

By the Committee on Commerce and Tourism; and Senator Latvala

577-02554A-16

20161646c1

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 provisions to changes made  
10          by the act; amending s. 212.20, F.S.; deleting an  
11          obsolete provision; amending s. 220.191, F.S.;  
12          revising the definition of the term "cumulative  
13          capital investment"; deleting an obsolete provision;  
14          conforming a cross-reference; amending s. 220.196,  
15          F.S.; conforming a cross-reference; amending s.  
16          288.0001, F.S.; conforming cross-references; requiring  
17          the Office of Economic and Demographic Research and  
18          the Office of Program Policy Analysis and Government  
19          Accountability to provide a detailed analysis of the  
20          retention of Major League Baseball spring training  
21          baseball franchises; amending s. 288.005, F.S.;  
22          defining the term "average private sector wage in the  
23          area"; revising the definition of the term "economic  
24          benefits"; amending s. 288.061, F.S.; requiring the  
25          Office of Economic and Demographic Research to include  
26          certain guidelines for the calculation of economic  
27          benefits; providing requirements for an amended  
28          definition by the office; prohibiting the department  
29          from attributing to a business certain investments for  
30          specified purposes; requiring the department to  
31          consider certain investments for specified purposes;  
32          providing requirements for the contract or agreement;

577-02554A-16

20161646c1

33 prohibiting the department from entering into an  
34 agreement or a contract that has a term of longer than  
35 10 years; authorizing the department to enter into a  
36 successive agreement or contract for a specified  
37 project under certain circumstances; providing  
38 applicability; requiring the department to provide  
39 specified notice to the Legislature upon the final  
40 execution of each contract or agreement; amending s.  
41 288.076, F.S.; revising definitions; conforming cross-  
42 references; providing requirements for information  
43 that the department is required to publish on a  
44 certain website; amending s. 288.095, F.S.; conforming  
45 provisions to changes made by the act; amending s.  
46 288.1045, F.S.; deleting the definition of the term  
47 "average wage in the area"; authorizing a business to  
48 receive an approved refund if the business fails to  
49 submit certain documentation under certain  
50 circumstances; extending an expiration date;  
51 conforming provisions to changes made by the act;  
52 amending s. 288.106, F.S.; deleting the definition of  
53 the term "average private sector wage in the area";  
54 making technical changes; providing that certain  
55 incentive payments are not repayment of actual taxes  
56 paid; providing that actual taxes paid limit the  
57 amount of incentive payments a business may receive;  
58 amending s. 288.108, F.S.; revising definitions;  
59 amending s. 288.1088, F.S.; renaming the Quick Action  
60 Closing Fund as the Florida Enterprise Fund; revising  
61 the requirements for projects eligible for receipt of

577-02554A-16

20161646c1

62 funds from the fund; requiring local financial  
63 support; defining a term; requiring a certain waiver  
64 request to be transmitted in writing to the department  
65 with an explanation of the specific justification for  
66 the request; requiring a decision to be stated in  
67 writing with an explanation of the reason for  
68 approving the request if the department approves the  
69 request; requiring the department to issue a letter to  
70 an applicant in certain circumstances; prohibiting the  
71 payment of moneys from the fund to a business until  
72 the scheduled goals have been achieved; conforming  
73 provisions to changes made by the act; amending s.  
74 288.1089, F.S.; deleting the definition of the term  
75 "average private sector wage"; conforming provisions  
76 to changes made by the act; amending s. 288.11621,  
77 F.S.; conforming a provision to changes made by the  
78 act; amending s. 288.11625, F.S.; conforming cross-  
79 references; deleting an obsolete provision relating to  
80 applications for state funds by new facilities or  
81 projects commenced before July 1, 2014; amending s.  
82 288.11631, F.S.; conforming cross-references;  
83 repealing s. 288.1169, F.S., relating to state agency  
84 funding of the International Game Fish Association  
85 World Center facility; reviving, reenacting, and  
86 amending s. 288.1229, F.S., relating to the promotion  
87 and development of sports-related industries and  
88 amateur athletics; requiring the department to create  
89 a direct-support organization to assist the department  
90 in certain promotion and development; naming the

577-02554A-16

20161646c1

91 direct support organization the Florida Sports  
92 Foundation; specifying the purpose of the foundation;  
93 specifying requirements for the foundation, including  
94 appointment of a governing board; requiring that the  
95 foundation operate under written contract with the  
96 department; specifying provisions that must be  
97 included in the contract; providing that the  
98 department may allow the foundation to use certain  
99 facilities, personnel, and services if it complies  
100 with certain provisions; requiring an annual financial  
101 audit of the foundation; specifying duties of the  
102 foundation; deleting residency requirements for  
103 participants of the Sunshine State Games and Florida  
104 Senior Games; deleting certain competition  
105 requirements; conforming provisions to changes made by  
106 the act; amending s. 288.125, F.S.; revising the  
107 applicability of the term "entertainment industry";  
108 renumbering and amending s. 288.1251, F.S.; renaming  
109 the Office of Film and Entertainment within the  
110 department as the Division of Film and Entertainment  
111 within Enterprise Florida, Inc.; requiring the  
112 division to serve as a liaison between the  
113 entertainment industry and other agencies,  
114 commissions, and organizations; requiring the  
115 president of Enterprise Florida, Inc., to appoint the  
116 film and entertainment commissioner within a specified  
117 period of time; revising the requirements of the  
118 division's strategic plan; renumbering and amending s.  
119 288.1252, F.S.; revising the powers and duties of the

577-02554A-16

20161646c1

120 Florida Film and Entertainment Advisory Council;  
121 revising council membership; conforming provisions to  
122 changes made by the act; renumbering and amending s.  
123 288.1253, F.S.; prohibiting the division and its  
124 employees and representatives from accepting specified  
125 accommodations, goods, or services from specified  
126 parties; providing that a person who accepts any such  
127 goods or services is subject to specified penalties;  
128 conforming provisions to changes made by the act;  
129 amending s. 288.1254, F.S.; revising the date of  
130 repeal; prohibiting, rather than authorizing, an award  
131 of credits after April 1, 2016; requiring the  
132 Department of Revenue to deny certain credits received  
133 on or after April 1, 2016; creating s. 288.1256, F.S.;  
134 creating the Entertainment Action Fund within the  
135 Department of Economic Opportunity; defining terms;  
136 authorizing a production company to apply for funds  
137 from the Entertainment Action Fund in certain  
138 circumstances; requiring the division to review and  
139 evaluate applications to determine the eligibility of  
140 each project; requiring the division to select  
141 projects that maximize the return to the state;  
142 requiring certain criteria to be considered by the  
143 division; requiring a production company to have  
144 financing for a project before it applies for action  
145 funds; requiring the department to prescribe a form  
146 for an application with specified information;  
147 requiring that the division and the department make a  
148 recommendation to the Governor to approve or deny an

577-02554A-16

20161646c1

149 award within a specified timeframe after the  
150 completion of the review and evaluation; providing  
151 that an award of funds may not constitute more than a  
152 specified percentage of qualified expenditures in this  
153 state; prohibiting the use of such funds to pay wages  
154 to nonresidents; requiring a production to start  
155 within a specified period after it is approved by the  
156 Governor; requiring that the recommendation include  
157 performance conditions that the project must meet to  
158 obtain funds; authorizing the Governor to approve a  
159 project without consulting the Legislature under  
160 certain circumstances; requiring the Governor to  
161 provide a written description and evaluation of a  
162 project before giving final approval of the project  
163 under certain circumstances; requiring the department  
164 and the production company to enter into a specified  
165 agreement after approval by the Governor; requiring  
166 that the agreement be finalized and signed by an  
167 authorized officer of the production company within a  
168 specified period after approval by the Governor;  
169 prohibiting an approved production company from  
170 simultaneously receiving specified benefits for the  
171 same production; requiring that the department  
172 validate contractor performance and report such  
173 validation in the annual report; prohibiting the  
174 department from approving awards in excess of the  
175 amount appropriated for a fiscal year; requiring the  
176 department to maintain a schedule of funds;  
177 prohibiting the department or division from accepting

577-02554A-16

20161646c1

178 applications or conditionally committing funds under  
179 certain circumstances; providing that a production  
180 company that submits fraudulent information is liable  
181 for reimbursement of specified costs; providing a  
182 penalty; prohibiting the department or division from  
183 waiving any provision or providing an extension of  
184 time to meet specified requirements; providing an  
185 expiration date; amending s. 288.1258, F.S.;  
186 conforming provisions to changes made by the act;  
187 prohibiting an approved production company from  
188 simultaneously receiving benefits under specified  
189 provisions for the same production; requiring the  
190 department to develop a standardized application form  
191 in cooperation with the division and other agencies;  
192 requiring the production company to submit aggregate  
193 data on specified topics; authorizing a production  
194 company to renew its certificate of exemption for a  
195 specified period; amending ss. 288.901 and 288.9015,  
196 F.S.; conforming provisions to changes made by the  
197 act; amending s. 288.907 , F.S.; requiring reporting  
198 on the number of jobs that provide health benefits to  
199 employees; amending s. 288.92, F.S.; revising the  
200 required divisions within Enterprise Florida, Inc.;  
201 amending s. 288.980, F.S.; authorizing grant awards  
202 for activities that grow the economy of a defense-  
203 dependent community; making technical changes;  
204 amending s. 320.08058, F.S.; conforming provisions to  
205 changes made by the act; amending uses of the proceeds  
206 of the Florida Professional Sports Team license plate;

577-02554A-16

20161646c1

207 amending s. 477.0135, F.S.; conforming provisions to  
208 changes made by the act; providing effective dates.  
209

210 Be It Enacted by the Legislature of the State of Florida:  
211

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

214 20.60 Department of Economic Opportunity; creation; powers  
215 and duties.—

216 (4) The purpose of the department is to assist the Governor  
217 in working with the Legislature, state agencies, business  
218 leaders, and economic development professionals to formulate and  
219 implement coherent and consistent policies and strategies  
220 designed to promote economic opportunities for all Floridians.  
221 To accomplish such purposes, the department shall:

222 (g) Notwithstanding part I of chapter 287, contract with  
223 the direct-support organization created under s. 288.1229 to  
224 guide, stimulate, and promote the sports industry in this state,  
225 to promote the participation of residents of this state in  
226 amateur athletic competition, and to promote this state as a  
227 host for national and international amateur athletic  
228 competitions.

229 Section 2. Paragraph (a) of subsection (14) of section  
230 196.012, Florida Statutes, is amended to read:

231 196.012 Definitions.—For the purpose of this chapter, the  
232 following terms are defined as follows, except where the context  
233 clearly indicates otherwise:

234 (14) "New business" means:

235 (a)1. A business or organization establishing 10 or more



577-02554A-16

20161646c1

236 new jobs to employ 10 or more full-time employees in this state  
237 which pays, ~~paying~~ an average wage for such new jobs which that  
238 is above the average wage in the area and, ~~which~~ principally  
239 engages in any one or more of the following operations:

240 a. Manufactures, processes, compounds, fabricates, or  
241 produces for sale items of tangible personal property at a fixed  
242 location and which comprises an industrial or manufacturing  
243 plant; or

244 b. Is a target industry business as defined in s.  
245 288.106(2) ~~s. 288.106(2)(g)~~;

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

252 3. An office space in this state owned and used by a  
253 business or organization newly domiciled in this state if,  
254 ~~provided~~ such office space houses 50 or more full-time employees  
255 of such business or organization and, ~~provided that such~~  
256 ~~business or organization office~~ first begins operation on a site  
257 clearly separate from any other commercial or industrial  
258 operation owned by the same business or organization.

259 Section 3. Paragraph (d) of subsection (6) of section  
260 212.20, Florida Statutes, is amended to read:

261 212.20 Funds collected, disposition; additional powers of  
262 department; operational expense; refund of taxes adjudicated  
263 unconstitutionally collected.—

264 (6) Distribution of all proceeds under this chapter and ss.

577-02554A-16

20161646c1

265 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

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

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

275 2. After the distribution under subparagraph 1., 8.9744  
276 percent of the amount remitted by a sales tax dealer located  
277 within a participating county pursuant to s. 218.61 shall be  
278 transferred into the Local Government Half-cent Sales Tax  
279 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
280 transferred shall be reduced by 0.1 percent, and the department  
281 shall distribute this amount to the Public Employees Relations  
282 Commission Trust Fund less \$5,000 each month, which shall be  
283 added to the amount calculated in subparagraph 3. and  
284 distributed accordingly.

285 3. After the distribution under subparagraphs 1. and 2.,  
286 0.0966 percent shall be transferred to the Local Government  
287 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
288 to s. 218.65.

289 4. After the distributions under subparagraphs 1., 2., and  
290 3., 2.0810 percent of the available proceeds shall be  
291 transferred monthly to the Revenue Sharing Trust Fund for  
292 Counties pursuant to s. 218.215.

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

577-02554A-16

20161646c1

294 3., 1.3653 percent of the available proceeds shall be  
295 transferred monthly to the Revenue Sharing Trust Fund for  
296 Municipalities pursuant to s. 218.215. If the total revenue to  
297 be distributed pursuant to this subparagraph is at least as  
298 great as the amount due from the Revenue Sharing Trust Fund for  
299 Municipalities and the former Municipal Financial Assistance  
300 Trust Fund in state fiscal year 1999-2000, no municipality shall  
301 receive less than the amount due from the Revenue Sharing Trust  
302 Fund for Municipalities and the former Municipal Financial  
303 Assistance Trust Fund in state fiscal year 1999-2000. If the  
304 total proceeds to be distributed are less than the amount  
305 received in combination from the Revenue Sharing Trust Fund for  
306 Municipalities and the former Municipal Financial Assistance  
307 Trust Fund in state fiscal year 1999-2000, each municipality  
308 shall receive an amount proportionate to the amount it was due  
309 in state fiscal year 1999-2000.

310 6. Of the remaining proceeds:

311 a. In each fiscal year, the sum of \$29,915,500 shall be  
312 divided into as many equal parts as there are counties in the  
313 state, and one part shall be distributed to each county. The  
314 distribution among the several counties must begin each fiscal  
315 year on or before January 5th and continue monthly for a total  
316 of 4 months. If a local or special law required that any moneys  
317 accruing to a county in fiscal year 1999-2000 under the then-  
318 existing provisions of s. 550.135 be paid directly to the  
319 district school board, special district, or a municipal  
320 government, such payment must continue until the local or  
321 special law is amended or repealed. The state covenants with  
322 holders of bonds or other instruments of indebtedness issued by

577-02554A-16

20161646c1

323 local governments, special districts, or district school boards  
324 before July 1, 2000, that it is not the intent of this  
325 subparagraph to adversely affect the rights of those holders or  
326 relieve local governments, special districts, or district school  
327 boards of the duty to meet their obligations as a result of  
328 previous pledges or assignments or trusts entered into which  
329 obligated funds received from the distribution to county  
330 governments under then-existing s. 550.135. This distribution  
331 specifically is in lieu of funds distributed under s. 550.135  
332 before July 1, 2000.

333 b. The department shall distribute \$166,667 monthly to each  
334 applicant certified as a facility for a new or retained  
335 professional sports franchise pursuant to s. 288.1162. Up to  
336 \$41,667 shall be distributed monthly by the department to each  
337 certified applicant as defined in s. 288.11621 for a facility  
338 for a spring training franchise. However, not more than \$416,670  
339 may be distributed monthly in the aggregate to all certified  
340 applicants for facilities for spring training franchises.  
341 Distributions begin 60 days after such certification and  
342 continue for not more than 30 years, except as otherwise  
343 provided in s. 288.11621. A certified applicant identified in  
344 this sub-subparagraph may not receive more in distributions than  
345 expended by the applicant for the public purposes provided in s.  
346 288.1162(5) or s. 288.11621(3).

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

577-02554A-16

20161646c1

352 applicant.

353 ~~d. Beginning 30 days after notice by the Department of~~  
354 ~~Economic Opportunity to the Department of Revenue that the~~  
355 ~~applicant has been certified as the International Game Fish~~  
356 ~~Association World Center facility pursuant to s. 288.1169, and~~  
357 ~~the facility is open to the public, \$83,333 shall be distributed~~  
358 ~~monthly, for up to 168 months, to the applicant. This~~  
359 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
360 ~~lump sum payment of \$999,996 shall be made after certification~~  
361 ~~and before July 1, 2000.~~

362 ~~d.e.~~ The department shall distribute up to \$83,333 monthly  
363 to each certified applicant as defined in s. 288.11631 for a  
364 facility used by a single spring training franchise, or up to  
365 \$166,667 monthly to each certified applicant as defined in s.  
366 288.11631 for a facility used by more than one spring training  
367 franchise. Monthly distributions begin 60 days after such  
368 certification or July 1, 2016, whichever is later, and continue  
369 for not more than 20 years to each certified applicant as  
370 defined in s. 288.11631 for a facility used by a single spring  
371 training franchise or not more than 25 years to each certified  
372 applicant as defined in s. 288.11631 for a facility used by more  
373 than one spring training franchise. A certified applicant  
374 identified in this sub-subparagraph may not receive more in  
375 distributions than expended by the applicant for the public  
376 purposes provided in s. 288.11631(3).

