2381 288.1229 Promotion and development of sports-related
2382 industries and amateur athletics; direct-support organization
2383 established; powers and duties.—

2384 (1) The Department of Economic Opportunity shall establish
2385 a direct-support organization known as the Florida Sports
2386 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~
2387 ~~and Economic Development may authorize a direct-support~~
2388 ~~organization to~~ assist the department ~~office~~ in:

2389 (a) The promotion and development of the sports industry
2390 and related industries for the purpose of improving the economic
2391 presence of these industries in Florida.

2392 (b) The promotion of amateur athletic participation for the
2393 citizens of Florida and the promotion of Florida as a host for
2394 national and international amateur athletic competitions for the
2395 purpose of encouraging and increasing the direct and ancillary
2396 economic benefits of amateur athletic events and competitions.

2397 (c) The retention of professional sports franchises,
2398 including the spring training operations of Major League
2399 Baseball.

2400 (2) The Florida Sports Foundation ~~To be authorized as a~~
2401 ~~direct-support organization, an organization~~ must:

2402 (a) Be incorporated as a corporation not for profit
2403 pursuant to chapter 617.

2404 (b) 1. Be governed by a board of directors, which must
2405 consist of 20 ~~up to 15~~ members appointed by the Governor, which
2406 include:



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2407 a. Ten members representing Florida major league franchises
2408 of Major League Baseball, National Basketball Association,
2409 National Football League, National Hockey League, and Major
2410 League Soccer teams domiciled in this state.

2411 b. A member representing Florida Sports Commissions.

2412 c. A member representing the boating and fishing industries
2413 in Florida.

2414 d. A member representing the golf industry in Florida.

2415 e. A member representing Major League Baseball spring
2416 training.

2417 f. A member representing the auto racing industry in
2418 Florida.

2419 g. Five members at-large and up to 15 members appointed by
2420 the existing board of directors. In making at-large
2421 appointments, the governor board must consider a potential
2422 member's background in community service and sports activism in,
2423 and financial support of, the sports industry, professional
2424 sports, or organized amateur athletics. Members must be
2425 residents of the state and highly knowledgeable about or active
2426 in professional or organized amateur sports.

2427 2. The board must contain representatives of all
2428 geographical regions of the state and must represent ethnic and
2429 gender diversity. The terms of office of the members shall be 4
2430 years. No member may serve more than two consecutive terms. The
2431 Governor may remove any member for cause and shall fill all
2432 vacancies that occur.

2433 (c) Have as its purpose, as stated in its articles of
2434 incorporation, to receive, hold, invest, and administer
2435 property; to raise funds and receive gifts; and to promote and



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2436 develop the sports industry and related industries for the
2437 purpose of increasing the economic presence of these industries
2438 in Florida.

2439 (d) Have a prior determination by the department ~~Office of~~
2440 ~~Tourism, Trade, and Economic Development~~ that the organization
2441 will benefit the department ~~office~~ and act in the best interests
2442 of the state as a direct-support organization to the department
2443 ~~office~~.

2444 (3) The Florida Sports Foundation shall operate under
2445 contract with the department. The department shall enter into a
2446 contract with the foundation by July 1, 2016. The contract must
2447 provide ~~Office of Tourism, Trade, and Economic Development shall~~
2448 ~~contract with the organization and shall include in the contract~~
2449 that:

2450 (a) The department ~~office~~ may review the foundation's
2451 ~~organization's~~ articles of incorporation.

2452 (b) The foundation ~~organization~~ shall submit an annual
2453 budget proposal to the department ~~office~~, on a form provided by
2454 the department ~~office~~, in accordance with department ~~office~~
2455 procedures for filing budget proposals based upon the
2456 recommendation of the department ~~office~~.

2457 (c) Any funds that the foundation ~~organization~~ holds in
2458 trust will revert to the state upon the expiration or
2459 cancellation of the contract.

2460 (d) The foundation ~~organization~~ is subject to an annual
2461 financial and performance review by the department ~~office~~ to
2462 determine whether the foundation ~~organization~~ is complying with
2463 the terms of the contract and whether it is acting in a manner
2464 consistent with the goals of the department ~~office~~ and in the



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2465 best interests of the state.

2466 (e) The fiscal year of the foundation begins ~~organization~~
2467 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next
2468 ensuing year.

2469 (4) The department ~~Office of Tourism, Trade, and Economic~~
2470 ~~Development~~ may allow the foundation ~~organization~~ to use the
2471 property, facilities, personnel, and services of the department
2472 ~~office~~ if the foundation ~~organization~~ provides equal employment
2473 opportunities to all persons regardless of race, color,
2474 religion, sex, age, or national origin, subject to the approval
2475 of the executive director of the department ~~office~~.

2476 (5) The foundation ~~organization~~ shall provide for an annual
2477 financial audit in accordance with s. 215.981.

2478 (6) The foundation ~~organization~~ is not granted any taxing
2479 power.

2480 ~~(7) In exercising the power provided in this section, the~~
2481 ~~Office of Tourism, Trade, and Economic Development may authorize~~
2482 ~~and contract with the direct-support organization existing on~~
2483 ~~June 30, 1996, and authorized by the former Florida Department~~
2484 ~~of Commerce to promote sports-related industries. An appointed~~
2485 ~~member of the board of directors of such direct-support~~
2486 ~~organization as of June 30, 1996, may serve the remainder of his~~
2487 ~~or her unexpired term.~~

2488 (7)(8) To promote amateur sports and physical fitness, the
2489 foundation ~~direct-support organization~~ shall:

2490 (a) Develop, foster, and coordinate services and programs
2491 for amateur sports for the people of Florida.

2492 (b) Sponsor amateur sports workshops, clinics, conferences,
2493 and other similar activities.



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2494 (c) Give recognition to outstanding developments and
2495 achievements in, and contributions to, amateur sports.

2496 (d) Encourage, support, and assist local governments and
2497 communities in the development of or hosting of local amateur
2498 athletic events and competitions.

2499 (e) Promote Florida as a host for national and
2500 international amateur athletic competitions.

2501 (f) Develop a statewide programs ~~program~~ of amateur
2502 athletic competition to be known as the "Florida Senior Games"
2503 and the "Sunshine State Games."

2504 (g) Continue the successful amateur sports programs
2505 previously conducted by the Florida Governor's Council on
2506 Physical Fitness and Amateur Sports created under former s.
2507 14.22.

2508 (h) Encourage and continue the use of volunteers in its
2509 amateur sports programs to the maximum extent possible.

2510 (i) Develop, foster, and coordinate services and programs
2511 designed to encourage the participation of Florida's youth in
2512 Olympic sports activities and competitions.

2513 (j) Foster and coordinate services and programs designed to
2514 contribute to the physical fitness of the citizens of Florida.

2515 ~~(8)-(9)~~ (a) The Sunshine State Games and Florida Senior Games
2516 shall both be patterned after the Summer Olympics with
2517 variations as necessitated by availability of facilities,
2518 equipment, and expertise. The games shall be designed to
2519 encourage the participation of athletes representing a broad
2520 range of age groups, skill levels, and Florida communities.
2521 ~~Participants shall be residents of this state. Regional~~
2522 ~~competitions shall be held throughout the state, and the top~~



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2523 ~~qualifiers in each sport shall proceed to the final competitions~~
2524 ~~to be held at a site in the state with the necessary facilities~~
2525 ~~and equipment for conducting the competitions.~~

2526 (b) The department ~~Executive Office of the Governor~~ is
2527 authorized to permit the use of property, facilities, and
2528 personal services of or at any State University System facility
2529 or institution by the direct-support organization operating the
2530 Sunshine State Games and Florida Senior Games. For the purposes
2531 of this paragraph, personal services includes full-time or part-
2532 time personnel as well as payroll processing.

2533 Section 22. Section 288.125, Florida Statutes, is amended
2534 to read:

2535 288.125 Definition of term "entertainment industry."—For
2536 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
2537 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term
2538 "entertainment industry" means those persons or entities engaged
2539 in the operation of motion picture or television studios or
2540 recording studios; those persons or entities engaged in the
2541 preproduction, production, or postproduction of motion pictures,
2542 made-for-television movies, television programming, digital
2543 media projects, commercial advertising, music videos, or sound
2544 recordings; and those persons or entities providing products or
2545 services directly related to the preproduction, production, or
2546 postproduction of motion pictures, made-for-television movies,
2547 television programming, digital media projects, commercial
2548 advertising, music videos, or sound recordings, including, but
2549 not limited to, the broadcast industry.

2550 Section 23. Section 288.1251, Florida Statutes, is
2551 renumbered as section 288.913, Florida Statutes, and amended to



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2552 read:
2553 288.913 ~~288.1251~~ Promotion and development of entertainment
2554 industry; Division ~~Office~~ of Film and Entertainment; creation;
2555 purpose; powers and duties.-

2556 (1) CREATION.-

2557 ~~(a) The Division of Film and Entertainment~~ There is hereby
2558 created within Enterprise Florida, Inc., ~~the department the~~
2559 ~~Office of Film and Entertainment~~ for the purpose of developing,
2560 recruiting, marketing, promoting, and providing services to the
2561 state's entertainment industry. The division shall serve as a
2562 liaison between the entertainment industry and other state and
2563 local governmental agencies, local film commissions, and labor
2564 organizations.

2565 ~~(2) (b) COMMISSIONER.~~ The president of Enterprise Florida,
2566 Inc., shall appoint the film and entertainment commissioner, who
2567 is subject to confirmation by the Senate, within 90 days after
2568 the effective date of this act ~~department shall conduct a~~
2569 ~~national search for a qualified person to fill the position of~~
2570 ~~Commissioner of Film and Entertainment when the position is~~
2571 ~~vacant. The executive director of the department has the~~
2572 ~~responsibility to hire the film commissioner. The commissioner~~
2573 is subject to the requirements of s. 288.901(1)(c).

2574 Qualifications for the film commissioner include, but are not
2575 limited to, the following:

2576 (a)1. At least 5 years' A working knowledge of and
2577 experience with the equipment, personnel, financial, and day-to-
2578 day production operations of the industries to be served by the
2579 division ~~Office of Film and Entertainment;~~

2580 (b)2. Marketing and promotion experience related to the



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2581 film and entertainment industries to be served;

2582 (c)3. Experience working with a variety of individuals
2583 representing large and small entertainment-related businesses,
2584 industry associations, local community entertainment industry
2585 liaisons, and labor organizations; ~~and~~

2586 (d)4. Experience working with a variety of state and local
2587 governmental agencies; ~~and.~~

2588 (e) A record of high-level involvement in production deals
2589 and contacts with industry decisionmakers.

2590 (3)(2) POWERS AND DUTIES.—

2591 (a) In the performance of its duties, the Division Office
2592 of Film and Entertainment, ~~in performance of its duties,~~ shall
2593 develop and periodically:

2594 1. ~~In consultation with the Florida Film and Entertainment~~
2595 ~~Advisory Council,~~ update a 5-year ~~the~~ strategic plan every 5
2596 ~~years~~ to guide the activities of the division Office of Film and
2597 ~~Entertainment~~ in the areas of entertainment industry
2598 development, marketing, promotion, liaison services, field
2599 office administration, and information. The plan must ~~shall:~~

2600 a. ~~be~~ annual in construction and ongoing in nature.

