

By Senator Latvala

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1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; requiring the Department of Economic
4 Opportunity to contract with a direct-support
5 organization to promote the sports industry and the
6 participation of residents in certain athletic
7 competitions in this state and to promote the state as
8 a host for certain athletic competitions; amending s.
9 196.012, F.S.; conforming a cross-reference; amending
10 s. 212.20, F.S.; deleting an obsolete provision;
11 amending s. 220.191, F.S.; conforming a cross-
12 reference; deleting an obsolete provision; amending s.
13 220.196, F.S.; conforming a cross-reference; amending
14 s. 288.0001, F.S.; conforming a cross-reference;
15 requiring the Office of Economic and Demographic
16 Research and the Office of Program Policy Analysis and
17 Government Accountability to provide a detailed
18 analysis of the retention of Major League Baseball
19 spring training baseball franchises; amending s.
20 288.005, F.S.; defining the term "average private
21 sector wage in the area"; amending s. 288.076, F.S.;
22 conforming cross-references; amending s. 288.1045,
23 F.S.; deleting the definition of the term "average
24 wage in the area"; conforming provisions to changes
25 made by the act; amending s. 288.106, F.S.; deleting
26 the definition of the term "average private sector
27 wage in the area"; making technical changes; amending
28 s. 288.1088, F.S.; conforming provisions to changes
29 made by the act; requiring a certain waiver request to
30 be transmitted in writing to the Department of
31 Economic Opportunity with an explanation of the
32 specific justification for the request; requiring a

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33 decision to be stated in writing with an explanation
34 of the reason for approving the request if the
35 department approves the request; requiring the
36 department to issue a letter to an applicant in
37 certain circumstances; prohibiting the payment of
38 moneys from the fund to a business until the scheduled
39 goals have been achieved; amending s. 288.1089, F.S.;
40 deleting the definition of the term "average private
41 sector wage"; conforming provisions to changes made by
42 the act; amending s. 288.11621, F.S.; conforming a
43 provision to changes made by the act; amending s.
44 288.11625, F.S.; conforming cross-references; deleting
45 an obsolete provision relating to applications for
46 state funds by new facilities or projects commenced
47 before July 1, 2014; amending s. 288.11631, F.S.;
48 conforming cross-references; repealing s. 288.1169,
49 F.S., relating to state agency funding of the
50 International Game Fish Association World Center
51 facility; reviving, reenacting, and amending s.
52 288.1229, F.S., relating to the promotion and
53 development of sports-related industries and amateur
54 athletics; requiring the Department of Economic
55 Opportunity to create a direct-support organization to
56 assist the department in certain promotion and
57 development; naming the direct support organization
58 the Florida Sports Foundation; specifying the purpose
59 of the foundation; specifying requirements for the
60 foundation, including appointment of a governing
61 board; requiring that the foundation operate under

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62 written contract with the department; specifying
63 provisions that must be included in the contract;
64 providing that the department may allow the foundation
65 to use certain facilities, personnel, and services if
66 it complies with certain provisions; requiring an
67 annual financial audit of the foundation; specifying
68 duties of the foundation; conforming provisions to
69 changes made by the act; amending s. 288.125, F.S.;
70 revising the applicability of the term "entertainment
71 industry"; renumbering and amending s. 288.1251, F.S.;
72 renaming the Office of Film and Entertainment within
73 the department as the Division of Film and
74 Entertainment within Enterprise Florida, Inc.;
75 requiring the division to serve as a liaison between
76 the entertainment industry and other agencies,
77 commissions, and organizations; requiring the
78 president of Enterprise Florida, Inc., to appoint the
79 film and entertainment commissioner within a specified
80 period of time; revising the requirements of the
81 division's strategic plan; renumbering and amending s.
82 288.1252, F.S.; revising the powers and duties of the
83 Florida Film and Entertainment Advisory Council;
84 revising council membership; conforming provisions to
85 changes made by the act; renumbering and amending s.
86 288.1253, F.S.; conforming provisions to changes made
87 by the act; conforming a cross-reference; prohibiting
88 the division and its employees and representatives
89 from accepting specified accommodations, goods, or
90 services from specified parties; providing that a

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91 person who accepts any such goods or services is
92 subject to specified penalties; amending s. 288.1254,
93 F.S.; revising the date of repeal; prohibiting, rather
94 than authorizing, an award of credits after April 1,
95 2016; requiring the Department of Revenue to deny
96 certain credits received on or after April 1, 2016;
97 creating s. 288.1256, F.S.; creating the Entertainment
98 Action Fund within the Department of Economic
99 Opportunity; defining terms; authorizing a production
100 company to apply for funds from the Entertainment
101 Action Fund in certain circumstances; requiring the
102 division to review and evaluate applications to
103 determine the eligibility of each project; requiring
104 the division to select projects that maximize the
105 return to the state; requiring certain criteria to be
106 considered by the division; requiring a production
107 company to have financing for a project before it
108 applies for action funds; requiring the department to
109 prescribe a form for an application with specified
110 information; requiring that the division and the
111 department make a recommendation to the Governor to
112 approve or deny an award within a specified timeframe
113 after the completion of the review and evaluation;
114 providing that an award of funds may not constitute
115 more than a specified percentage of qualified
116 expenditures in this state; prohibiting the use of
117 such funds to pay wages to nonresidents; requiring a
118 production to start within a specified period after it
119 is approved by the Governor; requiring that the

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120 recommendation include performance conditions that the
121 project must meet to obtain funds; authorizing the
122 Governor to approve a project without consulting the
123 Legislature under certain circumstances; requiring the
124 Governor to provide a written description and
125 evaluation of a project before giving final approval
126 of the project under certain circumstances; requiring
127 the department and the production company to enter
128 into a specified agreement after approval by the
129 Governor; requiring that the agreement be finalized
130 and signed by an authorized officer of the production
131 company within a specified period after approval by
132 the Governor; prohibiting an approved production
133 company from simultaneously receiving specified
134 benefits for the same production; requiring that the
135 department validate contractor performance and report
136 such validation in the annual report; prohibiting the
137 department from approving awards in excess of the
138 amount appropriated for a fiscal year; requiring the
139 department to maintain a schedule of funds;
140 prohibiting the department or division from accepting
141 applications or conditionally committing funds under
142 certain circumstances; providing that a production
143 company that submits fraudulent information is liable
144 for reimbursement of specified costs; providing a
145 penalty; prohibiting the department or division from
146 waiving any provision or providing an extension of
147 time to meet specified requirements; providing an
148 expiration date; amending s. 288.1258, F.S.;

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149 conforming provisions to changes made by the act;
150 prohibiting an approved production company from
151 simultaneously receiving benefits under specified
152 provisions for the same production; requiring the
153 department to develop a standardized application form
154 in cooperation with the division and other agencies;
155 requiring the production company to submit aggregate
156 data on specified topics; authorizing a production
157 company to renew its certificate of exemption for a
158 specified period; amending ss. 288.901 and 288.9015,
159 F.S.; conforming provisions to changes made by the
160 act; amending s. 288.92, F.S.; revising the required
161 divisions within Enterprise Florida, Inc.; amending s.
162 288.980, F.S.; making technical changes; authorizing
163 grant awards for activities that grow the economy of a
164 defense-dependent community; amending ss. 320.08058
165 and 477.0135, F.S.; conforming provisions to changes
166 made by the act; providing effective dates.

167

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

169

170 Section 1. Effective July 1, 2016, paragraph (g) is added
171 to subsection (4) of section 20.60, Florida Statutes, to read:

172 20.60 Department of Economic Opportunity; creation; powers
173 and duties.—

174 (4) The purpose of the department is to assist the Governor
175 in working with the Legislature, state agencies, business
176 leaders, and economic development professionals to formulate and
177 implement coherent and consistent policies and strategies

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178 designed to promote economic opportunities for all Floridians.
179 To accomplish such purposes, the department shall:

180 (g) Notwithstanding part I of chapter 287, contract with
181 the direct-support organization created under s. 288.1229 to
182 guide, stimulate, and promote the sports industry in this state,
183 to promote the participation of residents of this state in
184 amateur athletic competition, and to promote this state as a
185 host for national and international amateur athletic
186 competitions.

187 Section 2. Paragraph (a) of subsection (14) of section
188 196.012, Florida Statutes, is amended to read:

189 196.012 Definitions.—For the purpose of this chapter, the
190 following terms are defined as follows, except where the context
191 clearly indicates otherwise:

192 (14) "New business" means:

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

198 a. Manufactures, processes, compounds, fabricates, or
199 produces for sale items of tangible personal property at a fixed
200 location and which comprises an industrial or manufacturing
201 plant; or

202 b. Is a target industry business as defined in s.
203 288.106(2) ~~s. 288.106(2)(g)~~;

204 2. A business or organization establishing 25 or more new
205 jobs to employ 25 or more full-time employees in this state, the
206 sales factor of which, as defined by s. 220.15(5), for the

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207 facility with respect to which it requests an economic
208 development ad valorem tax exemption is less than 0.50 for each
209 year the exemption is claimed; or

210 3. An office space in this state owned and used by a
211 business or organization newly domiciled in this state if
212 ~~provided~~ such office space houses 50 or more full-time employees
213 of such business or organization and; ~~provided that such~~
214 ~~business or organization office~~ first begins operation on a site
215 clearly separate from any other commercial or industrial
216 operation owned by the same business or organization.

217 Section 3. Paragraph (d) of subsection (6) of section
218 212.20, Florida Statutes, is amended to read:

219 212.20 Funds collected, disposition; additional powers of
220 department; operational expense; refund of taxes adjudicated
221 unconstitutionally collected.—

222 (6) Distribution of all proceeds under this chapter and ss.
223 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

233 2. After the distribution under subparagraph 1., 8.9744
234 percent of the amount remitted by a sales tax dealer located
235 within a participating county pursuant to s. 218.61 shall be

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236 transferred into the Local Government Half-cent Sales Tax
237 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
238 transferred shall be reduced by 0.1 percent, and the department
239 shall distribute this amount to the Public Employees Relations
240 Commission Trust Fund less \$5,000 each month, which shall be
241 added to the amount calculated in subparagraph 3. and
242 distributed accordingly.

243 3. After the distribution under subparagraphs 1. and 2.,
244 0.0966 percent shall be transferred to the Local Government
245 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
246 to s. 218.65.

247 4. After the distributions under subparagraphs 1., 2., and
248 3., 2.0810 percent of the available proceeds shall be
249 transferred monthly to the Revenue Sharing Trust Fund for
250 Counties pursuant to s. 218.215.

251 5. After the distributions under subparagraphs 1., 2., and
252 3., 1.3653 percent of the available proceeds shall be
253 transferred monthly to the Revenue Sharing Trust Fund for
254 Municipalities pursuant to s. 218.215. If the total revenue to
255 be distributed pursuant to this subparagraph is at least as
256 great as the amount due from the Revenue Sharing Trust Fund for
257 Municipalities and the former Municipal Financial Assistance
258 Trust Fund in state fiscal year 1999-2000, no municipality shall
259 receive less than the amount due from the Revenue Sharing Trust
260 Fund for Municipalities and the former Municipal Financial
261 Assistance Trust Fund in state fiscal year 1999-2000. If the
262 total proceeds to be distributed are less than the amount
263 received in combination from the Revenue Sharing Trust Fund for
264 Municipalities and the former Municipal Financial Assistance

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265 Trust Fund in state fiscal year 1999-2000, each municipality
266 shall receive an amount proportionate to the amount it was due
267 in state fiscal year 1999-2000.

268 6. Of the remaining proceeds:

269 a. In each fiscal year, the sum of \$29,915,500 shall be
270 divided into as many equal parts as there are counties in the
271 state, and one part shall be distributed to each county. The
272 distribution among the several counties must begin each fiscal
273 year on or before January 5th and continue monthly for a total
274 of 4 months. If a local or special law required that any moneys
275 accruing to a county in fiscal year 1999-2000 under the then-
276 existing provisions of s. 550.135 be paid directly to the
277 district school board, special district, or a municipal
278 government, such payment must continue until the local or
279 special law is amended or repealed. The state covenants with
280 holders of bonds or other instruments of indebtedness issued by
281 local governments, special districts, or district school boards
282 before July 1, 2000, that it is not the intent of this
283 subparagraph to adversely affect the rights of those holders or
284 relieve local governments, special districts, or district school
285 boards of the duty to meet their obligations as a result of
286 previous pledges or assignments or trusts entered into which
287 obligated funds received from the distribution to county
288 governments under then-existing s. 550.135. This distribution
289 specifically is in lieu of funds distributed under s. 550.135
290 before July 1, 2000.

291 b. The department shall distribute \$166,667 monthly to each
292 applicant certified as a facility for a new or retained
293 professional sports franchise pursuant to s. 288.1162. Up to

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294 \$41,667 shall be distributed monthly by the department to each
295 certified applicant as defined in s. 288.11621 for a facility
296 for a spring training franchise. However, not more than \$416,670
297 may be distributed monthly in the aggregate to all certified
298 applicants for facilities for spring training franchises.
299 Distributions begin 60 days after such certification and
300 continue for not more than 30 years, except as otherwise
301 provided in s. 288.11621. A certified applicant identified in
302 this sub-subparagraph may not receive more in distributions than
303 expended by the applicant for the public purposes provided in s.
304 288.1162(5) or s. 288.11621(3).

305 c. Beginning 30 days after notice by the Department of
306 Economic Opportunity to the Department of Revenue that an
307 applicant has been certified as the professional golf hall of
308 fame pursuant to s. 288.1168 and is open to the public, \$166,667
309 shall be distributed monthly, for up to 300 months, to the
310 applicant.

