

1 A bill to be entitled
2 An act relating to economic development; amending s.
3 20.60, F.S.; revising required elements of a report
4 prepared by the Department of Economic Opportunity;
5 amending s. 163.3180, F.S.; prohibiting a local
6 government from applying transportation concurrency
7 within its jurisdiction unless certain conditions are
8 met; providing exceptions; providing applicability;
9 providing for expiration of the prohibition; amending
10 s. 163.31801, F.S.; prohibiting a county,
11 municipality, or special district from applying
12 certain impact fees or other fees within its
13 jurisdiction unless certain conditions are met;
14 providing exceptions; providing applicability;
15 providing for expiration of the prohibition; amending
16 s. 212.20, F.S.; conforming provisions to changes made
17 by the act; amending s. 220.191, F.S.; excluding
18 certain funds from the definition of "cumulative
19 capital investment"; revising definition of the term
20 "qualifying project" to include a new or expanded
21 headquarters facility that locates in a certified
22 enterprise zone, for purposes of the capital
23 investment tax credit; amending s. 288.005, F.S.;
24 revising definition of the term "economic benefits" to
25 include all state funds; amending s. 288.061, F.S.;
26 revising evaluation and contract requirements of the

27 economic development incentive application process;
28 amending s. 288.076, F.S.; conforming a cross-
29 reference; revising definition of the term "state
30 investment" to include all state funds spent or
31 forgone to benefit a business; amending s. 288.1045,
32 F.S.; revising provisions of the qualified defense
33 contractor and space flight business tax refund
34 program; revising definitions; revising, providing
35 limitations on, and authorizing waivers from local
36 financial support requirements; authorizing specified
37 tax refund payments to qualified applicants in a rural
38 area of opportunity or certified enterprise zone;
39 authorizing certain qualified applicants to receive a
40 tax refund by providing certain information to the
41 Department of Economic Opportunity; delaying the
42 expiration date of the qualified defense contractor
43 and space flight business tax refund program; amending
44 s. 288.106, F.S.; revising provisions of the tax
45 refund program for qualified target industry
46 businesses; revising definitions; defining the term
47 "certified enterprise zone"; revising, providing
48 limitations on, and authorizing waivers from local
49 financial support requirements; revising provisions
50 applicable to a rural area of opportunity; authorizing
51 a qualified target industry business to receive tax
52 refund payments if a project in a certified enterprise

53 zone meets specified requirements; providing
54 limitations; authorizing the department to waive
55 certain wage requirements for projects in a certified
56 enterprise zone; repealing provisions regarding
57 economic recovery extensions of certain tax refund
58 agreements; amending s. 288.108, F.S.; revising
59 provisions relating to high-impact businesses;
60 defining the term "local financial support";
61 authorizing certain waivers from local financial
62 support requirements; revising application
63 requirements and requiring the Department of Economic
64 Opportunity to certify high-impact business grant
65 applications; providing requirements for the Governor
66 relating to such applications; providing contract and
67 department validation requirements for such
68 applications; amending s. 288.1088, F.S.; revising
69 provisions regarding the Quick Action Closing Fund;
70 revising project eligibility requirements; providing
71 limitations on and authorizing waivers from local
72 financial support requirements; revising contract
73 requirements for certain projects eligible for funding
74 through the Quick Action Closing Fund; revising
75 approval requirements for amendments or modifications
76 of contract requirements for such projects; revising
77 requirements of the Governor relating to certain
78 projects eligible for funding through the Quick Action

79 Closing Fund; amending s. 288.1089, F.S.; revising
80 provisions relating to the Innovation Incentive
81 Program; revising definitions; defining the term
82 "certified enterprise zone"; revising provisions
83 applicable to a rural areas of opportunity;
84 authorizing the department to waive certain wage
85 requirements for projects in a rural area of
86 opportunity or certified enterprise zone; requiring an
87 innovation business project located in a certified
88 enterprise zone to meet specified requirements;
89 limiting wage requirement waivers under specified
90 circumstances; requiring certain innovation projects
91 located in a rural area of opportunity or certified
92 enterprise zone to meet specified requirements;
93 authorizing and providing limitations on waivers from
94 local financial support requirements relating to the
95 program; revising requirements of the Governor and the
96 Department of Economic Opportunity relating to certain
97 projects eligible for funding through the program;
98 revising contract requirements for such projects;
99 revising approval requirements for amendments or
100 modifications of contract requirements for such
101 projects; repealing ss. 288.1168 and 288.1169, F.S.,
102 relating to state agency funding of the professional
103 golf hall of fame facility and the International Game
104 Fish Association World Center facility, respectively;

105 amending s. 288.901, F.S.; providing that it is a
106 purpose of Enterprise Florida, Inc., to foster and
107 encourage high-technology startup and second-state
108 business development; revising expertise requirements
109 of members of the board of directors of Enterprise
110 Florida, Inc.; amending ss. 288.9602, 288.9605, and
111 288.9610, F.S.; revising provisions relating to the
112 Florida Development Finance Corporation to remove
113 references to interlocal agreements made pursuant to
114 the Florida Interlocal Cooperation Act and to remove
115 requirements that the corporation enter into such
116 agreements; amending s. 288.9604, F.S.; providing that
117 actions taken by the board of directors of the Florida
118 Development Finance Corporation are valid without
119 regard to vacancies on the board; amending s.
120 288.9606, F.S.; deleting a requirement that the
121 Florida Development Finance Corporation receive
122 authority to issue revenue bonds from a public agency;
123 authorizing the corporation to issue revenue bonds or
124 other evidences of indebtedness; revising requirements
125 for such issuance; conforming provisions to changes
126 made by the act; providing that the corporation is
127 deemed a local government for certain tax assessment
128 purposes; requiring the corporation to hold hearings
129 and enter into agreements with property owners,
130 property appraisers, tax collectors, and other

131 entities to administer programs and assess certain
132 taxes; amending s. 288.991, F.S.; revising a short
133 title; amending ss. 288.9914 and 288.9917, F.S.;
134 specifying that certain timeframes relating to
135 Department of Economic Opportunity qualified
136 investment applications are measured in calendar days;
137 amending s. 288.9920, F.S.; authorizing the recapture
138 of certain tax credits from qualified active low-
139 income community businesses which violate certain
140 ownership or investment restrictions after a specified
141 date; creating s. 288.9923, F.S.; restricting certain
142 qualified active low-income community businesses from
143 holding certain ownership or investment interests in
144 specified qualified community development entities or
145 affiliates after a specified period; providing
146 applicability; creating s. 288.913, F.S.; creating the
147 Startup Florida Initiative; providing legislative
148 findings; providing definitions; requiring Enterprise
149 Florida, Inc., to develop a statewide strategic plan
150 for high-technology startup and second-stage business
151 growth and development; providing requirements for the
152 plan; requiring Enterprise Florida, Inc., to market
153 the plan inside and outside the state; requiring
154 Enterprise Florida, Inc., to provide information about
155 the plan in its annual report; amending ss. 189.033,
156 288.11625, and 288.11631, F.S.; conforming cross-

157 references; extending and renewing certain permits
158 subject to certain expiration dates; providing
159 applicability of the extension to certain related
160 activities; providing for extension of commencement
161 and completion dates; requiring permitholders to
162 notify authorizing agencies of intent to use the
163 extension and anticipated time of the extension;
164 specifying nonapplicability to certain permits;
165 providing applicability of certain rules to extended
166 permits; preserving the authority of counties and
167 municipalities to impose certain security and sanitary
168 requirements on property owners under certain
169 circumstances; requiring permitholders to notify
170 permitting agencies of intent to use the extension;
171 creating s. 290.50, F.S.; providing requirements for
172 the creation and operation of a designated local
173 enterprise zone program; creating s. 290.60, F.S.;
174 providing requirements for the Department of Economic
175 Opportunity to certify and decertify a local
176 enterprise zone; authorizing the department to adopt
177 rules; requiring the department to develop certain
178 marketing information; requiring the department's
179 annual report to contain certain information; amending
180 s. 159.27, F.S.; revising definition of the term
181 "project" to include a commercial project in a
182 certified enterprise zone for purposes of certain bond

183 financing provisions; defining the term "commercial
184 project in a certified enterprise zone"; amending s.
185 159.803, F.S.; revising definition of the term
186 "priority project" to include any project to be
187 located in a certified enterprise zone for purposes of
188 certain bond financing provisions; amending s.
189 163.2517, F.S.; authorizing a local government to
190 designate a certified enterprise zone as an urban
191 infill and redevelopment area using specified factors;
192 amending s. 163.503, F.S.; defining the term
193 "certified enterprise zone" for purposes of the Safe
194 Neighborhoods Act; amending s. 163.521, F.S.;
195 authorizing certain local governments to request
196 funding for capital improvements in a neighborhood
197 improvement district located in a certified enterprise
198 zone; amending s. 163.522, F.S.; directing a county or
199 municipality containing a certified enterprise zone to
200 consider creating a neighborhood improvement district
201 within such zone; amending s. 166.231, F.S.;
202 authorizing a municipality to enact ordinances
203 relating to public service tax exemptions for
204 certified enterprise zones; conditioning applicability
205 of such ordinance upon state certification of such
206 zones; deleting the future expiration of the
207 authorization; amending s. 196.012, F.S.; conforming a
208 cross-reference; revising definitions of the terms

209 "new business" and "expansion of an existing business"
210 to include a business or organization located within a
211 certified enterprise zone; defining the term
212 "certified enterprise zone" for purposes of certain
213 property tax exemptions; amending s. 196.095, F.S.;
214 providing an exemption from certain property tax for a
215 licensed child care facility operating in a certified
216 enterprise zone; providing application and review
217 requirements for such exemption; amending s. 196.1995,
218 F.S.; authorizing a board of county commissioners or
219 other governing body to call a referendum regarding
220 certain ad valorem tax exemptions for new and
221 expanding businesses in a certified enterprise zone;
222 providing requirements for such referendum;
223 conditioning applicability of an approved referendum
224 upon state certification of a certified enterprise
225 zone; providing limitations; amending s. 205.022,
226 F.S.; defining the term "certified enterprise zone"
227 for purposes of local business taxes; amending s.
228 205.054, F.S.; authorizing an exemption of 50 percent
229 of business taxes for certain businesses located in a
230 certified enterprise zone; providing applicability;
231 conditioning exemption upon state certification of a
232 certified enterprise zone; deleting the future
233 expiration of the authorization; amending s. 212.02,
234 F.S.; defining the term "certified enterprise zone"

235 | for purposes of the Florida Revenue Act of 1949;
 236 | deleting the future expiration of the definition;
 237 | amending s. 212.08, F.S.; revising exemptions relating
 238 | to building materials used in redevelopment projects
 239 | to include housing projects and mixed-use projects
 240 | located in a certified enterprise zone; revising
 241 | eligibility criteria for community contribution tax
 242 | credits to include certain projects located within a
 243 | certified enterprise zone; amending s. 220.183, F.S.;
 244 | revising eligibility criteria for community
 245 | contribution tax credit projects to include projects
 246 | located within a certified enterprise zone; amending
 247 | s. 288.0001, F.S.; revising required elements of an
 248 | analysis prepared by the Office of Economic and
 249 | Demographic Research and the Office of Program Policy
 250 | Analysis and Government Accountability to include the
 251 | enterprise zone certification program; conforming a
 252 | cross-reference; making a technical change; amending
 253 | s. 288.018, F.S.; authorizing the Department of
 254 | Economic Opportunity to contract for the development
 255 | of a web portal or website regarding certified
 256 | enterprise zones; providing requirements for such
 257 | portals or websites; amending s. 288.047, F.S.;
 258 | requiring Workforce Florida, Inc., to set aside 30
 259 | percent of certain Quick-Response Training Program
 260 | revenues to fund instructional programs for businesses

261 located in a certified enterprise zone; amending ss.
262 288.11621 and 288.11631, F.S.; revising evaluation
263 criteria for state funding of a certain spring
264 training franchises' facilities to include the
265 facilities' location in a certified enterprise zone;
266 amending s. 339.2821, F.S.; revising evaluation
267 criteria for economic development transportation
268 projects to include a project's location within a
269 certified enterprise zone; amending s. 403.973, F.S.;
270 authorizing regional permit action teams to expedite
271 the review of permit applications and local
272 comprehensive plan amendments submitted by businesses
273 located in a certified enterprise zone that meet
274 specified criteria; amending ss. 624.509 and 624.5091,
275 F.S.; authorizing the transfer of certain excess tax
276 credits related to employees whose place of employment
277 is located within a certified enterprise zone, up to a
278 specified percentage; providing applicability;
279 amending s. 624.5105, F.S.; requiring certain projects
280 eligible for a community contribution tax credit to be
281 located in a certified enterprise zone; providing an
282 effective date.

283

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

285

286 Section 1. Subsection (10) of section 20.60, Florida

287 Statutes, is amended to read:

288 20.60 Department of Economic Opportunity; creation; powers
289 and duties.—

290 (10) The department, with assistance from Enterprise
291 Florida, Inc., shall, by November 1 of each year, submit an
292 annual report to the Governor, the President of the Senate, and
293 the Speaker of the House of Representatives on the condition of
294 the business climate and economic development in the state.

295 (a) The report must include the identification of problems
296 and a prioritized list of recommendations.

297 (b) The report must incorporate annual reports of other
298 programs, including:

299 1. The displaced homemaker program established under s.
300 446.50.

301 2. Information provided by the Department of Revenue under
302 s. 290.014.

303 3. ~~Information provided by enterprise zone development~~
304 ~~agencies under s. 290.0056 and~~ An analysis of the activities and
305 accomplishments of each certified enterprise zone.

306 4. The Economic Gardening Business Loan Pilot Program
307 established under s. 288.1081 and the Economic Gardening
308 Technical Assistance Pilot Program established under s.
309 288.1082.

310 5. A detailed report of the performance of the Black
311 Business Loan Program and a cumulative summary of quarterly
312 report data required under s. 288.714.

313 6. The Rural Economic Development Initiative established
314 under s. 288.0656.

315 7. A detailed analysis of the information provided by
316 community development entities pursuant to the New Markets
317 Development Program Act in s. 288.9918. The first annual report
318 that includes such analysis shall analyze all data the
319 department has received from community development entities
320 since the inception of the New Markets Development Program Act.

321 Section 2. Subsection (7) is added to section 163.3180,
322 Florida Statutes, to read:

323 163.3180 Concurrency.—

324 (7) (a) Notwithstanding any other provision of law,
325 ordinance, or resolution, before July 1, 2018, a local
326 government may only apply transportation concurrency within its
327 jurisdiction or require a proportionate-share contribution or
328 construction for a new business development if authorized by
329 supermajority vote of the local government's governing
330 authority. This paragraph does not apply to:

331 1. Proportionate-share contribution or construction
332 assessed on an existing business development before July 1,
333 2015.

334 2. A new business development that consists of more than
335 6,000 square feet and has a classification other than
336 residential.

337 3. A new business development that will include a business
338 that employs more than 12 full-time employees.