2601 1. At a minimum, the plan must address the following:

2602 a.b. ~~Include recommendations relating to~~ The organizational
2603 structure of the division, including any field offices outside
2604 the state office.

2605 b. The coordination of the division with local or regional
2606 offices maintained by counties and regions of the state, local
2607 film commissions, and labor organizations, and the coordination
2608 of such entities with each other to facilitate a working
2609 relationship.



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2610 c. Strategies to identify, solicit, and recruit
2611 entertainment production opportunities for the state, including
2612 implementation of programs for rural and urban areas designed to
2613 develop and promote the state's entertainment industry.

2614 ~~d.e. Include An annual budget projection for the division~~
2615 ~~office for each year of the plan.~~

2616 ~~d. Include an operational model for the office to use in~~
2617 ~~implementing programs for rural and urban areas designed to:~~
2618 ~~(I) develop and promote the state's entertainment industry.~~

2619 ~~(II) Have the office serve as a liaison between the~~
2620 ~~entertainment industry and other state and local governmental~~
2621 ~~agencies, local film commissions, and labor organizations.~~

2622 ~~(III) Gather statistical information related to the state's~~
2623 ~~entertainment industry.~~

2624 ~~e.(IV) Provision of Provide information and service to~~
2625 ~~businesses, communities, organizations, and individuals engaged~~
2626 ~~in entertainment industry activities.~~

2627 ~~(V) Administer field offices outside the state and~~
2628 ~~coordinate with regional offices maintained by counties and~~
2629 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
2630 ~~as necessary.~~

2631 ~~f.e. Include Performance standards and measurable outcomes~~
2632 ~~for the programs to be implemented by the division office.~~

2633 2. The plan shall be annually reviewed and approved by the
2634 board of directors of Enterprise Florida, Inc.

2635 ~~f. Include an assessment of, and make recommendations on,~~
2636 ~~the feasibility of creating an alternative public-private~~
2637 ~~partnership for the purpose of contracting with such a~~
2638 ~~partnership for the administration of the state's entertainment~~



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2639 ~~industry promotion, development, marketing, and service~~
2640 ~~programs.~~

2641 ~~2. Develop, market, and facilitate a working relationship~~
2642 ~~between state agencies and local governments in cooperation with~~
2643 ~~local film commission offices for out-of-state and indigenous~~
2644 ~~entertainment industry production entities.~~

2645 ~~3. Implement a structured methodology prescribed for~~
2646 ~~coordinating activities of local offices with each other and the~~
2647 ~~commissioner's office.~~

2648 (b) The division shall also:

2649 ~~1.4.~~ Represent the state's indigenous entertainment
2650 industry to key decisionmakers within the national and
2651 international entertainment industry, and to state and local
2652 officials.

2653 ~~2.5.~~ Prepare an inventory and analysis of the state's
2654 entertainment industry, including, but not limited to,
2655 information on crew, related businesses, support services, job
2656 creation, talent, and economic impact and coordinate with local
2657 offices to develop an information tool for common use.

2658 ~~3.6.~~ Identify, solicit, and recruit entertainment
2659 production opportunities for the state.

2660 ~~4.7.~~ Assist rural communities and other small communities
2661 in the state in developing the expertise and capacity necessary
2662 for such communities to develop, market, promote, and provide
2663 services to the state's entertainment industry.

2664 (c) ~~(b)~~ The division ~~Office of Film and Entertainment~~, in
2665 the performance of its duties, may:

2666 1. Conduct or contract for specific promotion and marketing
2667 functions, including, but not limited to, production of a



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2668 statewide directory, production and maintenance of a ~~an Internet~~
2669 website, establishment and maintenance of a toll-free telephone
2670 number, organization of trade show participation, and
2671 appropriate cooperative marketing opportunities.

2672 2. Conduct its affairs, carry on its operations, establish
2673 offices, and exercise the powers granted by this act in any
2674 state, territory, district, or possession of the United States.

2675 3. Carry out any program of information, special events, or
2676 publicity designed to attract the entertainment industry to
2677 Florida.

2678 4. Develop relationships and leverage resources with other
2679 public and private organizations or groups in their efforts to
2680 publicize to the entertainment industry in this state, other
2681 states, and other countries the depth of Florida's entertainment
2682 industry talent, crew, production companies, production
2683 equipment resources, related businesses, and support services,
2684 including the establishment of and expenditure for a program of
2685 cooperative advertising with these public and private
2686 organizations and groups in accordance with the provisions of
2687 chapter 120.

2688 5. Provide and arrange for reasonable and necessary
2689 promotional items and services for such persons as the division
2690 ~~office~~ deems proper in connection with the performance of the
2691 promotional and other duties of the division ~~office~~.

2692 6. Prepare an ~~annual~~ economic impact analysis on
2693 entertainment industry-related activities in the state.

2694 7. Request or accept any grant, payment, or gift of funds
2695 or property made by this state, the United States, or any
2696 department or agency thereof, or by any individual, firm,



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2697 corporation, municipality, county, or organization, for ~~any or~~
2698 ~~all of~~ the purposes of the division's ~~Office of Film and~~
2699 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~
2700 activities authorized by ~~enumerated in~~ this paragraph. Such
2701 funds shall be deposited in a separate account with Enterprise
2702 Florida, Inc., ~~the Grants and Donations Trust Fund of the~~
2703 ~~Executive Office of the Governor~~ for use by the division ~~Office~~
2704 ~~of Film and Entertainment~~ in carrying out its responsibilities
2705 and duties ~~as delineated in law~~. The division ~~office~~ may expend
2706 such funds in accordance with the terms and conditions of any
2707 such grant, payment, or gift in the pursuit of its
2708 administration or in support of fulfilling its duties and
2709 responsibilities. The division ~~office~~ shall separately account
2710 for the public funds and the private funds deposited into the
2711 account ~~trust fund~~.

2712 Section 24. Section 288.1252, Florida Statutes, is
2713 renumbered as section 288.914, Florida Statutes, and amended to
2714 read:

2715 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
2716 Council; ~~creation;~~ purpose; membership; powers and duties.—

2717 ~~(1) CREATION.—There is created within the department, for~~
2718 ~~administrative purposes only, the Florida Film and Entertainment~~
2719 ~~Advisory Council.~~

2720 (1)(2) CREATION AND PURPOSE.—The Florida Film and
2721 Entertainment Advisory Council is created ~~purpose of the Council~~
2722 ~~is~~ to serve as an advisory body to the Division of Film and
2723 Entertainment within Enterprise Florida, Inc., and ~~department~~
2724 ~~and to the Office of Film and Entertainment~~ to provide these
2725 ~~offices with~~ industry insight and expertise related to



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2726 developing, marketing, and promoting, ~~and providing service to~~
2727 the state's entertainment industry.

2728 (2)~~(3)~~ MEMBERSHIP.—

2729 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
2730 appointed by the Governor, 3 ~~5~~ to be appointed by the President
2731 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
2732 House of Representatives.

2733 (b) When making appointments to the council, the Governor,
2734 the President of the Senate, and the Speaker of the House of
2735 Representatives shall appoint persons who are residents of the
2736 state and who are highly knowledgeable of, active in, and
2737 recognized as leaders in Florida's motion picture, television,
2738 video, sound recording, or other entertainment industries. These
2739 persons must ~~shall~~ include, but need not be limited to,
2740 representatives of local film commissions, representatives of
2741 entertainment associations, a representative of the broadcast
2742 industry, representatives of labor organizations in the
2743 entertainment industry, and board chairs, presidents, chief
2744 executive officers, chief operating officers, or persons of
2745 comparable executive position or stature of leading or otherwise
2746 important entertainment industry businesses and offices. Council
2747 members must ~~shall~~ be appointed in such a manner as to equitably
2748 represent the broadest spectrum of the entertainment industry
2749 and geographic areas of the state.

2750 (c) Council members shall serve for 4-year terms. A council
2751 member serving as of July 1, 2016, may serve the remainder of
2752 his or her term, but upon the conclusion of the term or upon
2753 vacancy, the appointment must be made in accordance with this
2754 section.



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2755 (d) Subsequent appointments shall be made by the official
2756 who appointed the council member whose expired term is to be
2757 filled.

2758 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~
2759 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,
2760 CareerSource Florida, Inc., and VISIT Florida shall serve as ex
2761 officio, nonvoting members of the council.

2762 (f) Absence from three consecutive meetings shall result in
2763 automatic removal from the council.

2764 (g) A vacancy on the council shall be filled for the
2765 remainder of the unexpired term by the official who appointed
2766 the vacating member.

2767 (h) No more than one member of the council may be an
2768 employee of any one company, organization, or association.

2769 (i) Any member shall be eligible for reappointment but may
2770 not serve more than two consecutive terms.

2771 (3) ~~(4)~~ MEETINGS; ORGANIZATION.—

2772 (a) The council shall meet at least ~~no less frequently than~~
2773 once each quarter of the calendar year, and ~~but~~ may meet more
2774 often as determined necessary ~~set~~ by the council.

2775 (b) The council shall annually elect from its appointed
2776 membership one member to serve as chair ~~of the council~~ and one
2777 member to serve as vice chair. The Division ~~Office~~ of Film and
2778 Entertainment shall provide staff assistance to the council,
2779 which must ~~shall~~ include, but need not be limited to, keeping
2780 records of the proceedings of the council, and serving as
2781 custodian of all books, documents, and papers filed with the
2782 council.

2783 (c) A majority of the members of the council constitutes



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2784 ~~shall constitute~~ a quorum.

2785 (d) Members of the council shall serve without
2786 compensation, but are ~~shall be~~ entitled to reimbursement for per
2787 diem and travel expenses in accordance with s. 112.061 while in
2788 performance of their duties.

2789 ~~(4)-(5)~~ POWERS AND DUTIES.—The Florida Film and
2790 Entertainment Advisory Council has ~~shall have all~~ the power
2791 ~~powers necessary or convenient~~ to carry out and effectuate the
2792 ~~purposes and provisions of~~ this act, including, but not limited
2793 to, the power to:

2794 (a) Adopt bylaws for the governance of its affairs and the
2795 conduct of its business.

2796 (b) Advise the Division and ~~consult with the Office~~ of Film
2797 and Entertainment on the content, development, and
2798 implementation of the division's 5-year strategic plan ~~to guide~~
2799 ~~the activities of the office.~~

2800 (c) ~~Review the Commissioner of Film and Entertainment's~~
2801 ~~administration of the programs related to the strategic plan,~~
2802 and Advise the Division of Film and Entertainment ~~commissioner~~
2803 on the division's programs and any changes that might be made to
2804 better meet the strategic plan.

2805 (d) Consider and study the needs of the entertainment
2806 industry for the purpose of advising the Division of Film and
2807 Entertainment ~~film commissioner and the department.~~

2808 (e) Identify ~~and make recommendations on~~ state agency and
2809 local government actions that may have an impact on the
2810 entertainment industry or that may appear to industry
2811 representatives as ~~an~~ official state or local actions ~~action~~
2812 affecting production in the state, and advise the Division of



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2813 Film and Entertainment of such actions.

