

HB 7207

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1                   A bill to be entitled  
2           An act relating to trust funds; terminating specified  
3           trust funds within the Office of Tourism, Trade, and  
4           Economic Development of the Executive Office of the  
5           Governor; terminating specified trust funds within the  
6           State Treasury; providing for the disposition of balances  
7           in and revenues of such trust funds; prescribing  
8           procedures for the termination of such trust funds;  
9           amending s. 17.61, F.S., relating to specified trust funds  
10          within the Executive Office of the Governor which must  
11          retain moneys therein for investment, with interest  
12          appropriated to the General Revenue Fund; eliminating the  
13          Economic Development Transportation Trust Fund and the  
14          Economic Development Trust Fund from such trust funds;  
15          amending s. 201.15, F.S.; revising the distribution of  
16          excise taxes on documents; providing for specified  
17          distributions of funds to the State Economic Enhancement  
18          and Development Trust Fund in the Office of Tourism,  
19          Trade, and Economic Development of the Executive Office of  
20          the Governor; eliminating distributions to the State  
21          Transportation Trust Fund and the State Housing Trust  
22          Fund, and specified uses of such distributions; providing  
23          for applicability of a specified sufficiency requirement  
24          with respect to distributions to the State Economic  
25          Enhancement and Development Trust Fund; amending s.  
26          212.0606, F.S.; revising distribution of the proceeds from  
27          the rental car surcharge; providing for elimination of the  
28          distribution of the proceeds of the surcharge to the

29 | Tourism Promotional Trust Fund and the Florida  
30 | International Trade and Promotion Trust Fund, and for  
31 | distribution of the proceeds of the surcharge to the State  
32 | Economic Enhancement and Development Trust Fund; amending  
33 | ss. 288.095 and 288.120, F.S.; eliminating provisions  
34 | governing the Economic Development Trust Fund within the  
35 | Office of Tourism, Trade, and Economic Development of the  
36 | Executive Office of the Governor, relating to the Economic  
37 | Development Incentives Account within the trust fund,  
38 | approval of applications for certification by the Office  
39 | of Tourism, Trade, and Economic Development, limitations  
40 | on the total amount of tax refund claims approved for  
41 | payment by the office, procedure for payment of claims for  
42 | tax refunds under the qualified defense contractor and  
43 | space flight business tax refund program and the tax  
44 | refund program for qualified target industry businesses,  
45 | notification to the Legislature by the office of  
46 | anticipated shortfalls in the amount of funds needed to  
47 | satisfy claims for tax refunds from the appropriation for  
48 | the current fiscal year, a required annual report compiled  
49 | by Enterprise Florida, Inc., restrictions on uses of  
50 | moneys in the Economic Development Incentives Account of  
51 | the trust fund, and the adoption of specified rules by the  
52 | office, and transferring those provisions to the State  
53 | Economic Enhancement and Development Trust Fund; amending  
54 | ss. 288.1045, 288.106, 288.107, 288.1089, 288.7771,  
55 | 288.95155, and 373.461, F.S.; replacing references to the  
56 | Economic Development Trust Fund in the Executive Office of

57 | the Governor with references to State Economic Enhancement  
 58 | and Development Trust Fund, and correcting cross-  
 59 | references, to conform; repealing s. 288.1221, F.S.; which  
 60 | provides legislative intent with respect to the  
 61 | establishment of a public-private partnership to provide  
 62 | policy direction to and technical expertise in the  
 63 | promotion and marketing of state tourism; providing for  
 64 | conforming legislation; providing for assistance to  
 65 | certain legislative substantive committees by the Division  
 66 | of Statutory Revision of the Office of Legislative  
 67 | Services for certain purposes; providing a conditional  
 68 | effective date.

69 |

70 | Be It Enacted by the Legislature of the State of Florida:

71 |

72 | Section 1. (1) (a) The following trust funds within the  
 73 | Office of Tourism, Trade, and Economic Development of the  
 74 | Executive Office of the Governor are terminated:

75 | 1. The Economic Development Transportation Trust Fund,  
 76 | FLAIR number 31-2-175.

77 | 2. The Economic Development Trust Fund, FLAIR number 31-2-  
 78 | 177.

79 | 3. The Florida International Trade and Promotion Trust  
 80 | Fund, FLAIR number 31-2-388.

81 | 4. The Tourism Promotion Trust Fund, FLAIR number 31-2-  
 82 | 722.

83 | (b) All current balances remaining in the trust funds on  
 84 | the date of termination pursuant to this section shall be

85 transferred to the State Economic Enhancement and Development  
 86 Trust Fund within the Office of Tourism, Trade, and Economic  
 87 Development of the Executive Office of the Governor.

88 (c) The Executive Office of the Governor shall pay any  
 89 outstanding debts and obligations of the terminated funds as  
 90 soon as practicable, and the Chief Financial Officer shall close  
 91 out and remove the terminated funds from various state  
 92 accounting systems using generally accepted accounting  
 93 principles concerning warrants outstanding, assets, and  
 94 liabilities.

95 (2) (a) Effective July 1, 2012, the following trust funds  
 96 within the State Treasury are terminated:

97 1. The Local Government Housing Trust Fund, FLAIR number  
 98 52-2-250.

99 2. The State Housing Trust Fund, FLAIR number 52-2-255.

100 (b) All current balances remaining in the trust funds on  
 101 the date of termination pursuant to this section shall be  
 102 transferred to the State Economic Enhancement and Development  
 103 Trust Fund within the Office of Tourism, Trade, and Economic  
 104 Development of the Executive Office of the Governor.