339 (b) In order to maintain the exemption from transportation
340 concurrency and proportionate-share contribution or construction
341 pursuant to paragraph (a), a new business development must
342 receive a certificate of occupancy on or before July 1, 2019. If
343 the certificate of occupancy is not received by July 1, 2019,
344 the local government may apply transportation concurrency and
345 require the appropriate proportionate-share contribution or
346 construction for the business development that would otherwise
347 be applied. An outstanding obligation related to the
348 proportionate-share contribution or construction runs with the
349 land and is enforceable against any person claiming a fee
350 interest in the land subject to the obligation.

351 (c) This subsection does not apply if such application
352 results in a reduction of previously pledged revenue of a local
353 government for outstanding bonds or notes or to a local
354 government with a mobility fee-based funding system in place on
355 or before January 1, 2015.

356 (d) A developer may, upon written notification to the
357 local government, elect to have the local government apply
358 transportation concurrency and proportionate-share contribution
359 or construction to a business development.

360 (e) This subsection expires July 1, 2019.

361 Section 3. Subsection (6) is added to section 163.31801,
362 Florida Statutes, to read:

363 163.31801 Impact fees; short title; intent; definitions;
364 ordinances levying impact fees.—

365 (6) (a) Notwithstanding any other provision of law,
366 ordinance, or resolution, before July 1, 2018, a county,
367 municipality, or special district may only impose a new or
368 existing impact fee or a new or existing fee associated with the
369 mitigation of transportation impacts on a new business
370 development if authorized by supermajority vote of the governing
371 body of the county, municipality, or special district. This
372 paragraph does not apply to:

373 1. An impact fee or fee associated with the mitigation of
374 transportation impacts previously enacted by law, ordinance, or
375 resolution assessed on an existing business development before
376 July 1, 2015.

377 2. A new business development that consists of more than
378 6,000 square feet and has a classification other than
379 residential.

380 3. A new business development that will include a business
381 that employs more than 12 full-time employees.

382 (b) The governing authority of a county, municipality, or
383 special district imposing an impact fee in existence on July 1,
384 2014, must reauthorize the imposition of the fee pursuant to
385 this subsection.

386 (c) In order to maintain the exemption from impact fees
387 and fees associated with the mitigation of transportation
388 impacts pursuant to paragraph (a), a new business development
389 must receive a certificate of occupancy on or before July 1,
390 2019. If the certificate of occupancy is not received by July 1,

391 2019, the county, municipality, or special district may impose
392 the appropriate impact fees and fees associated with the
393 mitigation of transportation impacts on the business development
394 that would otherwise be applied. An outstanding obligation
395 related to impact fees and fees associated with the mitigation
396 of transportation impacts on the business development runs with
397 the land and is enforceable against any person claiming a fee
398 interest in the land subject to the obligation.

399 (d) This subsection does not apply if such application
400 results in a reduction of previously pledged revenue of a
401 county, municipality, or special district for outstanding bonds
402 or notes or to a county, municipality, or special district with
403 a mobility fee-based funding system in place on or before
404 January 1, 2015.

405 (e) A developer may, upon notification to the county,
406 municipality, or special district, elect to have impact fees and
407 fees associated with the mitigation of transportation impacts
408 imposed on a business development.

409 (f) This subsection expires July 1, 2019.

410 Section 4. Paragraph (d) of subsection (6) of section
411 212.20, Florida Statutes, is amended to read:

412 212.20 Funds collected, disposition; additional powers of
413 department; operational expense; refund of taxes adjudicated
414 unconstitutionally collected.—

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

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

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

426 2. After the distribution under subparagraph 1., 8.8854
427 percent of the amount remitted by a sales tax dealer located
428 within a participating county pursuant to s. 218.61 shall be
429 transferred into the Local Government Half-cent Sales Tax
430 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
431 transferred shall be reduced by 0.1 percent, and the department
432 shall distribute this amount to the Public Employees Relations
433 Commission Trust Fund less \$5,000 each month, which shall be
434 added to the amount calculated in subparagraph 3. and
435 distributed accordingly.

436 3. After the distribution under subparagraphs 1. and 2.,
437 0.0956 percent shall be transferred to the Local Government
438 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
439 to s. 218.65.

440 4. After the distributions under subparagraphs 1., 2., and
441 3., 2.0603 percent of the available proceeds shall be
442 transferred monthly to the Revenue Sharing Trust Fund for

443 Counties pursuant to s. 218.215.

444 5. After the distributions under subparagraphs 1., 2., and
 445 3., 1.3517 percent of the available proceeds shall be
 446 transferred monthly to the Revenue Sharing Trust Fund for
 447 Municipalities pursuant to s. 218.215. If the total revenue to
 448 be distributed pursuant to this subparagraph is at least as
 449 great as the amount due from the Revenue Sharing Trust Fund for
 450 Municipalities and the former Municipal Financial Assistance
 451 Trust Fund in state fiscal year 1999-2000, no municipality shall
 452 receive less than the amount due from the Revenue Sharing Trust
 453 Fund for Municipalities and the former Municipal Financial
 454 Assistance Trust Fund in state fiscal year 1999-2000. If the
 455 total proceeds to be distributed are less than the amount
 456 received in combination from the Revenue Sharing Trust Fund for
 457 Municipalities and the former Municipal Financial Assistance
 458 Trust Fund in state fiscal year 1999-2000, each municipality
 459 shall receive an amount proportionate to the amount it was due
 460 in state fiscal year 1999-2000.

461 6. Of the remaining proceeds:

462 a. In each fiscal year, the sum of \$29,915,500 shall be
 463 divided into as many equal parts as there are counties in the
 464 state, and one part shall be distributed to each county. The
 465 distribution among the several counties must begin each fiscal
 466 year on or before January 5th and continue monthly for a total
 467 of 4 months. If a local or special law required that any moneys
 468 accruing to a county in fiscal year 1999-2000 under the then-

469 existing provisions of s. 550.135 be paid directly to the
470 district school board, special district, or a municipal
471 government, such payment must continue until the local or
472 special law is amended or repealed. The state covenants with
473 holders of bonds or other instruments of indebtedness issued by
474 local governments, special districts, or district school boards
475 before July 1, 2000, that it is not the intent of this
476 subparagraph to adversely affect the rights of those holders or
477 relieve local governments, special districts, or district school
478 boards of the duty to meet their obligations as a result of
479 previous pledges or assignments or trusts entered into which
480 obligated funds received from the distribution to county
481 governments under then-existing s. 550.135. This distribution
482 specifically is in lieu of funds distributed under s. 550.135
483 before July 1, 2000.

484 b. The department shall distribute \$166,667 monthly to
485 each applicant certified as a facility for a new or retained
486 professional sports franchise pursuant to s. 288.1162. Up to
487 \$41,667 shall be distributed monthly by the department to each
488 certified applicant as defined in s. 288.11621 for a facility
489 for a spring training franchise. However, not more than \$416,670
490 may be distributed monthly in the aggregate to all certified
491 applicants for facilities for spring training franchises.
492 Distributions begin 60 days after such certification and
493 continue for not more than 30 years, except as otherwise
494 provided in s. 288.11621. A certified applicant identified in

495 this sub-subparagraph may not receive more in distributions than
496 expended by the applicant for the public purposes provided in s.
497 288.1162(5) or s. 288.11621(3).

498 ~~e. Beginning 30 days after notice by the Department of~~
499 ~~Economic Opportunity to the Department of Revenue that an~~
500 ~~applicant has been certified as the professional golf hall of~~
501 ~~fame pursuant to s. 288.1168 and is open to the public, \$166,667~~
502 ~~shall be distributed monthly, for up to 300 months, to the~~
503 ~~applicant.~~

504 ~~d. Beginning 30 days after notice by the Department of~~
505 ~~Economic Opportunity to the Department of Revenue that the~~
506 ~~applicant has been certified as the International Game Fish~~
507 ~~Association World Center facility pursuant to s. 288.1169, and~~
508 ~~the facility is open to the public, \$83,333 shall be distributed~~
509 ~~monthly, for up to 168 months, to the applicant. This~~
510 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
511 ~~lump sum payment of \$999,996 shall be made after certification~~
512 ~~and before July 1, 2000.~~

513 c.e. The department shall distribute up to \$83,333 monthly
514 to each certified applicant as defined in s. 288.11631 for a
515 facility used by a single spring training franchise, or up to
516 \$166,667 monthly to each certified applicant as defined in s.
517 288.11631 for a facility used by more than one spring training
518 franchise. Monthly distributions begin 60 days after such
519 certification or July 1, 2016, whichever is later, and continue
520 for not more than 20 years to each certified applicant as

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521 defined in s. 288.11631 for a facility used by a single spring
522 training franchise or not more than 25 years to each certified
523 applicant as defined in s. 288.11631 for a facility used by more
524 than one spring training franchise. A certified applicant
525 identified in this sub-subparagraph may not receive more in
526 distributions than expended by the applicant for the public
527 purposes provided in s. 288.11631(3).

528 ~~d.f.~~ Beginning 45 days after notice by the Department of
529 Economic Opportunity to the Department of Revenue that an
530 applicant has been approved by the Legislature and certified by
531 the Department of Economic Opportunity under s. 288.11625 or
532 upon a date specified by the Department of Economic Opportunity
533 as provided under s. 288.11625(6)(d), the department shall
534 distribute each month an amount equal to one-twelfth of the
535 annual distribution amount certified by the Department of
536 Economic Opportunity for the applicant. The department may not
537 distribute more than \$7 million in the 2014-2015 fiscal year or
538 more than \$13 million annually thereafter under this sub-
539 subparagraph.

540 7. All other proceeds must remain in the General Revenue
541 Fund.

542 Section 5. Paragraphs (b) and (g) of subsection (1) of
543 section 220.191, Florida Statutes, are amended to read:

544 220.191 Capital investment tax credit.—

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

546 (b) "Cumulative capital investment" means the total

547 capital investment in land, buildings, and equipment made by or
548 on behalf of the qualifying business in connection with a
549 qualifying project during the period from the beginning of
550 construction of the project to the commencement of operations.
551 The term does not include funds granted to or spent on behalf of
552 the qualifying business by the state, a local government, or
553 other governmental entity; funds appropriated in the General
554 Appropriations Act; or funds otherwise provided to the
555 qualifying business by a state agency, local government, or
556 other governmental entity.

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

559 1. A new or expanding facility in this state which creates
560 at least 100 new jobs in this state and is in one of the high-
561 impact sectors identified by Enterprise Florida, Inc., and
562 certified by the Department of Economic Opportunity pursuant to
563 s. 288.108(6), including, but not limited to, aviation,
564 aerospace, automotive, and silicon technology industries.
565 However, between July 1, 2011, and June 30, 2014, the
566 requirement that a facility be in a high-impact sector is waived
567 for any otherwise eligible business from another state which
568 locates all or a portion of its business to a Disproportionally
569 Affected County. For purposes of this section, the term
570 "Disproportionally Affected County" means Bay County, Escambia
571 County, Franklin County, Gulf County, Okaloosa County, Santa
572 Rosa County, Walton County, or Wakulla County.

573 2. A new or expanded facility in this state which is
574 engaged in a target industry designated pursuant to the
575 procedure specified in s. 288.106(2) and which is induced by
576 this credit to create or retain at least 1,000 jobs in this
577 state, provided that at least 100 of those jobs are new, pay an
578 annual average wage of at least 130 percent of the average
579 private sector wage in the area as defined in s. 288.106(2), and
580 make a cumulative capital investment of at least \$100 million.
581 Jobs may be considered retained only if there is significant
582 evidence that the loss of jobs is imminent. Notwithstanding
583 subsection (2), annual credits against the tax imposed by this
584 chapter may not exceed 50 percent of the increased annual
585 corporate income tax liability or the premium tax liability
586 generated by or arising out of a project qualifying under this
587 subparagraph. A facility that qualifies under this subparagraph
588 for an annual credit against the tax imposed by this chapter may
589 take the tax credit for a period not to exceed 5 years.

590 3. A new or expanded headquarters facility in this state
591 which locates in a certified ~~an~~ enterprise zone and brownfield
592 area and is induced by this credit to create at least 1,500 jobs
593 which on average pay at least 200 percent of the statewide
594 average annual private sector wage, as published by the
595 Department of Economic Opportunity, and which new or expanded
596 headquarters facility makes a cumulative capital investment in
597 this state of at least \$250 million.

598 Section 6. Subsection (1) of section 288.005, Florida

599 Statutes, is amended to read:

600 288.005 Definitions.—As used in this chapter, the term:

601 (1) "Economic benefits" means the direct, indirect, and
 602 induced gains in state revenues as a percentage of the state's
 603 investment. The state's investment includes all state funds
 604 spent or forgone to benefit the business, including, but not
 605 limited to, state funds appropriated to public and private
 606 entities, state grants, tax exemptions, tax refunds, tax
 607 credits, and other state incentives.

608 Section 7. Subsection (2) and paragraph (a) of subsection
 609 (3) of section 288.061, Florida Statutes, are amended to read:

610 288.061 Economic development incentive application
 611 process.—

612 (2) (a) ~~Beginning July 1, 2013,~~ The department shall review
 613 and evaluate each economic development incentive application for
 614 the economic benefits of the proposed award of state incentives
 615 proposed for the project. Such review shall occur before the
 616 department approves an economic development incentive
 617 application and each time an approved incentive agreement or
 618 contract is amended, extended, or otherwise altered by the
 619 department or Enterprise Florida, Inc. The department shall
 620 notify the Legislature within 5 business days after any contract
 621 amendment or use of an incentive contract extension. Except as
 622 otherwise provided in this chapter, the department may not
 623 execute an amendment to an incentive agreement or contract for a
 624 project the economic benefits of which have been reduced unless

625 the award of state incentives outlined in the incentive
626 agreement or contract have been reduced by a proportionate
627 amount. When evaluating an economic development incentive
628 application, the department may not attribute to the business
629 any capital investment made by the business using state funds.

630 (b) As used in this subsection, the term "economic
631 benefits" has the same meaning as provided in s. 288.005. The
632 Office of Economic and Demographic Research shall establish the
633 methodology and model used to calculate the economic benefits
634 and shall establish guidelines for appropriate application of
635 the model. For purposes of this requirement, an amended
636 definition of "economic benefits" may be developed by the Office
637 of Economic and Demographic Research but must include all state
638 funds spent or forgone to benefit a business, including, but not
639 limited to, state funds appropriated to public and private
640 entities, state grants, tax exemptions, tax refunds, tax
641 credits, other state incentives, and any other source of state
642 funds which should reasonably be known to the department at the
643 time of approval.

644 (c) For the purpose of calculating the economic benefits
645 of a project, the department may not attribute to the business
646 any capital investment made by the business using state funds.

647 (d) For the purpose of evaluating economic development
648 incentive applications, the department shall consider the
649 cumulative capital investment, as defined in s. 220.191.

650 (3) Within 10 business days after the department receives

651 the submitted economic development incentive application, the
652 executive director shall approve or disapprove the application
653 and issue a letter of certification to the applicant which
654 includes a justification of that decision, unless the business
655 requests an extension of that time.

656 (a) The contract or agreement with the applicant must
657 specify the total amount of the award, the performance
658 conditions that must be met to obtain the award, the schedule
659 for payment, and sanctions that would apply for failure to meet
660 performance conditions. The contract or agreement with the
661 applicant must require that the applicant use the state's job
662 bank system to advertise job openings created as a result of the
663 state incentive agreement. The department may enter into one
664 agreement or contract covering all of the state incentives that
665 are being provided to the applicant. The contract must provide
666 that release of funds is contingent upon sufficient
667 appropriation of funds by the Legislature. The state may not
668 enter into a contract or agreement with a term of more than 10
669 years with any applicant.