311 ~~d. Beginning 30 days after notice by the Department of~~
312 ~~Economic Opportunity to the Department of Revenue that the~~
313 ~~applicant has been certified as the International Game Fish~~
314 ~~Association World Center facility pursuant to s. 288.1169, and~~
315 ~~the facility is open to the public, \$83,333 shall be distributed~~
316 ~~monthly, for up to 168 months, to the applicant. This~~
317 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
318 ~~lump sum payment of \$999,996 shall be made after certification~~
319 ~~and before July 1, 2000.~~

320 d.e. The department shall distribute up to \$83,333 monthly
321 to each certified applicant as defined in s. 288.11631 for a
322 facility used by a single spring training franchise, or up to

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323 \$166,667 monthly to each certified applicant as defined in s.
324 288.11631 for a facility used by more than one spring training
325 franchise. Monthly distributions begin 60 days after such
326 certification or July 1, 2016, whichever is later, and continue
327 for not more than 20 years to each certified applicant as
328 defined in s. 288.11631 for a facility used by a single spring
329 training franchise or not more than 25 years to each certified
330 applicant as defined in s. 288.11631 for a facility used by more
331 than one spring training franchise. A certified applicant
332 identified in this sub-subparagraph may not receive more in
333 distributions than expended by the applicant for the public
334 purposes provided in s. 288.11631(3).

335 ~~e.f.~~ Beginning 45 days after notice by the Department of
336 Economic Opportunity to the Department of Revenue that an
337 applicant has been approved by the Legislature and certified by
338 the Department of Economic Opportunity under s. 288.11625 or
339 upon a date specified by the Department of Economic Opportunity
340 as provided under s. 288.11625(6)(d), the department shall
341 distribute each month an amount equal to one-twelfth of the
342 annual distribution amount certified by the Department of
343 Economic Opportunity for the applicant. The department may not
344 distribute more than \$7 million in the 2014-2015 fiscal year or
345 more than \$13 million annually thereafter under this sub-
346 subparagraph.

347 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,
348 the department shall distribute \$26,286 monthly to the State
349 Transportation Trust Fund. Beginning July 1, 2016, the
350 department shall distribute \$15,333 monthly to the State
351 Transportation Trust Fund.

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352 7. All other proceeds must remain in the General Revenue
353 Fund.

354 Section 4. Paragraph (g) of subsection (1) of section
355 220.191, Florida Statutes, is amended to read:

356 220.191 Capital investment tax credit.—

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

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

360 1. A new or expanding facility in this state which creates
361 at least 100 new jobs in this state and is in one of the high-
362 impact sectors identified by Enterprise Florida, Inc., and
363 certified by the Department of Economic Opportunity pursuant to
364 s. 288.108(6), including, but not limited to, aviation,
365 aerospace, automotive, and silicon technology industries.
366 ~~However, between July 1, 2011, and June 30, 2014, the~~
367 ~~requirement that a facility be in a high-impact sector is waived~~
368 ~~for any otherwise eligible business from another state which~~
369 ~~locates all or a portion of its business to a Disproportionally~~
370 ~~Affected County. For purposes of this section, the term~~
371 ~~"Disproportionally Affected County" means Bay County, Escambia~~
372 ~~County, Franklin County, Gulf County, Okaloosa County, Santa~~
373 ~~Rosa County, Walton County, or Wakulla County.~~

374 2. A new or expanded facility in this state which is
375 engaged in a target industry designated pursuant to the
376 procedure specified in s. 288.106(2) and which is induced by
377 this credit to create or retain at least 1,000 jobs in this
378 state, provided that at least 100 of those jobs are new, pay an
379 annual average wage of at least 130 percent of the average
380 private sector wage in the area as defined in s. 288.005(1) ~~s.~~

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381 ~~288.106(2)~~, and make a cumulative capital investment of at least
382 \$100 million. Jobs may be considered retained only if there is
383 significant evidence that the loss of jobs is imminent.
384 Notwithstanding subsection (2), annual credits against the tax
385 imposed by this chapter may not exceed 50 percent of the
386 increased annual corporate income tax liability or the premium
387 tax liability generated by or arising out of a project
388 qualifying under this subparagraph. A facility that qualifies
389 under this subparagraph for an annual credit against the tax
390 imposed by this chapter may take the tax credit for a period not
391 to exceed 5 years.

392 3. A new or expanded headquarters facility in this state
393 which locates in an enterprise zone and brownfield area and is
394 induced by this credit to create at least 1,500 jobs which on
395 average pay at least 200 percent of the statewide average annual
396 private sector wage, as published by the Department of Economic
397 Opportunity, and which new or expanded headquarters facility
398 makes a cumulative capital investment in this state of at least
399 \$250 million.

400 Section 5. Paragraph (a) of subsection (2) of section
401 220.196, Florida Statutes, is amended to read:

402 220.196 Research and development tax credit.—

403 (2) TAX CREDIT.—

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

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

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

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

412 3. Is a qualified target industry business as defined in s.
413 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry
414 businesses in the manufacturing, life sciences, information
415 technology, aviation and aerospace, homeland security and
416 defense, cloud information technology, marine sciences,
417 materials science, and nanotechnology industries may qualify for
418 a tax credit under this section. A business applying for a
419 credit pursuant to this section shall include a letter from the
420 Department of Economic Opportunity certifying whether the
421 business meets the requirements of this subparagraph with its
422 application for credit. The Department of Economic Opportunity
423 shall provide such a letter upon receiving a request.

424 Section 6. Paragraphs (b) and (e) of subsection (2) of
425 section 288.0001, Florida Statutes, are amended to read:

426 288.0001 Economic Development Programs Evaluation.—The
427 Office of Economic and Demographic Research and the Office of
428 Program Policy Analysis and Government Accountability (OPPAGA)
429 shall develop and present to the Governor, the President of the
430 Senate, the Speaker of the House of Representatives, and the
431 chairs of the legislative appropriations committees the Economic
432 Development Programs Evaluation.

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

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

438 1. The entertainment industry financial incentive program

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439 established under s. 288.1254.

440 2. The entertainment industry sales tax exemption program
441 established under s. 288.1258.

442 3. VISIT Florida and its programs established or funded
443 under ss. 288.122, 288.1226, 288.12265, and 288.124.

444 4. The Florida Sports Foundation and related programs
445 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
446 288.1168, ~~288.1169~~, and 288.1171.

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

451 Section 7. Present subsections (1), (3), (4), (5), and (6)
452 of section 288.005, Florida Statutes, are redesignated as
453 subsections (3), (4), (5), (6), and (7), respectively, and a new
454 subsection (1) is added to that section, to read:

455 288.005 Definitions.—As used in this chapter, the term:

456 (1) "Average private sector wage in the area" means the
457 statewide average wage in the private sector or the average of
458 all private sector wages in the county or in the standard
459 metropolitan area in which the project is located, as determined
460 by the department.

461 Section 8. Paragraphs (a) and (c) of subsection (1) of
462 section 288.076, Florida Statutes, are amended to read:

463 288.076 Return on investment reporting for economic
464 development programs.—

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

466 (a) "Jobs" has the same meaning as provided in s.
467 288.106(2) ~~s. 288.106(2)(i)~~.

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468 (c) "Project" has the same meaning as provided in s.
469 288.106(2) ~~s. 288.106(2)(m)~~.

470 Section 9. Paragraph (b) of subsection (1) and paragraph
471 (e) of subsection (3) of section 288.1045, Florida Statutes, are
472 amended to read:

473 288.1045 Qualified defense contractor and space flight
474 business tax refund program.—

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

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

479 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
480 DETERMINATION.—

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

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

489 2. The consolidation of a Department of Defense contract
490 must result in a net increase of at least 25 percent in the
491 number of jobs at the applicant's facilities in this state or
492 the addition of at least 80 jobs at the applicant's facilities
493 in this state.

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

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

501 5. A business unit of the applicant must have derived not
502 less than 60 percent of its gross receipts in this state from
503 Department of Defense contracts or space flight business
504 contracts over the applicant's last fiscal year, and must have
505 derived not less than an average of 60 percent of its gross
506 receipts in this state from Department of Defense contracts or
507 space flight business contracts over the 5 years preceding the
508 date an application is submitted pursuant to this section. This
509 subparagraph does not apply to any application for certification
510 based on a contract for reuse of a defense-related facility.

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

513 7. A new space flight business contract or the
514 consolidation of a space flight business contract will ~~must~~
515 result in net increases in space flight business employment at
516 the applicant's facilities in this state.

517 Section 10. Paragraph (c) of subsection (2) and paragraph
518 (b) of subsection (4) of section 288.106, Florida Statutes, are
519 amended to read:

520 288.106 Tax refund program for qualified target industry
521 businesses.—

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

523 ~~(c) "Average private sector wage in the area" means the~~
524 ~~statewide private sector average wage or the average of all~~
525 ~~private sector wages and salaries in the county or in the~~

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526 ~~standard metropolitan area in which the business is located.~~

527 (4) APPLICATION AND APPROVAL PROCESS.—

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

531 1.a. The jobs proposed to be created under the application,
532 pursuant to subparagraph (a)4., must pay an estimated annual
533 average wage equaling at least 115 percent of the average
534 private sector wage in the area where the business is to be
535 located ~~or the statewide private sector average wage~~. The
536 governing board of the local governmental entity providing the
537 local financial support of the jurisdiction where the qualified
538 target industry business is to be located shall notify the
539 department and Enterprise Florida, Inc., which calculation of
540 the average private sector wage in the area must be used as the
541 basis for the business's wage commitment. In determining the
542 average annual wage, the department shall include only new
543 proposed jobs, and wages for existing jobs shall be excluded
544 from this calculation.

545 b. The department may waive the average wage requirement at
546 the request of the local governing body recommending the project
547 and Enterprise Florida, Inc. The department may waive the wage
548 requirement for a project located in a brownfield area
549 designated under s. 376.80, in a rural city, in a rural
550 community, in an enterprise zone, or for a manufacturing project
551 at any location in the state if the jobs proposed to be created
552 pay an estimated annual average wage equaling at least 100
553 percent of the average private sector wage in the area where the
554 business is to be located, only if the merits of the individual

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555 project or the specific circumstances in the community in
556 relationship to the project warrant such action. If the local
557 governing body and Enterprise Florida, Inc., make such a
558 recommendation, it must be transmitted in writing and must
559 include an explanation of, ~~and~~ the specific justification for
560 the waiver recommendation ~~must be explained~~. If the department
561 elects to waive the wage requirement, the waiver must be stated
562 in writing and must include an explanation of, ~~and~~ the reasons
563 for granting the waiver ~~must be explained~~.

564 2. The target industry business's project must result in
565 the creation of at least 10 jobs at the project and, in the case
566 of an expansion of an existing business, must result in a net
567 increase in employment of at least 10 percent at the business.
568 At the request of the local governing body recommending the
569 project and Enterprise Florida, Inc., the department may waive
570 this requirement for a business in a rural community or
571 enterprise zone if the merits of the individual project or the
572 specific circumstances in the community in relationship to the
573 project warrant such action. If the local governing body and
574 Enterprise Florida, Inc., make such a request, the request must
575 be transmitted in writing and must include an explanation of,
576 ~~and~~ the specific justification for the request ~~must be~~
577 ~~explained~~. If the department elects to grant the request, the
578 grant must be stated in writing, ~~and~~ explain why the request was
579 granted ~~the reason for granting the request must be explained~~.

580 3. The business activity or product for the applicant's
581 project must be within an industry identified by the department
582 as a target industry business that contributes to the economic
583 growth of the state and the area in which the business is

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584 located, that produces a higher standard of living for residents
585 of this state in the new global economy, or that can be shown to
586 make an equivalent contribution to the area's and state's
587 economic progress.

588 Section 11. Subsections (2), (3), and (4) of section
589 288.1088, Florida Statutes, are amended to read:

590 288.1088 Quick Action Closing Fund.—

591 (2) There is created within the department the Quick Action
592 Closing Fund. Except as provided in subsection (3), projects
593 eligible for receipt of funds from the Quick Action Closing Fund
594 must shall:

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

596 (b) Have a positive economic benefit ratio of at least 5 to
597 1.

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

600 (d) Pay an average annual wage of at least 125 percent of
601 the average ~~areawide or statewide~~ private sector ~~average~~ wage in
602 the area.

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

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

609 (b) If the local governing body and Enterprise Florida,
610 Inc., decide to request a waiver of the criteria in subsection
611 (2), the request must be transmitted in writing to the
612 department with an explanation of the specific justification for

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613 the request. If the department approves the request, the
614 decision must be stated in writing with an explanation of the
615 reason for approving the request. A waiver of the criteria in
616 subsection (2) ~~these criteria~~ may be considered for ~~under~~ the
617 following reasons ~~criteria~~:

- 618 1. Based on extraordinary circumstances;
619 2. In order to mitigate the impact of the conclusion of the
620 space shuttle program; or
621 3. In rural areas of opportunity if the project would
622 significantly benefit the local or regional economy.

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

626 (a) ~~1~~. A description of the type of facility or
627 infrastructure, its operations, and the associated product or
628 service associated with the facility.

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

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

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

640 (e) ~~5~~. A statement of the role the incentive is expected to
641 play in the decision of the applicant business to locate or

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642 expand in this state or for the private investor to provide
643 critical rural infrastructure.