377 ~~e.f.~~ Beginning 45 days after notice by the Department of  
378 Economic Opportunity to the Department of Revenue that an  
379 applicant has been approved by the Legislature and certified by  
380 the Department of Economic Opportunity under s. 288.11625 or

577-02554A-16

20161646c1

381 upon a date specified by the Department of Economic Opportunity  
382 as provided under s. 288.11625(6)(d), the department shall  
383 distribute each month an amount equal to one-twelfth of the  
384 annual distribution amount certified by the Department of  
385 Economic Opportunity for the applicant. The department may not  
386 distribute more than \$7 million in the 2014-2015 fiscal year or  
387 more than \$13 million annually thereafter under this sub-  
388 subparagraph.

389 ~~f.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
390 the department shall distribute \$26,286 monthly to the State  
391 Transportation Trust Fund. Beginning July 1, 2016, the  
392 department shall distribute \$15,333 monthly to the State  
393 Transportation Trust Fund.

394 7. All other proceeds must remain in the General Revenue  
395 Fund.

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

398 220.191 Capital investment tax credit.—

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

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

577-02554A-16

20161646c1

410 other governmental entity.

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

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

427 2. A new or expanded facility in this state which is  
428 engaged in a target industry designated pursuant to the  
429 procedure specified in s. 288.106(2) and which is induced by  
430 this credit to create or retain at least 1,000 jobs in this  
431 state, provided that at least 100 of those jobs are new, pay an  
432 annual average wage of at least 130 percent of the average  
433 private sector wage in the area as defined in s. 288.005(1) ~~s.~~  
434 ~~288.106(2)~~, and make a cumulative capital investment of at least  
435 \$100 million. Jobs may be considered retained only if there is  
436 significant evidence that the loss of jobs is imminent.  
437 Notwithstanding subsection (2), annual credits against the tax  
438 imposed by this chapter may not exceed 50 percent of the

577-02554A-16

20161646c1

439 increased annual corporate income tax liability or the premium  
440 tax liability generated by or arising out of a project  
441 qualifying under this subparagraph. A facility that qualifies  
442 under this subparagraph for an annual credit against the tax  
443 imposed by this chapter may take the tax credit for a period not  
444 to exceed 5 years.

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

453 Section 5. Paragraph (a) of subsection (2) of section  
454 220.196, Florida Statutes, is amended to read:

455 220.196 Research and development tax credit.—

456 (2) TAX CREDIT.—

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

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

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

465 3. Is a qualified target industry business as defined in s.  
466 288.106(2) ~~s. 288.106(2)(n)~~. Only qualified target industry  
467 businesses in the manufacturing, life sciences, information



577-02554A-16

20161646c1

468 technology, aviation and aerospace, homeland security and  
469 defense, cloud information technology, marine sciences,  
470 materials science, and nanotechnology industries may qualify for  
471 a tax credit under this section. A business applying for a  
472 credit pursuant to this section shall include a letter from the  
473 Department of Economic Opportunity certifying whether the  
474 business meets the requirements of this subparagraph with its  
475 application for credit. The Department of Economic Opportunity  
476 shall provide such a letter upon receiving a request.

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

479 288.0001 Economic Development Programs Evaluation.—The  
480 Office of Economic and Demographic Research and the Office of  
481 Program Policy Analysis and Government Accountability (OPPAGA)  
482 shall develop and present to the Governor, the President of the  
483 Senate, the Speaker of the House of Representatives, and the  
484 chairs of the legislative appropriations committees the Economic  
485 Development Programs Evaluation.

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

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

491 1. The capital investment tax credit established under s.  
492 220.191.

493 2. The qualified target industry tax refund established  
494 under s. 288.106.

495 3. The brownfield redevelopment bonus refund established  
496 under s. 288.107.

577-02554A-16

20161646c1

497 4. High-impact business performance grants established  
498 under s. 288.108.

499 5. The Florida Enterprise ~~Quick Action Closing~~ Fund  
500 established under s. 288.1088.

501 6. The Innovation Incentive Program established under s.  
502 288.1089.

503 7. Enterprise Zone Program incentives established under ss.  
504 212.08(5) and (15), 212.096, 220.181, and 220.182.

505 8. The New Markets Development Program established under  
506 ss. 288.991-288.9922.

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

509 1. The entertainment industry financial incentive program  
510 established under s. 288.1254.

511 2. The entertainment industry sales tax exemption program  
512 established under s. 288.1258.

513 3. The Florida Tourism Industry Marketing Corporation ~~VISIT~~  
514 ~~Florida~~ and its programs established or funded under ss.  
515 288.122, 288.1226, 288.12265, and 288.124.

516 4. The Florida Sports Foundation and related programs  
517 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
518 288.1168, ~~288.1169~~, and 288.1171.

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

523 Section 7. Present subsection (1) of section 288.005,  
524 Florida Statutes, is amended, and present subsections (3)  
525 through (6) of that section are redesignated as subsections (4)

577-02554A-16

20161646c1

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

528 288.005 Definitions.—As used in this chapter, the term:

529 (1) "Average private sector wage in the area" means the  
530 statewide average wage in the private sector or the average of  
531 all private sector wages in the county or in the standard  
532 metropolitan area in which the project is located, as determined  
533 by the department.

534 (3)~~(1)~~ "Economic benefits" means the direct, indirect, and  
535 induced gains in state revenues as a percentage of the state's  
536 investment. The state's investment includes all state funds  
537 spent or foregone to benefit a business, including state funds  
538 appropriated to public and private entities, state grants, tax  
539 exemptions, tax refunds, tax credits, and other state  
540 incentives.

541 Section 8. Subsections (2) and (3) of section 288.061,  
542 Florida Statutes, are amended to read:

543 288.061 Economic development incentive application  
544 process.—

545 (2)~~(a)~~ ~~Beginning July 1, 2013,~~ The department shall review  
546 and evaluate each economic development incentive application for  
547 the economic benefits of the proposed award of state incentives  
548 proposed for the project.

549 (b) As used in this subsection, the term "economic  
550 benefits" has the same meaning as in s. 288.005. The Office of  
551 Economic and Demographic Research shall establish the  
552 methodology and model used to calculate the economic benefits,  
553 including guidelines for the appropriate application of the  
554 department's internal model. For purposes of this requirement,

577-02554A-16

20161646c1

555 an amended definition of the term "economic benefits" may be  
556 developed by the Office of Economic and Demographic Research.  
557 However, the amended definition must reflect the requirement of  
558 s. 288.005 that the calculation of the state's investment  
559 include all state funds spent or foregone to benefit the  
560 business, including state funds appropriated to public and  
561 private entities, to the extent that those funds should  
562 reasonably be known to the department at the time of approval.

563 (c) For the purpose of calculating the economic benefits of  
564 the proposed award of state incentives for the project, the  
565 department may not attribute to the business any capital  
566 investment made by the business using state funds. However, for  
567 the purpose of evaluating an economic development incentive  
568 application, the department shall consider the cumulative  
569 capital investment, as defined in s. 220.191.

570 (3) Within 10 business days after the department receives a  
571 complete ~~the submitted~~ economic development incentive  
572 application, the executive director shall approve or disapprove  
573 the application and issue a letter of certification to the  
574 applicant which includes a justification of that decision,  
575 unless the business requests an extension of ~~that~~ time.

576 (a) The ~~contract or~~ agreement or contract with the  
577 applicant must specify the total amount of the award, the  
578 performance conditions that must be met to obtain the award, the  
579 schedule for payment, and sanctions that would apply for failure  
580 to meet performance conditions. Any agreement or contract that  
581 requires the business to make a capital investment must also  
582 require that such investment remain in this state for the  
583 duration of the agreement or contract, with the exception of an

577-02554A-16

20161646c1

584 investment made in transportation-related assets specifically  
585 used for the purpose of transporting goods or employees. The  
586 department may enter into one agreement or contract covering all  
587 of the state incentives that are being provided to the  
588 applicant. The agreement or contract must provide that release  
589 of funds is contingent upon sufficient appropriation of funds by  
590 the Legislature.

591 (b) The department may not enter into an agreement or a  
592 contract that has a term of more than 10 years. However, the  
593 department may enter into a successive agreement or contract for  
594 a specific project to extend the initial 10-year term if each  
595 successive agreement or contract is contingent upon the  
596 successful completion of the previous agreement or contract.  
597 This paragraph does not apply to an agreement or a contract for  
598 a project receiving a capital investment tax credit under s.  
599 220.191 or an Innovation Incentive Program award under s.  
600 288.1089.

601 (c) The department shall provide a notice, including an  
602 updated description and evaluation, to the Legislature upon the  
603 final execution of each contract or agreement. Any contract or  
604 agreement executed by the department for a project under s.  
605 288.108, s. 288.1088, or s. 288.1089 must embody performance  
606 criteria and timelines that were in the written description and  
607 evaluation submitted to the Legislature.

608 (d) ~~(b)~~ The release of funds for the incentive or incentives  
609 awarded to the applicant depends upon the statutory requirements  
610 of the particular incentive program.

611 Section 9. Paragraphs (a), (c), and (e) of subsection (1),  
612 paragraph (e) of subsection (3), and subsection (6) of section

577-02554A-16

20161646c1

613 288.076, Florida Statutes, are amended to read:

614 288.076 Return on investment reporting for economic  
615 development programs.—

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

617 (a) "Jobs" has the same meaning as provided in s.  
618 288.106(2) ~~s. 288.106(2)(i)~~.

619 (c) "Project" has the same meaning as provided in s.  
620 288.106(2) ~~s. 288.106(2)(m)~~.

621 (e) "State investment" means all state funds spent or  
622 foregone to benefit a business, including state funds  
623 appropriated to public and private entities, any state grants,  
624 tax exemptions, tax refunds, tax credits, and any other source  
625 of state funds which should reasonably be known to the  
626 department at the time of approval ~~or other state incentives~~  
627 ~~provided to a business under a program administered by the~~  
628 ~~department~~, including the capital investment tax credit under s.  
629 220.191.

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

634 (e) *Project performance goals.*—

635 1. The incremental direct jobs attributable to the project,  
636 identifying the number of jobs generated and the number of jobs  
637 retained.

638 2. The number of jobs generated and the number of jobs  
639 retained by the project, and for projects commencing after  
640 October 1, 2013, the average annual wage of persons holding such  
641 jobs and the number of jobs generated and the number of jobs

577-02554A-16

20161646c1

642 retained which provide health benefits for the employee.

643 3. The incremental direct capital investment in the state  
644 generated by the project.

645 (6) Annually, the department shall publish information  
646 relating to the progress of Florida Enterprise ~~Quick Action~~  
647 ~~Closing~~ Fund projects, including the average number of days  
648 between the date the department receives a completed application  
649 and the date on which the application is approved.

650 Section 10. Subsection (2) and paragraph (c) of subsection  
651 (3) of section 288.095, Florida Statutes, are amended to read:

652 288.095 Economic Development Trust Fund.—

653 (2) There is created, within the Economic Development Trust  
654 Fund, the Economic Development Incentives Account. The Economic  
655 Development Incentives Account consists of moneys appropriated  
656 to the account for purposes of the tax incentives programs  
657 authorized under ss. 288.1045 and 288.106, and local financial  
658 support provided under ss. 288.1045, ~~and~~ 288.106, and 288.1088.  
659 Moneys in the Economic Development Incentives Account shall be  
660 subject to the provisions of s. 216.301(1)(a).

661 (3)

662 (c) Moneys in the Economic Development Incentives Account  
663 may be used only to pay tax refunds and make other payments  
664 authorized under s. 288.1045, s. 288.106, or s. 288.107 and  
665 payments authorized under s. 288.1088.

666 Section 11. Paragraph (b) of subsection (1) and paragraph  
667 (e) of subsection (3) of section 288.1045, Florida Statutes, are  
668 amended, paragraph (i) is added to subsection (5) of that  
669 section, and subsection (7) of that section is amended, to read:

670 288.1045 Qualified defense contractor and space flight

577-02554A-16

20161646c1

671 business tax refund program.—

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

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

676 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
677 DETERMINATION.—

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

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

686 2. The consolidation of a Department of Defense contract  
687 must result in a net increase of at least 25 percent in the  
688 number of jobs at the applicant's facilities in this state or  
689 the addition of at least 80 jobs at the applicant's facilities  
690 in this state.

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

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

698 5. A business unit of the applicant must have derived not  
699 less than 60 percent of its gross receipts in this state from



577-02554A-16

20161646c1

700 Department of Defense contracts or space flight business  
701 contracts over the applicant's last fiscal year, and must have  
702 derived not less than an average of 60 percent of its gross  
703 receipts in this state from Department of Defense contracts or  
704 space flight business contracts over the 5 years preceding the  
705 date an application is submitted pursuant to this section. This  
706 subparagraph does not apply to any application for certification  
707 based on a contract for reuse of a defense-related facility.

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

710 7. A new space flight business contract or the  
711 consolidation of a space flight business contract will ~~must~~  
712 result in net increases in space flight business employment at  
713 the applicant's facilities in this state.

714 (5) ANNUAL CLAIM FOR REFUND.—

715 (i) If a business fails to timely submit documentation  
716 requested by the department as required in the agreement between  
717 the business and the department and such failure results in the  
718 department withholding an otherwise approved refund, the  
719 business may receive the approved refund if:

720 1. The business submits the documentation to the  
721 department.

722 2. The business provides a written statement to the  
723 department detailing the extenuating circumstances that resulted  
724 in the failure to timely submit the documentation required by  
725 the agreement.

726 3. Funds appropriated under this section remain available.

727 4. The business was scheduled under the terms of the  
728 agreement to submit information to the department between

577-02554A-16

20161646c1

729 January 1, 2014, and December 31, 2014.

730 5. The business has met all other requirements of the  
731 agreement.

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

736 Section 12. Paragraph (c) of subsection (2) and paragraph  
737 (b) of subsection (4) of section 288.106, Florida Statutes, are  
738 amended, present subsection is redesignated as subsection  
739 (10), and a new subsection is added to that section, to read:  
740 288.106 Tax refund program for qualified target industry  
741 businesses.—

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

743 ~~(c) "Average private sector wage in the area" means the~~  
744 ~~statewide private sector average wage or the average of all~~  
745 ~~private sector wages and salaries in the county or in the~~  
746 ~~standard metropolitan area in which the business is located.~~

747 (4) APPLICATION AND APPROVAL PROCESS.—

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

751 1.a. The jobs proposed to be created under the application,  
752 pursuant to subparagraph (a)4., must pay an estimated annual  
753 average wage equaling at least 115 percent of the average  
754 private sector wage in the area where the business is to be  
755 located ~~or the statewide private sector average wage~~. The  
756 governing board of the local governmental entity providing the  
757 local financial support of the jurisdiction where the qualified

577-02554A-16

20161646c1

758 target industry business is to be located shall notify the  
759 department and Enterprise Florida, Inc., which calculation of  
760 the average private sector wage in the area must be used as the  
761 basis for the business's wage commitment. In determining the  
762 average annual wage, the department shall include only new  
763 proposed jobs, and wages for existing jobs shall be excluded  
764 from this calculation.

765       b. The department may waive the average wage requirement at  
766 the request of the local governing body recommending the project  
767 and Enterprise Florida, Inc. The department may waive the wage  
768 requirement for a project located in a brownfield area  
769 designated under s. 376.80, in a rural city, in a rural  
770 community, in an enterprise zone, or for a manufacturing project  
771 at any location in the state if the jobs proposed to be created  
772 pay an estimated annual average wage equaling at least 100  
773 percent of the average private sector wage in the area where the  
774 business is to be located, only if the merits of the individual  
775 project or the specific circumstances in the community in  
776 relationship to the project warrant such action. If the local  
777 governing body and Enterprise Florida, Inc., make such a  
778 recommendation, it must be transmitted in writing and must  
779 include an explanation of,~~and~~ the specific justification for  
780 the waiver recommendation ~~must be explained~~. If the department  
781 elects to waive the wage requirement, the waiver must be stated  
782 in writing and must include an explanation of,~~and~~ the reasons  
783 for granting the waiver ~~must be explained~~.

784       2. The target industry business's project must result in  
785 the creation of at least 10 jobs at the project and, in the case  
786 of an expansion of an existing business, must result in a net

577-02554A-16

20161646c1

787 increase in employment of at least 10 percent at the business.  
788 At the request of the local governing body recommending the  
789 project and Enterprise Florida, Inc., the department may waive  
790 this requirement for a business in a rural community or  
791 enterprise zone if the merits of the individual project or the  
792 specific circumstances in the community in relationship to the  
793 project warrant such action. If the local governing body and  
794 Enterprise Florida, Inc., make such a request, the request must  
795 be transmitted in writing and must include an explanation of,  
796 ~~and~~ the specific justification for the request ~~must be~~  
797 ~~explained~~. If the department elects to grant the request, the  
798 grant must be stated in writing, ~~and~~ explain why the request was  
799 granted ~~the reason for granting the request must be explained.~~

800 3. The business activity or product for the applicant's  
801 project must be within an industry identified by the department  
802 as a target industry business that contributes to the economic  
803 growth of the state and the area in which the business is  
804 located, that produces a higher standard of living for residents  
805 of this state in the new global economy, or that can be shown to  
806 make an equivalent contribution to the area's and state's  
807 economic progress.