105 (c) The Department of Community Affairs shall pay any  
 106 outstanding debts and obligations of the terminated funds as  
 107 soon as practicable, and the Chief Financial Officer shall close  
 108 out and remove the terminated funds from various state  
 109 accounting systems using generally accepted accounting  
 110 principles concerning warrants outstanding, assets, and  
 111 liabilities.

112 Section 2. Paragraph (c) of subsection (3) of section  
 113 17.61, Florida Statutes, is amended to read:

114 17.61 Chief Financial Officer; powers and duties in the  
 115 investment of certain funds.—

116 (3)

117 (c) Except as provided in this paragraph and except for  
 118 moneys described in paragraph (d), the following agencies may  
 119 not invest trust fund moneys as provided in this section, but  
 120 shall retain such moneys in their respective trust funds for  
 121 investment, with interest appropriated to the General Revenue  
 122 Fund, pursuant to s. 17.57:

123 1. The Agency for Health Care Administration, except for  
 124 the Tobacco Settlement Trust Fund.

125 2. The Agency for Persons with Disabilities, except for:

126 a. The Federal Grants Trust Fund.

127 b. The Tobacco Settlement Trust Fund.

128 3. The Department of Children and Family Services, except  
 129 for:

130 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

131 b. The Social Services Block Grant Trust Fund.

132 c. The Tobacco Settlement Trust Fund.

133 d. The Working Capital Trust Fund.

134 4. The Department of Community Affairs, only for the  
 135 Operating Trust Fund.

136 5. The Department of Corrections.

137 6. The Department of Elderly Affairs, except for:

138 a. The Federal Grants Trust Fund.

139 b. The Tobacco Settlement Trust Fund.

140 7. The Department of Health, except for:  
 141 a. The Federal Grants Trust Fund.  
 142 b. The Grants and Donations Trust Fund.  
 143 c. The Maternal and Child Health Block Grant Trust Fund.  
 144 d. The Tobacco Settlement Trust Fund.  
 145 8. The Department of Highway Safety and Motor Vehicles,  
 146 only for the Security Deposits Trust Fund.  
 147 9. The Department of Juvenile Justice.  
 148 10. The Department of Law Enforcement.  
 149 11. The Department of Legal Affairs.  
 150 12. The Department of State, only for:  
 151 a. The Grants and Donations Trust Fund.  
 152 b. The Records Management Trust Fund.  
 153 ~~13. The Executive Office of the Governor, only for:~~  
 154 ~~a. The Economic Development Transportation Trust Fund.~~  
 155 ~~b. The Economic Development Trust Fund.~~  
 156 13.14. The Florida Public Service Commission, only for the  
 157 Florida Public Service Regulatory Trust Fund.  
 158 14.15. The Justice Administrative Commission.  
 159 15.16. The state courts system.  
 160 Section 3. Effective July 1, 2012, subsections (1), (9),  
 161 (10), (13), (14), and (15) of section 201.15, Florida Statutes,  
 162 are amended to read:  
 163 201.15 Distribution of taxes collected.—All taxes  
 164 collected under this chapter are subject to the service charge  
 165 imposed in s. 215.20(1). Prior to distribution under this  
 166 section, the Department of Revenue shall deduct amounts  
 167 necessary to pay the costs of the collection and enforcement of

168 the tax levied by this chapter. Such costs and the service  
 169 charge may not be levied against any portion of taxes pledged to  
 170 debt service on bonds to the extent that the costs and service  
 171 charge are required to pay any amounts relating to the bonds.  
 172 After distributions are made pursuant to subsection (1), all of  
 173 the costs of the collection and enforcement of the tax levied by  
 174 this chapter and the service charge shall be available and  
 175 transferred to the extent necessary to pay debt service and any  
 176 other amounts payable with respect to bonds authorized before  
 177 January 1, 2010, secured by revenues distributed pursuant to  
 178 subsection (1). All taxes remaining after deduction of costs and  
 179 the service charge shall be distributed as follows:

180 (1) Sixty-three and thirty-one hundredths percent of the  
 181 remaining taxes shall be used for the following purposes:

182 (a) Amounts necessary to pay the debt service on, or fund  
 183 debt service reserve funds, rebate obligations, or other amounts  
 184 payable with respect to Preservation 2000 bonds issued pursuant  
 185 to s. 375.051 and Florida Forever bonds issued pursuant to s.  
 186 215.618, shall be paid into the State Treasury to the credit of  
 187 the Land Acquisition Trust Fund to be used for such purposes.  
 188 The amount transferred to the Land Acquisition Trust Fund may  
 189 not exceed \$300 million in fiscal year 1999-2000 and thereafter  
 190 for Preservation 2000 bonds and bonds issued to refund  
 191 Preservation 2000 bonds, and \$300 million in fiscal year 2000-  
 192 2001 and thereafter for Florida Forever bonds. The annual amount  
 193 transferred to the Land Acquisition Trust Fund for Florida  
 194 Forever bonds may not exceed \$30 million in the first fiscal  
 195 year in which bonds are issued. The limitation on the amount

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196 transferred shall be increased by an additional \$30 million in  
197 each subsequent fiscal year, but may not exceed a total of \$300  
198 million in any fiscal year for all bonds issued. It is the  
199 intent of the Legislature that all bonds issued to fund the  
200 Florida Forever Act be retired by December 31, 2040. Except for  
201 bonds issued to refund previously issued bonds, no series of  
202 bonds may be issued pursuant to this paragraph unless such bonds  
203 are approved and the debt service for the remainder of the  
204 fiscal year in which the bonds are issued is specifically  
205 appropriated in the General Appropriations Act. For purposes of  
206 refunding Preservation 2000 bonds, amounts designated within  
207 this section for Preservation 2000 and Florida Forever bonds may  
208 be transferred between the two programs to the extent provided  
209 for in the documents authorizing the issuance of the bonds. The  
210 Preservation 2000 bonds and Florida Forever bonds are equally  
211 and ratably secured by moneys distributable to the Land  
212 Acquisition Trust Fund pursuant to this section, except as  
213 specifically provided otherwise by the documents authorizing the  
214 issuance of the bonds. Moneys transferred to the Land  
215 Acquisition Trust Fund pursuant to this paragraph, or earnings  
216 thereon, may not be used or made available to pay debt service  
217 on the Save Our Coast revenue bonds.