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

646 ~~1.a.~~ A financial analysis of the company, including an
647 evaluation of the company's short-term liquidity ratio as
648 measured by its assets to liabilities ~~liability~~, the company's
649 profitability ratio, and the company's long-term solvency as
650 measured by its debt-to-equity ratio;

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

652 ~~3.e.~~ A review of any independent evaluations of the
653 company;

654 ~~4.d.~~ A review of the latest audit of the company's
655 financial statement and the related auditor's management letter;
656 and

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

659 ~~(5)(e)1.~~ Within 7 business days after evaluating a project,
660 the department shall recommend to the Governor approval or
661 disapproval of the ~~a~~ project for receipt of funds from the Quick
662 Action Closing Fund. In recommending a project, the department
663 shall include proposed performance conditions that the project
664 must meet to obtain incentive funds.

665 ~~(a)2.~~ The Governor may approve projects without consulting
666 the Legislature for projects requiring less than \$2 million in
667 funding.

668 ~~(b)3.~~ For projects requiring funding in the amount of \$2
669 million to \$5 million, the Governor shall provide a written
670 description and evaluation of a project recommended for approval

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671 to the chair and vice chair of the Legislative Budget Commission
672 at least 10 days before ~~prior to~~ giving final approval for the a
673 project. The recommendation must include proposed performance
674 conditions that the project must meet in order to obtain funds.

675 (c)4. If the chair or vice chair of the Legislative Budget
676 Commission or the President of the Senate or the Speaker of the
677 House of Representatives timely advises the Executive Office of
678 the Governor, in writing, that such action or proposed action
679 exceeds the delegated authority of the Executive Office of the
680 Governor or is contrary to legislative policy or intent, the
681 Executive Office of the Governor shall void the release of funds
682 and instruct the department to immediately change such action or
683 proposed action until the Legislative Budget Commission or the
684 Legislature addresses the issue. Notwithstanding such
685 requirement, any project exceeding \$5 million must be approved
686 by the Legislative Budget Commission before ~~prior to~~ the funds
687 are being released.

688 (6)(d) Upon the approval of the Governor, the department
689 shall issue a letter certifying the applicant as qualified for
690 an award. The department and the business shall enter into a
691 contract that sets forth the performance conditions for payment
692 of moneys from the fund. Such payment may not be made to the
693 business until the scheduled performance conditions have been
694 met. The contract must include the total amount of funds
695 awarded; the performance conditions that must be met to obtain
696 the award, including, but not limited to, net new employment in
697 the state, average salary, and total capital investment;
698 demonstrate a baseline of current service and a measure of
699 enhanced capability; the methodology for validating performance;

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700 the schedule of payments from the fund; and sanctions for
701 failure to meet performance conditions. The contract must
702 provide that payment of moneys from the fund is contingent upon
703 sufficient appropriation of funds by the Legislature.

704 (7)~~(e)~~ The department shall validate contractor performance
705 and report such validation in the annual incentives report
706 required under s. 288.907.

707 (8)~~(4)~~ Funds appropriated by the Legislature for purposes
708 of implementing this section shall be placed in reserve and may
709 only be released pursuant to the legislative consultation and
710 review requirements set forth in this section.

711 Section 12. Paragraph (b) of subsection (2), paragraphs (a)
712 and (d) of subsection (4), and paragraph (b) of subsection (8)
713 of section 288.1089, Florida Statutes, are amended to read:

714 288.1089 Innovation Incentive Program.—

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

716 ~~(b) "Average private sector wage" means the statewide~~
717 ~~average wage in the private sector or the average of all private~~
718 ~~sector wages in the county or in the standard metropolitan area~~
719 ~~in which the project is located as determined by the department.~~

720 (4) To qualify for review by the department, the applicant
721 must, at a minimum, establish the following to the satisfaction
722 of the department:

723 (a) The jobs created by the project must pay an estimated
724 annual average wage equaling at least 130 percent of the average
725 private sector wage in the area. The department may waive this
726 average wage requirement at the request of Enterprise Florida,
727 Inc., for a project located in a rural area, a brownfield area,
728 or an enterprise zone, when the merits of the individual project

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729 or the specific circumstances in the community in relationship
730 to the project warrant such action. A recommendation for waiver
731 by Enterprise Florida, Inc., must include a specific
732 justification for the waiver and be transmitted to the
733 department in writing. If the department elects to waive the
734 wage requirement, the waiver must be stated in writing and
735 explain the reasons for granting the waiver ~~must be explained~~.

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

738 1. Demonstrate a plan for significant collaboration with an
739 institution of higher education;

740 2. Provide the state, at a minimum, a cumulative break-even
741 economic benefit within a 20-year period;

742 3. Include matching funds provided by the applicant or
743 other available sources. The match requirement may be reduced or
744 waived in rural areas of opportunity or reduced in rural areas,
745 brownfield areas, and enterprise zones;

746 4. Be located in this state; and

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

750 (8)

751 (b) Additionally, agreements ~~signed on or after July 1,~~
752 ~~2009,~~ must include the following provisions:

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

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758 2. A reinvestment requirement. Each recipient of an award
759 shall reinvest up to 15 percent of net royalty revenues,
760 including revenues from spin-off companies and the revenues from
761 the sale of stock it receives from the licensing or transfer of
762 inventions, methods, processes, and other patentable discoveries
763 conceived or reduced to practice using its facilities in Florida
764 or its Florida-based employees, in whole or in part, and to
765 which the recipient of the grant becomes entitled during the 20
766 years following the effective date of its agreement with the
767 department. Each recipient of an award also shall reinvest up to
768 15 percent of the gross revenues it receives from naming
769 opportunities associated with any facility it builds in this
770 state. Reinvestment payments shall commence no later than 6
771 months after the recipient of the grant has received the final
772 disbursement under the contract and shall continue until the
773 maximum reinvestment, as specified in the contract, has been
774 paid. Reinvestment payments shall be remitted to the department
775 for deposit in the Biomedical Research Trust Fund for companies
776 specializing in biomedicine or life sciences, or in the Economic
777 Development Trust Fund for companies specializing in fields
778 other than biomedicine or the life sciences. If these trust
779 funds no longer exist at the time of the reinvestment, the
780 state's share of reinvestment shall be deposited in their
781 successor trust funds as determined by law. Each recipient of an
782 award shall annually submit a schedule of the shares of stock
783 held by it as payment of the royalty required by this paragraph
784 and report on any trades or activity concerning such stock. Each
785 recipient's reinvestment obligations survive the expiration or
786 termination of its agreement with the state.

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787 3. Requirements for the establishment of internship
788 programs or other learning opportunities for educators and
789 secondary, postsecondary, graduate, and doctoral students.

790 4. A requirement that the recipient submit quarterly
791 reports and annual reports related to activities and performance
792 to the department, according to standardized reporting periods.

793 5. A requirement for an annual accounting to the department
794 of the expenditure of funds disbursed under this section.

795 6. A process for amending the agreement.

796 Section 13. Effective July 1, 2016, subsection (7) of
797 section 288.11621, Florida Statutes, is amended to read:

798 288.11621 Spring training baseball franchises.—

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

803 (a) Finance spring training facilities.

804 (b) Monitor and oversee the use of state funds awarded to
805 applicants.

806 (c) Identify the financial impact that spring training has
807 on the state and ways in which to maintain or improve that
808 impact.

809 (d) Identify opportunities to develop public-private
810 partnerships to engage in marketing activities and advertise
811 spring training baseball.

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

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

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816 Section 14. Subsections (1) and (3), paragraph (a) of
817 subsection (5), paragraph (e) of subsection (7), and subsections
818 (11) through (14) of section 288.11625, Florida Statutes, are
819 amended to read:

820 288.11625 Sports development.—

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

824 (3) PURPOSE.—The purpose of this section is to provide
825 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~
826 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
827 reconstructing, renovating, or improving a facility.

828 (5) EVALUATION PROCESS.—

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

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

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

838 3. If the applicant is a unit of local government in whose
839 jurisdiction the facility is, or will be, located, the unit of
840 local government has an exclusive intent agreement to negotiate
841 in this state with the beneficiary.

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

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845 resolution, after a public hearing, that the project serves a
846 public purpose.

847 5. The applicant or beneficiary has not previously
848 defaulted or failed to meet any statutory requirements of a
849 previous state-administered sports-related program under s.
850 288.1162, s. 288.11621, s. 288.11631, or this section.
851 Additionally, the applicant or beneficiary is not currently
852 receiving state distributions under s. 212.20 for the facility
853 that is the subject of the application, unless the applicant
854 demonstrates that the franchise that applied for a distribution
855 under s. 212.20 no longer plays at the facility that is the
856 subject of the application.

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

861 7. If the applicant is a unit of local government, the
862 applicant has a certified copy of a signed agreement with a
863 beneficiary for the use of the facility. If the applicant is a
864 beneficiary, the beneficiary must enter into an agreement with
865 the department. The applicant's or beneficiary's agreement must
866 also require the following:

867 a. The beneficiary must reimburse the state for state funds
868 that will be distributed if the beneficiary relocates or no
869 longer occupies or uses the facility as the facility's primary
870 tenant before the agreement expires. Reimbursements must be sent
871 to the Department of Revenue for deposit into the General
872 Revenue Fund.

873 b. The beneficiary must pay for signage or advertising

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874 within the facility. The signage or advertising must be placed
875 in a prominent location as close to the field of play or
876 competition as is practicable, must be displayed consistent with
877 signage or advertising in the same location and of like value,
878 and must feature Florida advertising approved by the Florida
879 Tourism Industry Marketing Corporation.

880 8. The project will commence within 12 months after
881 receiving state funds or did not commence before January 1,
882 2013.

883 (7) CONTRACT.—An applicant approved by the Legislature and
884 certified by the department must enter into a contract with the
885 department which:

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

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

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

899
900 Any reimbursement due to the state must be made within 90 days
901 after the applicable distribution under this paragraph. If the
902 applicant is unable or unwilling to reimburse the state for such

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

908 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~
 909 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~
 910 ~~the Legislative Budget Commission may approve an application for~~
 911 ~~state funds by an applicant for a new facility or a project~~
 912 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~
 913 ~~application may be submitted after May 1, 2014. The department~~
 914 ~~must review the application and recommend approval to the~~
 915 ~~Legislature or deny the application. The Legislative Budget~~
 916 ~~Commission may approve applications on or after January 1, 2015.~~
 917 ~~The department must certify the applicant within 45 days of~~
 918 ~~approval by the Legislative Budget Commission. State funds may~~
 919 ~~not be distributed until the department notifies the Department~~
 920 ~~of Revenue that the applicant was approved by the Legislative~~
 921 ~~Budget Commission and certified by the department. An applicant~~
 922 ~~certified under this subsection is subject to the provisions and~~
 923 ~~requirements of this section. An applicant that fails to meet~~
 924 ~~the conditions of this subsection may reapply during future~~
 925 ~~application periods.~~

926 (11) ~~(12)~~ REPAYMENT OF DISTRIBUTIONS.—An applicant that is
 927 certified under this section may be subject to repayment of
 928 distributions upon the occurrence of any of the following:

929 (a) An applicant's beneficiary has broken the terms of its
 930 agreement with the applicant and relocated from the facility or
 931 no longer occupies or uses the facility as the facility's

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932 primary tenant. The beneficiary must reimburse the state for
933 state funds that will be distributed, plus a 5 percent penalty
934 on that amount, if the beneficiary relocates before the
935 agreement expires.

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

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

946 (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in
947 writing at least 20 days before the next monthly distribution
948 that the department halt future payments. The department shall
949 immediately notify the Department of Revenue to halt future
950 payments.

951 (13)~~(14)~~ RULEMAKING.—The department may adopt rules to
952 implement this section.

953 Section 15. Paragraph (c) of subsection (2) and paragraphs
954 (a), (c), and (d) of subsection (3) of section 288.11631,
955 Florida Statutes, are amended to read:

956 288.11631 Retention of Major League Baseball spring
957 training baseball franchises.—

958 (2) CERTIFICATION PROCESS.—

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

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961 1. Specifies the amount of the state incentive funding to
962 be distributed. The amount of state incentive funding per
963 certified applicant may not exceed \$20 million. However, if a
964 certified applicant's facility is used by more than one spring
965 training franchise, the maximum amount may not exceed \$50
966 million, and the Department of Revenue shall make distributions
967 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~

968 ~~212.20(6)(d)6.e.~~

969 2. States the criteria that the certified applicant must
970 meet in order to remain certified. These criteria must include a
971 provision stating that the spring training franchise must
972 reimburse the state for any funds received if the franchise does
973 not comply with the terms of the contract. If bonds were issued
974 to construct or renovate a facility for a spring training
975 franchise, the required reimbursement must be equal to the total
976 amount of state distributions expected to be paid from the date
977 the franchise violates the agreement with the applicant through
978 the final maturity of the bonds.

979 3. States that the certified applicant is subject to
980 decertification if the certified applicant fails to comply with
981 this section or the agreement.

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

984 5. Specifies the information that the certified applicant
985 must report to the department.

986 6. Includes any provision deemed prudent by the department.

987 (3) USE OF FUNDS.—

988 (a) A certified applicant may use funds provided under s.
989 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

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

992 2. Pay or pledge for the payment of debt service on, or to
993 fund debt service reserve funds, arbitrage rebate obligations,
994 or other amounts payable with respect thereto, bonds issued for
995 the construction or renovation of such facility, or for the
996 reimbursement of such costs or the refinancing of bonds issued
997 for such purposes.