670 Section 8. Paragraphs (c) and (e) of subsection (1) of
671 section 288.076, Florida Statutes, are amended to read:

672 288.076 Return on investment reporting for economic
673 development programs.—

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

675 (c) "Project" has the same meaning as provided in s.
676 288.106(2)(1) ~~288.106(2)(m)~~.

677 (e) "State investment" means all state funds spent or
 678 forgone to benefit a business, including, but not limited to,
 679 state funds appropriated to public and private entities, state
 680 grants, tax exemptions, tax refunds, tax credits, and any other
 681 source of state funds which should reasonably be known to the
 682 department at the time of approval ~~any state grants, tax~~
 683 ~~exemptions, tax refunds, tax credits, or other state incentives~~
 684 ~~provided to a business under a program administered by the~~
 685 department, including the capital investment tax credit under s.
 686 220.191.

687 Section 9. Subsection (1), paragraph (b) of subsection
 688 (2), paragraphs (b), (c), (d), and (j) of subsection (3), and
 689 subsection (7) of section 288.1045, Florida Statutes, are
 690 amended, to read:

691 288.1045 Qualified defense contractor and space flight
 692 business tax refund program.—

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

694 (a) "Applicant" means any business entity that holds a
 695 valid Department of Defense contract or space flight business
 696 contract, any business entity that is a subcontractor under a
 697 valid Department of Defense contract or space flight business
 698 contract, or any business entity that holds a valid contract for
 699 the reuse of a defense-related facility, including all members
 700 of an affiliated group of corporations as defined in s.
 701 220.03(1)(b).

702 (b) "Average private sector wage in the area" means the

703 average of all wages and salaries in ~~the state,~~ the county, ~~or~~
704 ~~in the standard metropolitan area~~ in which the project business
705 ~~unit~~ is located.

706 (c) "Business unit" means an employing unit, as defined in
707 s. 443.036, that is registered with the department for
708 reemployment assistance purposes or means a subcategory or
709 division of an employing unit that is accepted by the department
710 as a reporting unit.

711 (d) "Consolidation of a Department of Defense contract"
712 means the consolidation of one or more of an applicant's
713 facilities under one or more Department of Defense contracts,
714 from outside this state or from inside and outside this state,
715 into one or more of the applicant's facilities inside this
716 state.

717 (e) "Consolidation of a space flight business contract"
718 means the consolidation of one or more of an applicant's
719 facilities under one or more space flight business contracts,
720 from outside this state or from inside and outside this state,
721 into one or more of the applicant's facilities inside this
722 state.

723 (f) "Contract for reuse of a defense-related facility"
724 means a contract with a duration of 2 or more years for the use
725 of a facility for manufacturing, assembling, fabricating,
726 research, development, or design of tangible personal property,
727 but excluding any contract to provide goods, improvements to
728 real or tangible property, or services directly to or for any

729 particular military base or installation in this state. Such
 730 facility must be located within a port, as defined in s. 313.21,
 731 and have been occupied by a business entity that held a valid
 732 Department of Defense contract or occupied by any branch of the
 733 Armed Forces of the United States, within 1 year of any contract
 734 being executed for the reuse of such facility. A contract for
 735 reuse of a defense-related facility may not include any contract
 736 for reuse of such facility for any Department of Defense
 737 contract for manufacturing, assembling, fabricating, research,
 738 development, or design.

739 (g) "Department of Defense contract" means a competitively
 740 bid Department of Defense contract or subcontract or a
 741 competitively bid federal agency contract or subcontract issued
 742 on behalf of the Department of Defense for manufacturing,
 743 assembling, fabricating, research, development, or design with a
 744 duration of 2 or more years, but excluding any contract or
 745 subcontract to provide goods, improvements to real or tangible
 746 property, or services directly to or for any particular military
 747 base or installation in this state. The term includes contracts
 748 or subcontracts for products or services for military use or
 749 homeland security which contracts or subcontracts are approved
 750 by the United States Department of Defense, the United States
 751 Department of State, or the United States Department of Homeland
 752 Security.

753 (h) "Fiscal year" means the fiscal year of the state.

754 (i) "Jobs" means full-time equivalent positions,

755 including, but not limited to, positions obtained from a
756 temporary employment agency or employee leasing company or
757 through a union agreement or coemployment under a professional
758 employer organization agreement, that result directly from a
759 project in this state. This number does not include temporary
760 construction jobs involved with the construction of facilities
761 for the project.

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

766 1. Local financial support may include excess payments
767 made to a utility company under a designated program to allow
768 decreases in service by the utility company under conditions,
769 regardless of when application is made.

770 2. A qualified applicant may not provide, directly or
771 indirectly, more than 5 percent of such funding in any fiscal
772 year. The sources of such funding may not include, directly or
773 indirectly, state funds appropriated from the General Revenue
774 Fund or any state trust fund, excluding tax revenues shared with
775 local governments pursuant to law.

776 3. A qualified applicant may not receive more than 80
777 percent of the total tax refunds from state funds that are
778 allowed such applicant under this section.

779 4. The department may grant a waiver that reduces the
780 required amount of local financial support for a project to 10

781 percent of the annual tax refund awarded to a qualified
782 applicant for a local government, or eliminates the required
783 amount of local financial support for a project for a local
784 government located in a rural area of opportunity, as designated
785 by the Governor pursuant to s. 288.0656. To be eligible to
786 receive a waiver that reduces or eliminates the required amount
787 of local financial support, a local government shall provide the
788 department with:

789 a. A resolution adopted by the governing body of the
790 county or municipality in whose jurisdiction the project will be
791 located, requesting the applicant's project be waived from the
792 local financial support requirement.

793 b. A statement prepared by a Florida certified public
794 accountant, as defined in s. 473.302, that describes the
795 financial constraints preventing the local government from
796 providing the local financial support required by this section.

797 ~~(k) "Local financial support exemption option" means the~~
798 ~~option to exercise an exemption from the local financial support~~
799 ~~requirement available to any applicant whose project is located~~
800 ~~in a county designated by the Rural Economic Development~~
801 ~~Initiative, if the county commissioners of the county in which~~
802 ~~the project will be located adopt a resolution requesting that~~
803 ~~the applicant's project be exempt from the local financial~~
804 ~~support requirement. Any applicant that exercises this option is~~
805 ~~not eligible for more than 80 percent of the total tax refunds~~
806 ~~allowed such applicant under this section.~~

807 (k)~~(l)~~ "New Department of Defense contract" means a
 808 Department of Defense contract entered into after the date
 809 application for certification as a qualified applicant is made
 810 and after January 1, 1994.

811 (l)~~(m)~~ "New space flight business contract" means a space
 812 flight business contract entered into after an application for
 813 certification as a qualified applicant is made after July 1,
 814 2008.

815 (m)~~(n)~~ "Nondefense production jobs" means employment
 816 exclusively for activities that, directly or indirectly, are
 817 unrelated to the Department of Defense.

818 (n)~~(o)~~ "Project" means any business undertaking in this
 819 state under a new Department of Defense contract, consolidation
 820 of a Department of Defense contract, new space flight business
 821 contract, consolidation of a space flight business contract, or
 822 conversion of defense production jobs over to nondefense
 823 production jobs or reuse of defense-related facilities.

824 (o)~~(p)~~ "Qualified applicant" means an applicant that has
 825 been approved by the department to be eligible for tax refunds
 826 pursuant to this section.

827 (p)~~(q)~~ "Space flight business" means the manufacturing,
 828 processing, or assembly of space flight technology products,
 829 space flight facilities, space flight propulsion systems, or
 830 space vehicles, satellites, or stations of any kind possessing
 831 the capability for space flight, as defined by s. 212.02(23), or
 832 components thereof, and includes, in supporting space flight,

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833 vehicle launch activities, flight operations, ground control or
834 ground support, and all administrative activities directly
835 related to such activities. The term does not include products
836 that are designed or manufactured for general commercial
837 aviation or other uses even if those products may also serve an
838 incidental use in space flight applications.

839 (q)~~(r)~~ "Space flight business contract" means a
840 competitively bid federal agency contract, federal agency
841 subcontract, an awarded commercial contract, or an awarded
842 commercial subcontract for space flight business with a duration
843 of 2 or more years.

844 (r)~~(s)~~ "Taxable year" means the same as in s.
845 220.03(1)(y).

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

847 (b) Upon approval by the director, a qualified applicant
848 shall be allowed tax refund payments equal to \$3,000 times the
849 number of jobs specified in the tax refund agreement under
850 subparagraph (4)(a)1. or equal to \$6,000 times the number of
851 jobs if the project is located in a rural area of opportunity
852 ~~county~~ or a certified ~~an~~ enterprise zone. Further, a qualified
853 applicant shall be allowed additional tax refund payments equal
854 to \$1,000 times the number of jobs specified in the tax refund
855 agreement under subparagraph (4)(a)1. if such jobs pay an annual
856 average wage of at least 150 percent of the average private
857 sector wage in the area or equal to \$2,000 times the number of
858 jobs if such jobs pay an annual average wage of at least 200

859 | percent of the average private sector wage in the area. A
860 | qualified applicant may not receive refunds of more than 25
861 | percent of the total tax refunds provided in the tax refund
862 | agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
863 | provided that no qualified applicant may receive more than \$2.5
864 | million in tax refunds pursuant to this section in any fiscal
865 | year.

866 | (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
867 | DETERMINATION.—

868 | (b) Applications for certification based on the
869 | consolidation of a Department of Defense contract or a new
870 | Department of Defense contract must be submitted to the
871 | department as prescribed by the department and must include, but
872 | are not limited to, the following information:

873 | 1. The applicant's federal employer identification number,
874 | the applicant's Florida sales tax registration number, and a
875 | signature of an officer of the applicant.

876 | 2. The permanent location of the manufacturing,
877 | assembling, fabricating, research, development, or design
878 | facility in this state at which the project is or is to be
879 | located.

880 | 3. The Department of Defense contract numbers of the
881 | contract to be consolidated, the new Department of Defense
882 | contract number, or the "RFP" number of a proposed Department of
883 | Defense contract.

884 | 4. The date the contract was executed or is expected to be

885 | executed, and the date the contract is due to expire or is
886 | expected to expire.

887 | 5. The commencement date for project operations under the
888 | contract in this state.

889 | 6. The number of net new full-time equivalent Florida jobs
890 | included in the project as of December 31 of each year and the
891 | average wage of such jobs.

892 | 7. The total number of full-time equivalent employees
893 | employed by the applicant in this state.

894 | 8. The percentage of the applicant's gross receipts
895 | derived from Department of Defense contracts during the 5
896 | taxable years immediately preceding the date the application is
897 | submitted.

898 | 9. The number of full-time equivalent jobs in this state
899 | to be retained by the project.

900 | 10. A brief statement concerning the applicant's need for
901 | tax refunds, and the proposed uses of such refunds by the
902 | applicant.

903 | 11. A resolution adopted by the governing board of the
904 | county or municipality in which the project will be located,
905 | which recommends the applicant be approved as a qualified
906 | applicant, and which indicates that the necessary commitments of
907 | local financial support for the applicant exist. ~~Prior to the~~
908 | ~~adoption of the resolution, the county commission may review the~~
909 | ~~proposed public or private sources of such support and determine~~
910 | ~~whether the proposed sources of local financial support can be~~

911 ~~provided or, for any applicant whose project is located in a~~
912 ~~county designated by the Rural Economic Development Initiative,~~
913 ~~a resolution adopted by the county commissioners of such county~~
914 ~~requesting that the applicant's project be exempt from the local~~
915 ~~financial support requirement.~~

916 12. Any additional information requested by the
917 department.

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

922 1. The applicant's federal employer identification number,
923 the applicant's Florida sales tax registration number, and a
924 signature of an officer of the applicant.

925 2. The permanent location of the manufacturing,
926 assembling, fabricating, research, development, or design
927 facility in this state at which the project is or is to be
928 located.

929 3. The Department of Defense contract numbers of the
930 contract under which the defense production jobs will be
931 converted to nondefense production jobs.

932 4. The date the contract was executed, and the date the
933 contract is due to expire or is expected to expire, or was
934 canceled.

935 5. The commencement date for the nondefense production
936 operations in this state.

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

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

942 8. The percentage of the applicant's gross receipts
943 derived from Department of Defense contracts during the 5
944 taxable years immediately preceding the date the application is
945 submitted.

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

948 10. A brief statement concerning the applicant's need for
949 tax refunds, and the proposed uses of such refunds by the
950 applicant.

951 11. A resolution adopted by the governing board of the
952 county or municipality in which the project will be located,
953 which recommends the applicant be approved as a qualified
954 applicant, and which indicates that the necessary commitments of
955 local financial support for the applicant exist. ~~Prior to the~~
956 ~~adoption of the resolution, the county commission may review the~~
957 ~~proposed public or private sources of such support and determine~~
958 ~~whether the proposed sources of local financial support can be~~
959 ~~provided or, for any applicant whose project is located in a~~
960 ~~county designated by the Rural Economic Development Initiative,~~
961 ~~a resolution adopted by the county commissioners of such county~~
962 ~~requesting that the applicant's project be exempt from the local~~

963 ~~financial support requirement.~~

964 12. Any additional information requested by the
965 department.

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

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

972 2. The permanent location of the manufacturing,
973 assembling, fabricating, research, development, or design
974 facility in this state at which the project is or is to be
975 located.

976 3. The business entity holding a valid Department of
977 Defense contract or branch of the Armed Forces of the United
978 States that previously occupied the facility, and the date such
979 entity last occupied the facility.

980 4. A copy of the contract to reuse the facility, or such
981 alternative proof as may be prescribed by the department that
982 the applicant is seeking to contract for the reuse of such
983 facility.

984 5. The date the contract to reuse the facility was
985 executed or is expected to be executed, and the date the
986 contract is due to expire or is expected to expire.

987 6. The commencement date for project operations under the
988 contract in this state.

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

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

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

996 10. A brief statement concerning the applicant's need for
 997 tax refunds, and the proposed uses of such refunds by the
 998 applicant.

999 11. A resolution adopted by the governing board of the
 1000 county or municipality in which the project will be located,
 1001 which recommends the applicant be approved as a qualified
 1002 applicant, and which indicates that the necessary commitments of
 1003 local financial support for the applicant exist. ~~Before the~~
 1004 ~~adoption of the resolution, the county commission may review the~~
 1005 ~~proposed public or private sources of such support and determine~~
 1006 ~~whether the proposed sources of local financial support can be~~
 1007 ~~provided or, for any applicant whose project is located in a~~
 1008 ~~county designated by the Rural Economic Development Initiative,~~
 1009 ~~a resolution adopted by the county commissioners of such county~~
 1010 ~~requesting that the applicant's project be exempt from the local~~
 1011 ~~financial support requirement.~~

1012 12. Any additional information requested by the
 1013 department.

1014 (j) Applications for certification based upon a new space

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1015 flight business contract or the consolidation of a space flight
1016 business contract must be submitted to the department as
1017 prescribed by the department and must include, but are not
1018 limited to, the following information:

1019 1. The applicant's federal employer identification number,
1020 the applicant's Florida sales tax registration number, and a
1021 signature of an officer of the applicant.