218 (b) Moneys shall be paid into the State Treasury to the  
219 credit of the Save Our Everglades Trust Fund in amounts  
220 necessary to pay debt service, provide reserves, and pay rebate  
221 obligations and other amounts due with respect to bonds issued  
222 under s. 215.619. Taxes distributed under paragraph (a) and this  
223 paragraph must be collectively distributed on a pro rata basis



224 when the available moneys under this subsection are not  
 225 sufficient to cover the amounts required under paragraph (a) and  
 226 this paragraph.

227 (c) After the required payments under paragraphs (a) and  
 228 (b), the remainder shall be paid into the State Treasury to the  
 229 credit of:

230 1. The State Economic Enhancement and Development Trust  
 231 Fund in the Office of Tourism, Trade, and Economic Development  
 232 of the Executive Office of the Governor ~~State Transportation~~  
 233 ~~Trust Fund in the Department of Transportation~~ in the amount of  
 234 the lesser of 38.2 percent of the remainder or \$541.75 million  
 235 in each fiscal year, ~~to be used for the following specified~~  
 236 ~~purposes, notwithstanding any other law to the contrary:~~

237 a. ~~For the purposes of capital funding for the New Starts~~  
 238 ~~Transit Program, authorized by Title 49, U.S.C. s. 5309 and~~  
 239 ~~specified in s. 341.051, 10 percent of these funds;~~

240 b. ~~For the purposes of the Small County Outreach Program~~  
 241 ~~specified in s. 339.2818, 5 percent of these funds. Effective~~  
 242 ~~July 1, 2014, the percentage allocated under this sub-~~  
 243 ~~subparagraph shall be increased to 10 percent;~~

244 c. ~~For the purposes of the Strategic Intermodal System~~  
 245 ~~specified in ss. 339.61, 339.62, 339.63, and 339.64, 75 percent~~  
 246 ~~of these funds after allocating for the New Starts Transit~~  
 247 ~~Program described in sub-subparagraph a. and the Small County~~  
 248 ~~Outreach Program described in sub-subparagraph b.; and~~

249 d. ~~For the purposes of the Transportation Regional~~  
 250 ~~Incentive Program specified in s. 339.2819, 25 percent of these~~  
 251 ~~funds after allocating for the New Starts Transit Program~~

252 ~~described in sub-subparagraph a. and the Small County Outreach~~  
 253 ~~Program described in sub-subparagraph b. Effective July 1, 2014,~~  
 254 ~~the first \$60 million of the funds allocated pursuant to this~~  
 255 ~~sub-subparagraph shall be allocated annually to the Florida Rail~~  
 256 ~~Enterprise for the purposes established in s. 341.303(5).~~

257 2. The Grants and Donations Trust Fund in the Department  
 258 of Community Affairs in the amount of the lesser of .23 percent  
 259 of the remainder or \$3.25 million in each fiscal year to fund  
 260 technical assistance to local governments and school boards on  
 261 the requirements and implementation of this act.

262 3. The Ecosystem Management and Restoration Trust Fund in  
 263 the amount of the lesser of 2.12 percent of the remainder or \$30  
 264 million in each fiscal year, to be used for the preservation and  
 265 repair of the state's beaches as provided in ss. 161.091-  
 266 161.212.

267 4. General Inspection Trust Fund in the amount of the  
 268 lesser of .02 percent of the remainder or \$300,000 in each  
 269 fiscal year to be used to fund oyster management and restoration  
 270 programs as provided in s. 379.362(3).

271  
 272 Moneys distributed pursuant to this paragraph may not be pledged  
 273 for debt service unless such pledge is approved by referendum of  
 274 the voters.

275 (d) After the required payments under paragraphs (a), (b),  
 276 and (c), the remainder shall be paid into the State Treasury to  
 277 the credit of the General Revenue Fund to be used and expended  
 278 for the purposes for which the General Revenue Fund was created  
 279 and exists by law.

280           (9) Sixteen and nineteen hundredths ~~The lesser of 7.53~~  
 281 percent of the remaining taxes ~~or \$107 million~~ in each fiscal  
 282 year shall be paid into the State Treasury to the credit of the  
 283 State Economic Enhancement and Development Trust Fund in the  
 284 Office of Tourism, Trade, and Economic Development of the  
 285 Executive Office of the Governor. ~~State Housing Trust Fund and~~  
 286 ~~used as follows:~~

287           ~~(a) Half of that amount shall be used for the purposes for~~  
 288 ~~which the State Housing Trust Fund was created and exists by~~  
 289 ~~law.~~

290           ~~(b) Half of that amount shall be paid into the State~~  
 291 ~~Treasury to the credit of the Local Government Housing Trust~~  
 292 ~~Fund and used for the purposes for which the Local Government~~  
 293 ~~Housing Trust Fund was created and exists by law.~~

294           ~~(10) The lesser of 8.66 percent of the remaining taxes or~~  
 295 ~~\$136 million in each fiscal year shall be paid into the State~~  
 296 ~~Treasury to the credit of the State Housing Trust Fund and used~~  
 297 ~~as follows:~~