998 (c) The Department of Revenue may not distribute funds
999 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,
1000 2016. Further, the Department of Revenue may not distribute
1001 funds to an applicant certified on or after July 1, 2013, until
1002 it receives notice from the department that:

1003 1. The certified applicant has encumbered funds under
1004 either subparagraph (a)1. or subparagraph (a)2.; and

1005 2. If applicable, any existing agreement with a spring
1006 training franchise for the use of a facility has expired.

1007 (d)1. All certified applicants shall place unexpended state
1008 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~
1009 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
1010 only as authorized in this section.

1011 2. A certified applicant may request that the department
1012 notify the Department of Revenue to suspend further
1013 distributions of state funds made available under s.
1014 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after
1015 expiration of an existing agreement with a spring training
1016 franchise to provide the certified applicant with an opportunity
1017 to enter into a new agreement with a spring training franchise,
1018 at which time the distributions shall resume.

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1019 3. The expenditure of state funds distributed to an
1020 applicant certified after July 1, 2013, must begin within 48
1021 months after the initial receipt of the state funds. In
1022 addition, the construction or renovation of a spring training
1023 facility must be completed within 24 months after the project's
1024 commencement.

1025 Section 16. Section 288.1169, Florida Statutes, is
1026 repealed.

1027 Section 17. Effective July 1, 2016, notwithstanding the
1028 repeal of section 288.1229, Florida Statutes, in s. 485, chapter
1029 2011-142, Laws of Florida, section 288.1229, Florida Statutes,
1030 is revived, reenacted, and amended to read:

1031 288.1229 Promotion and development of sports-related
1032 industries and amateur athletics; direct-support organization
1033 established; powers and duties.-

1034 (1) The Department of Economic Opportunity shall establish
1035 a direct-support organization known as the Florida Sports
1036 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~
1037 ~~and Economic Development may authorize a direct-support~~
1038 ~~organization to assist the~~ department ~~office~~ in:

1039 (a) The promotion and development of the sports industry
1040 and related industries for the purpose of improving the economic
1041 presence of these industries in Florida.

1042 (b) The promotion of amateur athletic participation for the
1043 citizens of Florida and the promotion of Florida as a host for
1044 national and international amateur athletic competitions for the
1045 purpose of encouraging and increasing the direct and ancillary
1046 economic benefits of amateur athletic events and competitions.

1047 (c) The retention of professional sports franchises,

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1048 including the spring training operations of Major League
1049 Baseball.

1050 (2) The Florida Sports Foundation ~~To be authorized as a~~
1051 ~~direct support organization, an organization~~ must:

1052 (a) Be incorporated as a corporation not for profit
1053 pursuant to chapter 617.

1054 (b) Be governed by a board of directors, which must consist
1055 of up to 15 members appointed by the Governor and up to 15
1056 members appointed by the existing board of directors. In making
1057 appointments, the board must consider a potential member's
1058 background in community service and sports activism in, and
1059 financial support of, the sports industry, professional sports,
1060 or organized amateur athletics. Members must be residents of the
1061 state and highly knowledgeable about or active in professional
1062 or organized amateur sports. The board must contain
1063 representatives of all geographical regions of the state and
1064 must represent ethnic and gender diversity. The terms of office
1065 of the members shall be 4 years. No member may serve more than
1066 two consecutive terms. The Governor may remove any member for
1067 cause and shall fill all vacancies that occur.

1068 (c) Have as its purpose, as stated in its articles of
1069 incorporation, to receive, hold, invest, and administer
1070 property; to raise funds and receive gifts; and to promote and
1071 develop the sports industry and related industries for the
1072 purpose of increasing the economic presence of these industries
1073 in Florida.

1074 (d) Have a prior determination by the department ~~Office of~~
1075 ~~Tourism, Trade, and Economic Development~~ that the organization
1076 will benefit the department ~~office~~ and act in the best interests

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1077 of the state as a direct-support organization to the department
1078 office.

1079 (3) The Florida Sports Foundation shall operate under
1080 contract with the department. The department shall enter into a
1081 contract with the foundation by July 1, 2016. The contract must
1082 provide ~~Office of Tourism, Trade, and Economic Development shall~~
1083 ~~contract with the organization and shall include in the contract~~
1084 that:

1085 (a) The department office may review the foundation's
1086 ~~organization's~~ articles of incorporation.

1087 (b) The foundation organization shall submit an annual
1088 budget proposal to the department office, on a form provided by
1089 the department office, in accordance with department office
1090 procedures for filing budget proposals based upon the
1091 recommendation of the department office.

1092 (c) Any funds that the foundation organization holds in
1093 trust will revert to the state upon the expiration or
1094 cancellation of the contract.

1095 (d) The foundation organization is subject to an annual
1096 financial and performance review by the department office to
1097 determine whether the foundation organization is complying with
1098 the terms of the contract and whether it is acting in a manner
1099 consistent with the goals of the department office and in the
1100 best interests of the state.

1101 (e) The fiscal year of the foundation begins ~~organization~~
1102 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next
1103 ensuing year.

1104 (4) The department Office of Tourism, Trade, and Economic
1105 ~~Development~~ may allow the foundation organization to use the

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1106 property, facilities, personnel, and services of the department
1107 ~~office~~ if the foundation ~~organization~~ provides equal employment
1108 opportunities to all persons regardless of race, color,
1109 religion, sex, age, or national origin, subject to the approval
1110 of the executive director of the department ~~office~~.

1111 (5) The foundation ~~organization~~ shall provide for an annual
1112 financial audit in accordance with s. 215.981.

1113 (6) The foundation ~~organization~~ is not granted any taxing
1114 power.

1115 ~~(7) In exercising the power provided in this section, the~~
1116 ~~Office of Tourism, Trade, and Economic Development may authorize~~
1117 ~~and contract with the direct support organization existing on~~
1118 ~~June 30, 1996, and authorized by the former Florida Department~~
1119 ~~of Commerce to promote sports-related industries. An appointed~~
1120 ~~member of the board of directors of such direct support~~
1121 ~~organization as of June 30, 1996, may serve the remainder of his~~
1122 ~~or her unexpired term.~~

1123 ~~(7)-(8)~~ To promote amateur sports and physical fitness, the
1124 foundation ~~direct support organization~~ shall:

1125 (a) Develop, foster, and coordinate services and programs
1126 for amateur sports for the people of Florida.

1127 (b) Sponsor amateur sports workshops, clinics, conferences,
1128 and other similar activities.

1129 (c) Give recognition to outstanding developments and
1130 achievements in, and contributions to, amateur sports.

1131 (d) Encourage, support, and assist local governments and
1132 communities in the development of or hosting of local amateur
1133 athletic events and competitions.

1134 (e) Promote Florida as a host for national and

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1135 international amateur athletic competitions.

1136 (f) Develop a statewide program of amateur athletic
1137 competition to be known as the "Sunshine State Games."

1138 (g) Continue the successful amateur sports programs
1139 previously conducted by the Florida Governor's Council on
1140 Physical Fitness and Amateur Sports created under former s.
1141 14.22.

1142 (h) Encourage and continue the use of volunteers in its
1143 amateur sports programs to the maximum extent possible.

1144 (i) Develop, foster, and coordinate services and programs
1145 designed to encourage the participation of Florida's youth in
1146 Olympic sports activities and competitions.

1147 (j) Foster and coordinate services and programs designed to
1148 contribute to the physical fitness of the citizens of Florida.

1149 (8)~~(9)~~(a) The Sunshine State Games shall be patterned after
1150 the Summer Olympics with variations as necessitated by
1151 availability of facilities, equipment, and expertise. The games
1152 shall be designed to encourage the participation of athletes
1153 representing a broad range of age groups, skill levels, and
1154 Florida communities. Participants shall be residents of this
1155 state. Regional competitions shall be held throughout the state,
1156 and the top qualifiers in each sport shall proceed to the final
1157 competitions to be held at a site in the state with the
1158 necessary facilities and equipment for conducting the
1159 competitions.

1160 (b) The department ~~Executive Office of the Governor~~ is
1161 authorized to permit the use of property, facilities, and
1162 personal services of or at any State University System facility
1163 or institution by the direct-support organization operating the

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1164 Sunshine State Games. For the purposes of this paragraph,
 1165 personal services includes full-time or part-time personnel as
 1166 well as payroll processing.

1167 Section 18. Section 288.125, Florida Statutes, is amended
 1168 to read:

1169 288.125 Definition of term "entertainment industry."—For
 1170 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,
 1171 288.914, and 288.915 ~~ss. 288.1251–288.1258~~, the term
 1172 "entertainment industry" means those persons or entities engaged
 1173 in the operation of motion picture or television studios or
 1174 recording studios; those persons or entities engaged in the
 1175 preproduction, production, or postproduction of motion pictures,
 1176 made-for-television movies, television programming, digital
 1177 media projects, commercial advertising, music videos, or sound
 1178 recordings; and those persons or entities providing products or
 1179 services directly related to the preproduction, production, or
 1180 postproduction of motion pictures, made-for-television movies,
 1181 television programming, digital media projects, commercial
 1182 advertising, music videos, or sound recordings, including, but
 1183 not limited to, the broadcast industry.

1184 Section 19. Section 288.1251, Florida Statutes, is
 1185 renumbered as section 288.913, Florida Statutes, and amended to
 1186 read:

1187 288.913 ~~288.1251~~ Promotion and development of entertainment
 1188 industry; Division ~~Office~~ of Film and Entertainment; creation;
 1189 purpose; powers and duties.—

1190 (1) CREATION.—

1191 ~~(a)~~ The Division of Film and Entertainment ~~There is hereby~~
 1192 created within Enterprise Florida, Inc., ~~the department the~~

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1193 ~~Office of Film and Entertainment~~ for the purpose of developing,
 1194 recruiting, marketing, promoting, and providing services to the
 1195 state's entertainment industry. The division shall serve as a
 1196 liaison between the entertainment industry and other state and
 1197 local governmental agencies, local film commissions, and labor
 1198 organizations.

1199 (2) ~~(b)~~ COMMISSIONER.—The president of Enterprise Florida,
 1200 Inc., shall appoint the film and entertainment commissioner, who
 1201 is subject to confirmation by the Senate, within 90 days after
 1202 the effective date of this act ~~department shall conduct a~~
 1203 ~~national search for a qualified person to fill the position of~~
 1204 ~~Commissioner of Film and Entertainment when the position is~~
 1205 ~~vacant. The executive director of the department has the~~
 1206 ~~responsibility to hire the film commissioner. The commissioner~~
 1207 is subject to the requirements of s. 288.901(1)(c).

1208 Qualifications for the film commissioner include, but are not
 1209 limited to, the following:

1210 (a)1. At least 5 years' A working knowledge of and
 1211 experience with the equipment, personnel, financial, and day-to-
 1212 day production operations of the industries to be served by the
 1213 division ~~Office of Film and Entertainment;~~

1214 (b)2. Marketing and promotion experience related to the
 1215 film and entertainment industries to be served;

1216 (c)3. Experience working with a variety of individuals
 1217 representing large and small entertainment-related businesses,
 1218 industry associations, local community entertainment industry
 1219 liaisons, and labor organizations; ~~and~~

1220 (d)4. Experience working with a variety of state and local
 1221 governmental agencies; and.

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1222 (e) A record of high-level involvement in production deals
 1223 and contacts with industry decisionmakers.

1224 (3)(2) POWERS AND DUTIES.—

1225 (a) In the performance of its duties, the Division Office
 1226 of Film and Entertainment, in performance of its duties, shall
 1227 develop and periodically:

1228 1. In consultation with the Florida Film and Entertainment
 1229 Advisory Council, update a 5-year the strategic plan every 5
 1230 years to guide the activities of the division Office of Film and
 1231 Entertainment in the areas of entertainment industry
 1232 development, marketing, promotion, liaison services, field
 1233 office administration, and information. The plan must shall:

1234 a. be annual in construction and ongoing in nature.

1235 1. At a minimum, the plan must address the following:

1236 a.b. Include recommendations relating to The organizational
 1237 structure of the division, including any field offices outside
 1238 the state office.

1239 b. The coordination of the division with local or regional
 1240 offices maintained by counties and regions of the state, local
 1241 film commissions, and labor organizations, and the coordination
 1242 of such entities with each other to facilitate a working
 1243 relationship.

1244 c. Strategies to identify, solicit, and recruit
 1245 entertainment production opportunities for the state, including
 1246 implementation of programs for rural and urban areas designed to
 1247 develop and promote the state's entertainment industry.

1248 d.e. Include An annual budget projection for the division
 1249 office for each year of the plan.

1250 d. Include an operational model for the office to use in

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1251 ~~implementing programs for rural and urban areas designed to:~~

1252 ~~(I) develop and promote the state's entertainment industry.~~

1253 ~~(II) Have the office serve as a liaison between the~~
1254 ~~entertainment industry and other state and local governmental~~
1255 ~~agencies, local film commissions, and labor organizations.~~

1256 ~~(III) Gather statistical information related to the state's~~
1257 ~~entertainment industry.~~

1258 e.(IV) Provision of Provide information and service to
1259 businesses, communities, organizations, and individuals engaged
1260 in entertainment industry activities.

1261 ~~(V) Administer field offices outside the state and~~
1262 ~~coordinate with regional offices maintained by counties and~~
1263 ~~regions of the state, as described in sub-sub-subparagraph (II),~~
1264 ~~as necessary.~~

1265 f.e. Include Performance standards and measurable outcomes
1266 for the programs to be implemented by the division office.

1267 2. The plan shall be annually reviewed and approved by the
1268 board of directors of Enterprise Florida, Inc.