2814 (f) Consider all matters submitted to it by the Division of
2815 Film and Entertainment ~~film commissioner and the department.~~

2816 ~~(g) Advise and consult with the film commissioner and the~~
2817 ~~department, at their request or upon its own initiative,~~
2818 ~~regarding the promulgation, administration, and enforcement of~~
2819 ~~all laws and rules relating to the entertainment industry.~~

2820 ~~(g)(h) Suggest policies and practices for the conduct of~~
2821 ~~business by the Office of Film and Entertainment or by the~~
2822 ~~department that will improve interaction with internal~~
2823 ~~operations affecting the entertainment industry and will enhance~~
2824 ~~related state the economic development initiatives of the state~~
2825 ~~for the industry.~~

2826 ~~(i) Appear on its own behalf before boards, commissions,~~
2827 ~~departments, or other agencies of municipal, county, or state~~
2828 ~~government, or the Federal Government.~~

2829 Section 25. Section 288.1253, Florida Statutes, is
2830 renumbered as section 288.915, Florida Statutes, and amended to
2831 read:

2832 288.915 ~~288.1253~~ Travel and entertainment expenses.—

2833 (1) As used in this section, the term "travel expenses"
2834 means the actual, necessary, and reasonable costs of
2835 transportation, meals, lodging, and incidental expenses normally
2836 incurred by an employee of the Division ~~Office~~ of Film and
2837 Entertainment within Enterprise Florida, Inc., as which costs
2838 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department
2839 rule, subject to approval by the Chief Financial Officer.

2840 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
2841 department shall adopt rules by which the Division of Film and



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2842 Entertainment ~~it~~ may make expenditures by reimbursement to~~+~~ the
2843 Governor, the Lieutenant Governor, security staff of the
2844 Governor or Lieutenant Governor, the Commissioner of Film and
2845 Entertainment, or staff of the Division ~~Office~~ of Film and
2846 Entertainment for travel expenses or entertainment expenses
2847 incurred by such individuals solely and exclusively in
2848 connection with the performance of the statutory duties of the
2849 division ~~Office of Film and Entertainment~~. The rules are subject
2850 to approval by the Chief Financial Officer before adoption. The
2851 rules shall require the submission of paid receipts, or other
2852 proof of expenditure prescribed by the Chief Financial Officer,
2853 with any claim for reimbursement.

2854 (3) The Division ~~Office~~ of Film and Entertainment shall
2855 include in the annual report for the entertainment industry
2856 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~
2857 ~~288.1254(10)~~ a report of the division's ~~office's~~ expenditures
2858 for the previous fiscal year. The report must consist of a
2859 summary of all travel, entertainment, and incidental expenses
2860 incurred within the United States and all travel, entertainment,
2861 and incidental expenses incurred outside the United States, as
2862 well as a summary of all successful projects that developed from
2863 such travel.

2864 (4) The Division ~~Office~~ of Film and Entertainment and its
2865 employees and representatives, when authorized, may accept and
2866 use complimentary travel, accommodations, meeting space, meals,
2867 equipment, transportation, and any other goods or services
2868 necessary for or beneficial to the performance of the division's
2869 ~~office's~~ duties and purposes, so long as such acceptance or use
2870 is not in conflict with part III of chapter 112. The department



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2871 shall, by rule, develop internal controls to ensure that such
2872 goods or services accepted or used pursuant to this subsection
2873 are limited to those that will assist solely and exclusively in
2874 the furtherance of the division's ~~office's~~ goals and are in
2875 compliance with part III of chapter 112. Notwithstanding this
2876 subsection, the division and its employees and representatives
2877 may not accept any complimentary travel, accommodations, meeting
2878 space, meals, equipment, transportation, or other goods or
2879 services from an entity or a party, including an employee, a
2880 designee, or a representative of such entity or party, which has
2881 received, has applied to receive, or anticipates that it will
2882 receive through an application, funds under s. 288.1256. If the
2883 division or its employee or representative accepts such goods or
2884 services, the division or its employee or representative is
2885 subject to the penalties provided in s. 112.317.

2886 (5) A ~~Any~~ claim submitted under this section is not
2887 required to be sworn to before a notary public or other officer
2888 authorized to administer oaths, but a ~~any~~ claim authorized or
2889 required to be made under any provision of this section shall
2890 contain a statement that the expenses were actually incurred as
2891 necessary travel or entertainment expenses in the performance of
2892 official duties of the Division ~~Office~~ of Film and Entertainment
2893 and shall be verified by written declaration that it is true and
2894 correct as to every material matter. A ~~Any~~ person who willfully
2895 makes and subscribes to a ~~any~~ claim that ~~which~~ he or she does
2896 not believe to be true and correct as to every material matter
2897 or who willfully aids or assists in, procures, or counsels or
2898 advises with respect to, the preparation or presentation of a
2899 claim pursuant to this section which ~~that~~ is fraudulent or false



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2900 as to any material matter, whether such falsity or fraud is with
2901 the knowledge or consent of the person authorized or required to
2902 present the claim, commits a misdemeanor of the second degree,
2903 punishable as provided in s. 775.082 or s. 775.083. Whoever
2904 receives a reimbursement by means of a false claim is civilly
2905 liable, in the amount of the overpayment, for the reimbursement
2906 of the public fund from which the claim was paid.

2907 Section 26. Paragraph (a) of subsection (5), paragraph (c)
2908 of subsection (9), and subsection (10) of section 288.1254,
2909 Florida Statutes, are amended to read:

2910 288.1254 Entertainment industry financial incentive
2911 program.—

2912 (5) TRANSFER OF TAX CREDITS.—

2913 (a) *Authorization.*—Upon application to ~~the Office of Film~~
2914 ~~and Entertainment~~ and approval by the department, a certified
2915 production company, or a partner or member that has received a
2916 distribution under paragraph (4)(g), may elect to transfer, in
2917 whole or in part, any unused credit amount granted under this
2918 section. An election to transfer any unused tax credit amount
2919 under chapter 212 or chapter 220 must be made no later than 5
2920 years after the date the credit is awarded, after which period
2921 the credit expires and may not be used. The department shall
2922 notify the Department of Revenue of the election and transfer.

2923 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
2924 CREDITS; FRAUDULENT CLAIMS.—

2925 (c) *Forfeiture of tax credits.*—A determination by the
2926 Department of Revenue, as a result of an audit pursuant to
2927 paragraph (a) or from information received from the department
2928 ~~Office of Film and Entertainment~~, that an applicant received tax



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2929 credits pursuant to this section to which the applicant was not
2930 entitled is grounds for forfeiture of previously claimed and
2931 received tax credits. The applicant is responsible for returning
2932 forfeited tax credits to the Department of Revenue, and such
2933 funds shall be paid into the General Revenue Fund of the state.
2934 Tax credits purchased in good faith are not subject to
2935 forfeiture unless the transferee submitted fraudulent
2936 information in the purchase or failed to meet the requirements
2937 in subsection (5).

2938 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~
2939 ~~of Film and Entertainment~~ shall submit an annual report for the
2940 previous fiscal year to the Governor, the President of the
2941 Senate, and the Speaker of the House of Representatives which
2942 outlines the incentive program's return on investment and
2943 economic benefits to the state. The report must also include an
2944 estimate of the full-time equivalent positions created by each
2945 production that received tax credits under this section and
2946 information relating to the distribution of productions
2947 receiving credits by geographic region and type of production.
2948 The report must also include the expenditures report required
2949 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information
2950 describing the relationship between tax exemptions and
2951 incentives to industry growth required under s. 288.1258(5).

2952 Section 27. Effective upon becoming law, subsection (11) of
2953 section 288.1254, Florida Statutes, is amended to read:

2954 288.1254 Entertainment industry financial incentive
2955 program.—

2956 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~
2957 ~~2016~~, except that:



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2958 (a) Tax credits certified under paragraph (3) (d) before
2959 April 1, 2016 ~~July 1, 2016~~, may be awarded under paragraph
2960 (3) (f) on or after April 1, 2016 ~~July 1, 2016~~, if the other
2961 requirements of this section are met.

2962 1. A qualified production must facilitate the submittal of
2963 all required information under subparagraph (3) (f)1. to the
2964 department by August 1, 2016. A qualified production that does
2965 not meet this requirement may not be awarded tax credits. A
2966 waiver of the deadline is not permitted.

2967 2. The department must complete the review of the
2968 accountant's submittal, report the final verified amount of
2969 actual qualified expenditures, and determine and approve the
2970 final tax credit award amount to each certified applicant based
2971 on the final verified amount of actual qualified expenditures as
2972 required in subparagraph (3) (f)2. by June 30, 2017. Tax credits
2973 may not be awarded to any qualified production if the
2974 determination and approval is not made by June 30, 2017. A
2975 wavier of the deadline is not permitted.

2976 3. The Department of Revenue shall deny any credit claimed
2977 on a tax return when that credit was awarded on or after July 1,
2978 2017.

2979 (b)1. The department must publish a report on its website
2980 by May 30, 2016, providing the number of:

2981 a. Certified productions that submitted data substantiating
2982 each qualified expenditure as required under sub-subparagraph
2983 (3) (f)1.a.;

2984 b. Certified productions currently under review by
2985 independent certified public accountants as required under sub-
2986 paragraphs (3) (f)1.a. and b.;



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2987 c. Compliance audits submitted by the accountants and
2988 currently under review by the department as required under sub-
2989 subparagraph (3) (f) 1.b.; and

2990 d. Final tax credit award determinations and approvals that
2991 the department has made as required under sub-subparagraph
2992 (3) (f) 1.a. and subparagraph (3) (f) 2.

2993 2. The department must update the report on its website by
2994 September 1, 2016, and December 30, 2016.

2995 (c) Notwithstanding paragraph (7) (c), tax credits may not
2996 be certified on or after April 1, 2016, and the Department of
2997 Revenue shall deny any credit claimed on a tax return when that
2998 credit was certified under paragraph (3) (d) on or after April 1,
2999 2016.

3000 (d) ~~(b)~~ Tax credits carried forward under paragraph (4) (e)
3001 remain valid for the period specified.

3002 (e) ~~(e)~~ Subsections (5), (8), and (9) shall remain in effect
3003 until July 1, 2021.

3004 Section 28. Section 288.1256, Florida Statutes, is created
3005 to read:

3006 288.1256 Entertainment Action Fund.—

3007 (1) The Entertainment Action Fund is created within the
3008 department in order to respond to extraordinary opportunities
3009 and to compete effectively with other states to attract and
3010 retain production companies and to provide favorable conditions
3011 for the growth of the entertainment industry in this state.

3012 (2) As used in this section, the term:

3013 (a) "Division" means the Division of Film and Entertainment
3014 within Enterprise Florida, Inc.

3015 (b) "Principal photography" means the filming of major or



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3016 significant components of a project which involve lead actors.

3017 (c) "Production" means a theatrical, direct-to-video, or
3018 direct-to-Internet motion picture; a made-for-television motion
3019 picture; visual effects or digital animation sequences produced
3020 in conjunction with a motion picture; a commercial; a music
3021 video; an industrial or educational film; an infomercial; a
3022 documentary film; a television pilot program; a presentation for
3023 a television pilot program; a television series, including, but
3024 not limited to, a drama, a reality show, a comedy, a soap opera,
3025 a telenovela, a game show, an awards show, or a miniseries
3026 production; a direct-to-Internet television series; or a digital
3027 media project by the entertainment industry. One season of a
3028 television series is considered one production. The term does
3029 not include a weather or market program; a sporting event or a
3030 sporting event broadcast; a gala; a production that solicits
3031 funds; a home shopping program; a political program; a political
3032 documentary; political advertising; a gambling-related project
3033 or production; a concert production; a local, a regional, or an
3034 Internet-distributed-only news show or current-events show; a
3035 sports news or a sports recap show; a pornographic production;
3036 or any production deemed obscene under chapter 847. A production
3037 may be produced on or by film, tape, or otherwise by means of a
3038 motion picture camera; an electronic camera or device; a tape
3039 device; a computer; any combination of the foregoing; or any
3040 other means, method, or device.