298           ~~(a) Twelve and one half percent of that amount shall be~~  
 299 ~~deposited into the State Housing Trust Fund and be expended by~~  
 300 ~~the Department of Community Affairs and by the Florida Housing~~  
 301 ~~Finance Corporation for the purposes for which the State Housing~~  
 302 ~~Trust Fund was created and exists by law.~~

303           ~~(b) Eighty-seven and one half percent of that amount shall~~  
 304 ~~be distributed to the Local Government Housing Trust Fund and~~  
 305 ~~used for the purposes for which the Local Government Housing~~  
 306 ~~Trust Fund was created and exists by law. Funds from this~~  
 307 ~~category may also be used to provide for state and local~~

308 ~~services to assist the homeless.~~

309 (13) In each fiscal year that the remaining taxes exceed  
 310 collections in the prior fiscal year, the stated maximum dollar  
 311 amounts provided in subsections (2), (4), (6), (7), and (9), ~~and~~  
 312 ~~(10)~~ shall each be increased by an amount equal to 10 percent of  
 313 the increase in the remaining taxes collected under this chapter  
 314 multiplied by the applicable percentage provided in those  
 315 subsections.

316 (14) If the payment requirements in any year for bonds  
 317 outstanding on July 1, 2007, or bonds issued to refund such  
 318 bonds, exceed the limitations of this section, distributions to  
 319 the trust fund from which the bond payments are made must be  
 320 increased to the lesser of the amount needed to pay bond  
 321 obligations or the limit of the applicable percentage  
 322 distribution provided in subsections (1)-(8) ~~(1)-(10)~~.

323 (15) Distributions to the State Economic Enhancement and  
 324 Development Trust Fund in the Office of Tourism, Trade, and  
 325 Economic Development of the Executive Office of the Governor  
 326 ~~State Housing Trust Fund~~ pursuant to subsection ~~subsections~~ (9)  
 327 ~~and (10)~~ must be sufficient to cover amounts required to be  
 328 transferred to the Florida Affordable Housing Guarantee  
 329 Program's annual debt service reserve and guarantee fund  
 330 pursuant to s. 420.5092(6)(a) and (b) up to the amount required  
 331 to be transferred to such reserve and fund based on the  
 332 percentage distribution of documentary stamp tax revenues to the  
 333 State Housing Trust Fund which is in effect in the 2004-2005  
 334 fiscal year.

335 Section 4. Section 212.0606, Florida Statutes, is amended

336 to read:

337 212.0606 Rental car surcharge.—

338 (1) A surcharge of \$2.00 per day or any part of a day is  
 339 imposed upon the lease or rental of a motor vehicle licensed for  
 340 hire and designed to carry less than nine passengers regardless  
 341 of whether such motor vehicle is licensed in Florida. The  
 342 surcharge applies to only the first 30 days of the term of any  
 343 lease or rental. The surcharge is subject to all applicable  
 344 taxes imposed by this chapter.

345 (2) (a) Notwithstanding the provisions of section 212.20,  
 346 and less costs of administration, 80 percent of the proceeds of  
 347 this surcharge shall be deposited in the State Transportation  
 348 Trust Fund and 20 percent of the proceeds of this surcharge  
 349 shall be deposited in the State Economic Enhancement and  
 350 Development Trust Fund in the Office of Tourism, Trade, and  
 351 Economic Development of the Executive Office of the Governor. 7  
 352 ~~15.75 percent of the proceeds of this surcharge shall be~~  
 353 ~~deposited in the Tourism Promotional Trust Fund created in s.~~  
 354 ~~288.122, and 4.25 percent of the proceeds of this surcharge~~  
 355 ~~shall be deposited in the Florida International Trade and~~  
 356 ~~Promotion Trust Fund.~~ For the purposes of this subsection,  
 357 "proceeds" of the surcharge means all funds collected and  
 358 received by the department under this section, including  
 359 interest and penalties on delinquent surcharges. The department  
 360 shall provide the Office of Tourism, Trade, and Economic  
 361 Development of the Executive Office of the Governor and  
 362 Department of Transportation rental car surcharge revenue  
 363 information for the previous state fiscal year by September 1 of

364 each year.

365 (b) Notwithstanding any other provision of law, in fiscal  
 366 year 2007-2008 and each year thereafter, the proceeds deposited  
 367 in the State Transportation Trust Fund shall be allocated on an  
 368 annual basis in the Department of Transportation's work program  
 369 to each department district, except the Turnpike District. The  
 370 amount allocated for each district shall be based upon the  
 371 amount of proceeds attributed to the counties within each  
 372 respective district.

373 Section 5. Subsections (2) and (3) of section 288.095,  
 374 Florida Statutes, are amended to read:

375 288.095 Economic Development Trust Fund.—

376 ~~(2) There is created, within the Economic Development~~  
 377 ~~Trust Fund, the Economic Development Incentives Account. The~~  
 378 ~~Economic Development Incentives Account consists of moneys~~  
 379 ~~appropriated to the account for purposes of the tax incentives~~  
 380 ~~programs authorized under ss. 288.1045 and 288.106, and local~~  
 381 ~~financial support provided under ss. 288.1045 and 288.106.~~  
 382 ~~Moneys in the Economic Development Incentives Account shall be~~  
 383 ~~subject to the provisions of s. 216.301(1)(a).~~