1022 2. The permanent location of the space flight business
1023 facility in this state where the project is or will be located.

1024 3. The new space flight business contract number, the
1025 space flight business contract numbers of the contract to be
1026 consolidated, or the request-for-proposal number of a proposed
1027 space flight business contract.

1028 4. The date the contract was executed and the date the
1029 contract is due to expire, is expected to expire, or was
1030 canceled.

1031 5. The commencement date for project operations under the
1032 contract in this state.

1033 6. The number of net new full-time equivalent Florida jobs
1034 included in the project as of December 31 of each year and the
1035 average wage of such jobs.

1036 7. The total number of full-time equivalent employees
1037 employed by the applicant in this state.

1038 8. The percentage of the applicant's gross receipts
1039 derived from space flight business contracts during the 5
1040 taxable years immediately preceding the date the application is

1041 submitted.

1042 9. The number of full-time equivalent jobs in this state
1043 to be retained by the project.

1044 10. A brief statement concerning the applicant's need for
1045 tax refunds and the proposed uses of such refunds by the
1046 applicant.

1047 11. A resolution adopted by the governing board of the
1048 county or municipality in which the project will be located
1049 which recommends the applicant be approved as a qualified
1050 applicant and indicates that the necessary commitments of local
1051 financial support for the applicant exist. ~~Prior to the adoption~~
1052 ~~of the resolution, the county commission may review the proposed~~
1053 ~~public or private sources of such support and determine whether~~
1054 ~~the proposed sources of local financial support can be provided~~
1055 ~~or, for any applicant whose project is located in a county~~
1056 ~~designated by the Rural Economic Development Initiative, a~~
1057 ~~resolution adopted by the county commissioners of such county~~
1058 ~~requesting that the applicant's project be exempt from the local~~
1059 ~~financial support requirement.~~

1060 12. Any additional information requested by the
1061 department.

1062 (7) EXPIRATION.—An applicant may not be certified as
1063 qualified under this section after June 30, 2017 ~~2014~~. A tax
1064 refund agreement existing on that date shall continue in effect
1065 in accordance with its terms.

1066 Section 10. Subsection (2), paragraphs (b) and (c) of

1067 subsection (3), paragraphs (b) and (f) of subsection (4),
 1068 paragraph (b) of subsection (5), and subsection (8) of section
 1069 288.106, Florida Statutes, are amended, to read:

1070 288.106 Tax refund program for qualified target industry
 1071 businesses.—

1072 (2) DEFINITIONS.—As used in this section, the term:

1073 (a) "Account" means the Economic Development Incentives
 1074 Account within the Economic Development Trust Fund established
 1075 under s. 288.095.

1076 (b) "Authorized local economic development agency" means a
 1077 public or private entity, including an entity defined in s.
 1078 288.075, authorized by a county or municipality to promote the
 1079 general business or industrial interests of that county or
 1080 municipality.

1081 (c) "Average private sector wage in the area" means ~~the~~
 1082 ~~statewide private sector average wage or~~ the average of all
 1083 private sector wages and salaries in the county ~~or in the~~
 1084 ~~standard metropolitan area~~ in which the project business is
 1085 located or will be located.

1086 (d) "Business" means an employing unit, as defined in s.
 1087 443.036, that is registered for reemployment assistance purposes
 1088 with the state agency providing reemployment assistance tax
 1089 collection services under an interagency agreement pursuant to
 1090 s. 443.1316, or a subcategory or division of an employing unit
 1091 that is accepted by the state agency providing reemployment
 1092 assistance tax collection services as a reporting unit.

1093 (f)~~(e)~~ "Corporate headquarters business" means an
 1094 international, national, or regional headquarters office of a
 1095 multinational or multistate business enterprise or national
 1096 trade association, whether separate from or connected with other
 1097 facilities used by such business.

1098 (e)~~(f)~~ "Certified enterprise zone" means an area certified
 1099 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

1100 (g) "Expansion of an existing business" means the
 1101 expansion of an existing Florida business by or through
 1102 additions to real and personal property, resulting in a net
 1103 increase in employment of not less than 10 percent at such
 1104 business.

1105 (h) "Fiscal year" means the fiscal year of the state.

1106 (i) "Jobs" means full-time equivalent positions,
 1107 including, but not limited to, positions obtained from a
 1108 temporary employment agency or employee leasing company or
 1109 through a union agreement or coemployment under a professional
 1110 employer organization agreement, that result directly from a
 1111 project in this state. The term does not include temporary
 1112 construction jobs involved with the construction of facilities
 1113 for the project or any jobs previously included in any
 1114 application for tax refunds under s. 288.1045 or this section.

1115 (j) "Local financial support" means funding from local
 1116 sources, public or private, that is paid to the Economic
 1117 Development Trust Fund and that is equal to 20 percent of the
 1118 annual tax refund for a qualified target industry business.

1119 1. A qualified target industry business may not provide,
1120 directly or indirectly, more than 5 percent of such funding in
1121 any fiscal year. The sources of such funding may not include,
1122 directly or indirectly, state funds appropriated from the
1123 General Revenue Fund or any state trust fund, excluding tax
1124 revenues shared with local governments pursuant to law.

1125 2. A qualified target industry business may not receive
1126 more than 80 percent of the total tax refunds from state funds
1127 that are allowed such business under this section.

1128 3. The department may grant a waiver that reduces the
1129 required amount of local financial support for a project to 10
1130 percent of the annual tax refund awarded to a qualified target
1131 industry business for a local government, or eliminates the
1132 required amount of local financial support for a project for a
1133 local government located in a rural area of opportunity, as
1134 designated by the Governor pursuant to s. 288.0656. To be
1135 eligible to receive a waiver that reduces or eliminates the
1136 required amount of local financial support, a local government
1137 shall provide the department with:

1138 a. A resolution adopted by the governing body of the
1139 county or municipality in whose jurisdiction the project will be
1140 located, requesting that the applicant's project be waived from
1141 the local financial support requirement.

1142 b. A statement prepared by a Florida certified public
1143 accountant, as defined in s. 473.302, which describes the
1144 financial constraints preventing the local government from

1145 providing the local financial support required by this section.

1146 ~~(k) "Local financial support exemption option" means the~~
1147 ~~option to exercise an exemption from the local financial support~~
1148 ~~requirement available to any applicant whose project is located~~
1149 ~~in a brownfield area, a rural city, or a rural community. Any~~
1150 ~~applicant that exercises this option is not eligible for more~~
1151 ~~than 80 percent of the total tax refunds allowed such applicant~~
1152 ~~under this section.~~

1153 (k)(l) "New business" means a business that applies for a
1154 tax refund under this section before beginning operations in
1155 this state and that is a legal entity separate from any other
1156 commercial or industrial operations owned by the same business.

1157 (l)(m) "Project" means the creation of a new business or
1158 expansion of an existing business.

1159 (m)(n) "Qualified target industry business" means a target
1160 industry business approved by the department to be eligible for
1161 tax refunds under this section.

1162 ~~(o) "Rural city" means a city having a population of~~
1163 ~~10,000 or fewer, or a city having a population of greater than~~
1164 ~~10,000 but fewer than 20,000 that has been determined by the~~
1165 ~~department to have economic characteristics such as, but not~~
1166 ~~limited to, a significant percentage of residents on public~~
1167 ~~assistance, a significant percentage of residents with income~~
1168 ~~below the poverty level, or a significant percentage of the~~
1169 ~~city's employment base in agriculture-related industries.~~

1170 ~~(p) "Rural community" means:~~

- 1171 1. ~~A county having a population of 75,000 or fewer.~~
 1172 2. ~~A county having a population of 125,000 or fewer that~~
 1173 ~~is contiguous to a county having a population of 75,000 or~~
 1174 ~~fewer.~~
 1175 3. ~~A municipality within a county described in~~
 1176 ~~subparagraph 1. or subparagraph 2.~~

1177
 1178 ~~For purposes of this paragraph, population shall be determined~~
 1179 ~~in accordance with the most recent official estimate pursuant to~~
 1180 ~~s. 186.901.~~

1181 (n) ~~(q)~~ "Target industry business" means a corporate
 1182 headquarters business or any business that is engaged in one of
 1183 the target industries identified pursuant to the following
 1184 criteria developed by the department in consultation with
 1185 Enterprise Florida, Inc.:

1186 1. Future growth.—Industry forecasts should indicate
 1187 strong expectation for future growth in both employment and
 1188 output, according to the most recent available data. Special
 1189 consideration should be given to businesses that export goods
 1190 to, or provide services in, international markets and businesses
 1191 that replace domestic and international imports of goods or
 1192 services.

1193 2. Stability.—The industry should not be subject to
 1194 periodic layoffs, whether due to seasonality or sensitivity to
 1195 volatile economic variables such as weather. The industry should
 1196 also be relatively resistant to recession, so that the demand

1197 | for products of this industry is not typically subject to
 1198 | decline during an economic downturn.

1199 | 3. High wage.—The industry should pay relatively high
 1200 | wages compared to statewide or area averages.

1201 | 4. Market and resource independent.—The location of
 1202 | industry businesses should not be dependent on Florida markets
 1203 | or resources as indicated by industry analysis, except for
 1204 | businesses in the renewable energy industry.

1205 | 5. Industrial base diversification and strengthening.—The
 1206 | industry should contribute toward expanding or diversifying the
 1207 | state's or area's economic base, as indicated by analysis of
 1208 | employment and output shares compared to national and regional
 1209 | trends. Special consideration should be given to industries that
 1210 | strengthen regional economies by adding value to basic products
 1211 | or building regional industrial clusters as indicated by
 1212 | industry analysis. Special consideration should also be given to
 1213 | the development of strong industrial clusters that include
 1214 | defense and homeland security businesses.

1215 | 6. Positive economic impact.—The industry is expected to
 1216 | have strong positive economic impacts on or benefits to the
 1217 | state or regional economies. Special consideration should be
 1218 | given to industries that facilitate the development of the state
 1219 | as a hub for domestic and global trade and logistics.

1220 |
 1221 | The term does not include any business engaged in retail
 1222 | industry activities; any electrical utility company as defined

1223 in s. 366.02(2); any phosphate or other solid minerals
 1224 severance, mining, or processing operation; any oil or gas
 1225 exploration or production operation; or any business subject to
 1226 regulation by the Division of Hotels and Restaurants of the
 1227 Department of Business and Professional Regulation. Any business
 1228 within NAICS code 5611 or 5614, office administrative services
 1229 and business support services, respectively, may be considered a
 1230 target industry business only after the local governing body and
 1231 Enterprise Florida, Inc., make a determination that the
 1232 community where the business may locate has conditions affecting
 1233 the fiscal and economic viability of the local community or
 1234 area, including but not limited to, factors such as low per
 1235 capita income, high unemployment, high underemployment, and a
 1236 lack of year-round stable employment opportunities, and such
 1237 conditions may be improved by the location of such a business to
 1238 the community. By January 1 of every 3rd year, beginning January
 1239 1, 2011, the department, in consultation with Enterprise
 1240 Florida, Inc., economic development organizations, the State
 1241 University System, local governments, employee and employer
 1242 organizations, market analysts, and economists, shall review
 1243 and, as appropriate, revise the list of such target industries
 1244 and submit the list to the Governor, the President of the
 1245 Senate, and the Speaker of the House of Representatives.

1246 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
 1247 220.03(1)(y).

1248 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1249 (b)1. Upon approval by the department, a qualified target
 1250 industry business shall be allowed tax refund payments equal to
 1251 \$3,000 multiplied by the number of jobs specified in the tax
 1252 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 1253 multiplied by the number of jobs if the project is located in a
 1254 rural area of opportunity ~~community~~ or a certified ~~an~~ enterprise
 1255 zone.

1256 2. A qualified target industry business shall be allowed
 1257 additional tax refund payments equal to \$1,000 multiplied by the
 1258 number of jobs specified in the tax refund agreement under
 1259 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 1260 at least 150 percent of the average private sector wage in the
 1261 area, or equal to \$2,000 multiplied by the number of jobs if
 1262 such jobs pay an annual average wage of at least 200 percent of
 1263 the average private sector wage in the area.

1264 3. A qualified target industry business shall be allowed
 1265 tax refund payments in addition to the other payments authorized
 1266 in this paragraph equal to \$1,000 multiplied by the number of
 1267 jobs specified in the tax refund agreement under subparagraph
 1268 (5)(a)1. if the local financial support is equal to that of the
 1269 state's incentive award under subparagraph 1.

1270 4. In addition to the other tax refund payments authorized
 1271 in this paragraph, a qualified target industry business shall be
 1272 allowed a tax refund payment equal to \$2,000 multiplied by the
 1273 number of jobs specified in the tax refund agreement under
 1274 subparagraph (5)(a)1. if the business:

1275 a. Falls within one of the high-impact sectors designated
1276 under s. 288.108; or

1277 b. Increases exports of its goods through a seaport or
1278 airport in the state by at least 10 percent in value or tonnage
1279 in each of the years that the business receives a tax refund
1280 under this section. For purposes of this sub-subparagraph,
1281 seaports in the state are limited to the ports of Jacksonville,
1282 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
1283 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
1284 Pensacola, Fernandina, and Key West.

1285 (c) A qualified target industry business may not receive
1286 refund payments of more than 25 percent of the total tax refunds
1287 specified in the tax refund agreement under subparagraph
1288 (5)(a)1. in any fiscal year. Further, a qualified target
1289 industry business may not receive more than \$1.5 million in
1290 refunds under this section in any single fiscal year, or more
1291 than \$2.5 million in any single fiscal year if the project is
1292 located in a certified ~~an~~ enterprise zone.

1293 (4) APPLICATION AND APPROVAL PROCESS.—

1294 (b) To qualify for review by the department, the
1295 application of a target industry business must, at a minimum,
1296 establish the following to the satisfaction of the department:

1297 1.a. The jobs proposed to be created under the
1298 application, pursuant to subparagraph (a)4., must pay an
1299 estimated annual average wage equaling at least 115 percent of
1300 the average private sector wage in the area where the business

1301 is to be located ~~or the statewide private sector average wage.~~
1302 ~~The governing board of the local governmental entity providing~~
1303 ~~the local financial support of the jurisdiction where the~~
1304 ~~qualified target industry business is to be located shall notify~~
1305 ~~the department and Enterprise Florida, Inc., which calculation~~
1306 ~~of the average private sector wage in the area must be used as~~
1307 ~~the basis for the business's wage commitment.~~ In determining the
1308 average annual wage, the department shall include only new
1309 proposed jobs, and wages for existing jobs shall be excluded
1310 from this calculation.

1311 b. The department may waive the average wage requirement
1312 at the request of the local governing body recommending the
1313 project and Enterprise Florida, Inc. The department may waive
1314 the wage requirement for a project located in a brownfield area
1315 designated under s. 376.80, in a rural area of opportunity ~~city,~~
1316 ~~in a rural community,~~ in a certified ~~an~~ enterprise zone, or for
1317 a manufacturing project at any location in the state if the jobs
1318 proposed to be created pay an estimated annual average wage
1319 equaling at least 105 ~~100~~ percent of the average private sector
1320 wage in the area where the business is to be located, only if
1321 the merits of the individual project or the specific
1322 circumstances in the community in relationship to the project
1323 warrant such action. If the local governing body and Enterprise
1324 Florida, Inc., make such a recommendation, it must be
1325 transmitted in writing, and the specific justification for the
1326 waiver recommendation must be explained. If the department

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1327 elects to waive the wage requirement, the waiver must be stated
1328 in writing, and the reasons for granting the waiver must be
1329 explained.