1269 ~~f. Include an assessment of, and make recommendations on,~~
1270 ~~the feasibility of creating an alternative public private~~
1271 ~~partnership for the purpose of contracting with such a~~
1272 ~~partnership for the administration of the state's entertainment~~
1273 ~~industry promotion, development, marketing, and service~~
1274 ~~programs.~~

1275 ~~2. Develop, market, and facilitate a working relationship~~
1276 ~~between state agencies and local governments in cooperation with~~
1277 ~~local film commission offices for out-of-state and indigenous~~
1278 ~~entertainment industry production entities.~~

1279 ~~3. Implement a structured methodology prescribed for~~

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1280 ~~coordinating activities of local offices with each other and the~~
1281 ~~commissioner's office.~~

1282 (b) The division shall also:

1283 1.4. Represent the state's indigenous entertainment
1284 industry to key decisionmakers within the national and
1285 international entertainment industry, and to state and local
1286 officials.

1287 2.5. Prepare an inventory and analysis of the state's
1288 entertainment industry, including, but not limited to,
1289 information on crew, related businesses, support services, job
1290 creation, talent, and economic impact and coordinate with local
1291 offices to develop an information tool for common use.

1292 3.6. Identify, solicit, and recruit entertainment
1293 production opportunities for the state.

1294 4.7. Assist rural communities and other small communities
1295 in the state in developing the expertise and capacity necessary
1296 for such communities to develop, market, promote, and provide
1297 services to the state's entertainment industry.

1298 (c) ~~(b)~~ The division ~~Office of Film and Entertainment~~, in
1299 the performance of its duties, may:

1300 1. Conduct or contract for specific promotion and marketing
1301 functions, including, but not limited to, production of a
1302 statewide directory, production and maintenance of a ~~an Internet~~
1303 website, establishment and maintenance of a toll-free telephone
1304 number, organization of trade show participation, and
1305 appropriate cooperative marketing opportunities.

1306 2. Conduct its affairs, carry on its operations, establish
1307 offices, and exercise the powers granted by this act in any
1308 state, territory, district, or possession of the United States.

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1309 3. Carry out any program of information, special events, or
1310 publicity designed to attract the entertainment industry to
1311 Florida.

1312 4. Develop relationships and leverage resources with other
1313 public and private organizations or groups in their efforts to
1314 publicize to the entertainment industry in this state, other
1315 states, and other countries the depth of Florida's entertainment
1316 industry talent, crew, production companies, production
1317 equipment resources, related businesses, and support services,
1318 including the establishment of and expenditure for a program of
1319 cooperative advertising with these public and private
1320 organizations and groups in accordance with the provisions of
1321 chapter 120.

1322 5. Provide and arrange for reasonable and necessary
1323 promotional items and services for such persons as the division
1324 ~~office~~ deems proper in connection with the performance of the
1325 promotional and other duties of the division ~~office~~.

1326 6. Prepare an ~~annual~~ economic impact analysis on
1327 entertainment industry-related activities in the state.

1328 7. Request or accept any grant, payment, or gift of funds
1329 or property made by this state, the United States, or any
1330 department or agency thereof, or by any individual, firm,
1331 corporation, municipality, county, or organization, for ~~any or~~
1332 ~~all of~~ the purposes of the division's ~~Office of Film and~~
1333 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~
1334 activities authorized by ~~enumerated in~~ this paragraph. Such
1335 funds shall be deposited in a separate account with Enterprise
1336 Florida, Inc., the Grants and Donations Trust Fund of the
1337 ~~Executive Office of the Governor~~ for use by the division ~~Office~~

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1338 ~~of Film and Entertainment~~ in carrying out its responsibilities
 1339 and duties ~~as delineated in law~~. The division ~~office~~ may expend
 1340 such funds in accordance with the terms and conditions of any
 1341 such grant, payment, or gift in the pursuit of its
 1342 administration or in support of fulfilling its duties and
 1343 responsibilities. The division ~~office~~ shall separately account
 1344 for the public funds and the private funds deposited into the
 1345 account ~~trust fund~~.

1346 Section 20. Section 288.1252, Florida Statutes, is
 1347 renumbered as section 288.914, Florida Statutes, and amended to
 1348 read:

1349 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory
 1350 Council; ~~creation;~~ purpose; membership; powers and duties.—

1351 ~~(1) CREATION. There is created within the department, for~~
 1352 ~~administrative purposes only, the Florida Film and Entertainment~~
 1353 ~~Advisory Council.~~

1354 (1)(2) CREATION AND PURPOSE.—The Florida Film and
 1355 Entertainment Advisory Council is created ~~purpose of the Council~~
 1356 ~~is~~ to serve as an advisory body to the Division of Film and
 1357 Entertainment within Enterprise Florida, Inc., and department
 1358 ~~and to the Office of Film and Entertainment~~ to provide these
 1359 ~~offices with~~ industry insight and expertise related to
 1360 developing, marketing, and promoting, ~~and providing service to~~
 1361 the state's entertainment industry.

1362 (2)(3) MEMBERSHIP.—

1363 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be
 1364 appointed by the Governor, 3 ~~5~~ to be appointed by the President
 1365 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the
 1366 House of Representatives.

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1367 (b) When making appointments to the council, the Governor,
1368 the President of the Senate, and the Speaker of the House of
1369 Representatives shall appoint persons who are residents of the
1370 state and who are highly knowledgeable of, active in, and
1371 recognized as leaders in Florida's motion picture, television,
1372 video, sound recording, or other entertainment industries. These
1373 persons must ~~shall~~ include, but need not be limited to,
1374 representatives of local film commissions, representatives of
1375 entertainment associations, a representative of the broadcast
1376 industry, representatives of labor organizations in the
1377 entertainment industry, and board chairs, presidents, chief
1378 executive officers, chief operating officers, or persons of
1379 comparable executive position or stature of leading or otherwise
1380 important entertainment industry businesses and offices. Council
1381 members must ~~shall~~ be appointed in such a manner as to equitably
1382 represent the broadest spectrum of the entertainment industry
1383 and geographic areas of the state.

1384 (c) Council members shall serve for 4-year terms. A council
1385 member serving as of July 1, 2016, may serve the remainder of
1386 his or her term, but upon the conclusion of the term or upon
1387 vacancy, the appointment must be made in accordance with this
1388 section.

1389 (d) Subsequent appointments shall be made by the official
1390 who appointed the council member whose expired term is to be
1391 filled.

1392 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~
1393 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,
1394 CareerSource Florida, Inc., and VISIT Florida shall serve as ex
1395 officio, nonvoting members of the council.

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1396 (f) Absence from three consecutive meetings shall result in
1397 automatic removal from the council.

1398 (g) A vacancy on the council shall be filled for the
1399 remainder of the unexpired term by the official who appointed
1400 the vacating member.

1401 (h) No more than one member of the council may be an
1402 employee of any one company, organization, or association.

1403 (i) Any member shall be eligible for reappointment but may
1404 not serve more than two consecutive terms.

1405 (3)~~(4)~~ MEETINGS; ORGANIZATION.—

1406 (a) The council shall meet at least ~~no less frequently than~~
1407 once each quarter of the calendar year, and ~~but~~ may meet more
1408 often as determined necessary ~~set~~ by the council.

1409 (b) The council shall annually elect from its appointed
1410 membership one member to serve as chair ~~of the council~~ and one
1411 member to serve as vice chair. The Division ~~Office~~ of Film and
1412 Entertainment shall provide staff assistance to the council,
1413 which must ~~shall~~ include, but need not be limited to, keeping
1414 records of the proceedings of the council, and serving as
1415 custodian of all books, documents, and papers filed with the
1416 council.

1417 (c) A majority of the members of the council constitutes
1418 ~~shall constitute~~ a quorum.

1419 (d) Members of the council shall serve without
1420 compensation, but are ~~shall be~~ entitled to reimbursement for per
1421 diem and travel expenses in accordance with s. 112.061 while in
1422 performance of their duties.

1423 (4)~~(5)~~ POWERS AND DUTIES.—The Florida Film and
1424 Entertainment Advisory Council has ~~shall have all the~~ power

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1425 ~~powers necessary or convenient to carry out and effectuate the~~
1426 ~~purposes and provisions of this act, including, but not limited~~
1427 ~~to, the power to:~~

1428 (a) Adopt bylaws for the governance of its affairs and the
1429 conduct of its business.

1430 (b) Advise the Division and ~~consult with the Office~~ of Film
1431 and Entertainment on the content, development, and
1432 implementation of the division's 5-year strategic plan ~~to guide~~
1433 ~~the activities of the office.~~

1434 (c) ~~Review the Commissioner of Film and Entertainment's~~
1435 ~~administration of the programs related to the strategic plan,~~
1436 ~~and Advise the Division of Film and Entertainment commissioner~~
1437 on the division's programs and any changes that might be made to
1438 better meet the strategic plan.

1439 (d) Consider and study the needs of the entertainment
1440 industry for the purpose of advising the Division of Film and
1441 Entertainment ~~film commissioner and the department.~~

1442 (e) Identify ~~and make recommendations on state agency and~~
1443 local government actions that may have an impact on the
1444 entertainment industry or that may appear to industry
1445 representatives as ~~an official state or local~~ actions ~~action~~
1446 affecting production in the state, and advise the Division of
1447 Film and Entertainment of such actions.

1448 (f) Consider all matters submitted to it by the Division of
1449 Film and Entertainment ~~film commissioner and the department.~~

1450 (g) ~~Advise and consult with the film commissioner and the~~
1451 ~~department, at their request or upon its own initiative,~~
1452 ~~regarding the promulgation, administration, and enforcement of~~
1453 ~~all laws and rules relating to the entertainment industry.~~

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1454 ~~(g)(h)~~ Suggest policies and practices for the conduct of
1455 business by the Office of Film and Entertainment or by the
1456 department that will improve interaction with internal
1457 ~~operations affecting~~ the entertainment industry and will enhance
1458 related state the economic development initiatives of the state
1459 for the industry.

1460 ~~(i) Appear on its own behalf before boards, commissions,~~
1461 ~~departments, or other agencies of municipal, county, or state~~
1462 ~~government, or the Federal Government.~~

1463 Section 21. Section 288.1253, Florida Statutes, is
1464 renumbered as section 288.915, Florida Statutes, and amended to
1465 read:

1466 288.915 ~~288.1253~~ Travel and entertainment expenses.—

1467 (1) As used in this section, the term "travel expenses"
1468 means the actual, necessary, and reasonable costs of
1469 transportation, meals, lodging, and incidental expenses normally
1470 incurred by an employee of the Division Office of Film and
1471 Entertainment within Enterprise Florida, Inc., as which costs
1472 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department
1473 rule, subject to approval by the Chief Financial Officer.

1474 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the
1475 department shall adopt rules by which the Division of Film and
1476 Entertainment ~~it~~ may make expenditures by reimbursement to~~+~~ the
1477 Governor, the Lieutenant Governor, security staff of the
1478 Governor or Lieutenant Governor, the Commissioner of Film and
1479 Entertainment, or staff of the Division Office of Film and
1480 Entertainment for travel expenses or entertainment expenses
1481 incurred by such individuals solely and exclusively in
1482 connection with the performance of the statutory duties of the

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1483 division ~~Office of Film and Entertainment~~. The rules are subject
1484 to approval by the Chief Financial Officer before adoption. The
1485 rules shall require the submission of paid receipts, or other
1486 proof of expenditure prescribed by the Chief Financial Officer,
1487 with any claim for reimbursement.

1488 (3) The Division ~~Office~~ of Film and Entertainment shall
1489 include in the annual report for the entertainment industry
1490 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~
1491 ~~288.1254(10)~~ a report of the division's ~~office's~~ expenditures
1492 for the previous fiscal year. The report must consist of a
1493 summary of all travel, entertainment, and incidental expenses
1494 incurred within the United States and all travel, entertainment,
1495 and incidental expenses incurred outside the United States, as
1496 well as a summary of all successful projects that developed from
1497 such travel.

1498 (4) The Division ~~Office~~ of Film and Entertainment and its
1499 employees and representatives, when authorized, may accept and
1500 use complimentary travel, accommodations, meeting space, meals,
1501 equipment, transportation, and any other goods or services
1502 necessary for or beneficial to the performance of the division's
1503 ~~office's~~ duties and purposes, so long as such acceptance or use
1504 is not in conflict with part III of chapter 112. The department
1505 shall, by rule, develop internal controls to ensure that such
1506 goods or services accepted or used pursuant to this subsection
1507 are limited to those that will assist solely and exclusively in
1508 the furtherance of the division's ~~office's~~ goals and are in
1509 compliance with part III of chapter 112. Notwithstanding this
1510 subsection, the division and its employees and representatives
1511 may not accept any complimentary travel, accommodations, meeting

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1512 space, meals, equipment, transportation, or other goods or
1513 services from an entity or a party, including an employee, a
1514 designee, or a representative of such entity or party, which has
1515 received, has applied to receive, or anticipates that it will
1516 receive through an application, funds under s. 288.1256. If the
1517 division or its employee or representative accepts such goods or
1518 services, the division or its employee or representative is
1519 subject to the penalties provided in s. 112.317.