3041 (d) "Production company" means a corporation, limited
3042 liability company, partnership, or other legal entity engaged in
3043 one or more productions in this state.

3044 (e) "Production expenditures" means the costs of tangible



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3045 and intangible property used for, and services performed
3046 primarily and customarily in, production, including
3047 preproduction and postproduction, but excluding costs for
3048 development, marketing, and distribution. The term includes, but
3049 is not limited to:

3050 1. Wages, salaries, or other compensation paid to legal
3051 residents of this state, including amounts paid through payroll
3052 service companies, for technical and production crews,
3053 directors, producers, and performers.

3054 2. Net expenditures for sound stages, backlots, production
3055 editing, digital effects, sound recordings, sets, and set
3056 construction. As used in this paragraph, the term "net
3057 expenditures" means the actual amount of money a project spent
3058 for equipment or other tangible personal property, after
3059 subtracting any consideration received for reselling or
3060 transferring the item after the production ends, if applicable.

3061 3. Net expenditures for rental equipment, including, but
3062 not limited to, cameras and grip or electrical equipment.

3063 4. Up to \$300,000 of the costs of newly purchased computer
3064 software and hardware unique to the project, including servers,
3065 data processing, and visualization technologies, which are
3066 located in and used exclusively in this state for the production
3067 of digital media.

3068 5. Expenditures for meals, travel, and accommodations.

3069 (f) "Project" means a production in this state meeting the
3070 requirements of this section. The term does not include a
3071 production:

3072 1. In which less than 70 percent of the positions that make
3073 up its production cast and below-the-line production crew are



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3074 filled by legal residents of this state, whose residency is
3075 demonstrated by a valid Florida driver license or other state-
3076 issued identification confirming residency, or students enrolled
3077 full-time in an entertainment-related course of study at an
3078 institution of higher education in this state; or

3079 2. That contains obscene content as defined in s.
3080 847.001(10).

3081 (g) "Qualified expenditures" means production expenditures
3082 incurred in this state by a production company for:

3083 1. Goods purchased or leased from, or services, including,
3084 but not limited to, insurance costs and bonding, payroll
3085 services, and legal fees, which are provided by a vendor or
3086 supplier in this state which is registered with the Department
3087 of State or the Department of Revenue, has a physical location
3088 in this state, and employs one or more legal residents of this
3089 state. This does not include rebilled goods or services provided
3090 by an in-state company from out-of-state vendors or suppliers.
3091 If services provided by the vendor or supplier include personal
3092 services or labor, only personal services or labor provided by
3093 residents of this state, evidenced by the required documentation
3094 of residency in this state, qualify.

3095 2. Payments to legal residents of this state in the form of
3096 salary, wages, or other compensation up to a maximum of \$400,000
3097 per resident. A completed declaration of residency in this state
3098 must accompany the documentation submitted to the department for
3099 reimbursement.

3100
3101 For a project involving an event, such as an awards show, the
3102 term does not include expenditures solely associated with the



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3103 event itself and not directly required by the production. The
3104 term does not include expenditures incurred before the agreement
3105 is signed. The production company may not include in the
3106 calculation for qualified expenditures the original purchase
3107 price for equipment or other tangible property that is later
3108 sold or transferred by the production company for consideration.
3109 In such cases, the qualified expenditure is the net of the
3110 original purchase price minus the consideration received upon
3111 sale or transfer.

3112 (h) "Underutilized county" means a county in which less
3113 than \$500,000 in qualified expenditures were made in the last 2
3114 fiscal years.

3115 (3) A production company may apply for funds from the
3116 Entertainment Action Fund for a production or successive seasons
3117 of a production. The division shall review and evaluate
3118 applications to determine the eligibility of each project
3119 consistent with the requirements of this section. The division
3120 shall leverage funds to select projects that maximize the return
3121 to the state. The division must accept applications for at least
3122 3 months, and shall provide public notice of the application
3123 period. The division may allow multiple, nonoverlapping
3124 application periods in a fiscal year subject to the availability
3125 of funds. The division shall review and evaluate applications
3126 timely received during the application period to identify any
3127 competitive projects to recommend for approval as provided in
3128 this section. The division may determine that no applications
3129 were submitted which meet the requirements of this section and
3130 maximize the return to the state.

3131 (4) The division, in its review and evaluation of



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3132 applications, must consider the following criteria, which are
3133 listed in order of priority, with the highest priority given to
3134 paragraph (a):

3135 (a) The number of state residents who will be employed in
3136 full-time equivalent and part-time positions related to the
3137 project, the duration of such employment, and the average wages
3138 paid to such residents. Preference shall be given to a project
3139 that expects to pay higher than the statewide average wage.

3140 (b) The amount of qualified and nonqualified expenditures
3141 that will be made in this state.

3142 (c) Planned or executed contracts with production
3143 facilities or soundstages in this state and the percentage of
3144 principal photography or production activity that will occur at
3145 each location.

3146 (d) Planned preproduction and postproduction to occur in
3147 this state.

3148 (e) The amount of capital investment, especially fixed
3149 capital investment, to be made directly by the production
3150 company in this state related to the project and the amount of
3151 any other capital investment to be made in this state related to
3152 the project.

3153 (f) The duration of the project in this state.

3154 (g) The amount and duration of principal photography or
3155 production activity that will occur in an underutilized county.

3156 (h) The extent to which the production company will promote
3157 Florida, including the production of marketing materials
3158 promoting this state as a tourist destination or a film and
3159 entertainment production destination; placement of state agency
3160 logos in the production and credits; authorized use of



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3161 production assets, characters, and themes by this state;
3162 promotional videos for this state included on optical disc
3163 formats; and other marketing integration.

3164 (i) The employment of students enrolled full-time in an
3165 entertainment-related course of study at an institution of
3166 higher education in this state or of graduates from such an
3167 institution within 12 months after graduation.

3168 (j) Plans to work with entertainment industry-related
3169 courses of study at an institution of higher education in this
3170 state.

3171 (k) Local support and any local financial commitment for
3172 the project.

3173 (l) The project is about this state or shows this state in
3174 a positive light.

3175 (m) A review of the production company's past activities in
3176 this state or other states.

3177 (n) The length of time the production company has made
3178 productions in this state, the number of productions the
3179 production company has made in this state, and the production
3180 company's overall commitment to this state. This includes a
3181 production company that is based in this state.

3182 (o) Expected contributions to this state's economy,
3183 consistent with the state strategic economic development plan
3184 prepared by the department.

3185 (p) The expected effect of the award on the viability of
3186 the project and the probability that the project would be
3187 undertaken in this state if funds are granted to the production
3188 company.

3189 (5) A production company must have financing in place for a



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- 3190 project before it applies for funds under this section.
- 3191 (6) The department shall prescribe a form upon which an
- 3192 application must be made to the division. At a minimum, the
- 3193 application must include:
- 3194 (a) The applicant's federal employer identification number,
- 3195 reemployment assistance account number, and state sales tax
- 3196 registration number, as applicable. If such numbers are not
- 3197 available at the time of application, they must be submitted to
- 3198 the department in writing before the disbursement of any
- 3199 payments.
- 3200 (b) The signature of the applicant.
- 3201 (c) A detailed budget of planned qualified and nonqualified
- 3202 expenditures in this state.
- 3203 (d) The type and amount of capital investment that will be
- 3204 made in this state.
- 3205 (e) The locations in this state where the project will
- 3206 occur.
- 3207 (f) The anticipated commencement date and duration of the
- 3208 project.
- 3209 (g) The proposed number of state residents and nonstate
- 3210 residents who will be employed in full-time equivalent and part-
- 3211 time positions related to the project and wages paid to such
- 3212 persons.
- 3213 (h) The total number of full-time equivalent employees
- 3214 employed by the production company in this state, if applicable.
- 3215 (i) Proof of financing for the project.
- 3216 (j) The amount of promotion of Florida which the production
- 3217 company will provide for the state.
- 3218 (k) An attestation verifying that the information provided



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3219 on the application is true and accurate.

3220 (1) Any additional information requested by the department
3221 or division.

3222 (7) The division and department must make a recommendation
3223 to the Governor to approve or deny a project pursuant to s.
3224 288.061. An award of funds may constitute up to 30 percent of
3225 qualified expenditures in this state and may not fund wages paid
3226 to nonresidents. The division may recommend an award of funds
3227 that is less than 30 percent of qualified expenditures in this
3228 state. A production must start within 1 year after the date the
3229 project is approved by the Governor. The recommendation must
3230 include the performance conditions that the project must meet to
3231 obtain funds.

3232 (a) The Governor may approve an award of less than \$2
3233 million without consulting the Legislature and shall provide a
3234 written description and evaluation of the approved project to
3235 the President of the Senate and the Speaker of the House of
3236 Representatives within 1 business day after approval.

3237 (b) For a project recommended for approval for an award of
3238 \$2 million or more, the Governor shall provide a written
3239 description and evaluation of the project to the President of
3240 the Senate and the Speaker of the House of Representatives at
3241 least 14 days before approving the award. If the President of
3242 the Senate or the Speaker of the House of Representatives timely
3243 advises the Governor, in writing, that his or her planned or
3244 proposed action exceeds the delegated authority of the Governor
3245 or is contrary to legislative policy or intent, the Governor
3246 shall instruct the department to immediately suspend any action
3247 planned or proposed.



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3248 (c) A written description and evaluation of an amendment, a
3249 modification, or an extension of an executed agreement must be
3250 provided to the President of the Senate and the Speaker of the
3251 House of Representatives within 1 business day after approval.

3252 An amendment, a modification, or an extension may not be made to
3253 an executed agreement if the award of state funds outlined in
3254 the agreement has not been reduced by a proportionate amount.

3255 (8) Upon the approval of the Governor, the department and
3256 the production company shall enter into an agreement pursuant to
3257 s. 288.061 that also specifies:

3258 (a) The performance conditions the production company must
3259 meet to obtain payment of moneys from the fund. Performance
3260 conditions must include the criteria considered in the review
3261 and evaluation of the application. Performance conditions must
3262 relate to activity that occurs in this state.

3263 (b) That the department may review and verify any records
3264 of the production company to ascertain whether that company is
3265 in compliance with this section and the agreement.

3266 (c) That payment of moneys from the fund is contingent upon
3267 sufficient appropriation of funds by the Legislature.

3268 (9) The agreement must be finalized and signed by an
3269 authorized officer of the production company within 90 days
3270 after the Governor's approval. A production company that
3271 receives funds under this section may not receive benefits under
3272 s. 288.1258 for the same production.

3273 (10) (a) The department shall validate contractor
3274 performance and report such validation in an annual report. The
3275 agreement shall require the production company to submit proof
3276 of performance within a certain period of time from the required



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3277 date of performance provided in the agreement, not to exceed 90
3278 days.