384 ~~(3)(a) The Office of Tourism, Trade, and Economic~~  
 385 ~~Development may approve applications for certification pursuant~~  
 386 ~~to ss. 288.1045(3) and 288.106. However, the total state share~~  
 387 ~~of tax refund payments scheduled in all active certifications~~  
 388 ~~for fiscal year 2001-2002 may not exceed \$30 million. The total~~  
 389 ~~for each subsequent fiscal year may not exceed \$35 million.~~

390 ~~(b) The total amount of tax refund claims approved for~~  
 391 ~~payment by the Office of Tourism, Trade, and Economic~~

392 ~~Development based on actual project performance may not exceed~~  
 393 ~~the amount appropriated to the Economic Development Incentives~~  
 394 ~~Account for such purposes for the fiscal year. Claims for tax~~  
 395 ~~refunds under ss. 288.1045 and 288.106 shall be paid in the~~  
 396 ~~order the claims are approved by the Office of Tourism, Trade,~~  
 397 ~~and Economic Development. In the event the Legislature does not~~  
 398 ~~appropriate an amount sufficient to satisfy the tax refunds~~  
 399 ~~under ss. 288.1045 and 288.106 in a fiscal year, the Office of~~  
 400 ~~Tourism, Trade, and Economic Development shall pay the tax~~  
 401 ~~refunds from the appropriation for the following fiscal year. By~~  
 402 ~~March 1 of each year, the Office of Tourism, Trade, and Economic~~  
 403 ~~Development shall notify the legislative appropriations~~  
 404 ~~committees of the Senate and House of Representatives of any~~  
 405 ~~anticipated shortfall in the amount of funds needed to satisfy~~  
 406 ~~claims for tax refunds from the appropriation for the current~~  
 407 ~~fiscal year.~~

408 ~~(c) By December 31 of each year, Enterprise Florida, Inc.,~~  
 409 ~~shall submit a complete and detailed report to the Governor, the~~  
 410 ~~President of the Senate, the Speaker of the House of~~  
 411 ~~Representatives, and the director of the Office of Tourism,~~  
 412 ~~Trade, and Economic Development of all applications received,~~  
 413 ~~recommendations made to the Office of Tourism, Trade, and~~  
 414 ~~Economic Development, final decisions issued, tax refund~~  
 415 ~~agreements executed, and tax refunds paid or other payments made~~  
 416 ~~under all programs funded out of the Economic Development~~  
 417 ~~Incentives Account, including analyses of benefits and costs,~~  
 418 ~~types of projects supported, and employment and investment~~  
 419 ~~created. Enterprise Florida, Inc., shall also include a separate~~

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420 ~~analysis of the impact of such tax refunds on state enterprise~~  
421 ~~zones designated pursuant to s. 290.0065, rural communities,~~  
422 ~~brownfield areas, and distressed urban communities. The report~~  
423 ~~must also discuss the efforts made by the Office of Tourism,~~  
424 ~~Trade, and Economic Development to amend tax refund agreements~~  
425 ~~to require tax refund claims to be submitted by January 31 for~~  
426 ~~the net new full-time equivalent jobs in this state as of~~  
427 ~~December 31 of the preceding calendar year. The report must also~~  
428 ~~list the name and tax refund amount for each business that has~~  
429 ~~received a tax refund under s. 288.1045 or s. 288.106 during the~~  
430 ~~preceding fiscal year. The Office of Tourism, Trade, and~~  
431 ~~Economic Development shall assist Enterprise Florida, Inc., in~~  
432 ~~the collection of data related to business performance and~~  
433 ~~incentive payments.~~

434 ~~(d) Moneys in the Economic Development Incentives Account~~  
435 ~~may be used only to pay tax refunds and other payments~~  
436 ~~authorized under s. 288.1045, s. 288.106, or s. 288.107.~~

437 ~~(e) The Office of Tourism, Trade, and Economic Development~~  
438 ~~may adopt rules necessary to carry out the provisions of this~~  
439 ~~subsection, including rules providing for the use of moneys in~~  
440 ~~the Economic Development Incentives Account and for the~~  
441 ~~administration of the Economic Development Incentives Account.~~

442 Section 6. Subsection (3) of section 288.120, Florida  
443 Statutes, as created by HB 7205, 2011 Regular Session, is  
444 renumbered as subsection (5), and new subsections (3) and (4)  
445 are added to that section, to read:

446 288.120 State Economic Enhancement and Development Trust  
447 Fund.—



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448       (3) There is created, within the State Economic  
449 Enhancement and Development Trust Fund, the Economic Development  
450 Incentives Account. The Economic Development Incentives Account  
451 consists of moneys appropriated to the account for purposes of  
452 the tax incentives programs authorized under ss. 288.1045 and  
453 288.106, and local financial support provided under ss. 288.1045  
454 and 288.106. Moneys in the Economic Development Incentives  
455 Account shall be subject to the provisions of s. 216.301(1)(a).

456       (4)(a) The Office of Tourism, Trade, and Economic  
457 Development may approve applications for certification pursuant  
458 to ss. 288.1045(3) and 288.106. The total state share of tax  
459 refund payments scheduled in all active certifications for each  
460 fiscal year may not exceed \$35 million.

461       (b) The total amount of tax refund claims approved for  
462 payment by the Office of Tourism, Trade, and Economic  
463 Development based on actual project performance may not exceed  
464 the amount appropriated to the Economic Development Incentives  
465 Account for such purposes for the fiscal year. Claims for tax  
466 refunds under ss. 288.1045 and 288.106 shall be paid in the  
467 order the claims are approved by the Office of Tourism, Trade,  
468 and Economic Development. In the event the Legislature does not  
469 appropriate an amount sufficient to satisfy the tax refunds  
470 under ss. 288.1045 and 288.106 in a fiscal year, the Office of  
471 Tourism, Trade, and Economic Development shall pay the tax  
472 refunds from the appropriation for the following fiscal year. By  
473 March 1 of each year, the Office of Tourism, Trade, and Economic  
474 Development shall notify the legislative appropriations  
475 committees of the Senate and House of Representatives of any

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476 anticipated shortfall in the amount of funds needed to satisfy  
477 claims for tax refunds from the appropriation for the current  
478 fiscal year.