1520 (5) A ~~Any~~ claim submitted under this section is not
1521 required to be sworn to before a notary public or other officer
1522 authorized to administer oaths, but a ~~any~~ claim authorized or
1523 required to be made under any provision of this section shall
1524 contain a statement that the expenses were actually incurred as
1525 necessary travel or entertainment expenses in the performance of
1526 official duties of the Division ~~Office~~ of Film and Entertainment
1527 and shall be verified by written declaration that it is true and
1528 correct as to every material matter. A ~~Any~~ person who willfully
1529 makes and subscribes to a ~~any~~ claim that ~~which~~ he or she does
1530 not believe to be true and correct as to every material matter
1531 or who willfully aids or assists in, procures, or counsels or
1532 advises with respect to, the preparation or presentation of a
1533 claim pursuant to this section which ~~that~~ is fraudulent or false
1534 as to any material matter, whether such falsity or fraud is with
1535 the knowledge or consent of the person authorized or required to
1536 present the claim, commits a misdemeanor of the second degree,
1537 punishable as provided in s. 775.082 or s. 775.083. Whoever
1538 receives a reimbursement by means of a false claim is civilly
1539 liable, in the amount of the overpayment, for the reimbursement
1540 of the public fund from which the claim was paid.

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1541 Section 22. Paragraph (a) of subsection (5), paragraph (c)
1542 of subsection (9), and subsections (10) and (11) of section
1543 288.1254, Florida Statutes, are amended to read:

1544 288.1254 Entertainment industry financial incentive
1545 program.—

1546 (5) TRANSFER OF TAX CREDITS.—

1547 (a) *Authorization.*—Upon application to ~~the Office of Film~~
1548 ~~and Entertainment~~ and approval by the department, a certified
1549 production company, or a partner or member that has received a
1550 distribution under paragraph (4) (g), may elect to transfer, in
1551 whole or in part, any unused credit amount granted under this
1552 section. An election to transfer any unused tax credit amount
1553 under chapter 212 or chapter 220 must be made no later than 5
1554 years after the date the credit is awarded, after which period
1555 the credit expires and may not be used. The department shall
1556 notify the Department of Revenue of the election and transfer.

1557 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX
1558 CREDITS; FRAUDULENT CLAIMS.—

1559 (c) *Forfeiture of tax credits.*—A determination by the
1560 Department of Revenue, as a result of an audit pursuant to
1561 paragraph (a) or from information received from the department
1562 ~~Office of Film and Entertainment~~, that an applicant received tax
1563 credits pursuant to this section to which the applicant was not
1564 entitled is grounds for forfeiture of previously claimed and
1565 received tax credits. The applicant is responsible for returning
1566 forfeited tax credits to the Department of Revenue, and such
1567 funds shall be paid into the General Revenue Fund of the state.
1568 Tax credits purchased in good faith are not subject to
1569 forfeiture unless the transferee submitted fraudulent

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1570 information in the purchase or failed to meet the requirements
1571 in subsection (5).

1572 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~
1573 ~~of Film and Entertainment~~ shall submit an annual report for the
1574 previous fiscal year to the Governor, the President of the
1575 Senate, and the Speaker of the House of Representatives which
1576 outlines the incentive program's return on investment and
1577 economic benefits to the state. The report must also include an
1578 estimate of the full-time equivalent positions created by each
1579 production that received tax credits under this section and
1580 information relating to the distribution of productions
1581 receiving credits by geographic region and type of production.
1582 The report must also include the expenditures report required
1583 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information
1584 describing the relationship between tax exemptions and
1585 incentives to industry growth required under s. 288.1258(5).

1586 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~
1587 ~~2016~~, except that:

1588 (a) Tax credits certified under paragraph (3) (d) before
1589 April 1, 2016 ~~July 1, 2016~~, may not be awarded under paragraph
1590 (3) (f) on or after April 1, 2016, and the Department of Revenue
1591 shall deny any credit claimed on a tax return when that credit
1592 was awarded under paragraph (3) (f) on or after April 1, 2016
1593 ~~July 1, 2016, if the other requirements of this section are met.~~

1594 (b) Tax credits carried forward under paragraph (4) (e)
1595 remain valid for the period specified.

1596 (c) Subsections (5), (8), and (9) shall remain in effect
1597 until July 1, 2021.

1598 Section 23. Section 288.1256, Florida Statutes, is created

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1599 to read:

1600 288.1256 Entertainment Action Fund.—

1601 (1) The Entertainment Action Fund is created within the
1602 department in order to respond to extraordinary opportunities
1603 and to compete effectively with other states to attract and
1604 retain production companies and to provide favorable conditions
1605 for the growth of the entertainment industry in this state.

1606 (2) As used in this section, the term:

1607 (a) "Division" means the Division of Film and Entertainment
1608 within Enterprise Florida, Inc.

1609 (b) "Principal photography" means the filming of major or
1610 significant components of a project which involve lead actors.

1611 (c) "Production" means a theatrical, direct-to-video, or
1612 direct-to-Internet motion picture; a made-for-television motion
1613 picture; visual effects or digital animation sequences produced
1614 in conjunction with a motion picture; a commercial; a music
1615 video; an industrial or educational film; an infomercial; a
1616 documentary film; a television pilot program; a presentation for
1617 a television pilot program; a television series, including, but
1618 not limited to, a drama, a reality show, a comedy, a soap opera,
1619 a telenovela, a game show, an awards show, or a miniseries
1620 production; a direct-to-Internet television series; or a digital
1621 media project by the entertainment industry. One season of a
1622 television series is considered one production. The term does
1623 not include a weather or market program; a sporting event or a
1624 sporting event broadcast; a gala; a production that solicits
1625 funds; a home shopping program; a political program; a political
1626 documentary; political advertising; a gambling-related project
1627 or production; a concert production; a local, a regional, or an

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1628 Internet-distributed-only news show or current-events show; a
1629 sports news or a sports recap show; a pornographic production;
1630 or any production deemed obscene under chapter 847. A production
1631 may be produced on or by film, tape, or otherwise by means of a
1632 motion picture camera; an electronic camera or device; a tape
1633 device; a computer; any combination of the foregoing; or any
1634 other means, method, or device.

1635 (d) "Production company" means a corporation, limited
1636 liability company, partnership, or other legal entity engaged in
1637 one or more productions in this state.

1638 (e) "Production expenditures" means the costs of tangible
1639 and intangible property used for, and services performed
1640 primarily and customarily in, production, including
1641 preproduction and postproduction, but excluding costs for
1642 development, marketing, and distribution. The term includes, but
1643 is not limited to:

1644 1. Wages, salaries, or other compensation paid to legal
1645 residents of this state, including amounts paid through payroll
1646 service companies, for technical and production crews,
1647 directors, producers, and performers.

1648 2. Net expenditures for sound stages, backlots, production
1649 editing, digital effects, sound recordings, sets, and set
1650 construction. As used in this paragraph, the term "net
1651 expenditures" means the actual amount of money a project spent
1652 for equipment or other tangible personal property, after
1653 subtracting any consideration received for reselling or
1654 transferring the item after the production ends, if applicable.

1655 3. Net expenditures for rental equipment, including, but
1656 not limited to, cameras and grip or electrical equipment.

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1657 4. Up to \$300,000 of the costs of newly purchased computer
1658 software and hardware unique to the project, including servers,
1659 data processing, and visualization technologies, which are
1660 located in and used exclusively in this state for the production
1661 of digital media.

1662 5. Expenditures for meals, travel, and accommodations.

1663 (f) "Project" means a production in this state meeting the
1664 requirements of this section. The term does not include a
1665 production:

1666 1. In which less than 70 percent of the positions that make
1667 up its production cast and below-the-line production crew are
1668 filled by legal residents of this state, whose residency is
1669 demonstrated by a valid Florida driver license or other state-
1670 issued identification confirming residency, or students enrolled
1671 full-time in an entertainment-related course of study at an
1672 institution of higher education in this state; or

1673 2. That contains obscene content as defined in s.
1674 847.001(10).

1675 (g) "Qualified expenditures" means production expenditures
1676 incurred in this state by a production company for:

1677 1. Goods purchased or leased from, or services, including,
1678 but not limited to, insurance costs and bonding, payroll
1679 services, and legal fees, which are provided by a vendor or
1680 supplier in this state which is registered with the Department
1681 of State or the Department of Revenue, has a physical location
1682 in this state, and employs one or more legal residents of this
1683 state. This does not include rebilled goods or services provided
1684 by an in-state company from out-of-state vendors or suppliers.
1685 If services provided by the vendor or supplier include personal

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1686 services or labor, only personal services or labor provided by
1687 residents of this state, evidenced by the required documentation
1688 of residency in this state, qualify.

1689 2. Payments to legal residents of this state in the form of
1690 salary, wages, or other compensation up to a maximum of \$400,000
1691 per resident. A completed declaration of residency in this state
1692 must accompany the documentation submitted to the department for
1693 reimbursement.

1694
1695 For a project involving an event, such as an awards show, the
1696 term does not include expenditures solely associated with the
1697 event itself and not directly required by the production. The
1698 term does not include expenditures incurred before the agreement
1699 is signed. The production company may not include in the
1700 calculation for qualified expenditures the original purchase
1701 price for equipment or other tangible property that is later
1702 sold or transferred by the production company for consideration.
1703 In such cases, the qualified expenditure is the net of the
1704 original purchase price minus the consideration received upon
1705 sale or transfer.

1706 (h) "Underutilized county" means a county in which less
1707 than \$500,000 in qualified expenditures were made in the last 2
1708 fiscal years.

1709 (3) A production company may apply for funds from the
1710 Entertainment Action Fund for a production or successive seasons
1711 of a production. The division shall review and evaluate
1712 applications to determine the eligibility of each project
1713 consistent with the requirements of this section. The division
1714 shall leverage funds to select projects that maximize the return

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1715 to the state. The division must accept applications for at least
1716 3 months, and shall provide public notice of the application
1717 period. The division may allow multiple, nonoverlapping
1718 application periods in a fiscal year subject to the availability
1719 of funds. The division shall review and evaluate applications
1720 timely received during the application period to identify any
1721 competitive projects to recommend for approval as provided in
1722 this section. The division may determine that no applications
1723 were submitted which meet the requirements of this section and
1724 maximize the return to the state.

1725 (4) The division, in its review and evaluation of
1726 applications, must consider the following criteria, which are
1727 listed in order of priority, with the highest priority given to
1728 paragraph (a):

1729 (a) The number of state residents who will be employed in
1730 full-time equivalent and part-time positions related to the
1731 project, the duration of such employment, and the average wages
1732 paid to such residents. Preference shall be given to a project
1733 that expects to pay higher than the statewide average wage.

1734 (b) The amount of qualified and nonqualified expenditures
1735 that will be made in this state.

1736 (c) Planned or executed contracts with production
1737 facilities or soundstages in this state and the percentage of
1738 principal photography or production activity that will occur at
1739 each location.

1740 (d) Planned preproduction and postproduction to occur in
1741 this state.

1742 (e) The amount of capital investment, especially fixed
1743 capital investment, to be made directly by the production

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1744 company in this state related to the project and the amount of
1745 any other capital investment to be made in this state related to
1746 the project.

1747 (f) The duration of the project in this state.

1748 (g) The amount and duration of principal photography or
1749 production activity that will occur in an underutilized county.

1750 (h) The extent to which the production company will promote
1751 Florida, including the production of marketing materials
1752 promoting this state as a tourist destination or a film and
1753 entertainment production destination; placement of state agency
1754 logos in the production and credits; authorized use of
1755 production assets, characters, and themes by this state;
1756 promotional videos for this state included on optical disc
1757 formats; and other marketing integration.

1758 (i) The employment of students enrolled full-time in an
1759 entertainment-related course of study at an institution of
1760 higher education in this state or of graduates from such an
1761 institution within 12 months after graduation.

1762 (j) Plans to work with entertainment industry-related
1763 courses of study at an institution of higher education in this
1764 state.

1765 (k) Local support and any local financial commitment for
1766 the project.

1767 (l) The project is about this state or shows this state in
1768 a positive light.

1769 (m) A review of the production company's past activities in
1770 this state or other states.

1771 (n) The length of time the production company has made
1772 productions in this state, the number of productions the

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1773 production company has made in this state, and the production
1774 company's overall commitment to this state. This includes a
1775 production company that is based in this state.

1776 (o) Expected contributions to this state's economy,
1777 consistent with the state strategic economic development plan
1778 prepared by the department.

1779 (p) The expected effect of the award on the viability of
1780 the project and the probability that the project would be
1781 undertaken in this state if funds are granted to the production
1782 company.

1783 (5) A production company must have financing in place for a
1784 project before it applies for funds under this section.

1785 (6) The department shall prescribe a form upon which an
1786 application must be made to the division. At a minimum, the
1787 application must include:

1788 (a) The applicant's federal employer identification number,
1789 reemployment assistance account number, and state sales tax
1790 registration number, as applicable. If such numbers are not
1791 available at the time of application, they must be submitted to
1792 the department in writing before the disbursement of any
1793 payments.

1794 (b) The signature of the applicant.

1795 (c) A detailed budget of planned qualified and nonqualified
1796 expenditures in this state.

1797 (d) The type and amount of capital investment that will be
1798 made in this state.

1799 (e) The locations in this state where the project will
1800 occur.

1801 (f) The anticipated commencement date and duration of the

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1802 project.

1803 (g) The proposed number of state residents and nonstate
1804 residents who will be employed in full-time equivalent and part-
1805 time positions related to the project and wages paid to such
1806 persons.

1807 (h) The total number of full-time equivalent employees
1808 employed by the production company in this state, if applicable.

1809 (i) Proof of financing for the project.

1810 (j) The amount of promotion of Florida which the production
1811 company will provide for the state.

1812 (k) An attestation verifying that the information provided
1813 on the application is true and accurate.

1814 (l) Any additional information requested by the department
1815 or division.