3279 (b) Each November 1, the department and the division shall
3280 submit an annual report for the previous fiscal year to the
3281 Governor, the President of the Senate, and the Speaker of the
3282 House of Representatives which outlines the program's return on
3283 investment and economic benefits to the state. The report must
3284 also include an estimate of the full-time equivalent positions
3285 created by each production that received a grant under this
3286 section and information relating to the distribution of
3287 productions receiving credits by geographic region and type of
3288 production. In addition, the report must include the
3289 expenditures report required under s. 288.915, the information
3290 describing the relationship between tax exemptions and
3291 incentives to industry growth required under s. 288.1258(5), and
3292 program performance information required under this section.

3293 (11) The department may not approve awards in excess of the
3294 amount appropriated for a fiscal year. The department must
3295 maintain a schedule of funds to be paid from the appropriation
3296 for the fiscal year that begins on July 1. For the first 6
3297 months of each fiscal year, the department shall set aside 50
3298 percent of the amount appropriated for the fund by the
3299 Legislature. At the end of the 6-month period, these funds are
3300 available to provide funding under this section for applications
3301 submitted on or after January 1. The department or division may
3302 not accept any applications or conditionally commit funds or
3303 grant priority to a production company if funds are not
3304 available in the current period.

3305 (12) A production company that submits fraudulent



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3306 information under this section is liable for reimbursement of
3307 the reasonable costs and fees associated with the review,
3308 processing, investigation, and prosecution of the fraudulent
3309 claim. A production company that receives a payment under this
3310 section through a claim that is fraudulent is liable for
3311 reimbursement of the payment amount, plus a penalty in an amount
3312 double the payment amount. The penalty is in addition to any
3313 criminal penalty for which the production company is liable for
3314 the same acts. The production company is also liable for costs
3315 and fees incurred by the state in investigating and prosecuting
3316 the fraudulent claim.

3317 (13) The department or division may not waive any provision
3318 or provide an extension of time to meet any requirement of this
3319 section.

3320 (14) This section expires on July 1, 2026. An agreement in
3321 existence on that date shall continue in effect in accordance
3322 with its terms.

3323 Section 29. Section 288.1258, Florida Statutes, is amended
3324 to read:

3325 288.1258 Entertainment industry qualified production
3326 companies; application procedure; categories; duties of the
3327 Department of Revenue; records and reports.—

3328 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

3329 (a) Any production company engaged in this state in the
3330 production of motion pictures, made-for-TV motion pictures,
3331 television series, commercial advertising, music videos, or
3332 sound recordings may submit an application for exemptions under
3333 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to
3334 be approved by the Department of Economic Opportunity ~~Office of~~



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3335 ~~Film and Entertainment~~ as a qualified production company for the
3336 purpose of receiving a sales and use tax certificate of
3337 exemption from the Department of Revenue to exempt purchases on
3338 or after the date that the completed application is filed with
3339 the Department of Revenue.

3340 (b) As used in ~~For the purposes of~~ this section, the term
3341 "qualified production company" means any production company that
3342 has submitted a properly completed application to the Department
3343 of Revenue and that is subsequently qualified by the Department
3344 of Economic Opportunity ~~Office of Film and Entertainment.~~

3345 (2) APPLICATION PROCEDURE.—

3346 (a) The Department of Revenue shall ~~will~~ review all
3347 submitted applications for the required information. Within 10
3348 working days after the receipt of a properly completed
3349 application, the Department of Revenue shall ~~will~~ forward the
3350 completed application to the Department of Economic Opportunity
3351 ~~Office of Film and Entertainment~~ for approval.

3352 (b)1. The Department of Economic Opportunity ~~Office of Film~~
3353 ~~and Entertainment~~ shall establish a process by which an
3354 entertainment industry production company may be approved by the
3355 department office as a qualified production company and may
3356 receive a certificate of exemption from the Department of
3357 Revenue for the sales and use tax exemptions under ss. 212.031,
3358 212.06, and 212.08. A production company that receives a sales
3359 tax exemption certificate under this section for a production
3360 may not receive benefits under s. 288.1256 for the same
3361 production.

3362 2. Upon determination by the department ~~Office of Film and~~
3363 ~~Entertainment~~ that a production company meets the established



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3364 approval criteria and qualifies for exemption, the department
3365 ~~Office of Film and Entertainment~~ shall return the approved
3366 application or application renewal or extension to the
3367 Department of Revenue, which shall issue a certificate of
3368 exemption.

3369 3. The department ~~Office of Film and Entertainment~~ shall
3370 deny an application or application for renewal or extension from
3371 a production company if it determines that the production
3372 company does not meet the established approval criteria.

3373 (c) The department ~~Office of Film and Entertainment~~ shall
3374 develop, with the cooperation of the Department of Revenue, the
3375 Division of Film and Entertainment within Enterprise Florida,
3376 Inc., and local government entertainment industry promotion
3377 agencies, a standardized application form for use in approving
3378 qualified production companies.

3379 1. The application form shall include, but not be limited
3380 to, production-related information on employment, proposed
3381 budgets, planned purchases of items exempted from sales and use
3382 taxes under ss. 212.031, 212.06, and 212.08, a signed
3383 affirmation from the applicant that any items purchased for
3384 which the applicant is seeking a tax exemption are intended for
3385 use exclusively as an integral part of entertainment industry
3386 preproduction, production, or postproduction activities engaged
3387 in primarily in this state, and a signed affirmation from the
3388 department ~~Office of Film and Entertainment~~ that the information
3389 on the application form has been verified and is correct. In
3390 lieu of information on projected employment, proposed budgets,
3391 or planned purchases of exempted items, a production company
3392 seeking a 1-year certificate of exemption may submit summary



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3393 historical data on employment, production budgets, and purchases
3394 of exempted items related to production activities in this
3395 state. Any information gathered from production companies for
3396 the purposes of this section shall be considered confidential
3397 taxpayer information and shall be disclosed only as provided in
3398 s. 213.053.

3399 2. The application form may be distributed to applicants by
3400 the department, the Division Office of Film and Entertainment,
3401 or local film commissions.

3402 (d) All applications, renewals, and extensions for
3403 designation as a qualified production company shall be processed
3404 by the department Office of Film and Entertainment.

3405 (e) If In the event that the Department of Revenue
3406 determines that a production company no longer qualifies for a
3407 certificate of exemption, or has used a certificate of exemption
3408 for purposes other than those authorized by this section and
3409 chapter 212, the Department of Revenue shall revoke the
3410 certificate of exemption of that production company, and any
3411 sales or use taxes exempted on items purchased or leased by the
3412 production company during the time such company did not qualify
3413 for a certificate of exemption or improperly used a certificate
3414 of exemption shall become immediately due to the Department of
3415 Revenue, along with interest and penalty as provided by s.
3416 212.12. In addition to the other penalties imposed by law, any
3417 person who knowingly and willfully falsifies an application, or
3418 uses a certificate of exemption for purposes other than those
3419 authorized by this section and chapter 212, commits a felony of
3420 the third degree, punishable as provided in ss. 775.082,
3421 775.083, and 775.084.



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3422 (3) CATEGORIES.—

3423 (a)1. A production company may be qualified for designation
3424 as a qualified production company for a period of 1 year if the
3425 company has operated a business in Florida at a permanent
3426 address for a period of 12 consecutive months. Such a qualified
3427 production company shall receive a single 1-year certificate of
3428 exemption from the Department of Revenue for the sales and use
3429 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3430 certificate shall expire 1 year after issuance or upon the
3431 cessation of business operations in the state, at which time the
3432 certificate shall be surrendered to the Department of Revenue.

3433 ~~2. The Office of Film and Entertainment shall develop a~~
3434 ~~method by which~~ A qualified production company may submit a new
3435 application for annually renew a 1-year certificate of exemption
3436 upon the expiration of that company's certificate of exemption;
3437 however, upon approval of the department, such qualified
3438 production company may annually renew the 1-year certificate of
3439 exemption for a period of up to 5 years without submitting
3440 ~~requiring the production company to resubmit~~ a new application
3441 during that 5-year period.

3442 3. Each year, or upon surrender of the certificate of
3443 exemption to the Department of Revenue, the Any qualified
3444 production company shall may submit to the department aggregate
3445 data for production-related information on employment,
3446 expenditures in this state, capital investment, and purchases of
3447 items exempted from sales and use taxes under ss. 212.031,
3448 212.06, and 212.08 for inclusion in the annual report required
3449 under subsection (5) ~~a new application for a 1-year certificate~~
3450 ~~of exemption upon the expiration of that company's certificate~~



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3451 ~~of exemption.~~

3452 (b)1. A production company may be qualified for designation
3453 as a qualified production company for a period of 90 days. Such
3454 production company shall receive a single 90-day certificate of
3455 exemption from the Department of Revenue for the sales and use
3456 tax exemptions under ss. 212.031, 212.06, and 212.08, which
3457 certificate shall expire 90 days after issuance or upon the
3458 cessation of business operations in the state, at which time,
3459 ~~with extensions contingent upon approval of the Office of Film~~
3460 ~~and Entertainment.~~ the certificate shall be surrendered to the
3461 Department of Revenue ~~upon its expiration.~~

3462 2. A qualified production company may submit a new
3463 application for a 90-day certificate of exemption each quarter
3464 upon the expiration of that company's certificate of exemption;
3465 however, upon approval of the department, such qualified
3466 production company may renew the 90-day certificate of exemption
3467 for a period of up to 1 year without submitting a new
3468 application during that 1-year period.

3469 3.2. Each 90 days, or upon surrender of the certificate of
3470 exemption to the Department of Revenue, the qualified Any
3471 production company shall may submit to the department aggregate
3472 data for production-related information on employment,
3473 expenditures in this state, capital investment, and purchases of
3474 items exempted from sales and use taxes under ss. 212.031,
3475 212.06, and 212.08 for inclusion in the annual report required
3476 under subsection (5) a new application for a 90-day certificate
3477 of exemption upon the expiration of that company's certificate
3478 of exemption.

3479 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—



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3480 (a) The Department of Revenue shall review the initial
3481 application and notify the applicant of any omissions and
3482 request additional information if needed. An application shall
3483 be complete upon receipt of all requested information. The
3484 Department of Revenue shall forward all complete applications to
3485 the department ~~Office of Film and Entertainment~~ within 10
3486 working days.

3487 (b) The Department of Revenue shall issue a numbered
3488 certificate of exemption to a qualified production company
3489 within 5 working days of the receipt of an approved application,
3490 application renewal, or application extension from the
3491 department ~~Office of Film and Entertainment~~.

3492 (c) The Department of Revenue may adopt ~~promulgate~~ such
3493 rules and shall prescribe and publish such forms as may be
3494 necessary to effectuate the purposes of this section or any of
3495 the sales tax exemptions which are reasonably related to the
3496 provisions of this section.

3497 (d) The Department of Revenue is authorized to establish
3498 audit procedures in accordance with the provisions of ss.
3499 212.12, 212.13, and 213.34 which relate to the sales tax
3500 exemption provisions of this section.