1330 2. The target industry business's project must result in
1331 the creation of at least 10 jobs at the project and, in the case
1332 of an expansion of an existing business, must result in a net
1333 increase in employment of at least 10 percent at the business.
1334 At the request of the local governing body recommending the
1335 project and Enterprise Florida, Inc., the department may waive
1336 this requirement for a business located in a rural area of
1337 opportunity designated by the Governor pursuant to s. 288.0656,
1338 ~~community~~ or certified enterprise zone if the merits of the
1339 individual project or the specific circumstances in the
1340 community in relationship to the project warrant such action. If
1341 the local governing body and Enterprise Florida, Inc., make such
1342 a request, the request must be transmitted in writing, and the
1343 specific justification for the request must be explained. If the
1344 department elects to grant the request, the grant must be stated
1345 in writing, and the reason for granting the request must be
1346 explained.

1347 3. The business activity or product for the applicant's
1348 project must be within an industry identified by the department
1349 as a target industry business that contributes to the economic
1350 growth of the state and the area in which the business is
1351 located, that produces a higher standard of living for residents
1352 of this state in the new global economy, or that can be shown to

1353 make an equivalent contribution to the area's and state's
1354 economic progress.

1355 ~~(f) Notwithstanding paragraph (2)(j), the department may~~
1356 ~~reduce the local financial support requirements of this section~~
1357 ~~by one half for a qualified target industry business located in~~
1358 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~
1359 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~
1360 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
1361 ~~department determines that such reduction of the local financial~~
1362 ~~support requirements is in the best interest of the state and~~
1363 ~~facilitates economic development, growth, or new employment~~
1364 ~~opportunities in such county. This paragraph expires June 30,~~
1365 ~~2014.~~

1366 (5) TAX REFUND AGREEMENT.—

1367 (b) Compliance with the terms and conditions of the
1368 agreement is a condition precedent for the receipt of a tax
1369 refund each year. The failure to comply with the terms and
1370 conditions of the tax refund agreement results in the loss of
1371 eligibility for receipt of all tax refunds previously authorized
1372 under this section and the revocation by the department of the
1373 certification of the business entity as a qualified target
1374 industry business, unless the business is eligible to receive
1375 and elects to accept a prorated refund under paragraph (6)(e) ~~or~~
1376 ~~the department grants the business an economic recovery~~
1377 ~~extension.~~

1378 ~~1. A qualified target industry business may submit a~~

1379 ~~request to the department for an economic recovery extension.~~
1380 ~~The request must provide quantitative evidence demonstrating how~~
1381 ~~negative economic conditions in the business's industry, the~~
1382 ~~effects of a named hurricane or tropical storm, or specific acts~~
1383 ~~of terrorism affecting the qualified target industry business~~
1384 ~~have prevented the business from complying with the terms and~~
1385 ~~conditions of its tax refund agreement.~~

1386 ~~2. Upon receipt of a request under subparagraph 1., the~~
1387 ~~department has 45 days to notify the requesting business, in~~
1388 ~~writing, whether its extension has been granted or denied. In~~
1389 ~~determining whether an extension should be granted, the~~
1390 ~~department shall consider the extent to which negative economic~~
1391 ~~conditions in the requesting business's industry have occurred~~
1392 ~~in the state or the effects of a named hurricane or tropical~~
1393 ~~storm or specific acts of terrorism affecting the qualified~~
1394 ~~target industry business have prevented the business from~~
1395 ~~complying with the terms and conditions of its tax refund~~
1396 ~~agreement. The department shall consider current employment~~
1397 ~~statistics for this state by industry, including whether the~~
1398 ~~business's industry had substantial job loss during the prior~~
1399 ~~year, when determining whether an extension shall be granted.~~

1400 ~~3. As a condition for receiving a prorated refund under~~
1401 ~~paragraph (6) (c) or an economic recovery extension under this~~
1402 ~~paragraph, a qualified target industry business must agree to~~
1403 ~~renegotiate its tax refund agreement with the department to, at~~
1404 ~~a minimum, ensure that the terms of the agreement comply with~~

1405 ~~current law and the department's procedures governing~~
1406 ~~application for and award of tax refunds. Upon approving the~~
1407 ~~award of a prorated refund or granting an economic recovery~~
1408 ~~extension, the department shall renegotiate the tax refund~~
1409 ~~agreement with the business as required by this subparagraph.~~
1410 ~~When amending the agreement of a business receiving an economic~~
1411 ~~recovery extension, the department may extend the duration of~~
1412 ~~the agreement for a period not to exceed 2 years.~~

1413 ~~4. A qualified target industry business may submit a~~
1414 ~~request for an economic recovery extension to the department in~~
1415 ~~lieu of any tax refund claim scheduled to be submitted after~~
1416 ~~January 1, 2009, but before July 1, 2012.~~

1417 ~~5. A qualified target industry business that receives an~~
1418 ~~economic recovery extension may not receive a tax refund for the~~
1419 ~~period covered by the extension.~~

1420 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
1421 ~~in the best interest of the public for reasons of facilitating~~
1422 ~~economic development, growth, or new employment opportunities~~
1423 ~~within a Disproportionally Affected County, the department may,~~
1424 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
1425 ~~or local financial support eligibility requirements and allow a~~
1426 ~~qualified target industry business from another state which~~
1427 ~~relocates all or a portion of its business to a~~
1428 ~~Disproportionally Affected County to receive a tax refund~~
1429 ~~payment of up to \$6,000 multiplied by the number of jobs~~
1430 ~~specified in the tax refund agreement under subparagraph~~

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1431 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
1432 ~~waiver, the executive director of the department shall file with~~
1433 ~~the Governor a written statement of the conditions and~~
1434 ~~circumstances constituting the reason for the waiver. Such~~
1435 ~~business shall be eligible for the additional tax refund~~
1436 ~~payments specified in subparagraph (3)(b)4. if it meets the~~
1437 ~~criteria. As used in this section, the term "Disproportionally~~
1438 ~~Affected County" means Bay County, Escambia County, Franklin~~
1439 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
1440 ~~County, or Wakulla County.~~

1441 Section 11. Paragraph (b) of subsection (2) of section
1442 288.108, Florida Statutes, is amended, paragraph (h) is added to
1443 that subsection, and subsection (5) of that section is amended,
1444 to read:

1445 288.108 High-impact business.—

1446 (2) DEFINITIONS.—As used in this section, the term:

1447 (b) "Cumulative investment" means the total investment in
1448 buildings and equipment made by a qualified high-impact business
1449 since the beginning of construction of such facility. The term
1450 does not include funds granted to or spent on behalf of the
1451 business by the state, a local government, or other governmental
1452 entity; funds appropriated in the General Appropriations Act; or
1453 funds otherwise provided to the business by a state agency or
1454 local government.

1455 (h) "Local financial support" means financial, in-kind, or
1456 other quantifiable contributions from local sources that,

1457 combined, equal 20 percent or more of the total investment in
1458 the project by state and local sources.

1459 1. The department may grant a waiver that reduces the
1460 required amount of local financial support for a project to 10
1461 percent of the award granted to a business pursuant to this
1462 section for a local government, or eliminates the local
1463 financial support for a local government located in a rural area
1464 of opportunity, as designated by the Governor pursuant to s.
1465 288.0656.

1466 2. A local government that requests a waiver that reduces
1467 or eliminates the local financial support requirement shall
1468 provide the department a statement prepared by a Florida
1469 certified public accountant as defined in s. 473.302, which
1470 describes the financial constraints preventing the local
1471 government from providing the local financial support required
1472 by this section.

1473 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
1474 AGREEMENT.—

1475 (a) The department shall review and certify, pursuant to
1476 s. 288.061, an application pursuant to s. 288.061 which is
1477 received from any eligible business, as defined in subsection
1478 (2), for consideration as a qualified high-impact business
1479 before the business has made a decision to locate or expand a
1480 facility in this state. The business must provide the following
1481 information:

1482 1. A complete description of the type of facility,

1483 business operations, and product or service associated with the
1484 project.

1485 2. The number of full-time equivalent jobs that will be
1486 created by the project and the average annual wage of those
1487 jobs.

1488 3. The cumulative amount of investment to be dedicated to
1489 this project within 3 years.

1490 4. A statement concerning any special impacts the facility
1491 is expected to stimulate in the sector, the state, or regional
1492 economy and in state universities and community colleges.

1493 5. A statement concerning the role the grant will play in
1494 the decision of the applicant business to locate or expand in
1495 this state.

1496 6. Any additional information requested by the department.

1497 (b) Within 7 business days after evaluating an
1498 application, the department shall recommend to the Governor
1499 approval or disapproval of an eligible high-impact business for
1500 receipt of funds. Recommendations to the Governor shall include
1501 a memorandum of understanding between the department and the
1502 applicant, which shall be incorporated into the final contract,
1503 setting forth the conditions for payment of the qualified high-
1504 impact business performance grant. The memorandum of
1505 understanding must include the total amount of the qualified
1506 high-impact business facility performance grant award; the
1507 performance conditions that must be met to obtain the award,
1508 including, but not limited to, net new employment in the state,

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1509 average salary, and total capital investment incurred by the
1510 business; a baseline of current service and a measure of
1511 enhanced capability; the methodology for validating performance;
1512 the schedule of performance grant payments; and sanctions for
1513 failure to meet performance conditions ~~Applications shall be~~
1514 ~~reviewed and certified pursuant to s. 288.061.~~

1515 (c) The Governor may approve a high-impact business
1516 performance grant of less than \$2 million without consulting the
1517 Legislature. For such grants, the Governor shall provide a
1518 written description and evaluation of the approved project and a
1519 memorandum of understanding meeting the requirements of
1520 paragraph (b) to the chair and vice chair of the Legislative
1521 Budget Commission, the President of the Senate, and the Speaker
1522 of the House of Representatives, within 1 business day after
1523 approval ~~The department and the qualified high-impact business~~
1524 ~~shall enter into a performance grant agreement setting forth the~~
1525 ~~conditions for payment of the qualified high-impact business~~
1526 ~~performance grant. The agreement shall include the total amount~~
1527 ~~of the qualified high-impact business facility performance grant~~
1528 ~~award, the performance conditions that must be met to obtain the~~
1529 ~~award, including the employment, average salary, investment, the~~
1530 ~~methodology for determining if the conditions have been met, and~~
1531 ~~the schedule of performance grant payments.~~

1532 (d) The Governor shall provide a written description and
1533 evaluation of each eligible high-impact business recommended for
1534 approval for a high-impact business performance grant that

1535 equals or exceeds \$2 million to the chair and vice chair of the
1536 Legislative Budget Commission, the President of the Senate, and
1537 the Speaker of the House of Representatives at least 14 days
1538 before approving a qualified high-impact business performance
1539 grant. The recommendation shall include a memorandum of
1540 understanding that meets the requirements provided in paragraph
1541 (b). If the chair or vice chair of the Legislative Budget
1542 Commission, the President of the Senate, or the Speaker of the
1543 House of Representatives timely advises the Executive Office of
1544 the Governor in writing that the award of funds exceeds the
1545 delegated authority of the Executive Office of the Governor or
1546 is contrary to legislative policy or intent, the Executive
1547 Office of the Governor shall void the release of funds and
1548 instruct the department to immediately change action or proposed
1549 action.

1550 (e) An amendment, modification, or extension of an
1551 executed contract that results in a 0.5-point or greater
1552 reduction in the economic benefit ratio of the project must be
1553 approved as provided in paragraph (d). An amendment,
1554 modification, or extension may not be made to an executed
1555 contract if such action would result in an economic benefit
1556 ratio less than 2 to 1.

1557 (f) The department shall validate contractor performance
1558 and report such validation in the annual incentives report
1559 required by s. 288.907.

1560 Section 12. Paragraph (e) of subsection (3) of section

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1561 288.1088, Florida Statutes, is redesignated as paragraph (f),
1562 paragraphs (b), (d), and (e) of subsection (2) and paragraphs
1563 (a), (c), and (d) of subsection (3) are amended, and a new
1564 paragraph (e) is added to subsection (3) of that section, to
1565 read:

1566 288.1088 Quick Action Closing Fund.—

1567 (2) There is created within the department the Quick
1568 Action Closing Fund. Projects eligible for receipt of funds from
1569 the Quick Action Closing Fund shall:

1570 (b) Have a positive economic benefit ratio of at least 4 ~~5~~
1571 to 1.

1572 (d) Pay an average annual wage of at least 125 percent of
1573 the average private sector wage in the area, as defined in s.
1574 288.106 ~~areawide or statewide private sector average wage.~~

1575 (e) Be supported by the local community in which the
1576 project is to be located.

1577 1. Financial support by the local community shall include
1578 financial, in-kind, or other quantifiable contributions from
1579 local sources that, combined, equal 20 percent or more of the
1580 total investment in the project by state and local sources.

1581 2. The department may grant a waiver that reduces the
1582 required amount of local financial support for a project to 10
1583 percent of the award granted to a business pursuant to this
1584 section for a local government, or eliminates the required
1585 amount of local financial support for a project for a local
1586 government located in a rural area of opportunity, as designated

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1587 by the Governor pursuant to s. 288.0656.

1588 3. A local government that requests a waiver that reduces
1589 or eliminates the local financial support requirement shall
1590 provide the department a statement prepared by a Florida
1591 certified public accountant as defined in s. 473.302, which
1592 describes the financial constraints preventing the local
1593 government from providing the local financial support required
1594 by this section.

1595 (f) Create at least 10 new jobs if the project is a new
1596 business, or increase the number of jobs by at least 10 percent
1597 if the project is an expanding business.

1598 (3) (a) The department and Enterprise Florida, Inc., shall
1599 jointly review applications pursuant to s. 288.061 and determine
1600 the eligibility of each project consistent with the criteria in
1601 subsection (2). No more than two waivers ~~waiver~~ of these
1602 criteria may be considered under the following criteria:

- 1603 1. Based on extraordinary circumstances;
1604 2. In order to mitigate the impact of the conclusion of
1605 the space shuttle program; or
1606 3. In rural areas of opportunity if the project would
1607 significantly benefit the local or regional economy.

1608
1609 A waiver may not be granted by the department if the positive
1610 economic benefit ratio of the project is below 2 to 1, the
1611 project is not within a target industry under s. 288.106, the
1612 award of funds is not an inducement to the project's location or

1613 expansion in the state, or the average annual wage of jobs
1614 directly created by the project is below 105 percent of the
1615 average private sector wage in the area, as defined in s.
1616 288.106.