808 (9) INCENTIVE PAYMENTS.—The incentive payments made to a  
809 business pursuant to this section are not repayments of the  
810 actual taxes paid to the state or to a local government by the  
811 business. The amount of state and local government taxes paid by  
812 a business serve as a limitation on the amount of incentive  
813 payments a business may receive.

814 Section 13. Paragraph (b) of subsection (2) of section  
815 288.108, Florida Statutes, is amended to read:

577-02554A-16

20161646c1

816 288.108 High-impact business.—

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

818 (b) "Cumulative investment" means the total investment in  
819 buildings and equipment made by a qualified high-impact business  
820 since the beginning of construction of such facility. The term  
821 does not include funds granted to or spent on behalf of the  
822 qualifying business by the state, a local government, or other  
823 governmental entity; funds appropriated in the General  
824 Appropriations Act; or funds otherwise provided to the  
825 qualifying business by a state agency, local government, or  
826 other governmental entity.

827 Section 14. Section 288.1088, Florida Statutes, are amended  
828 to read:

829 288.1088 Florida Enterprise ~~Quick Action Closing~~ Fund.—

830 (1) (a) The Legislature finds that attracting, retaining,  
831 and providing favorable conditions for the growth of certain  
832 high-impact business facilities, privately developed critical  
833 rural infrastructure, or key facilities in economically  
834 distressed urban or rural communities which provide widespread  
835 economic benefits to the public through high-quality employment  
836 opportunities in such facilities or in related facilities  
837 attracted to the state, through the increased tax base provided  
838 by the high-impact facility and related businesses, through an  
839 enhanced entrepreneurial climate in the state and the resulting  
840 business and employment opportunities, and through the  
841 stimulation and enhancement of the state's universities and  
842 community colleges. In the global economy, there exists serious  
843 and fierce international competition for these facilities, and  
844 in most instances, when all available resources for economic

577-02554A-16

20161646c1

845 development have been used, the state continues to encounter  
846 severe competitive disadvantages in vying for these business  
847 facilities. Florida's rural areas must provide a competitive  
848 environment for business in the information age. This often  
849 requires an incentive to make it feasible for private investors  
850 to provide infrastructure in those areas.

851 (b) The Legislature finds that the conclusion of the space  
852 shuttle program and the gap in civil human space flight will  
853 result in significant job losses that will negatively impact  
854 families, companies, the state and regional economies, and the  
855 capability level of this state's aerospace workforce. Thus, the  
856 Legislature also finds that this loss of jobs is a matter of  
857 state interest and great public importance. The Legislature  
858 further finds that it is in the state's interest for provisions  
859 to be made in incentive programs for economic development to  
860 maximize the state's ability to mitigate these impacts and to  
861 develop a more diverse aerospace economy.

862 (c) The Legislature therefore declares that sufficient  
863 resources shall be available to respond to extraordinary  
864 economic opportunities and to compete effectively for these  
865 high-impact business facilities, critical private infrastructure  
866 in rural areas, and key businesses in economically distressed  
867 urban or rural communities, and that up to 20 percent of these  
868 resources may be used for projects to retain or create high-  
869 technology jobs that are directly associated with developing a  
870 more diverse aerospace economy in this state.

871 (2) There is created within the department the Florida  
872 Enterprise Quick Action Closing Fund. Except as provided in  
873 subsection (3), projects eligible for receipt of funds from the

577-02554A-16

20161646c1

874 Florida Enterprise ~~Quick Action Closing~~ Fund must shall:

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

876 (b) Have a positive economic benefit ratio of at least 3 to  
877 1 ~~5 to 1~~.

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

880 (d) Pay an average annual wage of at least 125 percent of  
881 the average ~~areawide or statewide~~ private sector average wage in  
882 the area.

883 (e) Be supported by the local community in which the  
884 project is to be located. Support must include a resolution  
885 adopted by the governing board of the county or municipality in  
886 which the project will be located, which resolution recommends  
887 that the project be approved and specifies that the commitments  
888 of local financial support necessary for the business exist.  
889 Before the passage of such resolution, the department may also  
890 accept an official letter from an authorized local economic  
891 development agency that endorses the proposed project and  
892 pledges that sources of local financial support for such project  
893 exist. For the purposes of making pledges of local financial  
894 support under this paragraph, the authorized local economic  
895 development agency shall be officially designated by the passage  
896 of a one-time resolution by the local governing board. For  
897 purposes of this section, the term "local financial support"  
898 means funding from local sources, public or private, which is  
899 paid to the Economic Development Trust Fund and which is equal  
900 to 20 percent of the Florida Enterprise Fund award to a  
901 business.

902 1. A business may not provide, directly or indirectly, more

577-02554A-16

20161646c1

903 than 5 percent of such funding in any fiscal year. The sources  
904 of such funding may not include, directly or indirectly, state  
905 funds appropriated from the General Revenue Fund or any state  
906 trust fund, excluding tax revenues shared with local governments  
907 pursuant to law.

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

910 (f) Create at least 10 new jobs.

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

915 (b) If the local governing body and Enterprise Florida,  
916 Inc., decide to request a waiver of the criteria in subsection  
917 (2), the request must be transmitted in writing to the  
918 department with an explanation of the specific justification for  
919 the request. If the department approves the request, the  
920 decision must be stated in writing with an explanation of the  
921 reason for approving the request. A waiver of the criteria in  
922 subsection (2) ~~these criteria~~ may be considered for ~~under~~ the  
923 following reasons ~~criteria~~:

924 1. Based on extraordinary circumstances;

925 2. In order to mitigate the impact of the conclusion of the  
926 space shuttle program; or

927 3. In rural areas of opportunity if the project would  
928 significantly benefit the local or regional economy.

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



577-02554A-16

20161646c1

- 932        (a)~~1.~~ A description of the type of facility or  
933 infrastructure, its operations, and the associated product or  
934 service associated with the facility.
- 935        (b)~~2.~~ The number of full-time-equivalent jobs that will be  
936 created by the facility and the total estimated average annual  
937 wages of those jobs or, in the case of privately developed rural  
938 infrastructure, the types of business activities and jobs  
939 stimulated by the investment.
- 940        (c)~~3.~~ The cumulative amount of investment to be dedicated  
941 to the facility within a specified period.
- 942        (d)~~4.~~ A statement of any special impacts the facility is  
943 expected to stimulate in a particular business sector in the  
944 state or regional economy or in the state's universities and  
945 community colleges.
- 946        (e)~~5.~~ A statement of the role the incentive is expected to  
947 play in the decision of the applicant business to locate or  
948 expand in this state or for the private investor to provide  
949 critical rural infrastructure.
- 950        (f)~~6.~~ A report evaluating the quality and value of the  
951 company submitting a proposal. The report must include:
- 952            1.a. A financial analysis of the company, including an  
953 evaluation of the company's short-term liquidity ratio as  
954 measured by its assets to liabilities ~~liability~~, the company's  
955 profitability ratio, and the company's long-term solvency as  
956 measured by its debt-to-equity ratio;
- 957            2.b. The historical market performance of the company;
- 958            3.e. A review of any independent evaluations of the  
959 company;
- 960            4.d. A review of the latest audit of the company's

577-02554A-16

20161646c1

961 financial statement and the related auditor's management letter;  
962 and

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

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

966 ~~(5)(e)1.~~ Within 7 business days after evaluating a project,  
967 the department shall recommend to the Governor approval or  
968 disapproval of the a project for receipt of funds from the  
969 Florida Enterprise Quick Action Closing Fund. In recommending a  
970 project, the department shall include proposed performance  
971 conditions that the project must meet to obtain incentive funds.

972 (a)2. The Governor may approve projects without consulting  
973 the Legislature for projects requiring less than \$2 million in  
974 funding.

975 (b)3. For projects requiring funding in the amount of \$2  
976 million to \$5 million, the Governor shall provide a written  
977 description and evaluation of a project recommended for approval  
978 to the chair and vice chair of the Legislative Budget Commission  
979 at least 10 days before ~~prior to~~ giving final approval for the a  
980 project. The recommendation must include proposed performance  
981 conditions that the project must meet in order to obtain funds.

982 (c)4. If the chair or vice chair of the Legislative Budget  
983 Commission or the President of the Senate or the Speaker of the  
984 House of Representatives timely advises the Executive Office of  
985 the Governor, in writing, that such action or proposed action  
986 exceeds the delegated authority of the Executive Office of the  
987 Governor or is contrary to legislative policy or intent, the  
988 Executive Office of the Governor shall void the release of funds  
989 and instruct the department to immediately change such action or

577-02554A-16

20161646c1

990 proposed action until the Legislative Budget Commission or the  
991 Legislature addresses the issue. Notwithstanding such  
992 requirement, any project exceeding \$5 million must be approved  
993 by the Legislative Budget Commission before ~~prior to~~ the funds  
994 are being released.

995 (6) ~~(d)~~ Upon the approval of the Governor, the department  
996 shall issue a letter certifying the applicant as qualified for  
997 an award. The department and the business shall enter into a  
998 contract that sets forth the performance conditions for payment  
999 of moneys from the fund. Such payment may not be made to the  
1000 business until the scheduled performance conditions have been  
1001 met. The contract must include the total amount of funds  
1002 awarded; the performance conditions that must be met to obtain  
1003 the award, including, but not limited to, net new employment in  
1004 the state, average salary, and total capital investment;  
1005 demonstrate a baseline of current service and a measure of  
1006 enhanced capability; the methodology for validating performance;  
1007 the schedule of payments from the fund; the amount of local  
1008 financial support that will be annually available and that will  
1009 be paid into the Economic Development Trust Fund; and sanctions  
1010 for failure to meet performance conditions. The contract must  
1011 provide that payment of moneys from the fund is contingent upon  
1012 sufficient appropriation of funds by the Legislature. The  
1013 department may not enter into a contract with a business if the  
1014 local financial support resolution is not passed by the local  
1015 governing body within 90 days after the department has issued  
1016 the letter of certification.

1017 (7) ~~(e)~~ The department shall validate contractor performance  
1018 and report such validation in the annual incentives report

577-02554A-16

20161646c1

1019 required under s. 288.907.

1020 (8) (a) ~~(4)~~ Funds appropriated by the Legislature for  
1021 purposes of implementing this section shall be placed in reserve  
1022 and may only be released pursuant to the legislative  
1023 consultation and review requirements set forth in this section.

1024 (b) A scheduled payment from the fund may not be approved  
1025 for a business unless the required local financial support has  
1026 been paid into the account for that project. Funding from local  
1027 sources includes any tax abatement granted to that business  
1028 under s. 196.1995 or the appraised market value of municipal or  
1029 county land conveyed or provided at a discount to that business.

1030 The amount of any scheduled payment from the fund to such  
1031 business approved under this section must be reduced by the  
1032 amount of any such tax abatement granted or the value of the  
1033 land granted. A report listing all sources of the local  
1034 financial support shall be provided to the department when such  
1035 support is paid to the account.

1036 Section 15. Paragraph (b) of subsection (2), paragraphs (a)  
1037 and (d) of subsection (4), and paragraph (b) of subsection (8)  
1038 of section 288.1089, Florida Statutes, are amended to read:

1039 288.1089 Innovation Incentive Program.—

1040 (2) As used in this section, the term:

1041 ~~(b) "Average private sector wage" means the statewide~~  
1042 ~~average wage in the private sector or the average of all private~~  
1043 ~~sector wages in the county or in the standard metropolitan area~~  
1044 ~~in which the project is located as determined by the department.~~

1045 (4) To qualify for review by the department, the applicant  
1046 must, at a minimum, establish the following to the satisfaction  
1047 of the department:

577-02554A-16

20161646c1

1048 (a) The jobs created by the project must pay an estimated  
1049 annual average wage equaling at least 130 percent of the average  
1050 private sector wage in the area. The department may waive this  
1051 average wage requirement at the request of Enterprise Florida,  
1052 Inc., for a project located in a rural area, a brownfield area,  
1053 or an enterprise zone, when the merits of the individual project  
1054 or the specific circumstances in the community in relationship  
1055 to the project warrant such action. A recommendation for waiver  
1056 by Enterprise Florida, Inc., must include a specific  
1057 justification for the waiver and be transmitted to the  
1058 department in writing. If the department elects to waive the  
1059 wage requirement, the waiver must be stated in writing and  
1060 explain the reasons for granting the waiver ~~must be explained~~.

1061 (d) For an alternative and renewable energy project in this  
1062 state, the project must:

1063 1. Demonstrate a plan for significant collaboration with an  
1064 institution of higher education;

1065 2. Provide the state, at a minimum, a cumulative break-even  
1066 economic benefit within a 20-year period;

1067 3. Include matching funds provided by the applicant or  
1068 other available sources. The match requirement may be reduced or  
1069 waived in rural areas of opportunity or reduced in rural areas,  
1070 brownfield areas, and enterprise zones;

1071 4. Be located in this state; and

1072 5. Provide at least 35 direct, new jobs that pay an  
1073 estimated annual average wage that equals at least 130 percent  
1074 of the average private sector wage in the area.

1075 (8)

1076 (b) Additionally, agreements ~~signed on or after July 1,~~

577-02554A-16

20161646c1

1077 ~~2009,~~ must include the following provisions:

1078 1. Notwithstanding subsection (4), a requirement that the  
1079 jobs created by the recipient of the incentive funds pay an  
1080 annual average wage at least equal to the relevant industry's  
1081 annual average wage or at least 130 percent of the average  
1082 private sector wage in the area, whichever is greater.

1083 2. A reinvestment requirement. Each recipient of an award  
1084 shall reinvest up to 15 percent of net royalty revenues,  
1085 including revenues from spin-off companies and the revenues from  
1086 the sale of stock it receives from the licensing or transfer of  
1087 inventions, methods, processes, and other patentable discoveries  
1088 conceived or reduced to practice using its facilities in Florida  
1089 or its Florida-based employees, in whole or in part, and to  
1090 which the recipient of the grant becomes entitled during the 20  
1091 years following the effective date of its agreement with the  
1092 department. Each recipient of an award also shall reinvest up to  
1093 15 percent of the gross revenues it receives from naming  
1094 opportunities associated with any facility it builds in this  
1095 state. Reinvestment payments shall commence no later than 6  
1096 months after the recipient of the grant has received the final  
1097 disbursement under the contract and shall continue until the  
1098 maximum reinvestment, as specified in the contract, has been  
1099 paid. Reinvestment payments shall be remitted to the department  
1100 for deposit in the Biomedical Research Trust Fund for companies  
1101 specializing in biomedicine or life sciences, or in the Economic  
1102 Development Trust Fund for companies specializing in fields  
1103 other than biomedicine or the life sciences. If these trust  
1104 funds no longer exist at the time of the reinvestment, the  
1105 state's share of reinvestment shall be deposited in their

577-02554A-16

20161646c1

1106 successor trust funds as determined by law. Each recipient of an  
1107 award shall annually submit a schedule of the shares of stock  
1108 held by it as payment of the royalty required by this paragraph  
1109 and report on any trades or activity concerning such stock. Each  
1110 recipient's reinvestment obligations survive the expiration or  
1111 termination of its agreement with the state.

1112 3. Requirements for the establishment of internship  
1113 programs or other learning opportunities for educators and  
1114 secondary, postsecondary, graduate, and doctoral students.

1115 4. A requirement that the recipient submit quarterly  
1116 reports and annual reports related to activities and performance  
1117 to the department, according to standardized reporting periods.

1118 5. A requirement for an annual accounting to the department  
1119 of the expenditure of funds disbursed under this section.

1120 6. A process for amending the agreement.

1121 Section 16. Effective July 1, 2016, subsection (7) of  
1122 section 288.11621, Florida Statutes, is amended to read:

1123 288.11621 Spring training baseball franchises.—

1124 (7) STRATEGIC PLANNING.—The department shall request  
1125 assistance from the Florida Sports Foundation ~~Enterprise~~  
1126 ~~Florida, Inc.,~~ and the Florida Grapefruit League Association to  
1127 develop a comprehensive strategic plan to:

1128 (a) Finance spring training facilities.

1129 (b) Monitor and oversee the use of state funds awarded to  
1130 applicants.

1131 (c) Identify the financial impact that spring training has  
1132 on the state and ways in which to maintain or improve that  
1133 impact.

1134 (d) Identify opportunities to develop public-private

577-02554A-16

20161646c1

1135 partnerships to engage in marketing activities and advertise  
1136 spring training baseball.

1137 (e) Identify efforts made by other states to maintain or  
1138 develop partnerships with baseball spring training teams.

1139 (f) Develop recommendations for the Legislature to sustain  
1140 or improve this state's spring training tradition.

1141 Section 17. Subsections (1) and (3), paragraph (a) of  
1142 subsection (5), paragraph (e) of subsection (7), and subsections  
1143 (11) through (14) of section 288.11625, Florida Statutes, are  
1144 amended to read:

1145 288.11625 Sports development.—

1146 (1) ADMINISTRATION.—The department shall serve as the state  
1147 agency responsible for screening applicants for state funding  
1148 under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~

1149 (3) PURPOSE.—The purpose of this section is to provide  
1150 applicants state funding under s. 212.20(6)(d)6.e. ~~s.~~  
1151 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,  
1152 reconstructing, renovating, or improving a facility.