3501 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
3502 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
3503 ~~Office of Film and Entertainment~~ shall keep annual records from
3504 the information provided on taxpayer applications for tax
3505 exemption certificates and regularly reported as required in
3506 this section beginning January 1, 2001. These records also must
3507 reflect a ratio of the annual amount of sales and use tax
3508 exemptions under this section, plus the funds granted incentives



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3509 ~~awarded~~ pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated
3510 amount of funds expended by certified productions. In addition,
3511 the department ~~office~~ shall maintain data showing annual growth
3512 in Florida-based entertainment industry companies and
3513 entertainment industry employment and wages. The employment
3514 information must include ~~an estimate of~~ the full-time equivalent
3515 positions created by each production that received funds tax
3516 ~~credits~~ pursuant to s. 288.1256 ~~s. 288.1254~~. The department
3517 ~~Office of Film and Entertainment~~ shall include this information
3518 in the annual report for the entertainment industry ~~financial~~
3519 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~
3520 ~~288.1254(10)~~.

3521 Section 30. Paragraphs (a) and (b) of subsection (5) of
3522 section 288.901, Florida Statutes, are amended to read:

3523 288.901 Enterprise Florida, Inc.—

3524 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3525 (a) In addition to the Governor or his or her designee, the
3526 board of directors shall consist of the following appointed
3527 members:

3528 1. The Commissioner of Education or his or her designee.

3529 2. The Chief Financial Officer or his or her designee.

3530 3. The Attorney General or his or her designee.

3531 4. The Commissioner of Agriculture or his or her designee.

3532 5. The chairperson of the board of directors of
3533 CareerSource Florida, Inc.

3534 6. The Secretary of State or his or her designee.

3535 7. The president of CareerSource Florida, Inc.

3536 8.7. ~~Twelve~~ members from the private sector, six of whom
3537 shall be appointed by the Governor, three of whom shall be



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3538 appointed by the President of the Senate, and three of whom
3539 shall be appointed by the Speaker of the House of
3540 Representatives. Members appointed by the Governor are subject
3541 to Senate confirmation.

3542 (b) In making their appointments, the Governor, the
3543 President of the Senate, and the Speaker of the House of
3544 Representatives shall ensure that the composition of the board
3545 of directors reflects the diversity of Florida's business
3546 community and is representative of the economic development
3547 goals in subsection (2). The board must include at least one
3548 director for each of the following areas of expertise:
3549 international business, tourism marketing, the space or
3550 aerospace industry, managing or financing a minority-owned
3551 business, manufacturing, finance and accounting, and rural
3552 economic development ~~sports marketing~~.

3553 Section 31. Paragraph (c) of subsection (1), paragraph (d)
3554 of subsection (2), and subsection (3) of section 288.907,
3555 Florida Statutes, are amended, and subsection (14) is added to
3556 that section, to read:

3557 288.907 Annual incentives report.—By December 30 of each
3558 year, Enterprise Florida, Inc., in conjunction with the
3559 department, shall provide the Governor, the President of the
3560 Senate, and the Speaker of the House of Representatives a
3561 detailed incentives report quantifying the economic benefits for
3562 all of the economic development incentive programs marketed by
3563 Enterprise Florida, Inc. The annual incentives report must
3564 include:

3565 (1) For each incentive program:

3566 (c) The actual amount of private capital invested, the



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3567 actual number of jobs created, the actual number of jobs created
3568 which provide health benefits for the employee, the actual
3569 number of jobs retained, the actual number of jobs retained
3570 which provide health benefits for the employee, and actual wages
3571 paid for incentive agreements completed during the previous 3
3572 years for each target industry sector.

3573 (2) For projects completed during the previous state fiscal
3574 year:

3575 (d) The projects for which a tax refund, tax credit, or
3576 cash grant agreement was executed, identifying for each project:

3577 1. The number of jobs committed to be created and the
3578 number of those jobs that will provide health benefits for the
3579 employee.

3580 2. The number of jobs committed to be retained and the
3581 number of those jobs that will provide health benefits for the
3582 employee.

3583 ~~3.2.~~ The amount of capital investments committed to be
3584 made.

3585 ~~4.3.~~ The annual average wage committed to be paid.

3586 ~~5.4.~~ The amount of state economic development incentives
3587 committed to the project from each incentive program under the
3588 project's terms of agreement with the Department of Economic
3589 Opportunity.

3590 ~~6.5.~~ The amount and type of local matching funds committed
3591 to the project.

3592 (3) For economic development projects that received tax
3593 refunds, tax credits, or cash grants under the terms of an
3594 agreement for incentives:

3595 (a) The number of jobs actually created and the number of



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3596 those jobs that provided health benefits for the employee.

3597 (b) The number of jobs actually retained and the number of
3598 those jobs that provided health benefits for the employee.

3599 (c) ~~(b)~~ The amount of capital investments actually made.

3600 (d) ~~(c)~~ The annual average wage paid.

3601 (14) For the previous fiscal year, information relating to
3602 any of the following changes made to an agreement:

3603 (a) Contract extensions.

3604 (b) Amendments or modifications that alter a performance
3605 condition that a project must meet to receive payment.

3606 Section 32. Subsection (1) of section 288.92, Florida
3607 Statutes, is amended to read:

3608 288.92 Divisions of Enterprise Florida, Inc.—

3609 (1) Enterprise Florida, Inc., may create and dissolve
3610 divisions as necessary to carry out its mission. Each division
3611 shall have distinct responsibilities and complementary missions.
3612 At a minimum, Enterprise Florida, Inc., shall have divisions
3613 related to the following areas:

3614 (a) International Trade and Business Development;

3615 (b) Business Retention and Recruitment;

3616 (c) Tourism Marketing;

3617 (d) Minority Business Development; and

3618 (e) Film and Entertainment ~~Sports Industry Development.~~

3619 Section 33. Paragraph (c) of subsection (3) and subsection
3620 (4) of section 288.980, Florida Statutes, are amended to read:

3621 288.980 Military base retention; legislative intent; grants
3622 program.—

3623 (3)

3624 (c) The department shall require that an applicant:



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3625 1. Represent a local government with a military
3626 installation or military installations that could be adversely
3627 affected by federal actions.

3628 ~~2. Agree to match at least 30 percent of any grant awarded.~~

3629 ~~3.~~ Prepare a coordinated program or plan of action
3630 delineating how the eligible project will be administered and
3631 accomplished.

3632 ~~3.4.~~ Provide documentation describing the potential for
3633 changes to the mission of a military installation located in the
3634 applicant's community and the potential impacts such changes
3635 will have on the applicant's community.

3636 (4) The Florida Defense Reinvestment Grant Program is
3637 established to respond to the need for this state to work in
3638 conjunction with defense-dependent communities in developing and
3639 implementing strategies and approaches that will help
3640 communities support the missions of military installations, and
3641 in developing and implementing alternative economic
3642 diversification strategies to transition from a defense economy
3643 to a nondefense economy. The department shall administer the
3644 program.

3645 (a) Eligible applicants include defense-dependent counties
3646 and cities, and local economic development councils located
3647 within such communities. ~~The program shall be administered by~~
3648 ~~the department and~~ Grant awards may be provided to support
3649 community-based activities that:

3650 ~~1.(a)~~ Protect existing military installations;

3651 ~~2.(b)~~ Diversify or grow the economy of a defense-dependent
3652 community; or

3653 ~~3.(c)~~ Develop plans for the reuse of closed or realigned



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3654 military installations, including any plans necessary for
3655 infrastructure improvements needed to facilitate reuse and
3656 related marketing activities.

3657 (b) Applications for grants under paragraph (a) ~~this~~
3658 ~~subsection~~ must include a coordinated program of work or plan of
3659 action delineating how the eligible project will be administered
3660 and accomplished, which must include a plan for ensuring close
3661 cooperation between civilian and military authorities in the
3662 conduct of the funded activities and a plan for public
3663 involvement. An applicant must agree to match at least 30
3664 percent of any grant awarded.

3665 Section 34. Section 288.9937, Florida Statutes, is amended
3666 to read:

3667 288.9937 Evaluation of programs.—The Office of Economic and
3668 Demographic Research and the Office of Program Policy Analysis
3669 and Government Accountability shall analyze and ~~evaluate, and~~
3670 ~~determine the economic benefits, as defined in s. 288.005, of~~
3671 the first 3 years of the Microfinance Loan Program and the
3672 Microfinance Guarantee Program. The analysis by the Office of
3673 Economic and Demographic Research must determine the economic
3674 benefits, as defined in s. 288.005, and ~~also~~ evaluate the number
3675 of jobs created, the increase or decrease in personal income,
3676 and the impact on state gross domestic product from the direct,
3677 indirect, and induced effects of the state's investment. The
3678 analysis by the Office of Program Policy Analysis and Government
3679 Accountability must ~~also~~ identify any inefficiencies in the
3680 programs and provide recommendations for changes to the
3681 programs. Each ~~The~~ office shall submit a report to the President
3682 of the Senate and the Speaker of the House of Representatives by



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3683 January 15 ~~±~~, 2018. This section expires January 31, 2018.

3684 Section 35. Paragraph (a) of subsection (6), paragraph (b)
3685 of subsection (9), paragraph (a) of subsection (35), subsection
3686 (60), and paragraph (b) of subsection (64) of section 320.08058,
3687 Florida Statutes, are amended to read:

3688 320.08058 Specialty license plates.—

3689 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
3690 PLATES.—

3691 (a) Because the United States Olympic Committee has
3692 selected this state to participate in a combined fundraising
3693 program that provides for one-half of all money raised through
3694 volunteer giving to stay in this state and be administered by
3695 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, to
3696 support amateur sports, and because the United States Olympic
3697 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~
3698 ~~Inc.~~, are nonprofit organizations dedicated to providing
3699 athletes with support and training and preparing athletes of all
3700 ages and skill levels for sports competition, and because the
3701 Florida Sports Foundation ~~Enterprise Florida, Inc.~~, assists in
3702 the bidding for sports competitions that provide significant
3703 impact to the economy of this state, and the Legislature
3704 supports the efforts of the United States Olympic Committee and
3705 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, the
3706 Legislature establishes a Florida United States Olympic
3707 Committee license plate for the purpose of providing a
3708 continuous funding source to support this worthwhile effort.
3709 Florida United States Olympic Committee license plates must
3710 contain the official United States Olympic Committee logo and
3711 must bear a design and colors that are approved by the



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3712 department. The word "Florida" must be centered at the top of
3713 the plate.

3714 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3715 (b) The license plate annual use fees are to be annually
3716 distributed as follows:

3717 1. Fifty-five percent of the proceeds from the Florida
3718 Professional Sports Team plate must be deposited into the
3719 Professional Sports Development Trust Fund within the Department
3720 of Economic Opportunity. These funds must be used solely to
3721 attract and support major sports events in this state. As used
3722 in this subparagraph, the term "major sports events" means, but
3723 is not limited to, championship or all-star contests of Major
3724 League Baseball, the National Basketball Association, the
3725 National Football League, the National Hockey League, Major
3726 League Soccer, the men's and women's National Collegiate
3727 Athletic Association championships ~~Final Four basketball~~
3728 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All
3729 funds must be used to support and promote major sporting events,
3730 and the uses must be approved by the Department of Economic
3731 Opportunity.