1617 (c)1. Within 7 business days after evaluating a project,
1618 the department shall recommend to the Governor approval or
1619 disapproval of a project for receipt of funds from the Quick
1620 Action Closing Fund. In recommending a project, the department
1621 shall include a memorandum of understanding between the
1622 department and the applicant, which shall be incorporated into
1623 the final contract, setting forth the conditions for payment of
1624 moneys from the fund. The memorandum of understanding must
1625 include the total amount of recommended funds to be awarded; the
1626 performance conditions that must be met to obtain the award,
1627 including, but not limited to, net new employment in the state,
1628 average salary, and total capital investment incurred by the
1629 business; a baseline of current service and a measure of
1630 enhanced capability; the methodology for validating performance;
1631 the schedule of payments from the fund; and sanctions for
1632 failure to meet performance conditions, including any clawback
1633 provisions ~~proposed performance conditions that the project must~~
1634 ~~meet to obtain incentive funds.~~

1635 2. The Governor may approve a Quick Action Closing Fund
1636 project award requiring less than \$2 million in funding ~~projects~~
1637 ~~without consulting the Legislature for projects requiring less~~
1638 ~~than \$2 million in funding.~~ For such projects, the Governor

1639 shall provide a written description and evaluation of the
 1640 approved project and a memorandum of understanding meeting the
 1641 requirements of the subparagraph 1. to the chair and vice chair
 1642 of the Legislative Budget Commission, the President of the
 1643 Senate, and the Speaker of the House of Representatives within 1
 1644 business day after approval.

1645 ~~3. For projects requiring funding in the amount of \$2~~
 1646 ~~million to \$5 million,~~ The Governor shall provide a written
 1647 description and evaluation of each Quick Action Closing Fund a
 1648 project award recommended for approval that requires funding of
 1649 \$2 million or more to the chair and vice chair of the
 1650 Legislative Budget Commission, the President of the Senate, and
 1651 the Speaker of the House of Representatives at least 14 ~~10~~ days
 1652 before ~~prior to~~ giving final approval for a project. The
 1653 recommendation must include a memorandum of understanding
 1654 meeting the requirements of subparagraph 1 ~~proposed performance~~
 1655 ~~conditions that the project must meet in order to obtain funds.~~

1656 ~~4.~~ If the chair or vice chair of the Legislative Budget
 1657 Commission, ~~or~~ the President of the Senate, or the Speaker of
 1658 the House of Representatives timely advises the Executive Office
 1659 of the Governor, in writing, that such action or proposed action
 1660 exceeds the delegated authority of the Executive Office of the
 1661 Governor or is contrary to legislative policy or intent, the
 1662 Executive Office of the Governor shall void the release of funds
 1663 and instruct the department to immediately change such action or
 1664 ~~proposed action until the Legislative Budget Commission or the~~

1665 ~~Legislature addresses the issue. Notwithstanding such~~
1666 ~~requirement, any project exceeding \$5 million must be approved~~
1667 ~~by the Legislative Budget Commission prior to the funds being~~
1668 ~~released.~~

1669 (d) Upon the approval of the Governor in accordance with
1670 subparagraph (c)2., or upon expiration of the 14-day legislative
1671 consultation period provided in subparagraph (c)3., the
1672 department and the business shall enter into a contract that
1673 sets forth the conditions for payment of moneys from the fund.
1674 The contract must include the total amount of funds awarded; the
1675 performance conditions that must be met to obtain the award,
1676 including, but not limited to, net new employment in the state,
1677 average salary, and total capital investment; demonstrate a
1678 baseline of current service and a measure of enhanced
1679 capability; the methodology for validating performance; the
1680 schedule of payments from the fund; and sanctions for failure to
1681 meet performance conditions. The contract must provide that
1682 payment of moneys from the fund is contingent upon sufficient
1683 appropriation of funds by the Legislature.

1684 (e) An amendment, modification, or extension of an
1685 existing contract that results in a 0.5-point or greater
1686 reduction in the economic benefit ratio of the project may not
1687 take effect until it is approved through the approval process in
1688 subparagraph (c)3. An amendment, modification, or extension may
1689 not be made to an executed contract if such action would result
1690 in an economic benefit ratio below 2 to 1.

1691 Section 13. Paragraphs (b), (d), (e) and (p) of subsection
 1692 (2), subsection (4), paragraphs (1) and (m) of subsection (5),
 1693 and subsections (7) and (8) of section 288.1089, Florida
 1694 Statutes, are amended to read:

1695 288.1089 Innovation Incentive Program.—

1696 (2) As used in this section, the term:

1697 (b) "Average private sector wage in the area" means the
 1698 average of all private sector wages and salaries in the county
 1699 in which the project is located ~~the statewide average wage in~~
 1700 ~~the private sector or the average of all private sector wages in~~
 1701 ~~the county or in the standard metropolitan area in which the~~
 1702 ~~project is located as determined by the department.~~

1703 ~~(d)~~ ~~(e)~~ "Certified enterprise zone" means an area certified
 1704 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

1705 ~~(e)~~ ~~(d)~~ "Cumulative investment" means cumulative capital
 1706 investment and all eligible capital costs, as defined in s.
 1707 220.191.

1708 ~~(p)~~ "~~Rural area~~" ~~means a rural city or rural community as~~
 1709 ~~defined in s. 288.106.~~

1710 (4) To qualify for review by the department, the applicant
 1711 must, at a minimum, establish the following to the satisfaction
 1712 of the department:

1713 (a) The jobs created by the project must pay an estimated
 1714 annual average wage equaling at least 130 percent of the average
 1715 private sector wage in the area. The department may waive this
 1716 average wage requirement at the request of Enterprise Florida,

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1717 Inc., for a project located in a rural area of opportunity, a
1718 brownfield area, or a certified ~~an~~ enterprise zone, when the
1719 merits of the individual project or the specific circumstances
1720 in the community in relationship to the project warrant such
1721 action. A recommendation for waiver by Enterprise Florida, Inc.,
1722 must include a specific justification for the waiver and be
1723 transmitted to the department in writing. If the department
1724 elects to waive the wage requirement, the waiver must be stated
1725 in writing and the reasons for granting the waiver must be
1726 explained. The department may not waive the wage requirement for
1727 any project that does not pay an estimated annual average wage
1728 equaling at least 105 percent of the average private sector wage
1729 in the area.

1730 (b) A research and development project must:

1731 1. Serve as a catalyst for an emerging or evolving
1732 technology cluster.

1733 2. Demonstrate a plan for significant higher education
1734 collaboration.

1735 3. Provide the state, at a minimum, a cumulative break-
1736 even economic benefit within a 20-year period.

1737 4. Be provided with a one-to-one match from the local
1738 community. The match requirement may be reduced or waived in
1739 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
1740 areas, and enterprise zones. A local government that requests a
1741 waiver that reduces or eliminates the one-to-one match shall
1742 provide the department with a statement prepared by a Florida

1743 certified public accountant, as defined in s. 473.302, which
 1744 describes the financial constraints preventing the local
 1745 government from meeting the local financial support requirement
 1746 of this section.

1747 (c) An innovation business project in this state, other
 1748 than a research and development project, must:

1749 1.a. Result in the creation of at least 1,000 direct, new
 1750 jobs at the business; or

1751 b. Result in the creation of at least 500 direct, new jobs
 1752 if the project is located in a rural area of opportunity, a
 1753 brownfield area, or a certified ~~an~~ enterprise zone.

1754 2. Have an activity or product that is within an industry
 1755 that is designated as a target industry business under s.
 1756 288.106 or a designated sector under s. 288.108.

1757 3.a. Have a cumulative investment of at least \$500 million
 1758 within a 5-year period; or

1759 b. Have a cumulative investment that exceeds \$250 million
 1760 within a 10-year period if the project is located in a rural
 1761 area of opportunity, brownfield area, or a certified ~~an~~
 1762 enterprise zone.

1763 4. Be provided with a one-to-one match from the local
 1764 community. The match requirement may be reduced or waived in
 1765 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
 1766 areas, and certified enterprise zones. A local government that
 1767 requests a waiver that reduces or eliminates the one-to-one
 1768 match shall provide the department with a statement prepared by

1769 a Florida certified public accountant, as defined in s. 473.302,
 1770 which describes the financial constraints preventing the local
 1771 government from meeting the local financial support requirement
 1772 of this section.

1773 (d) For an alternative and renewable energy project in
 1774 this state, the project must:

1775 1. Demonstrate a plan for significant collaboration with
 1776 an institution of higher education.~~†~~

1777 2. Provide the state, at a minimum, a cumulative break-
 1778 even economic benefit within a 20-year period.~~†~~

1779 3. Include matching funds provided by the applicant or
 1780 other available sources. The match requirement may be reduced or
 1781 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~
 1782 ~~rural areas~~, brownfield areas, and enterprise zones. A local
 1783 government that requests a waiver that reduces or eliminates the
 1784 one-to-one match shall provide the department with a statement
 1785 prepared by a Florida certified public accountant, as defined in
 1786 s. 473.302, which describes the financial constraints preventing
 1787 the local government from meeting the one-to-one match
 1788 requirement of this section.~~†~~

1789 4. Be located in this state.~~†~~ ~~and~~

1790 5. Provide at least 35 direct, new jobs that pay an
 1791 estimated annual average wage that equals at least 130 percent
 1792 of the average private sector wage in the area.

1793 (5) The department shall review proposals pursuant to s.
 1794 288.061 for all three categories of innovation incentive awards.

1795 Before making a recommendation to the executive director, the
 1796 department shall solicit comments and recommendations from the
 1797 Department of Agriculture and Consumer Services. For each
 1798 project, the evaluation and recommendation to the department
 1799 must include, but need not be limited to:

1800 (l) Additional evaluative criteria for a research and
 1801 development facility project, including:

1802 1. A description of the extent to which the project has
 1803 the potential to serve as catalyst for an emerging or evolving
 1804 cluster.

1805 2. A description of the extent to which the project has or
 1806 could have a long-term collaborative research and development
 1807 relationship with one or more universities or community colleges
 1808 in this state.

1809 3. A description of the existing or projected impact of
 1810 the project on established clusters or targeted industry
 1811 sectors.

1812 4. A description of the project's contribution to the
 1813 diversity and resiliency of the innovation economy of this
 1814 state.

1815 5. A description of the project's impact on special needs
 1816 communities, including, but not limited to, rural areas of
 1817 opportunity, distressed urban areas, and enterprise zones.

1818 (m) Additional evaluative criteria for alternative and
 1819 renewable energy proposals, including:

1820 1. The availability of matching funds or other in-kind

1821 contributions applied to the total project from an applicant.
1822 The Department of Agriculture and Consumer Services shall give
1823 greater preference to projects that provide such matching funds
1824 or other in-kind contributions.

1825 2. The degree to which the project stimulates in-state
1826 capital investment and economic development in metropolitan and
1827 rural areas of opportunity, including the creation of jobs and
1828 the future development of a commercial market for renewable
1829 energy technologies.

1830 3. The extent to which the proposed project has been
1831 demonstrated to be technically feasible based on pilot project
1832 demonstrations, laboratory testing, scientific modeling, or
1833 engineering or chemical theory that supports the proposal.

1834 4. The degree to which the project incorporates an
1835 innovative new technology or an innovative application of an
1836 existing technology.

1837 5. The degree to which a project generates thermal,
1838 mechanical, or electrical energy by means of a renewable energy
1839 resource that has substantial long-term production potential.

1840 6. The degree to which a project demonstrates efficient
1841 use of energy and material resources.

1842 7. The degree to which the project fosters overall
1843 understanding and appreciation of renewable energy technologies.

1844 8. The ability to administer a complete project.

1845 9. Project duration and timeline for expenditures.

1846 10. The geographic area in which the project is to be

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1847 conducted in relation to other projects.

1848 11. The degree of public visibility and interaction.

1849 (7) (a) Within 7 days after evaluating an innovation

1850 incentive award proposal, the department shall recommend to the

1851 Governor approval or disapproval of an award. In recommending an

1852 award, the department shall include a memorandum of

1853 understanding between the department and the applicant, which

1854 shall be incorporated into the final contract, setting forth the

1855 conditions for payment of the incentive funds. The memorandum of

1856 understanding shall include the total amount of funds awarded;

1857 the performance conditions that must be met to obtain the award,

1858 including, but not limited to, net new employment in the state,

1859 average salary, and total capital investment incurred by the

1860 business; a baseline of current service and a measure of

1861 enhanced capability; the methodology for validating performance;

1862 the schedule of payments; and sanctions for failure to meet

1863 performance conditions, including any clawback provisions ~~Upon~~

1864 ~~receipt of the evaluation and recommendation from the~~

1865 ~~department, the Governor shall approve or deny an award. In~~

1866 ~~recommending approval of an award, the department shall include~~

1867 ~~proposed performance conditions that the applicant must meet in~~

1868 ~~order to obtain incentive funds and any other conditions that~~

1869 ~~must be met before the receipt of any incentive funds. The~~

1870 ~~Governor shall consult with the President of the Senate and the~~

1871 ~~Speaker of the House of Representatives before giving approval~~

1872 ~~for an award. Upon review and approval of an award by the~~

1873 ~~Legislative Budget Commission, the Executive Office of the~~
1874 ~~Governor shall release the funds.~~

1875 (b) The Governor may approve an innovation incentive award
1876 of less than \$2 million without consulting the Legislature. For
1877 such awards, the Governor shall provide a written description
1878 and evaluation of the approved project and a copy of the
1879 memorandum of understanding between the department and business
1880 meeting the requirements of paragraph (a) to the chair and vice
1881 chair of the Legislative Budget Commission, the President of the
1882 Senate, and the Speaker of the House of Representatives within 1
1883 business day after approval.

1884 (c) The Governor shall provide a written description and
1885 evaluation of each innovation incentive award proposal
1886 recommended for approval for an innovation incentive award that
1887 equals or exceeds \$2 million to the chair and vice chair of the
1888 Legislative Budget Commission, the President of the Senate, and
1889 the Speaker of the House of Representatives at least 14 days
1890 before giving final approval for an award. The recommendation
1891 must include a copy of the memorandum of understanding between
1892 the department and business meeting the requirements of
1893 paragraph (a). If the chair or vice chair of the Legislative
1894 Budget Commission, the President of the Senate, or the Speaker
1895 of the House of Representatives timely advises the Executive
1896 Office of the Governor in writing that the award of incentive
1897 funds exceeds the delegated authority of the Executive Office of
1898 the Governor or is contrary to legislative policy or intent, the

1899 Executive Office of the Governor shall void the release of funds
 1900 and instruct the department to immediately change action or
 1901 proposed action.

1902 (d) An amendment, modification, or extension of an
 1903 executed contract that results in a 0.5-point or greater
 1904 reduction in the economic benefit ratio of the project may not
 1905 take effect until it is approved through the approval process in
 1906 paragraph (c). An amendment, modification, or extension may not
 1907 be made to an executed contract if such action would result in
 1908 an economic benefit ratio below 1 to 1.