1153 (5) EVALUATION PROCESS.—

1154 (a) Before recommending an applicant to receive a state  
1155 distribution under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~, the  
1156 department must verify that:

1157 1. The applicant or beneficiary is responsible for the  
1158 construction, reconstruction, renovation, or improvement of a  
1159 facility and obtained at least three bids for the project.

1160 2. If the applicant is not a unit of local government, a  
1161 unit of local government holds title to the property on which  
1162 the facility and project are, or will be, located.

1163 3. If the applicant is a unit of local government in whose



577-02554A-16

20161646c1

1164 jurisdiction the facility is, or will be, located, the unit of  
1165 local government has an exclusive intent agreement to negotiate  
1166 in this state with the beneficiary.

1167 4. A unit of local government in whose jurisdiction the  
1168 facility is, or will be, located supports the application for  
1169 state funds. Such support must be verified by the adoption of a  
1170 resolution, after a public hearing, that the project serves a  
1171 public purpose.

1172 5. The applicant or beneficiary has not previously  
1173 defaulted or failed to meet any statutory requirements of a  
1174 previous state-administered sports-related program under s.  
1175 288.1162, s. 288.11621, s. 288.11631, or this section.  
1176 Additionally, the applicant or beneficiary is not currently  
1177 receiving state distributions under s. 212.20 for the facility  
1178 that is the subject of the application, unless the applicant  
1179 demonstrates that the franchise that applied for a distribution  
1180 under s. 212.20 no longer plays at the facility that is the  
1181 subject of the application.

1182 6. The applicant or beneficiary has sufficiently  
1183 demonstrated a commitment to employ residents of this state,  
1184 contract with Florida-based firms, and purchase locally  
1185 available building materials to the greatest extent possible.

1186 7. If the applicant is a unit of local government, the  
1187 applicant has a certified copy of a signed agreement with a  
1188 beneficiary for the use of the facility. If the applicant is a  
1189 beneficiary, the beneficiary must enter into an agreement with  
1190 the department. The applicant's or beneficiary's agreement must  
1191 also require the following:

1192 a. The beneficiary must reimburse the state for state funds

577-02554A-16

20161646c1

1193 that will be distributed if the beneficiary relocates or no  
1194 longer occupies or uses the facility as the facility's primary  
1195 tenant before the agreement expires. Reimbursements must be sent  
1196 to the Department of Revenue for deposit into the General  
1197 Revenue Fund.

1198 b. The beneficiary must pay for signage or advertising  
1199 within the facility. The signage or advertising must be placed  
1200 in a prominent location as close to the field of play or  
1201 competition as is practicable, must be displayed consistent with  
1202 signage or advertising in the same location and of like value,  
1203 and must feature Florida advertising approved by the Florida  
1204 Tourism Industry Marketing Corporation.

1205 8. The project will commence within 12 months after  
1206 receiving state funds or did not commence before January 1,  
1207 2013.

1208 (7) CONTRACT.—An applicant approved by the Legislature and  
1209 certified by the department must enter into a contract with the  
1210 department which:

1211 (e) Requires the applicant to reimburse the state by  
1212 electing to do one of the following:

1213 1. After all distributions have been made, reimburse at the  
1214 end of the contract term any amount by which the total  
1215 distributions made under s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.f.~~  
1216 exceed actual new incremental state sales taxes generated by  
1217 sales at the facility during the contract, plus a 5 percent  
1218 penalty on that amount.

1219 2. After the applicant begins to submit the independent  
1220 analysis under paragraph (c), reimburse each year any amount by  
1221 which the previous year's annual distribution exceeds 75 percent

577-02554A-16

20161646c1

1222 of the actual new incremental state sales taxes generated by  
1223 sales at the facility.

1224  
1225 Any reimbursement due to the state must be made within 90 days  
1226 after the applicable distribution under this paragraph. If the  
1227 applicant is unable or unwilling to reimburse the state for such  
1228 amount, the department may place a lien on the applicant's  
1229 facility. If the applicant is a municipality or county, it may  
1230 reimburse the state from its half-cent sales tax allocation, as  
1231 provided in s. 218.64(3). Reimbursements must be sent to the  
1232 Department of Revenue for deposit into the General Revenue Fund.

1233 ~~(11) APPLICATION RELATED TO NEW FACILITIES OR PROJECTS~~  
1234 ~~COMMENCED BEFORE JULY 1, 2014. Notwithstanding paragraph (4) (c),~~  
1235 ~~the Legislative Budget Commission may approve an application for~~  
1236 ~~state funds by an applicant for a new facility or a project~~  
1237 ~~commenced between March 1, 2013, and July 1, 2014. Such an~~  
1238 ~~application may be submitted after May 1, 2014. The department~~  
1239 ~~must review the application and recommend approval to the~~  
1240 ~~Legislature or deny the application. The Legislative Budget~~  
1241 ~~Commission may approve applications on or after January 1, 2015.~~  
1242 ~~The department must certify the applicant within 45 days of~~  
1243 ~~approval by the Legislative Budget Commission. State funds may~~  
1244 ~~not be distributed until the department notifies the Department~~  
1245 ~~of Revenue that the applicant was approved by the Legislative~~  
1246 ~~Budget Commission and certified by the department. An applicant~~  
1247 ~~certified under this subsection is subject to the provisions and~~  
1248 ~~requirements of this section. An applicant that fails to meet~~  
1249 ~~the conditions of this subsection may reapply during future~~  
1250 ~~application periods.~~

577-02554A-16

20161646c1

1251        (11)~~(12)~~ REPAYMENT OF DISTRIBUTIONS.—An applicant that is  
1252 certified under this section may be subject to repayment of  
1253 distributions upon the occurrence of any of the following:

1254        (a) An applicant's beneficiary has broken the terms of its  
1255 agreement with the applicant and relocated from the facility or  
1256 no longer occupies or uses the facility as the facility's  
1257 primary tenant. The beneficiary must reimburse the state for  
1258 state funds that will be distributed, plus a 5 percent penalty  
1259 on that amount, if the beneficiary relocates before the  
1260 agreement expires.

1261        (b) A determination by the department that an applicant has  
1262 submitted information or made a representation that is  
1263 determined to be false, misleading, deceptive, or otherwise  
1264 untrue. The applicant must reimburse the state for state funds  
1265 that have been and will be distributed, plus a 5 percent penalty  
1266 on that amount, if such determination is made. If the applicant  
1267 is a municipality or county, it may reimburse the state from its  
1268 half-cent sales tax allocation, as provided in s. 218.64(3).

1269        (c) Repayment of distributions must be sent to the  
1270 Department of Revenue for deposit into the General Revenue Fund.

1271        (12)~~(13)~~ HALTING OF PAYMENTS.—The applicant may request in  
1272 writing at least 20 days before the next monthly distribution  
1273 that the department halt future payments. The department shall  
1274 immediately notify the Department of Revenue to halt future  
1275 payments.

1276        (13)~~(14)~~ RULEMAKING.—The department may adopt rules to  
1277 implement this section.

1278        Section 18. Paragraph (c) of subsection (2) and paragraphs  
1279 (a), (c), and (d) of subsection (3) of section 288.11631,

577-02554A-16

20161646c1

1280 Florida Statutes, are amended to read:

1281       288.11631 Retention of Major League Baseball spring  
1282 training baseball franchises.—

1283       (2) CERTIFICATION PROCESS.—

1284       (c) Each applicant certified on or after July 1, 2013,  
1285 shall enter into an agreement with the department which:

1286       1. Specifies the amount of the state incentive funding to  
1287 be distributed. The amount of state incentive funding per  
1288 certified applicant may not exceed \$20 million. However, if a  
1289 certified applicant's facility is used by more than one spring  
1290 training franchise, the maximum amount may not exceed \$50  
1291 million, and the Department of Revenue shall make distributions  
1292 to the applicant pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
1293 ~~212.20(6)(d)6.e.~~

1294       2. States the criteria that the certified applicant must  
1295 meet in order to remain certified. These criteria must include a  
1296 provision stating that the spring training franchise must  
1297 reimburse the state for any funds received if the franchise does  
1298 not comply with the terms of the contract. If bonds were issued  
1299 to construct or renovate a facility for a spring training  
1300 franchise, the required reimbursement must be equal to the total  
1301 amount of state distributions expected to be paid from the date  
1302 the franchise violates the agreement with the applicant through  
1303 the final maturity of the bonds.

1304       3. States that the certified applicant is subject to  
1305 decertification if the certified applicant fails to comply with  
1306 this section or the agreement.

1307       4. States that the department may recover state incentive  
1308 funds if the certified applicant is decertified.

577-02554A-16

20161646c1

1309           5. Specifies the information that the certified applicant  
1310 must report to the department.

1311           6. Includes any provision deemed prudent by the department.

1312           (3) USE OF FUNDS.—

1313           (a) A certified applicant may use funds provided under s.  
1314 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ only to:

1315           1. Serve the public purpose of constructing or renovating a  
1316 facility for a spring training franchise.

1317           2. Pay or pledge for the payment of debt service on, or to  
1318 fund debt service reserve funds, arbitrage rebate obligations,  
1319 or other amounts payable with respect thereto, bonds issued for  
1320 the construction or renovation of such facility, or for the  
1321 reimbursement of such costs or the refinancing of bonds issued  
1322 for such purposes.

1323           (c) The Department of Revenue may not distribute funds  
1324 under s. 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ until July 1,  
1325 2016. Further, the Department of Revenue may not distribute  
1326 funds to an applicant certified on or after July 1, 2013, until  
1327 it receives notice from the department that:

1328           1. The certified applicant has encumbered funds under  
1329 either subparagraph (a)1. or subparagraph (a)2.; and

1330           2. If applicable, any existing agreement with a spring  
1331 training franchise for the use of a facility has expired.

1332           (d)1. All certified applicants shall place unexpended state  
1333 funds received pursuant to s. 212.20(6)(d)6.d. ~~s.~~  
1334 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use  
1335 only as authorized in this section.

1336           2. A certified applicant may request that the department  
1337 notify the Department of Revenue to suspend further

577-02554A-16

20161646c1

1338 distributions of state funds made available under s.  
1339 212.20(6)(d)6.d. ~~s. 212.20(6)(d)6.e.~~ for 12 months after  
1340 expiration of an existing agreement with a spring training  
1341 franchise to provide the certified applicant with an opportunity  
1342 to enter into a new agreement with a spring training franchise,  
1343 at which time the distributions shall resume.

1344 3. The expenditure of state funds distributed to an  
1345 applicant certified after July 1, 2013, must begin within 48  
1346 months after the initial receipt of the state funds. In  
1347 addition, the construction or renovation of a spring training  
1348 facility must be completed within 24 months after the project's  
1349 commencement.

1350 Section 19. Section 288.1169, Florida Statutes, is  
1351 repealed.

1352 Section 20. Effective July 1, 2016, notwithstanding the  
1353 repeal of section 288.1229, Florida Statutes, in s. 485, chapter  
1354 2011-142, Laws of Florida, section 288.1229, Florida Statutes,  
1355 is revived, reenacted, and amended to read:

1356 288.1229 Promotion and development of sports-related  
1357 industries and amateur athletics; direct-support organization  
1358 established; powers and duties.—

1359 (1) The Department of Economic Opportunity shall establish  
1360 a direct-support organization known as the Florida Sports  
1361 Foundation. The foundation shall ~~The Office of Tourism, Trade,~~  
1362 ~~and Economic Development may authorize a direct-support~~  
1363 ~~organization to assist the~~ department ~~office~~ in:

1364 (a) The promotion and development of the sports industry  
1365 and related industries for the purpose of improving the economic  
1366 presence of these industries in Florida.

577-02554A-16

20161646c1

1367 (b) The promotion of amateur athletic participation for the  
1368 citizens of Florida and the promotion of Florida as a host for  
1369 national and international amateur athletic competitions for the  
1370 purpose of encouraging and increasing the direct and ancillary  
1371 economic benefits of amateur athletic events and competitions.

1372 (c) The retention of professional sports franchises,  
1373 including the spring training operations of Major League  
1374 Baseball.

1375 (2) The Florida Sports Foundation ~~To be authorized as a~~  
1376 ~~direct support organization, an organization~~ must:

1377 (a) Be incorporated as a corporation not for profit  
1378 pursuant to chapter 617.

1379 (b) 1. Be governed by a board of directors, which must  
1380 consist of 20 ~~up to 15~~ members appointed by the Governor, which  
1381 include:

1382 a. Ten members representing Florida major league franchises  
1383 of Major League Baseball, National Basketball Association,  
1384 National Football League, Arena Football League, National Hockey  
1385 League, and Major League Soccer teams domiciled in this state.

1386 b. A member representing Florida Sports Commissions.

1387 c. A member representing the boating and fishing industries  
1388 in Florida.

1389 d. A member representing the golf industry in Florida.

1390 e. A member representing Major League Baseball spring  
1391 training.

1392 f. A member representing the auto racing industry in  
1393 Florida.

1394 g. Five members at-large ~~and up to 15 members appointed by~~  
1395 ~~the existing board of directors.~~ In making at-large



577-02554A-16

20161646c1

1396 appointments, the governor ~~board~~ must consider a potential  
1397 member's background in community service and sports activism in,  
1398 and financial support of, the sports industry, professional  
1399 sports, or organized amateur athletics. Members must be  
1400 residents of the state and highly knowledgeable about or active  
1401 in professional or organized amateur sports.

1402 2. The board must contain representatives of all  
1403 geographical regions of the state and must represent ethnic and  
1404 gender diversity. The terms of office of the members shall be 4  
1405 years. No member may serve more than two consecutive terms. The  
1406 Governor may remove any member for cause and shall fill all  
1407 vacancies that occur.

1408 (c) Have as its purpose, as stated in its articles of  
1409 incorporation, to receive, hold, invest, and administer  
1410 property; to raise funds and receive gifts; and to promote and  
1411 develop the sports industry and related industries for the  
1412 purpose of increasing the economic presence of these industries  
1413 in Florida.

1414 (d) Have a prior determination by the department ~~Office of~~  
1415 ~~Tourism, Trade, and Economic Development~~ that the organization  
1416 will benefit the department ~~office~~ and act in the best interests  
1417 of the state as a direct-support organization to the department  
1418 ~~office~~.

1419 (3) The Florida Sports Foundation shall operate under  
1420 contract with the department. The department shall enter into a  
1421 contract with the foundation by July 1, 2016. The contract must  
1422 provide ~~Office of Tourism, Trade, and Economic Development shall~~  
1423 ~~contract with the organization and shall include in the contract~~  
1424 that:

577-02554A-16

20161646c1

1425 (a) The department ~~office~~ may review the foundation's  
1426 ~~organization's~~ articles of incorporation.

1427 (b) The foundation ~~organization~~ shall submit an annual  
1428 budget proposal to the department ~~office~~, on a form provided by  
1429 the department ~~office~~, in accordance with department ~~office~~  
1430 procedures for filing budget proposals based upon the  
1431 recommendation of the department ~~office~~.

1432 (c) Any funds that the foundation ~~organization~~ holds in  
1433 trust will revert to the state upon the expiration or  
1434 cancellation of the contract.

1435 (d) The foundation ~~organization~~ is subject to an annual  
1436 financial and performance review by the department ~~office~~ to  
1437 determine whether the foundation ~~organization~~ is complying with  
1438 the terms of the contract and whether it is acting in a manner  
1439 consistent with the goals of the department ~~office~~ and in the  
1440 best interests of the state.

1441 (e) The fiscal year of the foundation ~~begins~~ ~~organization~~  
1442 ~~will begin~~ July 1 of each year and ends ~~end~~ June 30 of the next  
1443 ensuing year.

1444 (4) The department ~~Office of Tourism, Trade, and Economic~~  
1445 ~~Development~~ may allow the foundation ~~organization~~ to use the  
1446 property, facilities, personnel, and services of the department  
1447 ~~office~~ if the foundation ~~organization~~ provides equal employment  
1448 opportunities to all persons regardless of race, color,  
1449 religion, sex, age, or national origin, subject to the approval  
1450 of the executive director of the department ~~office~~.

1451 (5) The foundation ~~organization~~ shall provide for an annual  
1452 financial audit in accordance with s. 215.981.

1453 (6) The foundation ~~organization~~ is not granted any taxing

577-02554A-16

20161646c1

1454 power.

1455 ~~(7) In exercising the power provided in this section, the~~  
1456 ~~Office of Tourism, Trade, and Economic Development may authorize~~  
1457 ~~and contract with the direct support organization existing on~~  
1458 ~~June 30, 1996, and authorized by the former Florida Department~~  
1459 ~~of Commerce to promote sports related industries. An appointed~~  
1460 ~~member of the board of directors of such direct support~~  
1461 ~~organization as of June 30, 1996, may serve the remainder of his~~  
1462 ~~or her unexpired term.~~

1463 ~~(7)(8)~~ To promote amateur sports and physical fitness, the  
1464 foundation ~~direct support organization~~ shall:

1465 (a) Develop, foster, and coordinate services and programs  
1466 for amateur sports for the people of Florida.

1467 (b) Sponsor amateur sports workshops, clinics, conferences,  
1468 and other similar activities.

1469 (c) Give recognition to outstanding developments and  
1470 achievements in, and contributions to, amateur sports.

1471 (d) Encourage, support, and assist local governments and  
1472 communities in the development of or hosting of local amateur  
1473 athletic events and competitions.