3732 2. The remaining proceeds of the Florida Professional
3733 Sports Team license plate must be allocated to the Florida
3734 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
3735 deposited into the Professional Sports Development Trust Fund
3736 within the Department of Economic Opportunity. These funds must
3737 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3738 ~~Inc.~~, to promote the economic development of the sports
3739 industry; to distribute licensing and royalty fees to
3740 participating professional sports teams; ~~to promote education~~



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3741 ~~programs in Florida schools that provide an awareness of the~~
3742 ~~benefits of physical activity and nutrition standards; to~~
3743 ~~partner with the Department of Education and the Department of~~
3744 ~~Health to develop a program that recognizes schools whose~~
3745 ~~students demonstrate excellent physical fitness or fitness~~
3746 ~~improvement;~~ to institute a grant program for communities
3747 bidding on minor sporting events that create an economic impact
3748 for the state; to distribute funds to Florida-based charities
3749 designated by the Florida Sports Foundation ~~Enterprise Florida,~~
3750 ~~Inc.,~~ and the participating professional sports teams; and to
3751 fulfill the sports promotion responsibilities of the Department
3752 of Economic Opportunity.

3753 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
3754 shall provide an annual financial audit in accordance with s.
3755 215.981 of its financial accounts and records by an independent
3756 certified public accountant pursuant to the contract established
3757 by the Department of Economic Opportunity as specified in s.
3758 288.1229(5). The auditor shall submit the audit report to the
3759 Department of Economic Opportunity for review and approval. If
3760 the audit report is approved, the Department of Economic
3761 Opportunity shall certify the audit report to the Auditor
3762 General for review.

3763 4. Notwithstanding the provisions of subparagraphs 1. and
3764 2., proceeds from the Professional Sports Development Trust Fund
3765 may also be used for operational expenses of the Florida Sports
3766 Foundation ~~Enterprise Florida, Inc.,~~ and financial support of
3767 the Sunshine State Games and Florida Senior Games.

3768 (35) FLORIDA GOLF LICENSE PLATES.—

3769 (a) The Department of Highway Safety and Motor Vehicles



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3770 shall develop a Florida Golf license plate as provided in this
3771 section. The word "Florida" must appear at the bottom of the
3772 plate. The Dade Amateur Golf Association, following consultation
3773 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
3774 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a
3775 revised sample plate for consideration by the department.

3776 (60) FLORIDA NASCAR LICENSE PLATES.—

3777 (a) The department shall develop a Florida NASCAR license
3778 plate as provided in this section. Florida NASCAR license plates
3779 must bear the colors and design approved by the department. The
3780 word "Florida" must appear at the top of the plate, and the term
3781 "NASCAR" must appear at the bottom of the plate. The National
3782 Association for Stock Car Auto Racing, following consultation
3783 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may
3784 submit a sample plate for consideration by the department.

3785 (b) The license plate annual use fees shall be distributed
3786 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The
3787 license plate annual use fees shall be annually allocated as
3788 follows:

3789 1. Up to 5 percent of the proceeds from the annual use fees
3790 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3791 ~~Inc.~~, for the administration of the NASCAR license plate
3792 program.

3793 2. The National Association for Stock Car Auto Racing shall
3794 receive up to \$60,000 in proceeds from the annual use fees to be
3795 used to pay startup costs, including costs incurred in
3796 developing and issuing the plates. Thereafter, 10 percent of the
3797 proceeds from the annual use fees shall be provided to the
3798 association for the royalty rights for the use of its marks.



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3799 3. The remaining proceeds from the annual use fees shall be
3800 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~
3801 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
3802 will retain 15 percent to support its regional grant program,
3803 attracting sporting events to Florida; 20 percent to support the
3804 marketing of motorsports-related tourism in the state; and 50
3805 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)
3806 charitable organization, to support Florida-based charitable
3807 organizations.

3808 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
3809 shall provide an annual financial audit in accordance with s.
3810 215.981 of its financial accounts and records by an independent
3811 certified public accountant pursuant to the contract established
3812 by the Department of Economic Opportunity as specified in s.
3813 288.1229(5). The auditor shall submit the audit report to the
3814 Department of Economic Opportunity for review and approval. If
3815 the audit report is approved, the Department of Economic
3816 Opportunity shall certify the audit report to the Auditor
3817 General for review.

3818 (64) FLORIDA TENNIS LICENSE PLATES.—

3819 (b) The department shall distribute the annual use fees to
3820 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
3821 license plate annual use fees shall be annually allocated as
3822 follows:

3823 1. Up to 5 percent of the proceeds from the annual use fees
3824 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
3825 ~~Inc.,~~ to administer the license plate program.

3826 2. The United States Tennis Association Florida Section
3827 Foundation shall receive the first \$60,000 in proceeds from the



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3828 annual use fees to reimburse it for startup costs,
3829 administrative costs, and other costs it incurs in the
3830 development and approval process.

3831 3. Up to 5 percent of the proceeds from the annual use fees
3832 may be used for promoting and marketing the license plates. The
3833 remaining proceeds shall be available for grants by the United
3834 States Tennis Association Florida Section Foundation to
3835 nonprofit organizations to operate youth tennis programs and
3836 adaptive tennis programs for special populations of all ages,
3837 and for building, renovating, and maintaining public tennis
3838 courts.

3839 Section 36. Section 189.033, Florida Statutes, is amended
3840 to read:

3841 189.033 Independent special district services in
3842 disproportionally affected county; rate reduction for providers
3843 providing economic benefits.—If the governing body of an
3844 independent special district that provides water, wastewater,
3845 and sanitation services in a disproportionally affected county,
3846 as provided ~~defined~~ in s. 220.191(1)(g)1. ~~s. 288.106(8)~~,
3847 determines that a new user or the expansion of an existing user
3848 of one or more of its utility systems will provide a significant
3849 benefit to the community in terms of increased job
3850 opportunities, economies of scale, or economic development in
3851 the area, the governing body may authorize a reduction of its
3852 rates, fees, or charges for that user for a specified period of
3853 time. A governing body that exercises this power must do so by
3854 resolution that states the anticipated economic benefit
3855 justifying the reduction as well as the period of time that the
3856 reduction will remain in place.



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3857 Section 37. Paragraph (a) of subsection (14) of section
3858 196.012, Florida Statutes, is amended to read:

3859 196.012 Definitions.—For the purpose of this chapter, the
3860 following terms are defined as follows, except where the context
3861 clearly indicates otherwise:

3862 (14) "New business" means:

3863 (a)1. A business or organization establishing 10 or more
3864 new jobs to employ 10 or more full-time employees in this state
3865 which pays,~~paying~~ an average wage for such new jobs which that
3866 is above the average wage in the area and,~~which~~ principally
3867 engages in any one or more of the following operations:

3868 a. Manufactures, processes, compounds, fabricates, or
3869 produces for sale items of tangible personal property at a fixed
3870 location and which comprises an industrial or manufacturing
3871 plant; or

3872 b. Is a target industry business as defined in s.
3873 288.106(2) ~~s. 288.106(2)(g)~~;

3874 2. A business or organization establishing 25 or more new
3875 jobs to employ 25 or more full-time employees in this state, the
3876 sales factor of which, as defined by s. 220.15(5), for the
3877 facility with respect to which it requests an economic
3878 development ad valorem tax exemption is less than 0.50 for each
3879 year the exemption is claimed; or

3880 3. An office space in this state owned and used by a
3881 business or organization newly domiciled in this state if,
3882 ~~provided~~ such office space houses 50 or more full-time employees
3883 of such business or organization and, ~~provided that such~~
3884 ~~business or organization office~~ first begins operation on a site
3885 clearly separate from any other commercial or industrial



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3886 operation owned by the same business or organization.

3887 Section 38. Effective upon becoming law, paragraph (d) of
3888 subsection (6) of section 212.20, Florida Statutes, is amended
3889 to read:

3890 212.20 Funds collected, disposition; additional powers of
3891 department; operational expense; refund of taxes adjudicated
3892 unconstitutionally collected.—

3893 (6) Distribution of all proceeds under this chapter and ss.
3894 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

3895 (d) The proceeds of all other taxes and fees imposed
3896 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
3897 and (2)(b) shall be distributed as follows:

3898 1. In any fiscal year, the greater of \$500 million, minus
3899 an amount equal to 4.6 percent of the proceeds of the taxes
3900 collected pursuant to chapter 201, or 5.2 percent of all other
3901 taxes and fees imposed pursuant to this chapter or remitted
3902 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
3903 monthly installments into the General Revenue Fund.

3904 2. After the distribution under subparagraph 1., 8.9744
3905 percent of the amount remitted by a sales tax dealer located
3906 within a participating county pursuant to s. 218.61 shall be
3907 transferred into the Local Government Half-cent Sales Tax
3908 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
3909 transferred shall be reduced by 0.1 percent, and the department
3910 shall distribute this amount to the Public Employees Relations
3911 Commission Trust Fund less \$5,000 each month, which shall be
3912 added to the amount calculated in subparagraph 3. and
3913 distributed accordingly.

3914 3. After the distribution under subparagraphs 1. and 2.,



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3915 0.0966 percent shall be transferred to the Local Government
3916 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
3917 to s. 218.65.

3918 4. After the distributions under subparagraphs 1., 2., and
3919 3., 2.0810 percent of the available proceeds shall be
3920 transferred monthly to the Revenue Sharing Trust Fund for
3921 Counties pursuant to s. 218.215.

3922 5. After the distributions under subparagraphs 1., 2., and
3923 3., 1.3653 percent of the available proceeds shall be
3924 transferred monthly to the Revenue Sharing Trust Fund for
3925 Municipalities pursuant to s. 218.215. If the total revenue to
3926 be distributed pursuant to this subparagraph is at least as
3927 great as the amount due from the Revenue Sharing Trust Fund for
3928 Municipalities and the former Municipal Financial Assistance
3929 Trust Fund in state fiscal year 1999-2000, no municipality shall
3930 receive less than the amount due from the Revenue Sharing Trust
3931 Fund for Municipalities and the former Municipal Financial
3932 Assistance Trust Fund in state fiscal year 1999-2000. If the
3933 total proceeds to be distributed are less than the amount
3934 received in combination from the Revenue Sharing Trust Fund for
3935 Municipalities and the former Municipal Financial Assistance
3936 Trust Fund in state fiscal year 1999-2000, each municipality
3937 shall receive an amount proportionate to the amount it was due
3938 in state fiscal year 1999-2000.

3939 6. Of the remaining proceeds:

3940 a. In each fiscal year, the sum of \$29,915,500 shall be
3941 divided into as many equal parts as there are counties in the
3942 state, and one part shall be distributed to each county. The
3943 distribution among the several counties must begin each fiscal



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3944 year on or before January 5th and continue monthly for a total
3945 of 4 months. If a local or special law required that any moneys
3946 accruing to a county in fiscal year 1999-2000 under the then-
3947 existing provisions of s. 550.135 be paid directly to the
3948 district school board, special district, or a municipal
3949 government, such payment must continue until the local or
3950 special law is amended or repealed. The state covenants with
3951 holders of bonds or other instruments of indebtedness issued by
3952 local governments, special districts, or district school boards
3953 before July 1, 2000, that it is not the intent of this
3954 subparagraph to adversely affect the rights of those holders or
3955 relieve local governments, special districts, or district school
3956 boards of the duty to meet their obligations as a result of
3957 previous pledges or assignments or trusts entered into which
3958 obligated funds received from the distribution to county
3959 governments under then-existing s. 550.135. This distribution
3960 specifically is in lieu of funds distributed under s. 550.135
3961 before July 1, 2000.