1909 (8)(a) In addition to the requirements provided in
 1910 paragraph (7) (a), a contract between the department and an award
 1911 recipient ~~After the conditions set forth in subsection (7) have~~
 1912 ~~been met, the department shall issue a letter certifying the~~
 1913 ~~applicant as qualified for an award. The department and the~~
 1914 ~~award recipient shall enter into an agreement that sets forth~~
 1915 ~~the conditions for payment of the incentive funds. The agreement~~
 1916 ~~must include, at a minimum:~~

- 1917 ~~1. The total amount of funds awarded.~~
- 1918 ~~2. The performance conditions that must be met in order to~~
 1919 ~~obtain the award or portions of the award, including, but not~~
 1920 ~~limited to, net new employment in the state, average wage, and~~
 1921 ~~total cumulative investment.~~
- 1922 ~~3. Demonstration of a baseline of current service and a~~
 1923 ~~measure of enhanced capability.~~
- 1924 ~~4. The methodology for validating performance.~~

1925 ~~5. The schedule of payments.~~
 1926 ~~6. Sanctions for failure to meet performance conditions,~~
 1927 ~~including any clawback provisions.~~

1928 ~~(b) Additionally, agreements signed on or after July 1,~~
 1929 ~~2009,~~ must include the following provisions:

1930 1. Notwithstanding subsection (4), a requirement that the
 1931 jobs created by the recipient of the incentive funds pay an
 1932 annual average wage at least equal to the relevant industry's
 1933 annual average wage or at least 130 percent of the average
 1934 private sector wage in the area, whichever is greater.

1935 2. A reinvestment requirement. Each recipient of an award
 1936 shall reinvest up to 15 percent of net royalty revenues,
 1937 including revenues from spin-off companies and the revenues from
 1938 the sale of stock it receives from the licensing or transfer of
 1939 inventions, methods, processes, and other patentable discoveries
 1940 conceived or reduced to practice using its facilities in Florida
 1941 or its Florida-based employees, in whole or in part, and to
 1942 which the recipient of the grant becomes entitled during the 20
 1943 years following the effective date of its agreement with the
 1944 department. Each recipient of an award also shall reinvest up to
 1945 15 percent of the gross revenues it receives from naming
 1946 opportunities associated with any facility it builds in this
 1947 state. Reinvestment payments shall commence no later than 6
 1948 months after the recipient of the grant has received the final
 1949 disbursement under the contract and shall continue until the
 1950 maximum reinvestment, as specified in the contract, has been

1951 | paid. Reinvestment payments shall be remitted to the department
 1952 | for deposit in the Biomedical Research Trust Fund for companies
 1953 | specializing in biomedicine or life sciences, or in the Economic
 1954 | Development Trust Fund for companies specializing in fields
 1955 | other than biomedicine or the life sciences. If these trust
 1956 | funds no longer exist at the time of the reinvestment, the
 1957 | state's share of reinvestment shall be deposited in their
 1958 | successor trust funds as determined by law. Each recipient of an
 1959 | award shall annually submit a schedule of the shares of stock
 1960 | held by it as payment of the royalty required by this paragraph
 1961 | and report on any trades or activity concerning such stock. Each
 1962 | recipient's reinvestment obligations survive the expiration or
 1963 | termination of its agreement with the state.

1964 | 3. Requirements for the establishment of internship
 1965 | programs or other learning opportunities for educators and
 1966 | secondary, postsecondary, graduate, and doctoral students.

1967 | 4. A requirement that the recipient submit quarterly
 1968 | reports and annual reports related to activities and performance
 1969 | to the department, according to standardized reporting periods.

1970 | 5. A requirement for an annual accounting to the
 1971 | department of the expenditure of funds disbursed under this
 1972 | section.

1973 | 6. A process for amending the agreement.

1974 | Section 14. Sections 288.1168 and 288.1169, Florida
 1975 | Statutes, are repealed.

1976 | Section 15. Subsection (2) and paragraph (b) of subsection

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1977 (5) of section 288.901, Florida Statutes, are amended to read:
 1978 288.901 Enterprise Florida, Inc.—
 1979 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 1980 economic development organization for the state, using ~~utilizing~~
 1981 private sector and public sector expertise in collaboration with
 1982 the department to:
 1983 (a) Increase private investment in Florida.†
 1984 (b) Advance international and domestic trade
 1985 opportunities.†
 1986 (c) Market the state both as a probusiness location for
 1987 new investment and as an unparalleled tourist destination.†
 1988 (d) Revitalize Florida's space and aerospace industries,
 1989 and promote emerging complementary industries.†
 1990 (e) Promote opportunities for minority-owned businesses.†
 1991 (f) Assist and market professional and amateur sport teams
 1992 and sporting events in Florida.†—and
 1993 (g) Assist, promote, and enhance economic opportunities in
 1994 this state's rural and urban communities.
 1995 (h) Foster and encourage high-technology startup and
 1996 second-stage business development within the state.
 1997 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—
 1998 (b) In making their appointments, the Governor, the
 1999 President of the Senate, and the Speaker of the House of
 2000 Representatives shall ensure that the composition of the board
 2001 of directors reflects the diversity of Florida's business
 2002 community and is representative of the economic development

2003 goals in subsection (2). The board must include at least one
 2004 director for each of the following areas of expertise:
 2005 international business, tourism marketing, the space or
 2006 aerospace industry, managing or financing a minority-owned
 2007 business, manufacturing, finance and accounting, rural economic
 2008 development, and sports marketing.

2009 Section 16. Subsection (8) of section 288.9602, Florida
 2010 Statutes, is amended to read:

2011 288.9602 Findings and declarations of necessity.—The
 2012 Legislature finds and declares that:

2013 (8) In order to efficiently and effectively achieve the
 2014 purposes of this act, it is necessary and in the public interest
 2015 to create a special development finance authority to cooperate
 2016 and act in conjunction with public agencies of this state and
 2017 local governments of this state, ~~through interlocal agreements~~
 2018 ~~pursuant to the Florida Interlocal Cooperation Act of 1969~~, in
 2019 the promotion and advancement of projects related to economic
 2020 development, including redevelopment of brownfield areas,
 2021 throughout the state.

2022 Section 17. Paragraph (b) of subsection (3) of section
 2023 288.9604, Florida Statutes, is amended to read:

2024 288.9604 Creation of the authority.—

2025 (3)

2026 (b) The powers of the corporation shall be exercised by
 2027 the directors thereof. A majority of the directors constitutes a
 2028 quorum for the purposes of conducting business and exercising

2029 the powers of the corporation and for all other purposes. An
 2030 action taken by the directors in furtherance of the purposes of
 2031 this act during the pendency of one or more vacancies is deemed
 2032 a valid and binding action of the corporation on the date taken,
 2033 without regard to the vacancy or vacancies. Action may be taken
 2034 by the corporation upon a vote of a majority of the directors
 2035 present, unless in any case the bylaws require a larger number.
 2036 Any person may be appointed as director if he or she resides, or
 2037 is engaged in business, which means owning a business,
 2038 practicing a profession, or performing a service for
 2039 compensation or serving as an officer or director of a
 2040 corporation or other business entity so engaged, within the
 2041 state.

2042 Section 18. Paragraph (e) of subsection (2) of section
 2043 288.9605, Florida Statutes, is amended to read:

2044 288.9605 Corporation powers.—

2045 (2) The corporation is authorized and empowered to:

2046 (e) Enter into interlocal agreements ~~pursuant to s.~~
 2047 ~~163.01(7)~~ with public agencies of this state for the exercise of
 2048 any power, privilege, or authority consistent with the purposes
 2049 of this act.

2050 Section 19. Subsections (1), (2), (3), and (7) of section
 2051 288.9606, Florida Statutes, are amended, and subsection (8) is
 2052 added to that section, to read:

2053 288.9606 Issue of revenue bonds.—

2054 (1) ~~When authorized by a public agency pursuant to s.~~

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2055 ~~163.01(7)~~, The corporation has power in its corporate capacity,
2056 in its discretion, to issue revenue bonds or other evidences of
2057 indebtedness ~~which a public agency has the power to issue~~, from
2058 time to time to finance the undertaking of any purpose of this
2059 act, including, without limiting the generality thereof, the
2060 payment of principal and interest upon any advances for surveys
2061 and plans or preliminary loans, and has the power to issue
2062 refunding bonds for the payment or retirement of bonds
2063 previously issued. Bonds issued pursuant to this section shall
2064 bear the name "Florida Development Finance Corporation Revenue
2065 Bonds." The security for such bonds may be based upon such
2066 revenues as are legally available. In anticipation of the sale
2067 of such revenue bonds, the corporation may issue bond
2068 anticipation notes and may renew such notes from time to time,
2069 but the maximum maturity of any such note, including renewals
2070 thereof, may not exceed 5 years from the date of issuance of the
2071 original note. Such notes shall be paid from any revenues of the
2072 corporation available therefor and not otherwise pledged or from
2073 the proceeds of sale of the revenue bonds in anticipation of
2074 which they were issued. Any bond, note, or other form of
2075 indebtedness issued pursuant to this act shall mature no later
2076 than the end of the 30th fiscal year after the fiscal year in
2077 which the bond, note, or other form of indebtedness was issued.

2078 (2) Bonds issued under this section do not constitute an
2079 indebtedness within the meaning of any constitutional or
2080 statutory debt limitation or restriction, and are not subject to

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2081 the provisions of any other law or charter relating to the
2082 authorization, issuance, or sale of bonds. Bonds issued under
2083 ~~the provisions of~~ this act are declared to be for an essential
2084 public and governmental purpose. Bonds issued under this act,
2085 ~~the interest on which is exempt from income taxes of the United~~
2086 ~~States,~~ together with interest thereon and income therefrom, are
2087 exempted from all taxes, except those taxes imposed by chapter
2088 220, on interest, income, or profits on debt obligations owned
2089 by corporations, pursuant to s. 159.31.

2090 (3) Bonds issued under this section ~~shall be authorized by~~
2091 ~~a public agency of this state pursuant to the terms of an~~
2092 ~~interlocal agreement, unless such bonds are issued pursuant to~~
2093 ~~subsection (7);~~ may be issued in one or more series, and shall
2094 bear such date or dates, be payable upon demand or mature at
2095 such time or times, bear interest rate or rates, be in such
2096 denomination or denominations, be in such form either with or
2097 without coupon or registered, carry such conversion or
2098 registration privileges, have such rank or priority, be executed
2099 in such manner, be payable in such medium of payments at such
2100 place or places, be subject to such terms of redemption, with or
2101 without premium, be secured in such manner, and have such other
2102 characteristics as may be provided by the corporation. Bonds
2103 issued under this section may be sold in such manner, either at
2104 public or private sale, and for such price as the corporation
2105 may determine will effectuate the purpose of this act.

2106 (7) Notwithstanding any provision of this section, the

2107 corporation in its corporate capacity may, ~~without authorization~~
 2108 ~~from a public agency under s. 163.01(7)~~, issue revenue bonds or
 2109 other evidence of indebtedness under this section to:

2110 (a) Finance the undertaking of any project within the
 2111 state that promotes renewable energy as defined in s. 366.91 or
 2112 s. 377.803;

2113 (b) Finance the undertaking of any project within the
 2114 state that is a project contemplated or allowed under s. 406 of
 2115 the American Recovery and Reinvestment Act of 2009; or

2116 (c) If permitted by federal law, finance qualifying
 2117 improvement projects within the state under s. 163.08.

2118 (8) When implementing and securing revenue bonds or other
 2119 indebtedness issued pursuant to paragraph (7)(c), including
 2120 levying non-ad valorem assessments, the corporation is deemed a
 2121 local government within the meaning of s. 163.08(2) or s.
 2122 197.3632(1) and in its corporate capacity shall have, without
 2123 requiring authorization, approval, or consent from any public
 2124 agency under s. 163.01, including the public agency where the
 2125 qualifying improvement project is located, all powers necessary
 2126 to secure the source for repayment of such bonds and finance
 2127 qualifying improvement projects, including the power to:

2128 (a) Enter into financing agreements with property owners
 2129 and record such financing agreements or a summary memorandum of
 2130 such agreements in the public records of the county in which the
 2131 property is located.

2132 (b) Publish and mail notice of and hold any public

2133 hearings required under s. 197.3632.

2134 (c) Levy and collect non-ad valorem assessments as set
 2135 forth in ss. 163.08, 197.3632, and 197.3635.

2136 (d) To the extent non-ad valorem assessments are levied
 2137 pursuant to ss. 163.08, 197.3632, and 197.3635, reimburse the
 2138 administrative costs related to the collection of such non-ad
 2139 valorem assessments to the property appraiser and tax collector
 2140 within each county in which the property is located. The
 2141 property appraiser and tax collector in each county shall enter
 2142 into written agreements with the corporation to accomplish such
 2143 reimbursement.

2144 (e) Certify non-ad valorem assessment rolls to the tax
 2145 collector in each county in which the property is located and
 2146 provide annual state reporting information required pursuant to
 2147 s. 197.3632(5).

2148 (f) Receive proceeds from the sale of tax certificates and
 2149 tax deeds for nonpayment of non-ad valorem assessments under s.
 2150 197.3632(8) and pledge such proceeds for repayment of bonds.

2151 (g) Notwithstanding s. 163.08, levy non-ad valorem
 2152 assessments that are subject to discount for early payment as
 2153 provided in s. 197.3632(8).

2154 (h) Enter into contracts with a for-profit entity or a
 2155 not-for-profit organization to assist with the administration of
 2156 a program related to a qualifying improvement project, including
 2157 assistance with administering paragraphs (a)-(g) to secure
 2158 repayment of any revenue bonds or other indebtedness issued for

2159 such purpose.

2160 (i) Notwithstanding s. 163.08(13), no more than 30 days
 2161 after entering into a financing agreement pursuant to paragraph
 2162 (a), the property owner shall provide to the holders or loan
 2163 servicers of any existing mortgages encumbering or otherwise
 2164 secured by the property a notice of the owner's intent to enter
 2165 into a financing agreement together with the maximum principal
 2166 amount to be financed and the maximum annual assessment
 2167 necessary to repay that amount. A verified copy or other proof
 2168 of such notice shall be provided to the local government. A
 2169 provision in an agreement between a mortgagee or other
 2170 lienholder and a property owner, or otherwise now or hereafter
 2171 binding upon a property owner, which allows for acceleration of
 2172 payment of the mortgage, note, or lien or other unilateral
 2173 modification solely as a result of entering into a financing
 2174 agreement as provided for in this section is not enforceable.
 2175 This subsection does not limit the authority of the holder or
 2176 loan servicer to increase the required monthly escrow by an
 2177 amount necessary to annually pay the qualifying improvement
 2178 assessment.

2179 Section 20. Section 288.9610, Florida Statutes, is amended
 2180 to read:

2181 288.9610 Annual reports of Florida Development Finance
 2182 Corporation.—On or before 90 days after the close of the Florida
 2183 Development Finance Corporation's fiscal year, the corporation
 2184 shall submit to the Governor, the Legislature, and the Auditor

2185 General, ~~and the governing body of each public entity with which~~
 2186 ~~it has entered into an interlocal agreement~~ a complete and
 2187 detailed report setting forth:

2188 (1) The results of any audit conducted pursuant to s.
 2189 11.45.

2190 (2) The activities, operations, and accomplishments of the
 2191 Florida Development Finance Corporation, including the number of
 2192 businesses assisted by the corporation.

2193 (3) Its assets, liabilities, income, and operating
 2194 expenses at the end of its most recent fiscal year, including a
 2195 description of all of its outstanding revenue bonds.

2196 Section 21. Section 288.991, Florida Statutes, is amended
 2197 to read:

2198 288.991 Short title.—This part ~~Sections 288.991–288.9922~~
 2199 may be cited as the "New Markets Development Program Act."