1474 (e) Promote Florida as a host for national and  
1475 international amateur athletic competitions.

1476 (f) Develop a statewide programs ~~program~~ of amateur  
1477 athletic competition to be known as the "Florida Senior Games"  
1478 and the "Sunshine State Games."

1479 (g) Continue the successful amateur sports programs  
1480 previously conducted by the Florida Governor's Council on  
1481 Physical Fitness and Amateur Sports created under former s.  
1482 14.22.

577-02554A-16

20161646c1

1483 (h) Encourage and continue the use of volunteers in its  
1484 amateur sports programs to the maximum extent possible.

1485 (i) Develop, foster, and coordinate services and programs  
1486 designed to encourage the participation of Florida's youth in  
1487 Olympic sports activities and competitions.

1488 (j) Foster and coordinate services and programs designed to  
1489 contribute to the physical fitness of the citizens of Florida.

1490 ~~(8)-(9)~~(a) The Sunshine State Games and Florida Senior Games  
1491 shall both be patterned after the Summer Olympics with  
1492 variations as necessitated by availability of facilities,  
1493 equipment, and expertise. The games shall be designed to  
1494 encourage the participation of athletes representing a broad  
1495 range of age groups, skill levels, and Florida communities.  
1496 ~~Participants shall be residents of this state. Regional~~  
1497 ~~competitions shall be held throughout the state, and the top~~  
1498 ~~qualifiers in each sport shall proceed to the final competitions~~  
1499 ~~to be held at a site in the state with the necessary facilities~~  
1500 ~~and equipment for conducting the competitions.~~

1501 (b) The department ~~Executive Office of the Governor~~ is  
1502 authorized to permit the use of property, facilities, and  
1503 personal services of or at any State University System facility  
1504 or institution by the direct-support organization operating the  
1505 Sunshine State Games and Florida Senior Games. For the purposes  
1506 of this paragraph, personal services includes full-time or part-  
1507 time personnel as well as payroll processing.

1508 Section 21. Section 288.125, Florida Statutes, is amended  
1509 to read:

1510 288.125 Definition of term "entertainment industry."—For  
1511 the purposes of ss. 288.1254, 288.1256, 288.1258, 288.913,

577-02554A-16

20161646c1

1512 288.914, and 288.915 ~~ss. 288.1251-288.1258~~, the term  
 1513 "entertainment industry" means those persons or entities engaged  
 1514 in the operation of motion picture or television studios or  
 1515 recording studios; those persons or entities engaged in the  
 1516 preproduction, production, or postproduction of motion pictures,  
 1517 made-for-television movies, television programming, digital  
 1518 media projects, commercial advertising, music videos, or sound  
 1519 recordings; and those persons or entities providing products or  
 1520 services directly related to the preproduction, production, or  
 1521 postproduction of motion pictures, made-for-television movies,  
 1522 television programming, digital media projects, commercial  
 1523 advertising, music videos, or sound recordings, including, but  
 1524 not limited to, the broadcast industry.

1525 Section 22. Section 288.1251, Florida Statutes, is  
 1526 renumbered as section 288.913, Florida Statutes, and amended to  
 1527 read:

1528 288.913 ~~288.1251~~ Promotion and development of entertainment  
 1529 industry; Division ~~Office~~ of Film and Entertainment; creation;  
 1530 purpose; powers and duties.—

1531 (1) CREATION.—

1532 ~~(a) The Division of Film and Entertainment~~ There is hereby  
 1533 created within Enterprise Florida, Inc., ~~the department the~~  
 1534 ~~Office of Film and Entertainment~~ for the purpose of developing,  
 1535 recruiting, marketing, promoting, and providing services to the  
 1536 state's entertainment industry. The division shall serve as a  
 1537 liaison between the entertainment industry and other state and  
 1538 local governmental agencies, local film commissions, and labor  
 1539 organizations.

1540 (2) ~~(b) COMMISSIONER.~~—The president of Enterprise Florida,

577-02554A-16

20161646c1

1541 Inc., shall appoint the film and entertainment commissioner, who  
 1542 is subject to confirmation by the Senate, within 90 days after  
 1543 the effective date of this act ~~department shall conduct a~~  
 1544 ~~national search for a qualified person to fill the position of~~  
 1545 ~~Commissioner of Film and Entertainment when the position is~~  
 1546 ~~vacant. The executive director of the department has the~~  
 1547 ~~responsibility to hire the film commissioner. The commissioner~~  
 1548 is subject to the requirements of s. 288.901(1)(c).

1549 Qualifications for the film commissioner include, but are not  
 1550 limited to, the following:

1551 (a)1. At least 5 years' A working knowledge of and  
 1552 experience with the equipment, personnel, financial, and day-to-  
 1553 day production operations of the industries to be served by the  
 1554 division ~~Office of Film and Entertainment;~~

1555 (b)2. Marketing and promotion experience related to the  
 1556 film and entertainment industries to be served;

1557 (c)3. Experience working with a variety of individuals  
 1558 representing large and small entertainment-related businesses,  
 1559 industry associations, local community entertainment industry  
 1560 liaisons, and labor organizations; ~~and~~

1561 (d)4. Experience working with a variety of state and local  
 1562 governmental agencies; ~~and-~~

1563 (e) A record of high-level involvement in production deals  
 1564 and contacts with industry decisionmakers.

1565 (3)(2) POWERS AND DUTIES.-

1566 (a) In the performance of its duties, the Division Office  
 1567 of Film and Entertainment, ~~in performance of its duties,~~ shall  
 1568 develop and periodically ~~+~~

1569 ~~1. In consultation with the Florida Film and Entertainment~~

577-02554A-16

20161646c1

1570 ~~Advisory Council,~~ update a 5-year ~~the~~ strategic plan ~~every 5~~  
1571 ~~years~~ to guide the activities of the division ~~Office of Film and~~  
1572 ~~Entertainment~~ in the areas of entertainment industry  
1573 development, marketing, promotion, liaison services, field  
1574 office administration, and information. The plan must ~~shall~~:

1575     ~~a.~~ be annual in construction and ongoing in nature.

1576     1. At a minimum, the plan must address the following:

1577     ~~a.b.~~ Include recommendations relating to The organizational  
1578 structure of the division, including any field offices outside  
1579 the state office.

1580     b. The coordination of the division with local or regional  
1581 offices maintained by counties and regions of the state, local  
1582 film commissions, and labor organizations, and the coordination  
1583 of such entities with each other to facilitate a working  
1584 relationship.

1585     c. Strategies to identify, solicit, and recruit  
1586 entertainment production opportunities for the state, including  
1587 implementation of programs for rural and urban areas designed to  
1588 develop and promote the state's entertainment industry.

1589     ~~d.e.~~ Include An annual budget projection for the division  
1590 office for each year of the plan.

1591     ~~d.~~ Include an operational model for the office to use in  
1592 implementing programs for rural and urban areas designed to:

1593     ~~(I)~~ develop and promote the state's entertainment industry.

1594     ~~(II)~~ Have the office serve as a liaison between the  
1595 entertainment industry and other state and local governmental  
1596 agencies, local film commissions, and labor organizations.

1597     ~~(III)~~ Gather statistical information related to the state's  
1598 entertainment industry.

577-02554A-16

20161646c1

1599 ~~e.~~(IV) Provision of ~~Provide~~ information and service to  
1600 businesses, communities, organizations, and individuals engaged  
1601 in entertainment industry activities.

1602 ~~(V) Administer field offices outside the state and~~  
1603 ~~coordinate with regional offices maintained by counties and~~  
1604 ~~regions of the state, as described in sub-sub-subparagraph (II),~~  
1605 ~~as necessary.~~

1606 ~~f.e.~~ Include Performance standards and measurable outcomes  
1607 for the programs to be implemented by the division office.

1608 2. The plan shall be annually reviewed and approved by the  
1609 board of directors of Enterprise Florida, Inc.

1610 ~~f. Include an assessment of, and make recommendations on,~~  
1611 ~~the feasibility of creating an alternative public-private~~  
1612 ~~partnership for the purpose of contracting with such a~~  
1613 ~~partnership for the administration of the state's entertainment~~  
1614 ~~industry promotion, development, marketing, and service~~  
1615 ~~programs.~~

1616 ~~2. Develop, market, and facilitate a working relationship~~  
1617 ~~between state agencies and local governments in cooperation with~~  
1618 ~~local film commission offices for out-of-state and indigenous~~  
1619 ~~entertainment industry production entities.~~

1620 ~~3. Implement a structured methodology prescribed for~~  
1621 ~~coordinating activities of local offices with each other and the~~  
1622 ~~commissioner's office.~~

1623 (b) The division shall also:

1624 1.4. Represent the state's indigenous entertainment  
1625 industry to key decisionmakers within the national and  
1626 international entertainment industry, and to state and local  
1627 officials.



577-02554A-16

20161646c1

1628       ~~2.5.~~ Prepare an inventory and analysis of the state's  
1629 entertainment industry, including, but not limited to,  
1630 information on crew, related businesses, support services, job  
1631 creation, talent, and economic impact and coordinate with local  
1632 offices to develop an information tool for common use.

1633       ~~3.6.~~ Identify, solicit, and recruit entertainment  
1634 production opportunities for the state.

1635       ~~4.7.~~ Assist rural communities and other small communities  
1636 in the state in developing the expertise and capacity necessary  
1637 for such communities to develop, market, promote, and provide  
1638 services to the state's entertainment industry.

1639       ~~(c)(b)~~ The division ~~Office of Film and Entertainment~~, in  
1640 the performance of its duties, may:

1641           1. Conduct or contract for specific promotion and marketing  
1642 functions, including, but not limited to, production of a  
1643 statewide directory, production and maintenance of a ~~an Internet~~  
1644 website, establishment and maintenance of a toll-free telephone  
1645 number, organization of trade show participation, and  
1646 appropriate cooperative marketing opportunities.

1647           2. Conduct its affairs, carry on its operations, establish  
1648 offices, and exercise the powers granted by this act in any  
1649 state, territory, district, or possession of the United States.

1650           3. Carry out any program of information, special events, or  
1651 publicity designed to attract the entertainment industry to  
1652 Florida.

1653           4. Develop relationships and leverage resources with other  
1654 public and private organizations or groups in their efforts to  
1655 publicize to the entertainment industry in this state, other  
1656 states, and other countries the depth of Florida's entertainment

577-02554A-16

20161646c1

1657 industry talent, crew, production companies, production  
1658 equipment resources, related businesses, and support services,  
1659 including the establishment of and expenditure for a program of  
1660 cooperative advertising with these public and private  
1661 organizations and groups in accordance with the provisions of  
1662 chapter 120.

1663 5. Provide and arrange for reasonable and necessary  
1664 promotional items and services for such persons as the division  
1665 ~~office~~ deems proper in connection with the performance of the  
1666 promotional and other duties of the division ~~office~~.

1667 6. Prepare an ~~annual~~ economic impact analysis on  
1668 entertainment industry-related activities in the state.

1669 7. Request or accept any grant, payment, or gift of funds  
1670 or property made by this state, the United States, or any  
1671 department or agency thereof, or by any individual, firm,  
1672 corporation, municipality, county, or organization, for ~~any or~~  
1673 ~~all of~~ the purposes of the division's ~~Office of Film and~~  
1674 ~~Entertainment's~~ 5-year strategic plan or those ~~permitted~~  
1675 activities authorized by ~~enumerated in~~ this paragraph. Such  
1676 funds shall be deposited in a separate account with Enterprise  
1677 Florida, Inc., ~~the Grants and Donations Trust Fund of the~~  
1678 ~~Executive Office of the Governor~~ for use by the division ~~Office~~  
1679 ~~of Film and Entertainment~~ in carrying out its responsibilities  
1680 and duties ~~as delineated in law~~. The division ~~office~~ may expend  
1681 such funds in accordance with the terms and conditions of any  
1682 such grant, payment, or gift in the pursuit of its  
1683 administration or in support of fulfilling its duties and  
1684 responsibilities. The division ~~office~~ shall separately account  
1685 for the public funds and the private funds deposited into the

577-02554A-16

20161646c1

1686 ~~account trust fund.~~

1687 Section 23. Section 288.1252, Florida Statutes, is  
1688 renumbered as section 288.914, Florida Statutes, and amended to  
1689 read:

1690 288.914 ~~288.1252~~ Florida Film and Entertainment Advisory  
1691 Council; ~~creation;~~ purpose; membership; powers and duties.—

1692 ~~(1) CREATION.—There is created within the department, for~~  
1693 ~~administrative purposes only, the Florida Film and Entertainment~~  
1694 ~~Advisory Council.~~

1695 (1)(2) CREATION AND PURPOSE.—The Florida Film and  
1696 Entertainment Advisory Council is created ~~purpose of the Council~~  
1697 ~~is~~ to serve as an advisory body to the Division of Film and  
1698 Entertainment within Enterprise Florida, Inc., and department  
1699 ~~and to the Office of Film and Entertainment~~ to provide these  
1700 ~~offices with~~ industry insight and expertise related to  
1701 developing, marketing, and promoting, ~~and providing service to~~  
1702 the state's entertainment industry.

1703 (2)(3) MEMBERSHIP.—

1704 (a) The council shall consist of 11 ~~17~~ members, 5 ~~7~~ to be  
1705 appointed by the Governor, 3 ~~5~~ to be appointed by the President  
1706 of the Senate, and 3 ~~5~~ to be appointed by the Speaker of the  
1707 House of Representatives.

1708 (b) When making appointments to the council, the Governor,  
1709 the President of the Senate, and the Speaker of the House of  
1710 Representatives shall appoint persons who are residents of the  
1711 state and who are highly knowledgeable of, active in, and  
1712 recognized as leaders in Florida's motion picture, television,  
1713 video, sound recording, or other entertainment industries. These  
1714 persons must ~~shall~~ include, but need not be limited to,

577-02554A-16

20161646c1

1715 representatives of local film commissions, representatives of  
1716 entertainment associations, a representative of the broadcast  
1717 industry, representatives of labor organizations in the  
1718 entertainment industry, and board chairs, presidents, chief  
1719 executive officers, chief operating officers, or persons of  
1720 comparable executive position or stature of leading or otherwise  
1721 important entertainment industry businesses and offices. Council  
1722 members must ~~shall~~ be appointed in such a manner as to equitably  
1723 represent the broadest spectrum of the entertainment industry  
1724 and geographic areas of the state.

1725 (c) Council members shall serve for 4-year terms. A council  
1726 member serving as of July 1, 2016, may serve the remainder of  
1727 his or her term, but upon the conclusion of the term or upon  
1728 vacancy, the appointment must be made in accordance with this  
1729 section.

1730 (d) Subsequent appointments shall be made by the official  
1731 who appointed the council member whose expired term is to be  
1732 filled.

1733 (e) In addition to the 11 ~~17~~ appointed members ~~of the~~  
1734 ~~council~~, 1 representative from each of Enterprise Florida, Inc.,  
1735 CareerSource Florida, Inc., and VISIT Florida shall serve as ex  
1736 officio, nonvoting members of the council.

1737 (f) Absence from three consecutive meetings shall result in  
1738 automatic removal from the council.

1739 (g) A vacancy on the council shall be filled for the  
1740 remainder of the unexpired term by the official who appointed  
1741 the vacating member.

1742 (h) No more than one member of the council may be an  
1743 employee of any one company, organization, or association.

577-02554A-16

20161646c1

1744 (i) Any member shall be eligible for reappointment but may  
1745 not serve more than two consecutive terms.

1746 (3)~~(4)~~ MEETINGS; ORGANIZATION.—

1747 (a) The council shall meet at least ~~no less frequently than~~  
1748 once each quarter of the calendar year, and ~~but~~ may meet more  
1749 often as determined necessary ~~set~~ by the council.

1750 (b) The council shall annually elect from its appointed  
1751 membership one member to serve as chair ~~of the council~~ and one  
1752 member to serve as vice chair. The Division ~~Office~~ of Film and  
1753 Entertainment shall provide staff assistance to the council,  
1754 which must ~~shall~~ include, but need not be limited to, keeping  
1755 records of the proceedings of the council, and serving as  
1756 custodian of all books, documents, and papers filed with the  
1757 council.

1758 (c) A majority of the members of the council constitutes  
1759 ~~shall constitute~~ a quorum.

1760 (d) Members of the council shall serve without  
1761 compensation, but are ~~shall be~~ entitled to reimbursement for per  
1762 diem and travel expenses in accordance with s. 112.061 while in  
1763 performance of their duties.

1764 (4)~~(5)~~ POWERS AND DUTIES.—The Florida Film and  
1765 Entertainment Advisory Council has ~~shall have all the power~~  
1766 ~~powers necessary or convenient~~ to carry out ~~and effectuate the~~  
1767 ~~purposes and provisions of~~ this act, including, but not limited  
1768 to, the power to:

1769 (a) Adopt bylaws for the governance of its affairs and the  
1770 conduct of its business.

1771 (b) Advise the Division ~~and consult with the Office~~ of Film  
1772 and Entertainment on the content, development, and

577-02554A-16

20161646c1

1773 implementation of the division's 5-year strategic plan ~~to guide~~  
1774 ~~the activities of the office.~~

1775 ~~(c) Review the Commissioner of Film and Entertainment's~~  
1776 ~~administration of the programs related to the strategic plan,~~  
1777 ~~and Advise the Division of Film and Entertainment commissioner~~  
1778 on the division's programs and any changes that might be made to  
1779 better meet the strategic plan.