479 (c) By December 31 of each year, Enterprise Florida, Inc.,  
480 shall submit a complete and detailed report to the Governor, the  
481 President of the Senate, the Speaker of the House of  
482 Representatives, and the director of the Office of Tourism,  
483 Trade, and Economic Development of all applications received,  
484 recommendations made to the Office of Tourism, Trade, and  
485 Economic Development, final decisions issued, tax refund  
486 agreements executed, and tax refunds paid or other payments made  
487 under all programs funded out of the Economic Development  
488 Incentives Account, including analyses of benefits and costs,  
489 types of projects supported, and employment and investment  
490 created. Enterprise Florida, Inc., shall also include a separate  
491 analysis of the impact of such tax refunds on state enterprise  
492 zones designated pursuant to s. 290.0065, rural communities,  
493 brownfield areas, and distressed urban communities. The report  
494 must also discuss the efforts made by the Office of Tourism,  
495 Trade, and Economic Development to amend tax refund agreements  
496 to require tax refund claims to be submitted by January 31 for  
497 the net new full-time equivalent jobs in this state as of  
498 December 31 of the preceding calendar year. The report must also  
499 list the name and tax refund amount for each business that has  
500 received a tax refund under s. 288.1045 or s. 288.106 during the  
501 preceding fiscal year. The Office of Tourism, Trade, and  
502 Economic Development shall assist Enterprise Florida, Inc., in  
503 the collection of data related to business performance and

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504 incentive payments.

505 (d) Moneys in the Economic Development Incentives Account  
506 may be used only to pay tax refunds and other payments  
507 authorized under s. 288.1045, s. 288.106, or s. 288.107.

508 (e) The Office of Tourism, Trade, and Economic Development  
509 may adopt rules necessary to carry out the provisions of this  
510 subsection.

511 Section 7. Paragraph (k) of subsection (1), paragraphs  
512 (a), (d), (f), and (g) of subsection (2), paragraph (a) of  
513 subsection (4), and paragraph (c) of subsection (5) of section  
514 288.1045, Florida Statutes, are amended to read:

515 288.1045 Qualified defense contractor and space flight  
516 business tax refund program.—

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

518 (k) "Local financial support" means funding from local  
519 sources, public or private, which is paid to the State Economic  
520 Enhancement and Development ~~Economic Development~~ Trust Fund and  
521 which is equal to 20 percent of the annual tax refund for a  
522 qualified applicant. Local financial support may include excess  
523 payments made to a utility company under a designated program to  
524 allow decreases in service by the utility company under  
525 conditions, regardless of when application is made. A qualified  
526 applicant may not provide, directly or indirectly, more than 5  
527 percent of such funding in any fiscal year. The sources of such  
528 funding may not include, directly or indirectly, state funds  
529 appropriated from the General Revenue Fund or any state trust  
530 fund, excluding tax revenues shared with local governments  
531 pursuant to law.

532 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

533 (a) There shall be allowed, from the State Economic  
 534 Enhancement and Development ~~Economic Development~~ Trust Fund, a  
 535 refund to a qualified applicant for the amount of eligible taxes  
 536 certified by the director which were paid by such qualified  
 537 applicant. The total amount of refunds for all fiscal years for  
 538 each qualified applicant shall be determined pursuant to  
 539 subsection (3). The annual amount of a refund to a qualified  
 540 applicant shall be determined pursuant to subsection (5).

541 (d) Contingent upon an annual appropriation by the  
 542 Legislature, the director may approve not more in tax refunds  
 543 than the amount appropriated to the State Economic Enhancement  
 544 and Development ~~Economic Development~~ Trust Fund for tax refunds,  
 545 for a fiscal year pursuant to subsection (5) and s. 288.120  
 546 ~~288.095~~.

547 (f) After entering into a tax refund agreement pursuant to  
 548 subsection (4), a qualified applicant may:

549 1. Receive refunds from the account for corporate income  
 550 taxes due and paid pursuant to chapter 220 by that business  
 551 beginning with the first taxable year of the business which  
 552 begins after entering into the agreement.

553 2. Receive refunds from the account for the following  
 554 taxes due and paid by that business after entering into the  
 555 agreement:

556 a. Taxes on sales, use, and other transactions paid  
 557 pursuant to chapter 212.

558 b. Intangible personal property taxes paid pursuant to  
 559 chapter 199.

- 560 c. Emergency excise taxes paid pursuant to chapter 221.
- 561 d. Excise taxes paid on documents pursuant to chapter 201.
- 562 e. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
- 563 June 1, 1996.
- 564 f. State communications services taxes administered under
- 565 chapter 202. This provision does not apply to the gross receipts
- 566 tax imposed under chapter 203 and administered under chapter 202
- 567 or the local communications services tax authorized under s.
- 568 202.19.