1816 (7) The division and department must make a recommendation
1817 to the Governor to approve or deny an award within 7 days after
1818 completion of the review and evaluation. An award of funds may
1819 constitute up to 30 percent of qualified expenditures in this
1820 state and may not fund wages paid to nonresidents. The division
1821 may recommend an award of funds that is less than 30 percent of
1822 qualified expenditures in this state. A production must start
1823 within 1 year after the date the project is approved by the
1824 Governor. The recommendation must include the performance
1825 conditions that the project must meet to obtain funds.

1826 (a) The Governor may approve projects without consulting
1827 the Legislature for projects requiring less than \$2 million in
1828 funding.

1829 (b) For projects requiring funding of at least \$2 million
1830 but not more than \$5 million, the Governor must provide a

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1831 written description and evaluation of a project recommended for
1832 approval to the chair and vice chair of the Legislative Budget
1833 Commission at least 10 days before giving final approval for the
1834 project. The recommendation must include the performance
1835 conditions that the project must meet in order to obtain funds.

1836 (c) If the chair or vice chair of the Legislative Budget
1837 Commission, the President of the Senate, or the Speaker of the
1838 House of Representatives timely advises the Executive Office of
1839 the Governor, in writing, that an action or a proposed action
1840 exceeds the delegated authority of the Executive Office of the
1841 Governor or is contrary to legislative policy or intent, the
1842 Executive Office of the Governor shall void the release of funds
1843 and instruct the department to immediately change such action or
1844 proposed action until the Legislative Budget Commission or the
1845 Legislature addresses the issue.

1846 (d) A project requiring more than \$5 million in funding
1847 must be approved by the Legislative Budget Commission before the
1848 funds are released.

1849 (8) Upon the approval of the Governor, the department and
1850 the production company shall enter into an agreement that
1851 specifies, at a minimum:

1852 (a) The total amount of funds awarded and the schedule of
1853 payment.

1854 (b) The performance conditions the production company must
1855 meet to obtain payment of moneys from the fund. Performance
1856 conditions must include the criteria considered in the review
1857 and evaluation of the application. Performance conditions must
1858 relate to activity that occurs in this state.

1859 (c) The methodology for validating performance and the date

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1860 by which the production company must submit proof of performance
1861 to the department.

1862 (d) That the department may review and verify any records
1863 of the production company to ascertain whether that company is
1864 in compliance with this section and the agreement.

1865 (e) Sanctions for failure to meet performance conditions.

1866 (f) That payment of moneys from the fund is contingent upon
1867 sufficient appropriation of funds by the Legislature.

1868 (9) The agreement must be finalized and signed by an
1869 authorized officer of the production company within 90 days
1870 after the Governor's approval. A production company that
1871 receives funds under this section may not receive benefits under
1872 s. 288.1258 for the same production.

1873 (10) The department shall validate contractor performance
1874 and report such validation in an annual report. Each November 1,
1875 the department and the division shall submit an annual report
1876 for the previous fiscal year to the Governor, the President of
1877 the Senate, and the Speaker of the House of Representatives
1878 which outlines the program's return on investment and economic
1879 benefits to the state. The report must also include an estimate
1880 of the full-time equivalent positions created by each production
1881 that received a grant under this section and information
1882 relating to the distribution of productions receiving credits by
1883 geographic region and type of production. In addition, the
1884 report must include the expenditures report required under s.
1885 288.915, the information describing the relationship between tax
1886 exemptions and incentives to industry growth required under s.
1887 288.1258(5), and program performance information required under
1888 this section.

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1889 (11) The department may not approve awards in excess of the
1890 amount appropriated for a fiscal year. The department must
1891 maintain a schedule of funds to be paid from the appropriation
1892 for the fiscal year that begins on July 1. For the first 6
1893 months of each fiscal year, the department shall set aside 50
1894 percent of the amount appropriated for the fund by the
1895 Legislature. At the end of the 6-month period, these funds are
1896 available to provide funding under this section for applications
1897 submitted on or after January 1. The department or division may
1898 not accept any applications or conditionally commit funds or
1899 grant priority to a production company if funds are not
1900 available in the current period.

1901 (12) A production company that submits fraudulent
1902 information under this section is liable for reimbursement of
1903 the reasonable costs and fees associated with the review,
1904 processing, investigation, and prosecution of the fraudulent
1905 claim. A production company that receives a payment under this
1906 section through a claim that is fraudulent is liable for
1907 reimbursement of the payment amount, plus a penalty in an amount
1908 double the payment amount. The penalty is in addition to any
1909 criminal penalty for which the production company is liable for
1910 the same acts. The production company is also liable for costs
1911 and fees incurred by the state in investigating and prosecuting
1912 the fraudulent claim.

1913 (13) The department or division may not waive any provision
1914 or provide an extension of time to meet any requirement of this
1915 section.

1916 (14) This section expires on July 1, 2026. An agreement in
1917 existence on that date shall continue in effect in accordance

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1918 with its terms.

1919 Section 24. Section 288.1258, Florida Statutes, is amended
1920 to read:

1921 288.1258 Entertainment industry qualified production
1922 companies; application procedure; categories; duties of the
1923 Department of Revenue; records and reports.—

1924 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

1925 (a) Any production company engaged in this state in the
1926 production of motion pictures, made-for-TV motion pictures,
1927 television series, commercial advertising, music videos, or
1928 sound recordings may submit an application for exemptions under
1929 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to
1930 be approved by the Department of Economic Opportunity ~~Office of~~
1931 ~~Film and Entertainment~~ as a qualified production company for the
1932 purpose of receiving a sales and use tax certificate of
1933 exemption from the Department of Revenue to exempt purchases on
1934 or after the date that the completed application is filed with
1935 the Department of Revenue.

1936 (b) As used in ~~For the purposes of~~ this section, the term
1937 "qualified production company" means any production company that
1938 has submitted a properly completed application to the Department
1939 of Revenue and that is subsequently qualified by the Department
1940 of Economic Opportunity ~~Office of Film and Entertainment.~~

1941 (2) APPLICATION PROCEDURE.—

1942 (a) The Department of Revenue shall ~~will~~ review all
1943 submitted applications for the required information. Within 10
1944 working days after the receipt of a properly completed
1945 application, the Department of Revenue shall ~~will~~ forward the
1946 completed application to the Department of Economic Opportunity

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1947 ~~Office of Film and Entertainment~~ for approval.

1948 (b)1. The Department of Economic Opportunity ~~Office of Film~~
1949 ~~and Entertainment~~ shall establish a process by which an
1950 entertainment industry production company may be approved by the
1951 department ~~office~~ as a qualified production company and may
1952 receive a certificate of exemption from the Department of
1953 Revenue for the sales and use tax exemptions under ss. 212.031,
1954 212.06, and 212.08. A production company that receives a sales
1955 tax exemption certificate under this section for a production
1956 may not receive benefits under s. 288.1256 for the same
1957 production.

1958 2. Upon determination by the department ~~Office of Film and~~
1959 ~~Entertainment~~ that a production company meets the established
1960 approval criteria and qualifies for exemption, the department
1961 ~~Office of Film and Entertainment~~ shall return the approved
1962 application or application renewal or extension to the
1963 Department of Revenue, which shall issue a certificate of
1964 exemption.

1965 3. The department ~~Office of Film and Entertainment~~ shall
1966 deny an application or application for renewal or extension from
1967 a production company if it determines that the production
1968 company does not meet the established approval criteria.

1969 (c) The department ~~Office of Film and Entertainment~~ shall
1970 develop, with the cooperation of the Department of Revenue, the
1971 Division of Film and Entertainment within Enterprise Florida,
1972 Inc., and local government entertainment industry promotion
1973 agencies, a standardized application form for use in approving
1974 qualified production companies.

1975 1. The application form shall include, but not be limited

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1976 to, production-related information on employment, proposed
1977 budgets, planned purchases of items exempted from sales and use
1978 taxes under ss. 212.031, 212.06, and 212.08, a signed
1979 affirmation from the applicant that any items purchased for
1980 which the applicant is seeking a tax exemption are intended for
1981 use exclusively as an integral part of entertainment industry
1982 preproduction, production, or postproduction activities engaged
1983 in primarily in this state, and a signed affirmation from the
1984 department ~~Office of Film and Entertainment~~ that the information
1985 on the application form has been verified and is correct. In
1986 lieu of information on projected employment, proposed budgets,
1987 or planned purchases of exempted items, a production company
1988 seeking a 1-year certificate of exemption may submit summary
1989 historical data on employment, production budgets, and purchases
1990 of exempted items related to production activities in this
1991 state. Any information gathered from production companies for
1992 the purposes of this section shall be considered confidential
1993 taxpayer information and shall be disclosed only as provided in
1994 s. 213.053.

1995 2. The application form may be distributed to applicants by
1996 the department, the Division ~~Office~~ of Film and Entertainment,
1997 or local film commissions.

1998 (d) All applications, renewals, and extensions for
1999 designation as a qualified production company shall be processed
2000 by the department ~~Office of Film and Entertainment~~.

2001 (e) ~~If In the event that~~ the Department of Revenue
2002 determines that a production company no longer qualifies for a
2003 certificate of exemption, or has used a certificate of exemption
2004 for purposes other than those authorized by this section and

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2005 chapter 212, the Department of Revenue shall revoke the
2006 certificate of exemption of that production company, and any
2007 sales or use taxes exempted on items purchased or leased by the
2008 production company during the time such company did not qualify
2009 for a certificate of exemption or improperly used a certificate
2010 of exemption shall become immediately due to the Department of
2011 Revenue, along with interest and penalty as provided by s.
2012 212.12. In addition to the other penalties imposed by law, any
2013 person who knowingly and willfully falsifies an application, or
2014 uses a certificate of exemption for purposes other than those
2015 authorized by this section and chapter 212, commits a felony of
2016 the third degree, punishable as provided in ss. 775.082,
2017 775.083, and 775.084.

2018 (3) CATEGORIES.—

2019 (a)1. A production company may be qualified for designation
2020 as a qualified production company for a period of 1 year if the
2021 company has operated a business in Florida at a permanent
2022 address for a period of 12 consecutive months. Such a qualified
2023 production company shall receive a single 1-year certificate of
2024 exemption from the Department of Revenue for the sales and use
2025 tax exemptions under ss. 212.031, 212.06, and 212.08, which
2026 certificate shall expire 1 year after issuance or upon the
2027 cessation of business operations in the state, at which time the
2028 certificate shall be surrendered to the Department of Revenue.

2029 ~~2. The Office of Film and Entertainment shall develop a~~
2030 ~~method by which~~ A qualified production company may submit a new
2031 application for annually renew a 1-year certificate of exemption
2032 upon the expiration of that company's certificate of exemption;
2033 however, upon approval of the department, such qualified

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2034 production company may annually renew the 1-year certificate of
2035 exemption for a period of up to 5 years without submitting
2036 ~~requiring the production company to resubmit~~ a new application
2037 during that 5-year period.

2038 3. Each year, or upon surrender of the certificate of
2039 exemption to the Department of Revenue, the Any qualified
2040 production company shall may submit to the department aggregate
2041 data for production-related information on employment,
2042 expenditures in this state, capital investment, and purchases of
2043 items exempted from sales and use taxes under ss. 212.031,
2044 212.06, and 212.08 for inclusion in the annual report required
2045 under subsection (5) a new application for a 1-year certificate
2046 ~~of exemption upon the expiration of that company's certificate~~
2047 ~~of exemption.~~

2048 (b)1. A production company may be qualified for designation
2049 as a qualified production company for a period of 90 days. Such
2050 production company shall receive a single 90-day certificate of
2051 exemption from the Department of Revenue for the sales and use
2052 tax exemptions under ss. 212.031, 212.06, and 212.08, which
2053 certificate shall expire 90 days after issuance or upon the
2054 cessation of business operations in the state, at which time,
2055 ~~with extensions contingent upon approval of the Office of Film~~
2056 ~~and Entertainment.~~ the certificate shall be surrendered to the
2057 Department of Revenue ~~upon its expiration.~~

2058 2. A qualified production company may submit a new
2059 application for a 90-day certificate of exemption each quarter
2060 upon the expiration of that company's certificate of exemption;
2061 however, upon approval of the department, such qualified
2062 production company may renew the 90-day certificate of exemption

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2063 for a period of up to 1 year without submitting a new
2064 application during that 1-year period.

2065 3.2. Each 90 days, or upon surrender of the certificate of
2066 exemption to the Department of Revenue, the qualified Any
2067 production company shall may submit to the department aggregate
2068 data for production-related information on employment,
2069 expenditures in this state, capital investment, and purchases of
2070 items exempted from sales and use taxes under ss. 212.031,
2071 212.06, and 212.08 for inclusion in the annual report required
2072 under subsection (5) a new application for a 90-day certificate
2073 of exemption upon the expiration of that company's certificate
2074 of exemption.

2075 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

2076 (a) The Department of Revenue shall review the initial
2077 application and notify the applicant of any omissions and
2078 request additional information if needed. An application shall
2079 be complete upon receipt of all requested information. The
2080 Department of Revenue shall forward all complete applications to
2081 the department ~~Office of Film and Entertainment~~ within 10
2082 working days.

2083 (b) The Department of Revenue shall issue a numbered
2084 certificate of exemption to a qualified production company
2085 within 5 working days of the receipt of an approved application,
2086 application renewal, or application extension from the
2087 department ~~Office of Film and Entertainment~~.

2088 (c) The Department of Revenue may adopt ~~promulgate~~ such
2089 rules and shall prescribe and publish such forms as may be
2090 necessary to effectuate the purposes of this section or any of
2091 the sales tax exemptions which are reasonably related to the

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2092 provisions of this section.