1780 ~~(d) Consider and study the needs of the entertainment~~  
1781 ~~industry for the purpose of advising the Division of Film and~~  
1782 ~~Entertainment film commissioner and the department.~~

1783 ~~(e) Identify and make recommendations on state agency and~~  
1784 ~~local government actions that may have an impact on the~~  
1785 ~~entertainment industry or that may appear to industry~~  
1786 ~~representatives as an official state or local actions action~~  
1787 ~~affecting production in the state, and advise the Division of~~  
1788 ~~Film and Entertainment of such actions.~~

1789 ~~(f) Consider all matters submitted to it by the Division of~~  
1790 ~~Film and Entertainment film commissioner and the department.~~

1791 ~~(g) Advise and consult with the film commissioner and the~~  
1792 ~~department, at their request or upon its own initiative,~~  
1793 ~~regarding the promulgation, administration, and enforcement of~~  
1794 ~~all laws and rules relating to the entertainment industry.~~

1795 ~~(g)(h) Suggest policies and practices for the conduct of~~  
1796 ~~business by the Office of Film and Entertainment or by the~~  
1797 ~~department that will improve interaction with internal~~  
1798 ~~operations affecting the entertainment industry and will enhance~~  
1799 ~~related state the economic development initiatives of the state~~  
1800 ~~for the industry.~~

1801 ~~(i) Appear on its own behalf before boards, commissions,~~

577-02554A-16

20161646c1

1802 ~~departments, or other agencies of municipal, county, or state~~  
1803 ~~government, or the Federal Government.~~

1804 Section 24. Section 288.1253, Florida Statutes, is  
1805 renumbered as section 288.915, Florida Statutes, and amended to  
1806 read:

1807 288.915 ~~288.1253~~ Travel and entertainment expenses.—

1808 (1) As used in this section, the term "travel expenses"  
1809 means the actual, necessary, and reasonable costs of  
1810 transportation, meals, lodging, and incidental expenses normally  
1811 incurred by an employee of the Division Office of Film and  
1812 Entertainment within Enterprise Florida, Inc., as which costs  
1813 ~~are~~ defined and prescribed by ~~rules adopted by the~~ department  
1814 rule, subject to approval by the Chief Financial Officer.

1815 (2) Notwithstanding ~~the provisions of~~ s. 112.061, the  
1816 department shall adopt rules by which the Division of Film and  
1817 Entertainment ~~it~~ may make expenditures by reimbursement to~~÷~~ the  
1818 Governor, the Lieutenant Governor, security staff of the  
1819 Governor or Lieutenant Governor, the Commissioner of Film and  
1820 Entertainment, or staff of the Division Office of Film and  
1821 Entertainment for travel expenses or entertainment expenses  
1822 incurred by such individuals solely and exclusively in  
1823 connection with the performance of the statutory duties of the  
1824 division Office of Film and Entertainment. The rules are subject  
1825 to approval by the Chief Financial Officer before adoption. The  
1826 rules shall require the submission of paid receipts, or other  
1827 proof of expenditure prescribed by the Chief Financial Officer,  
1828 with any claim for reimbursement.

1829 (3) The Division Office of Film and Entertainment shall  
1830 include in the annual report for the entertainment industry

577-02554A-16

20161646c1

1831 ~~financial incentive~~ program required under s. 288.1256(10) ~~s.~~  
1832 ~~288.1254(10)~~ a report of the division's office's expenditures  
1833 for the previous fiscal year. The report must consist of a  
1834 summary of all travel, entertainment, and incidental expenses  
1835 incurred within the United States and all travel, entertainment,  
1836 and incidental expenses incurred outside the United States, as  
1837 well as a summary of all successful projects that developed from  
1838 such travel.

1839 (4) The Division Office of Film and Entertainment and its  
1840 employees and representatives, when authorized, may accept and  
1841 use complimentary travel, accommodations, meeting space, meals,  
1842 equipment, transportation, and any other goods or services  
1843 necessary for or beneficial to the performance of the division's  
1844 ~~office's~~ duties and purposes, so long as such acceptance or use  
1845 is not in conflict with part III of chapter 112. The department  
1846 shall, by rule, develop internal controls to ensure that such  
1847 goods or services accepted or used pursuant to this subsection  
1848 are limited to those that will assist solely and exclusively in  
1849 the furtherance of the division's office's goals and are in  
1850 compliance with part III of chapter 112. Notwithstanding this  
1851 subsection, the division and its employees and representatives  
1852 may not accept any complimentary travel, accommodations, meeting  
1853 space, meals, equipment, transportation, or other goods or  
1854 services from an entity or a party, including an employee, a  
1855 designee, or a representative of such entity or party, which has  
1856 received, has applied to receive, or anticipates that it will  
1857 receive through an application, funds under s. 288.1256. If the  
1858 division or its employee or representative accepts such goods or  
1859 services, the division or its employee or representative is



577-02554A-16

20161646c1

1860 subject to the penalties provided in s. 112.317.

1861 (5) A ~~Any~~ claim submitted under this section is not  
1862 required to be sworn to before a notary public or other officer  
1863 authorized to administer oaths, but a ~~any~~ claim authorized or  
1864 required to be made under any provision of this section shall  
1865 contain a statement that the expenses were actually incurred as  
1866 necessary travel or entertainment expenses in the performance of  
1867 official duties of the Division ~~Office~~ of Film and Entertainment  
1868 and shall be verified by written declaration that it is true and  
1869 correct as to every material matter. A ~~Any~~ person who willfully  
1870 makes and subscribes to a ~~any~~ claim that ~~which~~ he or she does  
1871 not believe to be true and correct as to every material matter  
1872 or who willfully aids or assists in, procures, or counsels or  
1873 advises with respect to, the preparation or presentation of a  
1874 claim pursuant to this section which ~~that~~ is fraudulent or false  
1875 as to any material matter, whether such falsity or fraud is with  
1876 the knowledge or consent of the person authorized or required to  
1877 present the claim, commits a misdemeanor of the second degree,  
1878 punishable as provided in s. 775.082 or s. 775.083. Whoever  
1879 receives a reimbursement by means of a false claim is civilly  
1880 liable, in the amount of the overpayment, for the reimbursement  
1881 of the public fund from which the claim was paid.

1882 Section 25. Paragraph (a) of subsection (5), paragraph (c)  
1883 of subsection (9), and subsections (10) and (11) of section  
1884 288.1254, Florida Statutes, are amended to read:

1885 288.1254 Entertainment industry financial incentive  
1886 program.—

1887 (5) TRANSFER OF TAX CREDITS.—

1888 (a) *Authorization.*—Upon application to ~~the Office of Film~~

577-02554A-16

20161646c1

1889 ~~and Entertainment~~ and approval by the department, a certified  
1890 production company, or a partner or member that has received a  
1891 distribution under paragraph (4)(g), may elect to transfer, in  
1892 whole or in part, any unused credit amount granted under this  
1893 section. An election to transfer any unused tax credit amount  
1894 under chapter 212 or chapter 220 must be made no later than 5  
1895 years after the date the credit is awarded, after which period  
1896 the credit expires and may not be used. The department shall  
1897 notify the Department of Revenue of the election and transfer.

1898 (9) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX  
1899 CREDITS; FRAUDULENT CLAIMS.—

1900 (c) *Forfeiture of tax credits.*—A determination by the  
1901 Department of Revenue, as a result of an audit pursuant to  
1902 paragraph (a) or from information received from the department  
1903 ~~Office of Film and Entertainment~~, that an applicant received tax  
1904 credits pursuant to this section to which the applicant was not  
1905 entitled is grounds for forfeiture of previously claimed and  
1906 received tax credits. The applicant is responsible for returning  
1907 forfeited tax credits to the Department of Revenue, and such  
1908 funds shall be paid into the General Revenue Fund of the state.  
1909 Tax credits purchased in good faith are not subject to  
1910 forfeiture unless the transferee submitted fraudulent  
1911 information in the purchase or failed to meet the requirements  
1912 in subsection (5).

1913 (10) ANNUAL REPORT.—Each November 1, the department ~~Office~~  
1914 ~~of Film and Entertainment~~ shall submit an annual report for the  
1915 previous fiscal year to the Governor, the President of the  
1916 Senate, and the Speaker of the House of Representatives which  
1917 outlines the incentive program's return on investment and

577-02554A-16

20161646c1

1918 economic benefits to the state. The report must also include an  
 1919 estimate of the full-time equivalent positions created by each  
 1920 production that received tax credits under this section and  
 1921 information relating to the distribution of productions  
 1922 receiving credits by geographic region and type of production.  
 1923 The report must also include the expenditures report required  
 1924 under s. 288.915(3) ~~s. 288.1253(3)~~ and the information  
 1925 describing the relationship between tax exemptions and  
 1926 incentives to industry growth required under s. 288.1258(5).

1927 (11) REPEAL.—This section is repealed April 1, 2016 ~~July 1,~~  
 1928 ~~2016~~, except that:

1929 (a) Tax credits certified under paragraph (3) (d) before  
 1930 April 1, 2016 ~~July 1, 2016~~, may not be awarded under paragraph  
 1931 (3) (f) on or after April 1, 2016, and the Department of Revenue  
 1932 shall deny any credit claimed on a tax return when that credit  
 1933 was awarded under paragraph (3) (f) on or after April 1, 2016  
 1934 ~~July 1, 2016, if the other requirements of this section are met.~~

1935 (b) Tax credits carried forward under paragraph (4) (e)  
 1936 remain valid for the period specified.

1937 (c) Subsections (5), (8), and (9) shall remain in effect  
 1938 until July 1, 2021.

1939 Section 26. Section 288.1256, Florida Statutes, is created  
 1940 to read:

1941 288.1256 Entertainment Action Fund.—

1942 (1) The Entertainment Action Fund is created within the  
 1943 department in order to respond to extraordinary opportunities  
 1944 and to compete effectively with other states to attract and  
 1945 retain production companies and to provide favorable conditions  
 1946 for the growth of the entertainment industry in this state.

577-02554A-16

20161646c1

1947 (2) As used in this section, the term:

1948 (a) "Division" means the Division of Film and Entertainment  
1949 within Enterprise Florida, Inc.

1950 (b) "Principal photography" means the filming of major or  
1951 significant components of a project which involve lead actors.

1952 (c) "Production" means a theatrical, direct-to-video, or  
1953 direct-to-Internet motion picture; a made-for-television motion  
1954 picture; visual effects or digital animation sequences produced  
1955 in conjunction with a motion picture; a commercial; a music  
1956 video; an industrial or educational film; an infomercial; a  
1957 documentary film; a television pilot program; a presentation for  
1958 a television pilot program; a television series, including, but  
1959 not limited to, a drama, a reality show, a comedy, a soap opera,  
1960 a telenovela, a game show, an awards show, or a miniseries  
1961 production; a direct-to-Internet television series; or a digital  
1962 media project by the entertainment industry. One season of a  
1963 television series is considered one production. The term does  
1964 not include a weather or market program; a sporting event or a  
1965 sporting event broadcast; a gala; a production that solicits  
1966 funds; a home shopping program; a political program; a political  
1967 documentary; political advertising; a gambling-related project  
1968 or production; a concert production; a local, a regional, or an  
1969 Internet-distributed-only news show or current-events show; a  
1970 sports news or a sports recap show; a pornographic production;  
1971 or any production deemed obscene under chapter 847. A production  
1972 may be produced on or by film, tape, or otherwise by means of a  
1973 motion picture camera; an electronic camera or device; a tape  
1974 device; a computer; any combination of the foregoing; or any  
1975 other means, method, or device.

577-02554A-16

20161646c1

1976        (d) "Production company" means a corporation, limited  
1977 liability company, partnership, or other legal entity engaged in  
1978 one or more productions in this state.

1979        (e) "Production expenditures" means the costs of tangible  
1980 and intangible property used for, and services performed  
1981 primarily and customarily in, production, including  
1982 preproduction and postproduction, but excluding costs for  
1983 development, marketing, and distribution. The term includes, but  
1984 is not limited to:

1985            1. Wages, salaries, or other compensation paid to legal  
1986 residents of this state, including amounts paid through payroll  
1987 service companies, for technical and production crews,  
1988 directors, producers, and performers.

1989            2. Net expenditures for sound stages, backlots, production  
1990 editing, digital effects, sound recordings, sets, and set  
1991 construction. As used in this paragraph, the term "net  
1992 expenditures" means the actual amount of money a project spent  
1993 for equipment or other tangible personal property, after  
1994 subtracting any consideration received for reselling or  
1995 transferring the item after the production ends, if applicable.

1996            3. Net expenditures for rental equipment, including, but  
1997 not limited to, cameras and grip or electrical equipment.

1998            4. Up to \$300,000 of the costs of newly purchased computer  
1999 software and hardware unique to the project, including servers,  
2000 data processing, and visualization technologies, which are  
2001 located in and used exclusively in this state for the production  
2002 of digital media.

2003            5. Expenditures for meals, travel, and accommodations.

2004        (f) "Project" means a production in this state meeting the

577-02554A-16

20161646c1

2005 requirements of this section. The term does not include a  
2006 production:

2007 1. In which less than 70 percent of the positions that make  
2008 up its production cast and below-the-line production crew are  
2009 filled by legal residents of this state, whose residency is  
2010 demonstrated by a valid Florida driver license or other state-  
2011 issued identification confirming residency, or students enrolled  
2012 full-time in an entertainment-related course of study at an  
2013 institution of higher education in this state; or

2014 2. That contains obscene content as defined in s.  
2015 847.001(10).

2016 (g) "Qualified expenditures" means production expenditures  
2017 incurred in this state by a production company for:

2018 1. Goods purchased or leased from, or services, including,  
2019 but not limited to, insurance costs and bonding, payroll  
2020 services, and legal fees, which are provided by a vendor or  
2021 supplier in this state which is registered with the Department  
2022 of State or the Department of Revenue, has a physical location  
2023 in this state, and employs one or more legal residents of this  
2024 state. This does not include rebilled goods or services provided  
2025 by an in-state company from out-of-state vendors or suppliers.  
2026 If services provided by the vendor or supplier include personal  
2027 services or labor, only personal services or labor provided by  
2028 residents of this state, evidenced by the required documentation  
2029 of residency in this state, qualify.

2030 2. Payments to legal residents of this state in the form of  
2031 salary, wages, or other compensation up to a maximum of \$400,000  
2032 per resident. A completed declaration of residency in this state  
2033 must accompany the documentation submitted to the department for

577-02554A-16

20161646c1

2034 reimbursement.

2035  
2036 For a project involving an event, such as an awards show, the  
2037 term does not include expenditures solely associated with the  
2038 event itself and not directly required by the production. The  
2039 term does not include expenditures incurred before the agreement  
2040 is signed. The production company may not include in the  
2041 calculation for qualified expenditures the original purchase  
2042 price for equipment or other tangible property that is later  
2043 sold or transferred by the production company for consideration.  
2044 In such cases, the qualified expenditure is the net of the  
2045 original purchase price minus the consideration received upon  
2046 sale or transfer.

2047 (h) "Underutilized county" means a county in which less  
2048 than \$500,000 in qualified expenditures were made in the last 2  
2049 fiscal years.

2050 (3) A production company may apply for funds from the  
2051 Entertainment Action Fund for a production or successive seasons  
2052 of a production. The division shall review and evaluate  
2053 applications to determine the eligibility of each project  
2054 consistent with the requirements of this section. The division  
2055 shall leverage funds to select projects that maximize the return  
2056 to the state. The division must accept applications for at least  
2057 3 months, and shall provide public notice of the application  
2058 period. The division may allow multiple, nonoverlapping  
2059 application periods in a fiscal year subject to the availability  
2060 of funds. The division shall review and evaluate applications  
2061 timely received during the application period to identify any  
2062 competitive projects to recommend for approval as provided in

577-02554A-16

20161646c1

2063 this section. The division may determine that no applications  
2064 were submitted which meet the requirements of this section and  
2065 maximize the return to the state.

2066 (4) The division, in its review and evaluation of  
2067 applications, must consider the following criteria, which are  
2068 listed in order of priority, with the highest priority given to  
2069 paragraph (a):

2070 (a) The number of state residents who will be employed in  
2071 full-time equivalent and part-time positions related to the  
2072 project, the duration of such employment, and the average wages  
2073 paid to such residents. Preference shall be given to a project  
2074 that expects to pay higher than the statewide average wage.

2075 (b) The amount of qualified and nonqualified expenditures  
2076 that will be made in this state.

2077 (c) Planned or executed contracts with production  
2078 facilities or soundstages in this state and the percentage of  
2079 principal photography or production activity that will occur at  
2080 each location.

2081 (d) Planned preproduction and postproduction to occur in  
2082 this state.

2083 (e) The amount of capital investment, especially fixed  
2084 capital investment, to be made directly by the production  
2085 company in this state related to the project and the amount of  
2086 any other capital investment to be made in this state related to  
2087 the project.

2088 (f) The duration of the project in this state.

2089 (g) The amount and duration of principal photography or  
2090 production activity that will occur in an underutilized county.