569

570 However, a qualified applicant may not receive a tax refund

571 pursuant to this section for any amount of credit, refund, or

572 exemption granted such contractor for any of such taxes. If a

573 refund for such taxes is provided by the office, which taxes are

574 subsequently adjusted by the application of any credit, refund,

575 or exemption granted to the qualified applicant other than that

576 provided in this section, the qualified applicant shall

577 reimburse the State Economic Enhancement and Development

578 ~~Economic Development~~ Trust Fund for the amount of such credit,

579 refund, or exemption. A qualified applicant must notify and

580 tender payment to the office within 20 days after receiving a

581 credit, refund, or exemption, other than that provided in this

582 section. The addition of communications services taxes

583 administered under chapter 202 is remedial in nature and

584 retroactive to October 1, 2001. The office may make supplemental

585 tax refund payments to allow for tax refunds for communications

586 services taxes paid by an eligible qualified defense contractor

587 after October 1, 2001.

588 (g) Any qualified applicant who fraudulently claims this  
 589 refund is liable for repayment of the refund to the State  
 590 Economic Enhancement and Development ~~Economic Development~~ Trust  
 591 Fund plus a mandatory penalty of 200 percent of the tax refund  
 592 which shall be deposited into the General Revenue Fund. Any  
 593 qualified applicant who fraudulently claims this refund commits  
 594 a felony of the third degree, punishable as provided in s.  
 595 775.082, s. 775.083, or s. 775.084.

596 (4) QUALIFIED APPLICANT TAX REFUND AGREEMENT.—

597 (a) A qualified applicant shall enter into a written  
 598 agreement with the office containing, but not limited to, the  
 599 following:

600 1. The total number of full-time equivalent jobs in this  
 601 state that are or will be dedicated to the qualified applicant's  
 602 project, the average wage of such jobs, the definitions that  
 603 will apply for measuring the achievement of these terms during  
 604 the pendency of the agreement, and a time schedule or plan for  
 605 when such jobs will be in place and active in this state.

606 2. The maximum amount of a refund that the qualified  
 607 applicant is eligible to receive for each fiscal year, based on  
 608 the job creation or retention and maintenance schedule specified  
 609 in subparagraph 1.

610 3. An agreement with the office allowing the office to  
 611 review and verify the financial and personnel records of the  
 612 qualified applicant to ascertain whether the qualified applicant  
 613 is complying with the requirements of this section.

614 4. The date by which, in each fiscal year, the qualified  
 615 applicant may file a claim pursuant to subsection (5) to be

616 considered to receive a tax refund in the following fiscal year.

617 5. That local financial support shall be annually  
 618 available and will be paid to the State Economic Enhancement and  
 619 Development ~~Economic Development~~ Trust Fund.

620 (5) ANNUAL CLAIM FOR REFUND.—

621 (c) A tax refund may not be approved for any qualified  
 622 applicant unless local financial support has been paid to the  
 623 State Economic Enhancement and Development ~~Economic Development~~  
 624 Trust Fund for that refund. If the local financial support is  
 625 less than 20 percent of the approved tax refund, the tax refund  
 626 shall be reduced. The tax refund paid may not exceed 5 times the  
 627 local financial support received. Funding from local sources  
 628 includes tax abatement under s. 196.1995 or the appraised market  
 629 value of municipal or county land, including any improvements or  
 630 structures, conveyed or provided at a discount through a sale or  
 631 lease to that applicant. The amount of any tax refund for an  
 632 applicant approved under this section shall be reduced by the  
 633 amount of any such tax abatement granted or the value of the  
 634 land granted, including the value of any improvements or  
 635 structures; and the limitations in subsection (2) shall be  
 636 reduced by the amount of any such tax abatement or the value of  
 637 the land granted, including any improvements or structures. A  
 638 report listing all sources of the local financial support shall  
 639 be provided to the office when such support is paid to the State  
 640 Economic Enhancement and Development ~~Economic Development~~ Trust  
 641 Fund.

642 Section 8. Subparagraphs (a) and (k) of subsection (2) of  
 643 section 288.106, Florida Statutes, are amended to read:

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644 288.106 Tax refund program for qualified target industry  
645 businesses.—

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

647 (a) "Account" means the Economic Development Incentives  
648 Account within the State Economic Enhancement and Development  
649 ~~Economic Development~~ Trust Fund established under s. 288.120  
650 ~~288.095~~.

651 (k) "Local financial support" means funding from local  
652 sources, public or private, that is paid to the State Economic  
653 Enhancement and Development ~~Economic Development~~ Trust Fund and  
654 that is equal to 20 percent of the annual tax refund for a  
655 qualified target industry business. A qualified target industry  
656 business may not provide, directly or indirectly, more than 5  
657 percent of such funding in any fiscal year. The sources of such  
658 funding may not include, directly or indirectly, state funds  
659 appropriated from the General Revenue Fund or any state trust  
660 fund, excluding tax revenues shared with local governments  
661 pursuant to law.

662 Section 9. Paragraph (a) of subsection (1) of section  
663 288.107, Florida Statutes, is amended to read:

664 288.107 Brownfield redevelopment bonus refunds.—

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

666 (a) "Account" means the Economic Development Incentives  
667 Account as authorized in s. 288.120 ~~288.095~~.

668 Section 10. Paragraph (b) of subsection (8) of section  
669 288.1089, Florida Statutes, is amended to read:

670 288.1089 Innovation Incentive Program.—

671 (8)



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672 (b) Additionally, agreements signed on or after July 1,  
673 2009, must include the following provisions:

674 1. Notwithstanding subsection (4), a requirement that the  
675 jobs created by the recipient of the incentive funds pay an  
676 annual average wage at least equal to the relevant industry's  
677 annual average wage or at least 130 percent of the average  
678 private sector wage, whichever is greater.