2093 (d) The Department of Revenue is authorized to establish
 2094 audit procedures in accordance with the provisions of ss.
 2095 212.12, 212.13, and 213.34 which relate to the sales tax
 2096 exemption provisions of this section.

2097 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 2098 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department
 2099 ~~Office of Film and Entertainment~~ shall keep annual records from
 2100 the information provided on taxpayer applications for tax
 2101 exemption certificates and regularly reported as required in
 2102 this section beginning January 1, 2001. These records also must
 2103 reflect a ratio of the annual amount of sales and use tax
 2104 exemptions under this section, plus the funds granted incentives
 2105 ~~awarded~~ pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated
 2106 amount of funds expended by certified productions. In addition,
 2107 the department ~~office~~ shall maintain data showing annual growth
 2108 in Florida-based entertainment industry companies and
 2109 entertainment industry employment and wages. The employment
 2110 information must include ~~an estimate of~~ the full-time equivalent
 2111 positions created by each production that received funds tax
 2112 ~~credits~~ pursuant to s. 288.1256 ~~s. 288.1254~~. The department
 2113 ~~Office of Film and Entertainment~~ shall include this information
 2114 in the annual report for the entertainment industry ~~financial~~
 2115 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~
 2116 ~~288.1254(10)~~.

2117 Section 25. Paragraph (b) of subsection (5) of section
 2118 288.901, Florida Statutes, is amended to read:

2119 288.901 Enterprise Florida, Inc.—

2120 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

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2121 (b) In making their appointments, the Governor, the
2122 President of the Senate, and the Speaker of the House of
2123 Representatives shall ensure that the composition of the board
2124 of directors reflects the diversity of Florida's business
2125 community and is representative of the economic development
2126 goals in subsection (2). The board must include at least one
2127 director for each of the following areas of expertise:
2128 international business, tourism marketing, the space or
2129 aerospace industry, managing or financing a minority-owned
2130 business, manufacturing, and finance and accounting, ~~and sports~~
2131 ~~marketing~~.

2132 Section 26. Subsection (1) of section 288.9015, Florida
2133 Statutes, is amended to read:

2134 288.9015 Powers of Enterprise Florida, Inc.; board of
2135 directors.—

2136 (1) Enterprise Florida, Inc., shall integrate its efforts
2137 in business recruitment and expansion, job creation, marketing
2138 the state for tourism ~~and sports~~, and promoting economic
2139 opportunities for minority-owned businesses and promoting
2140 economic opportunities for rural and distressed urban
2141 communities with those of the department, to create an
2142 aggressive, agile, and collaborative effort to reinvigorate the
2143 state's economy.

2144 Section 27. Subsection (1) of section 288.92, Florida
2145 Statutes, is amended to read:

2146 288.92 Divisions of Enterprise Florida, Inc.—

2147 (1) Enterprise Florida, Inc., may create and dissolve
2148 divisions as necessary to carry out its mission. Each division
2149 shall have distinct responsibilities and complementary missions.

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2150 At a minimum, Enterprise Florida, Inc., shall have divisions
2151 related to the following areas:

- 2152 (a) International Trade and Business Development;
2153 (b) Business Retention and Recruitment;
2154 (c) Tourism Marketing;
2155 (d) Minority Business Development; and
2156 (e) Film and Entertainment ~~Sports Industry Development~~.

2157 Section 28. Paragraph (c) of subsection (3) and subsection
2158 (4) of section 288.980, Florida Statutes, are amended to read:
2159 288.980 Military base retention; legislative intent; grants
2160 program.—

2161 (3)

2162 (c) The department shall require that an applicant:

- 2163 1. Represent a local government with a military
2164 installation or military installations that could be adversely
2165 affected by federal actions.
2166 2. ~~Agree to match at least 30 percent of any grant awarded.~~
2167 ~~3.~~ Prepare a coordinated program or plan of action
2168 delineating how the eligible project will be administered and
2169 accomplished.
2170 ~~3.4.~~ Provide documentation describing the potential for
2171 changes to the mission of a military installation located in the
2172 applicant's community and the potential impacts such changes
2173 will have on the applicant's community.

2174 (4) The Florida Defense Reinvestment Grant Program is
2175 established to respond to the need for this state to work in
2176 conjunction with defense-dependent communities in developing and
2177 implementing strategies and approaches that will help
2178 communities support the missions of military installations, and

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2179 in developing and implementing alternative economic
2180 diversification strategies to transition from a defense economy
2181 to a nondefense economy. The department shall administer the
2182 program.

2183 (a) Eligible applicants include defense-dependent counties
2184 and cities, and local economic development councils located
2185 within such communities. ~~The program shall be administered by~~
2186 ~~the department and~~ Grant awards may be provided to support
2187 community-based activities that:

2188 1.~~(a)~~ Protect existing military installations;

2189 2.~~(b)~~ Diversify or grow the economy of a defense-dependent
2190 community; or

2191 3.~~(c)~~ Develop plans for the reuse of closed or realigned
2192 military installations, including any plans necessary for
2193 infrastructure improvements needed to facilitate reuse and
2194 related marketing activities.

2195 (b) Applications for grants under paragraph (a) ~~this~~
2196 ~~subsection~~ must include a coordinated program of work or plan of
2197 action delineating how the eligible project will be administered
2198 and accomplished, which must include a plan for ensuring close
2199 cooperation between civilian and military authorities in the
2200 conduct of the funded activities and a plan for public
2201 involvement. An applicant must agree to match at least 30
2202 percent of any grant awarded.

2203 Section 29. Effective July 1, 2016, paragraph (a) of
2204 subsection (6), paragraph (b) of subsection (9), paragraph (a)
2205 of subsection (35), subsection (60), and paragraph (b) of
2206 subsection (64) of section 320.08058, Florida Statutes, are
2207 amended to read:

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2208 320.08058 Specialty license plates.—

2209 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE
2210 PLATES.—

2211 (a) Because the United States Olympic Committee has
2212 selected this state to participate in a combined fundraising
2213 program that provides for one-half of all money raised through
2214 volunteer giving to stay in this state and be administered by
2215 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, to
2216 support amateur sports, and because the United States Olympic
2217 Committee and Enterprise Florida, Inc., are nonprofit
2218 organizations dedicated to providing athletes with support and
2219 training and preparing athletes of all ages and skill levels for
2220 sports competition, and because Enterprise Florida, Inc.,
2221 assists in the bidding for sports competitions that provide
2222 significant impact to the economy of this state, and the
2223 Legislature supports the efforts of the United States Olympic
2224 Committee and Enterprise Florida, Inc., the Legislature
2225 establishes a Florida United States Olympic Committee license
2226 plate for the purpose of providing a continuous funding source
2227 to support this worthwhile effort. Florida United States Olympic
2228 Committee license plates must contain the official United States
2229 Olympic Committee logo and must bear a design and colors that
2230 are approved by the department. The word "Florida" must be
2231 centered at the top of the plate.

2232 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

2233 (b) The license plate annual use fees are to be annually
2234 distributed as follows:

2235 1. Fifty-five percent of the proceeds from the Florida
2236 Professional Sports Team plate must be deposited into the

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2237 Professional Sports Development Trust Fund within the Department
2238 of Economic Opportunity. These funds must be used solely to
2239 attract and support major sports events in this state. As used
2240 in this subparagraph, the term "major sports events" means, but
2241 is not limited to, championship or all-star contests of Major
2242 League Baseball, the National Basketball Association, the
2243 National Football League, the National Hockey League, Major
2244 League Soccer, the men's and women's National Collegiate
2245 Athletic Association Final Four basketball championship, or a
2246 horseracing or dogracing Breeders' Cup. All funds must be used
2247 to support and promote major sporting events, and the uses must
2248 be approved by the Florida Sports Foundation ~~Department of~~
2249 ~~Economic Opportunity~~.

2250 2. The remaining proceeds of the Florida Professional
2251 Sports Team license plate must be allocated to the Florida
2252 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be
2253 deposited into the Professional Sports Development Trust Fund
2254 within the Department of Economic Opportunity. These funds must
2255 be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2256 ~~Inc.~~, to promote the economic development of the sports
2257 industry; to distribute licensing and royalty fees to
2258 participating professional sports teams; to promote education
2259 programs in Florida schools that provide an awareness of the
2260 benefits of physical activity and nutrition standards; to
2261 partner with the Department of Education and the Department of
2262 Health to develop a program that recognizes schools whose
2263 students demonstrate excellent physical fitness or fitness
2264 improvement; to institute a grant program for communities
2265 bidding on minor sporting events that create an economic impact

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2266 for the state; to distribute funds to Florida-based charities
2267 designated by the Florida Sports Foundation ~~Enterprise Florida,~~
2268 ~~Inc.~~, and the participating professional sports teams; and to
2269 fulfill the sports promotion responsibilities of the Department
2270 of Economic Opportunity.

2271 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
2272 shall provide an annual financial audit in accordance with s.
2273 215.981 of its financial accounts and records by an independent
2274 certified public accountant pursuant to the contract established
2275 by the Department of Economic Opportunity as specified in s.
2276 288.1229(5). The auditor shall submit the audit report to the
2277 Department of Economic Opportunity for review and approval. If
2278 the audit report is approved, the Department of Economic
2279 Opportunity shall certify the audit report to the Auditor
2280 General for review.

2281 4. Notwithstanding the provisions of subparagraphs 1. and
2282 2., proceeds from the Professional Sports Development Trust Fund
2283 may also be used for operational expenses of the Florida Sports
2284 Foundation ~~Enterprise Florida, Inc.~~, and financial support of
2285 the Sunshine State Games.

2286 (35) FLORIDA GOLF LICENSE PLATES.—

2287 (a) The Department of Highway Safety and Motor Vehicles
2288 shall develop a Florida Golf license plate as provided in this
2289 section. The word "Florida" must appear at the bottom of the
2290 plate. The Dade Amateur Golf Association, following consultation
2291 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~
2292 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a
2293 revised sample plate for consideration by the department.

2294 (60) FLORIDA NASCAR LICENSE PLATES.—

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2295 (a) The department shall develop a Florida NASCAR license
2296 plate as provided in this section. Florida NASCAR license plates
2297 must bear the colors and design approved by the department. The
2298 word "Florida" must appear at the top of the plate, and the term
2299 "NASCAR" must appear at the bottom of the plate. The National
2300 Association for Stock Car Auto Racing, following consultation
2301 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may
2302 submit a sample plate for consideration by the department.

2303 (b) The license plate annual use fees shall be distributed
2304 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The
2305 license plate annual use fees shall be annually allocated as
2306 follows:

2307 1. Up to 5 percent of the proceeds from the annual use fees
2308 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2309 ~~Inc.~~, for the administration of the NASCAR license plate
2310 program.

2311 2. The National Association for Stock Car Auto Racing shall
2312 receive up to \$60,000 in proceeds from the annual use fees to be
2313 used to pay startup costs, including costs incurred in
2314 developing and issuing the plates. Thereafter, 10 percent of the
2315 proceeds from the annual use fees shall be provided to the
2316 association for the royalty rights for the use of its marks.

2317 3. The remaining proceeds from the annual use fees shall be
2318 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~
2319 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,
2320 will retain 15 percent to support its regional grant program,
2321 attracting sporting events to Florida; 20 percent to support the
2322 marketing of motorsports-related tourism in the state; and 50
2323 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)

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2324 charitable organization, to support Florida-based charitable
2325 organizations.

2326 (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~
2327 shall provide an annual financial audit in accordance with s.
2328 215.981 of its financial accounts and records by an independent
2329 certified public accountant pursuant to the contract established
2330 by the Department of Economic Opportunity as specified in s.
2331 288.1229(5). The auditor shall submit the audit report to the
2332 Department of Economic Opportunity for review and approval. If
2333 the audit report is approved, the Department of Economic
2334 Opportunity shall certify the audit report to the Auditor
2335 General for review.

2336 (64) FLORIDA TENNIS LICENSE PLATES.—

2337 (b) The department shall distribute the annual use fees to
2338 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The
2339 license plate annual use fees shall be annually allocated as
2340 follows:

2341 1. Up to 5 percent of the proceeds from the annual use fees
2342 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~
2343 ~~Inc.,~~ to administer the license plate program.

2344 2. The United States Tennis Association Florida Section
2345 Foundation shall receive the first \$60,000 in proceeds from the
2346 annual use fees to reimburse it for startup costs,
2347 administrative costs, and other costs it incurs in the
2348 development and approval process.

2349 3. Up to 5 percent of the proceeds from the annual use fees
2350 may be used for promoting and marketing the license plates. The
2351 remaining proceeds shall be available for grants by the United
2352 States Tennis Association Florida Section Foundation to

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2353 nonprofit organizations to operate youth tennis programs and
2354 adaptive tennis programs for special populations of all ages,
2355 and for building, renovating, and maintaining public tennis
2356 courts.

2357 Section 30. Subsection (5) of section 477.0135, Florida
2358 Statutes, is amended to read:

2359 477.0135 Exemptions.—

2360 (5) A license is not required of any individual providing
2361 makeup, special effects, or cosmetology services to an actor,
2362 stunt person, musician, extra, or other talent during a
2363 production recognized by the Department of Economic Opportunity
2364 ~~Office of Film and Entertainment~~ as a project qualified
2365 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such
2366 services are not required to be performed in a licensed salon.
2367 Individuals exempt under this subsection may not provide such
2368 services to the general public.

2369 Section 31. Except as otherwise expressly provided in this
2370 act, this act shall take effect upon becoming a law.