2091 (h) The extent to which the production company will promote



577-02554A-16

20161646c1

2092 Florida, including the production of marketing materials  
2093 promoting this state as a tourist destination or a film and  
2094 entertainment production destination; placement of state agency  
2095 logos in the production and credits; authorized use of  
2096 production assets, characters, and themes by this state;  
2097 promotional videos for this state included on optical disc  
2098 formats; and other marketing integration.

2099 (i) The employment of students enrolled full-time in an  
2100 entertainment-related course of study at an institution of  
2101 higher education in this state or of graduates from such an  
2102 institution within 12 months after graduation.

2103 (j) Plans to work with entertainment industry-related  
2104 courses of study at an institution of higher education in this  
2105 state.

2106 (k) Local support and any local financial commitment for  
2107 the project.

2108 (l) The project is about this state or shows this state in  
2109 a positive light.

2110 (m) A review of the production company's past activities in  
2111 this state or other states.

2112 (n) The length of time the production company has made  
2113 productions in this state, the number of productions the  
2114 production company has made in this state, and the production  
2115 company's overall commitment to this state. This includes a  
2116 production company that is based in this state.

2117 (o) Expected contributions to this state's economy,  
2118 consistent with the state strategic economic development plan  
2119 prepared by the department.

2120 (p) The expected effect of the award on the viability of

577-02554A-16

20161646c1

2121 the project and the probability that the project would be  
2122 undertaken in this state if funds are granted to the production  
2123 company.

2124 (5) A production company must have financing in place for a  
2125 project before it applies for funds under this section.

2126 (6) The department shall prescribe a form upon which an  
2127 application must be made to the division. At a minimum, the  
2128 application must include:

2129 (a) The applicant's federal employer identification number,  
2130 reemployment assistance account number, and state sales tax  
2131 registration number, as applicable. If such numbers are not  
2132 available at the time of application, they must be submitted to  
2133 the department in writing before the disbursement of any  
2134 payments.

2135 (b) The signature of the applicant.

2136 (c) A detailed budget of planned qualified and nonqualified  
2137 expenditures in this state.

2138 (d) The type and amount of capital investment that will be  
2139 made in this state.

2140 (e) The locations in this state where the project will  
2141 occur.

2142 (f) The anticipated commencement date and duration of the  
2143 project.

2144 (g) The proposed number of state residents and nonstate  
2145 residents who will be employed in full-time equivalent and part-  
2146 time positions related to the project and wages paid to such  
2147 persons.

2148 (h) The total number of full-time equivalent employees  
2149 employed by the production company in this state, if applicable.

577-02554A-16

20161646c1

- 2150       (i) Proof of financing for the project.
- 2151       (j) The amount of promotion of Florida which the production  
2152 company will provide for the state.
- 2153       (k) An attestation verifying that the information provided  
2154 on the application is true and accurate.
- 2155       (l) Any additional information requested by the department  
2156 or division.
- 2157       (7) The division and department must make a recommendation  
2158 to the Governor to approve or deny an award within 7 days after  
2159 completion of the review and evaluation. An award of funds may  
2160 constitute up to 30 percent of qualified expenditures in this  
2161 state and may not fund wages paid to nonresidents. The division  
2162 may recommend an award of funds that is less than 30 percent of  
2163 qualified expenditures in this state. A production must start  
2164 within 1 year after the date the project is approved by the  
2165 Governor. The recommendation must include the performance  
2166 conditions that the project must meet to obtain funds.
- 2167       (a) The Governor may approve projects without consulting  
2168 the Legislature for projects requiring less than \$2 million in  
2169 funding.
- 2170       (b) For projects requiring funding of at least \$2 million  
2171 but not more than \$5 million, the Governor must provide a  
2172 written description and evaluation of a project recommended for  
2173 approval to the chair and vice chair of the Legislative Budget  
2174 Commission at least 10 days before giving final approval for the  
2175 project. The recommendation must include the performance  
2176 conditions that the project must meet in order to obtain funds.
- 2177       (c) If the chair or vice chair of the Legislative Budget  
2178 Commission, the President of the Senate, or the Speaker of the

577-02554A-16

20161646c1

2179 House of Representatives timely advises the Executive Office of  
2180 the Governor, in writing, that an action or a proposed action  
2181 exceeds the delegated authority of the Executive Office of the  
2182 Governor or is contrary to legislative policy or intent, the  
2183 Executive Office of the Governor shall void the release of funds  
2184 and instruct the department to immediately change such action or  
2185 proposed action until the Legislative Budget Commission or the  
2186 Legislature addresses the issue.

2187 (d) A project requiring more than \$5 million in funding  
2188 must be approved by the Legislative Budget Commission before the  
2189 funds are released.

2190 (8) Upon the approval of the Governor, the department and  
2191 the production company shall enter into an agreement that  
2192 specifies, at a minimum:

2193 (a) The total amount of funds awarded and the schedule of  
2194 payment.

2195 (b) The performance conditions the production company must  
2196 meet to obtain payment of moneys from the fund. Performance  
2197 conditions must include the criteria considered in the review  
2198 and evaluation of the application. Performance conditions must  
2199 relate to activity that occurs in this state.

2200 (c) The methodology for validating performance and the date  
2201 by which the production company must submit proof of performance  
2202 to the department.

2203 (d) That the department may review and verify any records  
2204 of the production company to ascertain whether that company is  
2205 in compliance with this section and the agreement.

2206 (e) Sanctions for failure to meet performance conditions.

2207 (f) That payment of moneys from the fund is contingent upon

577-02554A-16

20161646c1

2208 sufficient appropriation of funds by the Legislature.

2209 (9) The agreement must be finalized and signed by an  
2210 authorized officer of the production company within 90 days  
2211 after the Governor's approval. A production company that  
2212 receives funds under this section may not receive benefits under  
2213 s. 288.1258 for the same production.

2214 (10) The department shall validate contractor performance  
2215 and report such validation in an annual report. Each November 1,  
2216 the department and the division shall submit an annual report  
2217 for the previous fiscal year to the Governor, the President of  
2218 the Senate, and the Speaker of the House of Representatives  
2219 which outlines the program's return on investment and economic  
2220 benefits to the state. The report must also include an estimate  
2221 of the full-time equivalent positions created by each production  
2222 that received a grant under this section and information  
2223 relating to the distribution of productions receiving credits by  
2224 geographic region and type of production. In addition, the  
2225 report must include the expenditures report required under s.  
2226 288.915, the information describing the relationship between tax  
2227 exemptions and incentives to industry growth required under s.  
2228 288.1258(5), and program performance information required under  
2229 this section.

2230 (11) The department may not approve awards in excess of the  
2231 amount appropriated for a fiscal year. The department must  
2232 maintain a schedule of funds to be paid from the appropriation  
2233 for the fiscal year that begins on July 1. For the first 6  
2234 months of each fiscal year, the department shall set aside 50  
2235 percent of the amount appropriated for the fund by the  
2236 Legislature. At the end of the 6-month period, these funds are

577-02554A-16

20161646c1

2237 available to provide funding under this section for applications  
2238 submitted on or after January 1. The department or division may  
2239 not accept any applications or conditionally commit funds or  
2240 grant priority to a production company if funds are not  
2241 available in the current period.

2242 (12) A production company that submits fraudulent  
2243 information under this section is liable for reimbursement of  
2244 the reasonable costs and fees associated with the review,  
2245 processing, investigation, and prosecution of the fraudulent  
2246 claim. A production company that receives a payment under this  
2247 section through a claim that is fraudulent is liable for  
2248 reimbursement of the payment amount, plus a penalty in an amount  
2249 double the payment amount. The penalty is in addition to any  
2250 criminal penalty for which the production company is liable for  
2251 the same acts. The production company is also liable for costs  
2252 and fees incurred by the state in investigating and prosecuting  
2253 the fraudulent claim.

2254 (13) The department or division may not waive any provision  
2255 or provide an extension of time to meet any requirement of this  
2256 section.

2257 (14) This section expires on July 1, 2026. An agreement in  
2258 existence on that date shall continue in effect in accordance  
2259 with its terms.

2260 Section 27. Section 288.1258, Florida Statutes, is amended  
2261 to read:

2262 288.1258 Entertainment industry qualified production  
2263 companies; application procedure; categories; duties of the  
2264 Department of Revenue; records and reports.—

2265 (1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

577-02554A-16

20161646c1

2266 (a) Any production company engaged in this state in the  
2267 production of motion pictures, made-for-TV motion pictures,  
2268 television series, commercial advertising, music videos, or  
2269 sound recordings may submit an application for exemptions under  
2270 ss. 212.031, 212.06, and 212.08 to the Department of Revenue to  
2271 be approved by the Department of Economic Opportunity ~~Office of~~  
2272 ~~Film and Entertainment~~ as a qualified production company for the  
2273 purpose of receiving a sales and use tax certificate of  
2274 exemption from the Department of Revenue to exempt purchases on  
2275 or after the date that the completed application is filed with  
2276 the Department of Revenue.

2277 (b) As used in ~~For the purposes of~~ this section, the term  
2278 "qualified production company" means any production company that  
2279 has submitted a properly completed application to the Department  
2280 of Revenue and that is subsequently qualified by the Department  
2281 of Economic Opportunity ~~Office of Film and Entertainment.~~

2282 (2) APPLICATION PROCEDURE.—

2283 (a) The Department of Revenue shall ~~will~~ review all  
2284 submitted applications for the required information. Within 10  
2285 working days after the receipt of a properly completed  
2286 application, the Department of Revenue shall ~~will~~ forward the  
2287 completed application to the Department of Economic Opportunity  
2288 ~~Office of Film and Entertainment~~ for approval.

2289 (b)1. The Department of Economic Opportunity ~~Office of Film~~  
2290 ~~and Entertainment~~ shall establish a process by which an  
2291 entertainment industry production company may be approved by the  
2292 department ~~office~~ as a qualified production company and may  
2293 receive a certificate of exemption from the Department of  
2294 Revenue for the sales and use tax exemptions under ss. 212.031,

577-02554A-16

20161646c1

2295 212.06, and 212.08. A production company that receives a sales  
2296 tax exemption certificate under this section for a production  
2297 may not receive benefits under s. 288.1256 for the same  
2298 production.

2299 2. Upon determination by the department ~~Office of Film and~~  
2300 ~~Entertainment~~ that a production company meets the established  
2301 approval criteria and qualifies for exemption, the department  
2302 ~~Office of Film and Entertainment~~ shall return the approved  
2303 application or application renewal or extension to the  
2304 Department of Revenue, which shall issue a certificate of  
2305 exemption.

2306 3. The department ~~Office of Film and Entertainment~~ shall  
2307 deny an application or application for renewal or extension from  
2308 a production company if it determines that the production  
2309 company does not meet the established approval criteria.

2310 (c) The department ~~Office of Film and Entertainment~~ shall  
2311 develop, with the cooperation of the Department of Revenue, the  
2312 Division of Film and Entertainment within Enterprise Florida,  
2313 Inc., and local government entertainment industry promotion  
2314 agencies, a standardized application form for use in approving  
2315 qualified production companies.

2316 1. The application form shall include, but not be limited  
2317 to, production-related information on employment, proposed  
2318 budgets, planned purchases of items exempted from sales and use  
2319 taxes under ss. 212.031, 212.06, and 212.08, a signed  
2320 affirmation from the applicant that any items purchased for  
2321 which the applicant is seeking a tax exemption are intended for  
2322 use exclusively as an integral part of entertainment industry  
2323 preproduction, production, or postproduction activities engaged



577-02554A-16

20161646c1

2324 in primarily in this state, and a signed affirmation from the  
2325 department ~~Office of Film and Entertainment~~ that the information  
2326 on the application form has been verified and is correct. In  
2327 lieu of information on projected employment, proposed budgets,  
2328 or planned purchases of exempted items, a production company  
2329 seeking a 1-year certificate of exemption may submit summary  
2330 historical data on employment, production budgets, and purchases  
2331 of exempted items related to production activities in this  
2332 state. Any information gathered from production companies for  
2333 the purposes of this section shall be considered confidential  
2334 taxpayer information and shall be disclosed only as provided in  
2335 s. 213.053.

2336 2. The application form may be distributed to applicants by  
2337 the department, the Division ~~Office~~ of Film and Entertainment,  
2338 or local film commissions.

2339 (d) All applications, renewals, and extensions for  
2340 designation as a qualified production company shall be processed  
2341 by the department ~~Office of Film and Entertainment~~.

2342 (e) ~~If In the event that~~ the Department of Revenue  
2343 determines that a production company no longer qualifies for a  
2344 certificate of exemption, or has used a certificate of exemption  
2345 for purposes other than those authorized by this section and  
2346 chapter 212, the Department of Revenue shall revoke the  
2347 certificate of exemption of that production company, and any  
2348 sales or use taxes exempted on items purchased or leased by the  
2349 production company during the time such company did not qualify  
2350 for a certificate of exemption or improperly used a certificate  
2351 of exemption shall become immediately due to the Department of  
2352 Revenue, along with interest and penalty as provided by s.

577-02554A-16

20161646c1

2353 212.12. In addition to the other penalties imposed by law, any  
2354 person who knowingly and willfully falsifies an application, or  
2355 uses a certificate of exemption for purposes other than those  
2356 authorized by this section and chapter 212, commits a felony of  
2357 the third degree, punishable as provided in ss. 775.082,  
2358 775.083, and 775.084.

2359 (3) CATEGORIES.—

2360 (a)1. A production company may be qualified for designation  
2361 as a qualified production company for a period of 1 year if the  
2362 company has operated a business in Florida at a permanent  
2363 address for a period of 12 consecutive months. Such a qualified  
2364 production company shall receive a single 1-year certificate of  
2365 exemption from the Department of Revenue for the sales and use  
2366 tax exemptions under ss. 212.031, 212.06, and 212.08, which  
2367 certificate shall expire 1 year after issuance or upon the  
2368 cessation of business operations in the state, at which time the  
2369 certificate shall be surrendered to the Department of Revenue.

2370 ~~2. The Office of Film and Entertainment shall develop a~~  
2371 ~~method by which~~ A qualified production company may submit a new  
2372 application for annually renew a 1-year certificate of exemption  
2373 upon the expiration of that company's certificate of exemption;  
2374 however, upon approval of the department, such qualified  
2375 production company may annually renew the 1-year certificate of  
2376 exemption for a period of up to 5 years without submitting  
2377 ~~requiring the production company to resubmit~~ a new application  
2378 during that 5-year period.

2379 3. Each year, or upon surrender of the certificate of  
2380 exemption to the Department of Revenue, the ~~Any~~ qualified  
2381 production company shall ~~may~~ submit to the department aggregate

577-02554A-16

20161646c1

2382 data for production-related information on employment,  
2383 expenditures in this state, capital investment, and purchases of  
2384 items exempted from sales and use taxes under ss. 212.031,  
2385 212.06, and 212.08 for inclusion in the annual report required  
2386 under subsection (5) a new application for a 1-year certificate  
2387 of exemption upon the expiration of that company's certificate  
2388 of exemption.

2389 (b)1. A production company may be qualified for designation  
2390 as a qualified production company for a period of 90 days. Such  
2391 production company shall receive a single 90-day certificate of  
2392 exemption from the Department of Revenue for the sales and use  
2393 tax exemptions under ss. 212.031, 212.06, and 212.08, which  
2394 certificate shall expire 90 days after issuance or upon the  
2395 cessation of business operations in the state, at which time,  
2396 with extensions contingent upon approval of the Office of Film  
2397 and Entertainment, the certificate shall be surrendered to the  
2398 Department of Revenue upon its expiration.

2399 2. A qualified production company may submit a new  
2400 application for a 90-day certificate of exemption each quarter  
2401 upon the expiration of that company's certificate of exemption;  
2402 however, upon approval of the department, such qualified  
2403 production company may renew the 90-day certificate of exemption  
2404 for a period of up to 1 year without submitting a new  
2405 application during that 1-year period.

2406 3.2. Each 90 days, or upon surrender of the certificate of  
2407 exemption to the Department of Revenue, the qualified Any  
2408 production company shall may submit to the department aggregate  
2409 data for production-related information on employment,  
2410 expenditures in this state, capital investment, and purchases of

577-02554A-16

20161646c1

2411 items exempted from sales and use taxes under ss. 212.031,  
 2412 212.06, and 212.08 for inclusion in the annual report required  
 2413 under subsection (5) a new application for a 90-day certificate  
 2414 of exemption upon the expiration of that company's certificate  
 2415 of exemption.

2416 (4) DUTIES OF THE DEPARTMENT OF REVENUE.—

2417 (a) The Department of Revenue shall review the initial  
 2418 application and notify the applicant of any omissions and  
 2419 request additional information if needed. An application shall  
 2420 be complete upon receipt of all requested information. The  
 2421 Department of Revenue shall forward all complete applications to  
 2422 the department ~~Office of Film and Entertainment~~ within 10  
 2423 working days.

2424 (b) The Department of Revenue shall issue a numbered  
 2425 certificate of exemption to a qualified production company  
 2426 within 5 working days of the receipt of an approved application,  
 2427 application renewal, or application extension from the  
 2428 department ~~Office of Film and Entertainment~~.

2429 (c) The Department of Revenue may adopt ~~promulgate~~ such  
 2430 rules and shall prescribe and publish such forms as may be  
 2431 necessary to effectuate the purposes of this section or any of  
 2432 the sales tax exemptions which are reasonably related to the  
 2433 provisions of this section.