3962 b. The department shall distribute \$166,667 monthly to each
3963 applicant certified as a facility for a new or retained
3964 professional sports franchise pursuant to s. 288.1162. Up to
3965 \$41,667 shall be distributed monthly by the department to each
3966 certified applicant as defined in s. 288.11621 for a facility
3967 for a spring training franchise. However, not more than \$416,670
3968 may be distributed monthly in the aggregate to all certified
3969 applicants for facilities for spring training franchises.
3970 Distributions begin 60 days after such certification and
3971 continue for not more than 30 years, except as otherwise
3972 provided in s. 288.11621. A certified applicant identified in



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3973 this sub-subparagraph may not receive more in distributions than
3974 expended by the applicant for the public purposes provided in s.
3975 288.1162(5) or s. 288.11621(3).

3976 c. Beginning 30 days after notice by the Department of
3977 Economic Opportunity to the Department of Revenue that an
3978 applicant has been certified as the professional golf hall of
3979 fame pursuant to s. 288.1168 and is open to the public, \$166,667
3980 shall be distributed monthly, for up to 300 months, to the
3981 applicant.

3982 ~~d. Beginning 30 days after notice by the Department of~~
3983 ~~Economic Opportunity to the Department of Revenue that the~~
3984 ~~applicant has been certified as the International Game Fish~~
3985 ~~Association World Center facility pursuant to s. 288.1169, and~~
3986 ~~the facility is open to the public, \$83,333 shall be distributed~~
3987 ~~monthly, for up to 168 months, to the applicant. This~~
3988 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
3989 ~~lump sum payment of \$999,996 shall be made after certification~~
3990 ~~and before July 1, 2000.~~

3991 ~~d.e.~~ The department shall distribute up to \$83,333 monthly
3992 to each certified applicant as defined in s. 288.11631 for a
3993 facility used by a single spring training franchise, or up to
3994 \$166,667 monthly to each certified applicant as defined in s.
3995 288.11631 for a facility used by more than one spring training
3996 franchise. Monthly distributions begin 60 days after such
3997 certification or July 1, 2016, whichever is later, and continue
3998 for not more than 20 years to each certified applicant as
3999 defined in s. 288.11631 for a facility used by a single spring
4000 training franchise or not more than 25 years to each certified
4001 applicant as defined in s. 288.11631 for a facility used by more



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4002 than one spring training franchise. A certified applicant
4003 identified in this sub-subparagraph may not receive more in
4004 distributions than expended by the applicant for the public
4005 purposes provided in s. 288.11631(3).

4006 ~~e.f.~~ Beginning 45 days after notice by the Department of
4007 Economic Opportunity to the Department of Revenue that an
4008 applicant has been ~~approved by the Legislature and~~ certified by
4009 the Department of Economic Opportunity under s. 288.11625 or
4010 upon a date specified by the Department of Economic Opportunity
4011 as provided under s. 288.11625(6)(d), the department shall
4012 distribute each month an amount equal to one-twelfth of the
4013 annual distribution amount certified by the Department of
4014 Economic Opportunity for the applicant. The department may not
4015 distribute more than \$7 million in the 2014-2015 fiscal year or
4016 more than \$13 million annually thereafter under this sub-
4017 subparagraph.

4018 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,
4019 the department shall distribute \$26,286 monthly to the State
4020 Transportation Trust Fund. Beginning July 1, 2016, the
4021 department shall distribute \$15,333 monthly to the State
4022 Transportation Trust Fund.

4023 7. All other proceeds must remain in the General Revenue
4024 Fund.

4025 Section 39. Paragraph (a) of subsection (2) of section
4026 220.196, Florida Statutes, is amended to read:

4027 220.196 Research and development tax credit.—

4028 (2) TAX CREDIT.—

4029 (a) As provided in this section, a business enterprise is
4030 eligible for a credit against the tax imposed by this chapter if



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4031 it:

4032 1. Has qualified research expenses in this state in the

4033 taxable year exceeding the base amount;

4034 2. Claims and is allowed a research credit for such

4035 qualified research expenses under 26 U.S.C. s. 41 for the same

4036 taxable year as subparagraph 1.; and

4037 3. Is a qualified target industry business as defined in s.

4038 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry

4039 businesses in the manufacturing, life sciences, information

4040 technology, aviation and aerospace, homeland security and

4041 defense, cloud information technology, marine sciences,

4042 materials science, and nanotechnology industries may qualify for

4043 a tax credit under this section. A business applying for a

4044 credit pursuant to this section shall include a letter from the

4045 Department of Economic Opportunity certifying whether the

4046 business meets the requirements of this subparagraph with its

4047 application for credit. The Department of Economic Opportunity

4048 shall provide such a letter upon receiving a request.

4049 Section 40. Subsection (7) of section 288.11621, Florida

4050 Statutes, is amended to read:

4051 288.11621 Spring training baseball franchises.—

4052 (7) STRATEGIC PLANNING.—The department shall request

4053 assistance from the Florida Sports Foundation Enterprise

4054 Florida, Inc., and the Florida Grapefruit League Association to

4055 develop a comprehensive strategic plan to:

4056 (a) Finance spring training facilities.

4057 (b) Monitor and oversee the use of state funds awarded to

4058 applicants.

4059 (c) Identify the financial impact that spring training has



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4060 on the state and ways in which to maintain or improve that
4061 impact.

4062 (d) Identify opportunities to develop public-private
4063 partnerships to engage in marketing activities and advertise
4064 spring training baseball.

4065 (e) Identify efforts made by other states to maintain or
4066 develop partnerships with baseball spring training teams.

4067 (f) Develop recommendations for the Legislature to sustain
4068 or improve this state's spring training tradition.

4069 Section 41. Effective upon becoming law, paragraph (c) of
4070 subsection (2) and paragraphs (a), (c), and (d) of subsection
4071 (3) of section 288.11631, Florida Statutes, are amended to read:

4072 288.11631 Retention of Major League Baseball spring
4073 training baseball franchises.—

4074 (2) CERTIFICATION PROCESS.—

4075 (c) Each applicant certified on or after July 1, 2013,
4076 shall enter into an agreement with the department which:

4077 1. Specifies the amount of the state incentive funding to
4078 be distributed. The amount of state incentive funding per
4079 certified applicant may not exceed \$20 million. However, if a
4080 certified applicant's facility is used by more than one spring
4081 training franchise, the maximum amount may not exceed \$50
4082 million, and the Department of Revenue shall make distributions
4083 to the applicant pursuant to s. 212.20(6)(d) 6.d. s-

4084 ~~212.20(6)(d) 6.e.~~

4085 2. States the criteria that the certified applicant must
4086 meet in order to remain certified. These criteria must include a
4087 provision stating that the spring training franchise must
4088 reimburse the state for any funds received if the franchise does



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4089 not comply with the terms of the contract. If bonds were issued
4090 to construct or renovate a facility for a spring training
4091 franchise, the required reimbursement must be equal to the total
4092 amount of state distributions expected to be paid from the date
4093 the franchise violates the agreement with the applicant through
4094 the final maturity of the bonds.

4095 3. States that the certified applicant is subject to
4096 decertification if the certified applicant fails to comply with
4097 this section or the agreement.

4098 4. States that the department may recover state incentive
4099 funds if the certified applicant is decertified.

4100 5. Specifies the information that the certified applicant
4101 must report to the department.

4102 6. Includes any provision deemed prudent by the department.

4103 (3) USE OF FUNDS.—

4104 (a) A certified applicant may use funds provided under s.
4105 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

4106 1. Serve the public purpose of constructing or renovating a
4107 facility for a spring training franchise.

4108 2. Pay or pledge for the payment of debt service on, or to
4109 fund debt service reserve funds, arbitrage rebate obligations,
4110 or other amounts payable with respect thereto, bonds issued for
4111 the construction or renovation of such facility, or for the
4112 reimbursement of such costs or the refinancing of bonds issued
4113 for such purposes.

4114 (c) The Department of Revenue may not distribute funds
4115 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,
4116 2016. Further, the Department of Revenue may not distribute
4117 funds to an applicant certified on or after July 1, 2013, until



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4118 it receives notice from the department that:

4119 1. The certified applicant has encumbered funds under
4120 either subparagraph (a)1. or subparagraph (a)2.; and

4121 2. If applicable, any existing agreement with a spring
4122 training franchise for the use of a facility has expired.

4123 (d)1. All certified applicants shall place unexpended state
4124 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~
4125 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
4126 only as authorized in this section.

4127 2. A certified applicant may request that the department
4128 notify the Department of Revenue to suspend further
4129 distributions of state funds made available under s.
4130 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
4131 expiration of an existing agreement with a spring training
4132 franchise to provide the certified applicant with an opportunity
4133 to enter into a new agreement with a spring training franchise,
4134 at which time the distributions shall resume.

4135 3. The expenditure of state funds distributed to an
4136 applicant certified after July 1, 2013, must begin within 48
4137 months after the initial receipt of the state funds. In
4138 addition, the construction or renovation of a spring training
4139 facility must be completed within 24 months after the project's
4140 commencement.

4141 Section 42. Subsection (1) of section 288.9015, Florida
4142 Statutes, is amended to read:

4143 288.9015 Powers of Enterprise Florida, Inc.; board of
4144 directors.—

4145 (1) Enterprise Florida, Inc., shall integrate its efforts
4146 in business recruitment and expansion, job creation, marketing



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4147 the state for tourism ~~and sports~~, and promoting economic
4148 opportunities for minority-owned businesses and promoting
4149 economic opportunities for rural and distressed urban
4150 communities with those of the department, to create an
4151 aggressive, agile, and collaborative effort to reinvigorate the
4152 state's economy.

4153 Section 43. Subsection (5) of section 477.0135, Florida
4154 Statutes, is amended to read:

4155 477.0135 Exemptions.—

4156 (5) A license is not required of any individual providing
4157 makeup, special effects, or cosmetology services to an actor,
4158 stunt person, musician, extra, or other talent during a
4159 production recognized by the Department of Economic Opportunity
4160 ~~Office of Film and Entertainment~~ as a project qualified
4161 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such
4162 services are not required to be performed in a licensed salon.
4163 Individuals exempt under this subsection may not provide such
4164 services to the general public.

4165 Section 44. For the purpose of incorporating the amendment
4166 made by this act to section 288.106, Florida Statutes, in a
4167 reference thereto, subsection (11) of section 159.803, Florida
4168 Statutes, is reenacted to read:

4169 159.803 Definitions.—As used in this part, the term:

4170 (11) "Florida First Business project" means any project
4171 which is certified by the Department of Economic Opportunity as
4172 eligible to receive an allocation from the Florida First
4173 Business allocation pool established pursuant to s. 159.8083.
4174 The Department of Economic Opportunity may certify those
4175 projects meeting the criteria set forth in s. 288.106(4)(b) or



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4176 any project providing a substantial economic benefit to this
4177 state.

4178 Section 45. Except as otherwise expressly provided in this
4179 act and except for this section, which shall take effect upon
4180 this act becoming a law, this act shall take effect July 1,
4181 2016.