679 2. A reinvestment requirement. Each recipient of an award  
680 shall reinvest up to 15 percent of net royalty revenues,  
681 including revenues from spin-off companies and the revenues from  
682 the sale of stock it receives from the licensing or transfer of  
683 inventions, methods, processes, and other patentable discoveries  
684 conceived or reduced to practice using its facilities in Florida  
685 or its Florida-based employees, in whole or in part, and to  
686 which the recipient of the grant becomes entitled during the 20  
687 years following the effective date of its agreement with the  
688 office. Each recipient of an award also shall reinvest up to 15  
689 percent of the gross revenues it receives from naming  
690 opportunities associated with any facility it builds in this  
691 state. Reinvestment payments shall commence no later than 6  
692 months after the recipient of the grant has received the final  
693 disbursement under the contract and shall continue until the  
694 maximum reinvestment, as specified in the contract, has been  
695 paid. Reinvestment payments shall be remitted to the office for  
696 deposit in the Biomedical Research Trust Fund for companies  
697 specializing in biomedicine or life sciences, or in the State  
698 Economic Enhancement and Development ~~Economic Development~~ Trust  
699 Fund for companies specializing in fields other than biomedicine

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700 or the life sciences. If these trust funds no longer exist at  
 701 the time of the reinvestment, the state's share of reinvestment  
 702 shall be deposited in their successor trust funds as determined  
 703 by law. Each recipient of an award shall annually submit a  
 704 schedule of the shares of stock held by it as payment of the  
 705 royalty required by this paragraph and report on any trades or  
 706 activity concerning such stock. Each recipient's reinvestment  
 707 obligations survive the expiration or termination of its  
 708 agreement with the state.

709 3. Requirements for the establishment of internship  
 710 programs or other learning opportunities for educators and  
 711 secondary, postsecondary, graduate, and doctoral students.

712 4. A requirement that the recipient submit quarterly  
 713 reports and annual reports related to activities and performance  
 714 to the office, according to standardized reporting periods.

715 5. A requirement for an annual accounting to the office of  
 716 the expenditure of funds disbursed under this section.

717 6. A process for amending the agreement.

718 Section 11. Section 288.7771, Florida Statutes, is amended  
 719 to read:

720 288.7771 Annual report of Florida Export Finance  
 721 Corporation.— The corporation shall annually prepare and submit  
 722 to Enterprise Florida, Inc., for inclusion in its annual report  
 723 required by s. 288.120 ~~288.095~~ a complete and detailed report  
 724 setting forth:

725 (1) The report required in s. 288.776(3).

726 (2) Its assets and liabilities at the end of its most  
 727 recent fiscal year.

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728 Section 12. Subsection (5) of section 288.95155, Florida  
 729 Statutes, is amended to read:

730 288.95155 Florida Small Business Technology Growth  
 731 Program.—

732 (5) Enterprise Florida, Inc., shall prepare and include in  
 733 its annual report required by s. 288.120 ~~288.095~~ a report on the  
 734 financial status of the program. The report must specify the  
 735 assets and liabilities of the program within the current fiscal  
 736 year and must include a portfolio update that lists all of the  
 737 businesses assisted, the private dollars leveraged by each  
 738 business assisted, and the growth in sales and in employment of  
 739 each business assisted.

740 Section 13. Effective October 1, 2011, paragraph (f) of  
 741 subsection (5) of section 373.461, Florida Statutes, is amended  
 742 to read:

743 373.461 Lake Apopka improvement and management.—

744 (5) PURCHASE OF AGRICULTURAL LANDS.—

745 (f)1. Tangible personal property acquired by the district  
 746 as part of related facilities pursuant to this section, and  
 747 classified as surplus by the district, shall be sold by the  
 748 Department of Management Services. The Department of Management  
 749 Services shall deposit the proceeds of such sale in the State  
 750 Economic Enhancement and Development ~~Economic Development~~ Trust  
 751 Fund in the Executive Office of the Governor. The proceeds shall  
 752 be used for the purpose of providing economic and infrastructure  
 753 development in portions of northwestern Orange County and east  
 754 central Lake County which will be adversely affected  
 755 economically due to the acquisition of lands pursuant to this

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756 subsection.

757       2. The Office of Tourism, Trade, and Economic Development  
758 shall, upon presentation of the appropriate documentation  
759 justifying expenditure of the funds deposited pursuant to this  
760 paragraph, pay any obligation for which it has sufficient funds  
761 from the proceeds of the sale of tangible personal property and  
762 which meets the limitations specified in paragraph (g). The  
763 authority of the Office of Tourism, Trade, and Economic  
764 Development to expend such funds shall expire 5 years from the  
765 effective date of this paragraph. Such expenditures may occur  
766 without future appropriation from the Legislature.

767       3. Funds deposited under this paragraph may not be used  
768 for any purpose other than those enumerated in paragraph (g).

769       Section 14. Section 288.1221, Florida Statutes, is  
770 repealed:

771       Section 15. The Legislature recognizes that there is a  
772 need to conform the Florida Statutes to the organizational  
773 changes in this act and that there may be a need to resolve  
774 apparent conflicts with any other legislation that has been or  
775 may be enacted during the 2011 Regular Session. Therefore, in  
776 the interim between this act becoming a law and the 2011 Regular  
777 Session of the Legislature or an earlier special session  
778 addressing this issue, the Division of Statutory Revision shall  
779 provide the relevant substantive committees of the Senate and  
780 the House of Representatives with assistance, upon request, to  
781 enable such committees to prepare draft legislation to conform  
782 the Florida Statutes and any legislation enacted during 2011 to  
783 the provisions of this act.

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784           Section 16. Except as otherwise expressly provided in this  
785 act, this act shall take effect October 1, 2011, if HB 7205 or  
786 similar legislation takes effect, if such legislation is adopted  
787 in the same legislative session or an extension thereof and  
788 becomes law.