2434 (d) The Department of Revenue is authorized to establish  
 2435 audit procedures in accordance with the provisions of ss.  
 2436 212.12, 212.13, and 213.34 which relate to the sales tax  
 2437 exemption provisions of this section.

2438 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
 2439 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The department

577-02554A-16

20161646c1

2440 ~~Office of Film and Entertainment~~ shall keep annual records from  
 2441 the information provided on taxpayer applications for tax  
 2442 exemption certificates and regularly reported as required in  
 2443 this section ~~beginning January 1, 2001~~. These records also must  
 2444 reflect a ratio of the annual amount of sales and use tax  
 2445 exemptions under this section, plus the funds granted ~~incentives~~  
 2446 ~~awarded~~ pursuant to s. 288.1256 ~~s. 288.1254~~ to the estimated  
 2447 amount of funds expended by certified productions. In addition,  
 2448 the department ~~office~~ shall maintain data showing annual growth  
 2449 in Florida-based entertainment industry companies and  
 2450 entertainment industry employment and wages. The employment  
 2451 information must include ~~an estimate of~~ the full-time equivalent  
 2452 positions created by each production that received funds ~~tax~~  
 2453 ~~credits~~ pursuant to s. 288.1256 ~~s. 288.1254~~. The department  
 2454 ~~Office of Film and Entertainment~~ shall include this information  
 2455 in the annual report for the entertainment industry ~~financial~~  
 2456 ~~incentive~~ program required under s. 288.1256(10) ~~s.~~  
 2457 ~~288.1254(10)~~.

2458 Section 28. Paragraph (b) of subsection (5) of section  
 2459 288.901, Florida Statutes, is amended to read:

2460 288.901 Enterprise Florida, Inc.—

2461 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

2462 (b) In making their appointments, the Governor, the  
 2463 President of the Senate, and the Speaker of the House of  
 2464 Representatives shall ensure that the composition of the board  
 2465 of directors reflects the diversity of Florida's business  
 2466 community and is representative of the economic development  
 2467 goals in subsection (2). The board must include at least one  
 2468 director for each of the following areas of expertise:

577-02554A-16

20161646c1

2469 international business, tourism marketing, the space or  
2470 aerospace industry, managing or financing a minority-owned  
2471 business, manufacturing, and finance and accounting,~~and sports~~  
2472 ~~marketing~~.

2473 Section 29. Subsection (1) of section 288.9015, Florida  
2474 Statutes, is amended to read:

2475 288.9015 Powers of Enterprise Florida, Inc.; board of  
2476 directors.—

2477 (1) Enterprise Florida, Inc., shall integrate its efforts  
2478 in business recruitment and expansion, job creation, marketing  
2479 the state for tourism ~~and sports~~, and promoting economic  
2480 opportunities for minority-owned businesses and promoting  
2481 economic opportunities for rural and distressed urban  
2482 communities with those of the department, to create an  
2483 aggressive, agile, and collaborative effort to reinvigorate the  
2484 state's economy.

2485 Section 30. Paragraph (c) of subsection (1), paragraph (d)  
2486 of subsection (2), and subsection (3) of section 288.907,  
2487 Florida Statutes, are amended to read:

2488 288.907 Annual incentives report.—By December 30 of each  
2489 year, Enterprise Florida, Inc., in conjunction with the  
2490 department, shall provide the Governor, the President of the  
2491 Senate, and the Speaker of the House of Representatives a  
2492 detailed incentives report quantifying the economic benefits for  
2493 all of the economic development incentive programs marketed by  
2494 Enterprise Florida, Inc. The annual incentives report must  
2495 include:

2496 (1) For each incentive program:

2497 (c) The actual amount of private capital invested, the

577-02554A-16

20161646c1

2498 actual number of jobs created, the actual number of jobs created  
2499 which provide health benefits for the employee, the actual  
2500 number of jobs retained, the actual number of jobs retained  
2501 which provide health benefits for the employee, and actual wages  
2502 paid for incentive agreements completed during the previous 3  
2503 years for each target industry sector.

2504 (2) For projects completed during the previous state fiscal  
2505 year:

2506 (d) The projects for which a tax refund, tax credit, or  
2507 cash grant agreement was executed, identifying for each project:

2508 1. The number of jobs committed to be created and the  
2509 number of those jobs that will provide health benefits for the  
2510 employee.

2511 2. The number of jobs committed to be retained and the  
2512 number of those jobs that will provide health benefits for the  
2513 employee.

2514 ~~3.2.~~ The amount of capital investments committed to be  
2515 made.

2516 ~~4.3.~~ The annual average wage committed to be paid.

2517 ~~5.4.~~ The amount of state economic development incentives  
2518 committed to the project from each incentive program under the  
2519 project's terms of agreement with the Department of Economic  
2520 Opportunity.

2521 ~~6.5.~~ The amount and type of local matching funds committed  
2522 to the project.

2523 (3) For economic development projects that received tax  
2524 refunds, tax credits, or cash grants under the terms of an  
2525 agreement for incentives:

2526 (a) The number of jobs actually created and the number of

577-02554A-16

20161646c1

2527 those jobs that provided health benefits for the employee.

2528 (b) The number of jobs actually retained and the number of  
 2529 those jobs that provided health benefits for the employee.

2530 (c)~~(b)~~ The amount of capital investments actually made.

2531 (d)~~(e)~~ The annual average wage paid.

2532 Section 31. Subsection (1) of section 288.92, Florida  
 2533 Statutes, is amended to read:

2534 288.92 Divisions of Enterprise Florida, Inc.—

2535 (1) Enterprise Florida, Inc., may create and dissolve  
 2536 divisions as necessary to carry out its mission. Each division  
 2537 shall have distinct responsibilities and complementary missions.  
 2538 At a minimum, Enterprise Florida, Inc., shall have divisions  
 2539 related to the following areas:

2540 (a) International Trade and Business Development;

2541 (b) Business Retention and Recruitment;

2542 (c) Tourism Marketing;

2543 (d) Minority Business Development; and

2544 (e) Film and Entertainment ~~Sports Industry Development.~~

2545 Section 32. Paragraph (c) of subsection (3) and subsection  
 2546 (4) of section 288.980, Florida Statutes, are amended to read:

2547 288.980 Military base retention; legislative intent; grants  
 2548 program.—

2549 (3)

2550 (c) The department shall require that an applicant:

2551 1. Represent a local government with a military  
 2552 installation or military installations that could be adversely  
 2553 affected by federal actions.

2554 2. ~~Agree to match at least 30 percent of any grant awarded.~~

2555 3. Prepare a coordinated program or plan of action



577-02554A-16

20161646c1

2556 delineating how the eligible project will be administered and  
2557 accomplished.

2558 ~~3.4.~~ Provide documentation describing the potential for  
2559 changes to the mission of a military installation located in the  
2560 applicant's community and the potential impacts such changes  
2561 will have on the applicant's community.

2562 (4) The Florida Defense Reinvestment Grant Program is  
2563 established to respond to the need for this state to work in  
2564 conjunction with defense-dependent communities in developing and  
2565 implementing strategies and approaches that will help  
2566 communities support the missions of military installations, and  
2567 in developing and implementing alternative economic  
2568 diversification strategies to transition from a defense economy  
2569 to a nondefense economy. The department shall administer the  
2570 program.

2571 (a) Eligible applicants include defense-dependent counties  
2572 and cities, and local economic development councils located  
2573 within such communities. ~~The program shall be administered by~~  
2574 ~~the department and~~ Grant awards may be provided to support  
2575 community-based activities that:

2576 1.(a) Protect existing military installations;

2577 2.(b) Diversify or grow the economy of a defense-dependent  
2578 community; or

2579 3.(c) Develop plans for the reuse of closed or realigned  
2580 military installations, including any plans necessary for  
2581 infrastructure improvements needed to facilitate reuse and  
2582 related marketing activities.

2583 (b) Applications for grants under paragraph (a) ~~this~~  
2584 ~~subsection~~ must include a coordinated program of work or plan of

577-02554A-16

20161646c1

2585 action delineating how the eligible project will be administered  
2586 and accomplished, which must include a plan for ensuring close  
2587 cooperation between civilian and military authorities in the  
2588 conduct of the funded activities and a plan for public  
2589 involvement. An applicant must agree to match at least 30  
2590 percent of any grant awarded.

2591 Section 33. Effective July 1, 2016, paragraph (a) of  
2592 subsection (6), paragraph (b) of subsection (9), paragraph (a)  
2593 of subsection (35), subsection (60), and paragraph (b) of  
2594 subsection (64) of section 320.08058, Florida Statutes, are  
2595 amended to read:

2596 320.08058 Specialty license plates.—

2597 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
2598 PLATES.—

2599 (a) Because the United States Olympic Committee has  
2600 selected this state to participate in a combined fundraising  
2601 program that provides for one-half of all money raised through  
2602 volunteer giving to stay in this state and be administered by  
2603 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ to  
2604 support amateur sports, and because the United States Olympic  
2605 Committee and the Florida Sports Foundation ~~Enterprise Florida,~~  
2606 ~~Inc.,~~ are nonprofit organizations dedicated to providing  
2607 athletes with support and training and preparing athletes of all  
2608 ages and skill levels for sports competition, and because the  
2609 Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ assists in  
2610 the bidding for sports competitions that provide significant  
2611 impact to the economy of this state, and the Legislature  
2612 supports the efforts of the United States Olympic Committee and  
2613 the Florida Sports Foundation ~~Enterprise Florida, Inc.,~~ the

577-02554A-16

20161646c1

2614 Legislature establishes a Florida United States Olympic  
2615 Committee license plate for the purpose of providing a  
2616 continuous funding source to support this worthwhile effort.  
2617 Florida United States Olympic Committee license plates must  
2618 contain the official United States Olympic Committee logo and  
2619 must bear a design and colors that are approved by the  
2620 department. The word "Florida" must be centered at the top of  
2621 the plate.

2622 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

2623 (b) The license plate annual use fees are to be annually  
2624 distributed as follows:

2625 1. Fifty-five percent of the proceeds from the Florida  
2626 Professional Sports Team plate must be deposited into the  
2627 Professional Sports Development Trust Fund within the Department  
2628 of Economic Opportunity. These funds must be used solely to  
2629 attract and support major sports events in this state. As used  
2630 in this subparagraph, the term "major sports events" means, but  
2631 is not limited to, championship or all-star contests of Major  
2632 League Baseball, the National Basketball Association, the  
2633 National Football League, the National Hockey League, Major  
2634 League Soccer, the men's and women's National Collegiate  
2635 Athletic Association championships ~~Final Four basketball~~  
2636 ~~championship~~, or a horseracing or dogracing Breeders' Cup. All  
2637 funds must be used to support and promote major sporting events,  
2638 and the uses must be approved by the Department of Economic  
2639 Opportunity.

2640 2. The remaining proceeds of the Florida Professional  
2641 Sports Team license plate must be allocated to the Florida  
2642 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be

577-02554A-16

20161646c1

2643 deposited into the Professional Sports Development Trust Fund  
2644 within the Department of Economic Opportunity. These funds must  
2645 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
2646 ~~Inc.,~~ to promote the economic development of the sports  
2647 industry; to distribute licensing and royalty fees to  
2648 participating professional sports teams; ~~to promote education~~  
2649 ~~programs in Florida schools that provide an awareness of the~~  
2650 ~~benefits of physical activity and nutrition standards; to~~  
2651 ~~partner with the Department of Education and the Department of~~  
2652 ~~Health to develop a program that recognizes schools whose~~  
2653 ~~students demonstrate excellent physical fitness or fitness~~  
2654 ~~improvement;~~ to institute a grant program for communities  
2655 bidding on minor sporting events that create an economic impact  
2656 for the state; to distribute funds to Florida-based charities  
2657 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
2658 ~~Inc.,~~ and the participating professional sports teams; and to  
2659 fulfill the sports promotion responsibilities of the Department  
2660 of Economic Opportunity.

2661 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~  
2662 shall provide an annual financial audit in accordance with s.  
2663 215.981 of its financial accounts and records by an independent  
2664 certified public accountant pursuant to the contract established  
2665 by the Department of Economic Opportunity as specified in s.  
2666 288.1229(5). The auditor shall submit the audit report to the  
2667 Department of Economic Opportunity for review and approval. If  
2668 the audit report is approved, the Department of Economic  
2669 Opportunity shall certify the audit report to the Auditor  
2670 General for review.

2671 4. Notwithstanding the provisions of subparagraphs 1. and

577-02554A-16

20161646c1

2672 2., proceeds from the Professional Sports Development Trust Fund  
2673 may also be used for operational expenses of the Florida Sports  
2674 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
2675 the Sunshine State Games and Florida Senior Games.

2676 (35) FLORIDA GOLF LICENSE PLATES.—

2677 (a) The Department of Highway Safety and Motor Vehicles  
2678 shall develop a Florida Golf license plate as provided in this  
2679 section. The word "Florida" must appear at the bottom of the  
2680 plate. The Dade Amateur Golf Association, following consultation  
2681 with the PGA TOUR, the Florida Sports Foundation ~~Enterprise~~  
2682 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
2683 revised sample plate for consideration by the department.

2684 (60) FLORIDA NASCAR LICENSE PLATES.—

2685 (a) The department shall develop a Florida NASCAR license  
2686 plate as provided in this section. Florida NASCAR license plates  
2687 must bear the colors and design approved by the department. The  
2688 word "Florida" must appear at the top of the plate, and the term  
2689 "NASCAR" must appear at the bottom of the plate. The National  
2690 Association for Stock Car Auto Racing, following consultation  
2691 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
2692 submit a sample plate for consideration by the department.

2693 (b) The license plate annual use fees shall be distributed  
2694 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
2695 license plate annual use fees shall be annually allocated as  
2696 follows:

2697 1. Up to 5 percent of the proceeds from the annual use fees  
2698 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
2699 ~~Inc.~~ for the administration of the NASCAR license plate  
2700 program.

577-02554A-16

20161646c1

2701           2. The National Association for Stock Car Auto Racing shall  
2702 receive up to \$60,000 in proceeds from the annual use fees to be  
2703 used to pay startup costs, including costs incurred in  
2704 developing and issuing the plates. Thereafter, 10 percent of the  
2705 proceeds from the annual use fees shall be provided to the  
2706 association for the royalty rights for the use of its marks.

2707           3. The remaining proceeds from the annual use fees shall be  
2708 distributed to the Florida Sports Foundation ~~Enterprise Florida,~~  
2709 ~~Inc.~~ The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~  
2710 will retain 15 percent to support its regional grant program,  
2711 attracting sporting events to Florida; 20 percent to support the  
2712 marketing of motorsports-related tourism in the state; and 50  
2713 percent to be paid to the NASCAR Foundation, a s. 501(c)(3)  
2714 charitable organization, to support Florida-based charitable  
2715 organizations.

2716           (c) The Florida Sports Foundation ~~Enterprise Florida, Inc.,~~  
2717 shall provide an annual financial audit in accordance with s.  
2718 215.981 of its financial accounts and records by an independent  
2719 certified public accountant pursuant to the contract established  
2720 by the Department of Economic Opportunity as specified in s.  
2721 288.1229(5). The auditor shall submit the audit report to the  
2722 Department of Economic Opportunity for review and approval. If  
2723 the audit report is approved, the Department of Economic  
2724 Opportunity shall certify the audit report to the Auditor  
2725 General for review.

2726           (64) FLORIDA TENNIS LICENSE PLATES.—

2727           (b) The department shall distribute the annual use fees to  
2728 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
2729 license plate annual use fees shall be annually allocated as

577-02554A-16

20161646c1

2730 follows:

2731 1. Up to 5 percent of the proceeds from the annual use fees  
2732 may be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
2733 ~~Inc.~~, to administer the license plate program.

2734 2. The United States Tennis Association Florida Section  
2735 Foundation shall receive the first \$60,000 in proceeds from the  
2736 annual use fees to reimburse it for startup costs,  
2737 administrative costs, and other costs it incurs in the  
2738 development and approval process.

2739 3. Up to 5 percent of the proceeds from the annual use fees  
2740 may be used for promoting and marketing the license plates. The  
2741 remaining proceeds shall be available for grants by the United  
2742 States Tennis Association Florida Section Foundation to  
2743 nonprofit organizations to operate youth tennis programs and  
2744 adaptive tennis programs for special populations of all ages,  
2745 and for building, renovating, and maintaining public tennis  
2746 courts.

2747 Section 34. Subsection (5) of section 477.0135, Florida  
2748 Statutes, is amended to read:

2749 477.0135 Exemptions.—

2750 (5) A license is not required of any individual providing  
2751 makeup, special effects, or cosmetology services to an actor,  
2752 stunt person, musician, extra, or other talent during a  
2753 production recognized by the Department of Economic Opportunity  
2754 ~~Office of Film and Entertainment~~ as a project qualified  
2755 ~~production~~ as defined in s. 288.1256 ~~s. 288.1254(1)~~. Such  
2756 services are not required to be performed in a licensed salon.  
2757 Individuals exempt under this subsection may not provide such  
2758 services to the general public.

577-02554A-16

20161646c1

2759           Section 35. Except as otherwise expressly provided in this  
2760 act, this act shall take effect upon becoming a law.