2200 Section 22. Subsections (3), (5), and (6) of section
 2201 288.9914, Florida Statutes, are amended to read:

2202 288.9914 Certification of qualified investments; investment
 2203 issuance reporting.—

2204 (3) REVIEW.—

2205 (a) The department shall review applications to approve an
 2206 investment as a qualified investment in the order received. The
 2207 department shall approve or deny an application within 30
 2208 calendar days after receipt.

2209 (b) If the department intends to deny the application, the
 2210 department shall inform the applicant of the basis of the

2211 proposed denial. The applicant shall have 15 calendar days after
 2212 it receives the notice of the intent to deny the application to
 2213 submit a revised application to the department. The department
 2214 shall issue a final order approving or denying the revised
 2215 application within 30 calendar days after receipt.

2216 (c) The department may not approve a cumulative amount of
 2217 qualified investments that may result in the claim of more than
 2218 \$216.34 million in tax credits during the existence of the
 2219 program or more than \$36.6 million in tax credits in a single
 2220 state fiscal year. However, the potential for a taxpayer to
 2221 carry forward an unused tax credit may not be considered in
 2222 calculating the annual limit.

2223 (5) DURATION OF APPROVAL.—The qualified community
 2224 development entity must issue the qualified investment in
 2225 exchange for cash within 60 calendar days after it receives the
 2226 order approving an investment as a qualified investment,
 2227 otherwise the order is void.

2228 (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
 2229 qualified community development entity must provide the
 2230 department with evidence of the receipt of the cash in exchange
 2231 for the qualified investment within 30 calendar ~~business~~ days
 2232 after receipt.

2233 Section 23. Subsection (1) of section 288.9917, Florida
 2234 Statutes, is amended to read:

2235 288.9917 Community development entity reporting after a
 2236 credit allowance date; certification of tax credit amount.—

2237 (1) A qualified community development entity that has
 2238 issued a qualified investment shall submit the following to the
 2239 department within 30 calendar days after each credit allowance
 2240 date:

2241 (a) A list of all qualified active low-income community
 2242 businesses in which a qualified low-income community investment
 2243 was made since the last credit allowance date. The list shall
 2244 also describe the type and amount of investment in each business
 2245 and the address of the principal location of each business. The
 2246 list must be verified by the chief executive officer of the
 2247 community development entity.

2248 (b) Bank records, wire transfer records, or similar
 2249 documents that provide evidence of the qualified low-income
 2250 community investments made since the last credit allowance date.

2251 (c) A verified statement by the chief financial or
 2252 accounting officer of the community development entity that no
 2253 redemption or principal repayment was made with respect to the
 2254 qualified investment since the previous credit allowance date.

2255 (d) Information relating to the recapture of the federal
 2256 new markets tax credit since the last credit allowance date.

2257 Section 24. Paragraph (f) is added to subsection (1) of
 2258 section 288.9920, Florida Statutes, to read:

2259 288.9920 Recapture and penalties.—

2260 (1) Notwithstanding s. 95.091, the department shall direct
 2261 the Department of Revenue, at any time before December 31, 2022,
 2262 to recapture all or a portion of a tax credit authorized

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2263 pursuant to the New Markets Development Program Act if one or
2264 more of the following occur:

2265 (f) For qualified investments issued after July 1, 2015,
2266 any violation of s. 288.9923.

2267 Section 25. Section 288.9923, Florida Statutes, is created
2268 to read:

2269 288.9923 New capital requirement.—Effective July 1, 2015,
2270 a qualified active low-income community business that receives a
2271 qualified low-income community investment from a qualified
2272 community development entity that issues qualified investments
2273 under the New Markets Development Program Act, or any affiliates
2274 of such qualified active low-income community business, may not
2275 directly or indirectly:

2276 (1) Own or have the right to acquire an ownership interest
2277 in a qualified community development entity or member or
2278 affiliate of a qualified community development entity,
2279 including, but not limited to, a holder of a qualified
2280 investment issued by the qualified community development entity;
2281 or

2282 (2) Loan to or invest in a qualified community development
2283 entity or member or affiliate of a qualified community
2284 development entity, including, but not limited to, a holder of a
2285 qualified investment issued by a qualified community development
2286 entity if the proceeds of such loan or investment are directly
2287 or indirectly used to fund or refinance the purchase of a
2288 qualified investment under this part.

2289
 2290 For purposes of this section, a qualified community development
 2291 entity is not considered an affiliate of a qualified active low-
 2292 income community business solely as a result of its qualified
 2293 low-income community investment in such business.

2294 Section 26. Section 288.913, Florida Statutes, is created
 2295 to read:

2296 288.913 Startup Florida Initiative.—

2297 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
 2298 finds that successful high-technology startup and second-stage
 2299 businesses are critical to the state's overall economic growth
 2300 and such businesses play an outsized role in job creation. The
 2301 Legislature also finds that Enterprise Florida, Inc., the
 2302 state's economic development organization, is uniquely suited to
 2303 foster and encourage more high-technology startup and second-
 2304 stage business development within the state. Therefore, the
 2305 Legislature declares that it is the policy of the state to
 2306 prioritize high-technology startup and second-stage business
 2307 development within the state and directs Enterprise Florida,
 2308 Inc., to develop the Startup Florida Initiative to further said
 2309 policy.

2310 (2) DEFINITIONS.—As used in this section, the term:

2311 (a) "Advanced technology products" means high-technology
 2312 products produced by a business that employs a high proportion
 2313 of scientists, engineers, and technicians. Such products may be
 2314 classified within, but not be limited to, the following fields:

- 2315 1. Biotechnology products related to advanced scientific
2316 discoveries in genetics.
- 2317 2. Life science products related to the application of
2318 nonbiological scientific advances to medical science.
- 2319 3. Optoelectronic products related to the emission or
2320 detection of light.
- 2321 4. Information and communications products related to the
2322 processing of increased volumes of information in shorter
2323 periods of time.
- 2324 5. Electronics products related to design advances in
2325 electronic components that result in improved performance and
2326 capacity, or reduced size.
- 2327 6. Flexible manufacturing products related to robotics,
2328 numerically-controlled machine tools, and similar products
2329 involving industrial automation that allows for greater
2330 flexibility in the manufacturing process and reduction in the
2331 amount of human intervention.
- 2332 7. Advanced materials products related to advances in the
2333 development of materials that allow for further development and
2334 application of other advanced technologies.
- 2335 8. Aerospace products related to military and civil
2336 helicopters, airplanes, and spacecraft.
- 2337 9. Weapons products related to products with military
2338 application.
- 2339 10. Nuclear technology products related to nuclear power
2340 production apparatus.

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2341 (b) "High-technology startup" means a business unit that
2342 has been in operation for less than 5 years and employs fewer
2343 than 10 employees, which produces a high proportion of advanced
2344 technology products.

2345 (c) "Second-stage business" means a business unit that
2346 employs at least 10 but not more than 50 employees, generates at
2347 least \$1 million but not more than \$25 million in annual
2348 revenue, and produces a high proportion of advanced technology
2349 products.

2350 (3) STATEWIDE STRATEGIC PLAN.—

2351 (a) Enterprise Florida, Inc., shall develop a statewide
2352 strategic plan for high-technology startup and second-stage
2353 business growth and development in consultation with the
2354 Institute for the Commercialization of Public Research, the
2355 Florida Economic Gardening Institute, the state's local and
2356 regional economic development organizations, and other
2357 stakeholders, public and private, that have experience and
2358 expertise in high-technology startup and second-stage business
2359 growth and development activities.

2360 (b) In developing the strategic plan, Enterprise Florida,
2361 Inc., shall evaluate best practices, examine the startup,
2362 entrepreneurship, and second-stage business programs of other
2363 states, and survey high-technology startups and second-stage
2364 businesses and support organizations, both within and outside
2365 the state.

2366 (c) The strategic plan shall include actionable steps to

2367 provide technical support to local and regional economic
2368 development organizations to enhance high-technology startup and
2369 second-stage business growth at local and regional levels.

2370 (d) The strategic plan shall include an evaluation of the
2371 accessibility of the state's economic development incentive and
2372 loan programs to high-technology startups and second-stage
2373 businesses.

2374 (e) By January 1, 2016, Enterprise Florida, Inc., shall
2375 deliver the strategic plan to the Governor, the President of the
2376 Senate, and the Speaker of the House of Representatives.

2377 (f) Upon completion, the strategic plan shall become part
2378 of the 5-year statewide strategic plan developed by the Division
2379 of Strategic Business Development required by s. 20.60.

2380 (4) MARKETING.—Enterprise Florida, Inc., shall market the
2381 state's economic development activities related to the growth
2382 and development of high-technology startups and second-stage
2383 businesses both inside and outside the state.

2384 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
2385 information regarding its activities related to the growth and
2386 development of high-technology startups and second-stage
2387 businesses in its annual report required by s. 288.906.

2388 Section 27. Section 189.033, Florida Statutes, is amended
2389 to read:

2390 189.033 Independent special district services in
2391 disproportionately affected county; rate reduction for providers
2392 providing economic benefits.—If the governing body of an

2393 independent special district that provides water, wastewater,
 2394 and sanitation services in a disproportionately affected county,
 2395 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
 2396 new user or the expansion of an existing user of one or more of
 2397 its utility systems will provide a significant benefit to the
 2398 community in terms of increased job opportunities, economies of
 2399 scale, or economic development in the area, the governing body
 2400 may authorize a reduction of its rates, fees, or charges for
 2401 that user for a specified period of time. A governing body that
 2402 exercises this power must do so by resolution that states the
 2403 anticipated economic benefit justifying the reduction as well as
 2404 the period of time that the reduction will remain in place.

2405 Section 28. Subsections (1) and (3), paragraph (a) of
 2406 subsection (5), and paragraph (e) of subsection (7) of section
 2407 288.11625, Florida Statutes, are amended to read:

2408 288.11625 Sports development.—

2409 (1) ADMINISTRATION.—The department shall serve as the
 2410 state agency responsible for screening applicants for state
 2411 funding under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~

2412 (3) PURPOSE.—The purpose of this section is to provide
 2413 applicants state funding under s. 212.20(6)(d)6.d.
 2414 ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
 2415 reconstructing, renovating, or improving a facility.

2416 (5) EVALUATION PROCESS.—

2417 (a) Before recommending an applicant to receive a state
 2418 distribution under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~, the

2419 department must verify that:

2420 1. The applicant or beneficiary is responsible for the
2421 construction, reconstruction, renovation, or improvement of a
2422 facility and obtained at least three bids for the project.

2423 2. If the applicant is not a unit of local government, a
2424 unit of local government holds title to the property on which
2425 the facility and project are, or will be, located.

2426 3. If the applicant is a unit of local government in whose
2427 jurisdiction the facility is, or will be, located, the unit of
2428 local government has an exclusive intent agreement to negotiate
2429 in this state with the beneficiary.

2430 4. A unit of local government in whose jurisdiction the
2431 facility is, or will be, located supports the application for
2432 state funds. Such support must be verified by the adoption of a
2433 resolution, after a public hearing, that the project serves a
2434 public purpose.

2435 5. The applicant or beneficiary has not previously
2436 defaulted or failed to meet any statutory requirements of a
2437 previous state-administered sports-related program under s.
2438 288.1162, s. 288.11621, s. 288.11631, or this section.
2439 Additionally, the applicant or beneficiary is not currently
2440 receiving state distributions under s. 212.20 for the facility
2441 that is the subject of the application, unless the applicant
2442 demonstrates that the franchise that applied for a distribution
2443 under s. 212.20 no longer plays at the facility that is the
2444 subject of the application.

2445 6. The applicant or beneficiary has sufficiently
2446 demonstrated a commitment to employ residents of this state,
2447 contract with Florida-based firms, and purchase locally
2448 available building materials to the greatest extent possible.

2449 7. If the applicant is a unit of local government, the
2450 applicant has a certified copy of a signed agreement with a
2451 beneficiary for the use of the facility. If the applicant is a
2452 beneficiary, the beneficiary must enter into an agreement with
2453 the department. The applicant's or beneficiary's agreement must
2454 also require the following:

2455 a. The beneficiary must reimburse the state for state
2456 funds that will be distributed if the beneficiary relocates or
2457 no longer occupies or uses the facility as the facility's
2458 primary tenant before the agreement expires. Reimbursements must
2459 be sent to the Department of Revenue for deposit into the
2460 General Revenue Fund.

2461 b. The beneficiary must pay for signage or advertising
2462 within the facility. The signage or advertising must be placed
2463 in a prominent location as close to the field of play or
2464 competition as is practicable, must be displayed consistent with
2465 signage or advertising in the same location and of like value,
2466 and must feature Florida advertising approved by the Florida
2467 Tourism Industry Marketing Corporation.

2468 8. The project will commence within 12 months after
2469 receiving state funds or did not commence before January 1,
2470 2013.

2471 (7) CONTRACT.—An applicant approved by the Legislature and
 2472 certified by the department must enter into a contract with the
 2473 department which:

2474 (e) Requires the applicant to reimburse the state by
 2475 electing to do one of the following:

2476 1. After all distributions have been made, reimburse at
 2477 the end of the contract term any amount by which the total
 2478 distributions made under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.f.~~
 2479 exceed actual new incremental state sales taxes generated by
 2480 sales at the facility during the contract, plus a 5 percent
 2481 penalty on that amount.

2482 2. After the applicant begins to submit the independent
 2483 analysis under paragraph (c), reimburse each year any amount by
 2484 which the previous year's annual distribution exceeds 75 percent
 2485 of the actual new incremental state sales taxes generated by
 2486 sales at the facility.

2487
 2488 Any reimbursement due to the state must be made within 90 days
 2489 after the applicable distribution under this paragraph. If the
 2490 applicant is unable or unwilling to reimburse the state for such
 2491 amount, the department may place a lien on the applicant's
 2492 facility. If the applicant is a municipality or county, it may
 2493 reimburse the state from its half-cent sales tax allocation, as
 2494 provided in s. 218.64(3). Reimbursements must be sent to the
 2495 Department of Revenue for deposit into the General Revenue Fund.

2496 Section 29. Paragraph (c) of subsection (2) and paragraphs

2497 (a), (c), and (d) of subsection (3) of section 288.11631,
 2498 Florida Statutes, are amended to read:

2499 288.11631 Retention of Major League Baseball spring
 2500 training baseball franchises.—

2501 (2) CERTIFICATION PROCESS.—

2502 (c) Each applicant certified on or after July 1, 2013,
 2503 shall enter into an agreement with the department which:

2504 1. Specifies the amount of the state incentive funding to
 2505 be distributed. The amount of state incentive funding per
 2506 certified applicant may not exceed \$20 million. However, if a
 2507 certified applicant's facility is used by more than one spring
 2508 training franchise, the maximum amount may not exceed \$50
 2509 million, and the Department of Revenue shall make distributions
 2510 to the applicant pursuant to s. 212.20(6)(d)6.c.

2511 ~~212.20(6)(d)6.e.~~

2512 2. States the criteria that the certified applicant must
 2513 meet in order to remain certified. These criteria must include a
 2514 provision stating that the spring training franchise must
 2515 reimburse the state for any funds received if the franchise does
 2516 not comply with the terms of the contract. If bonds were issued
 2517 to construct or renovate a facility for a spring training
 2518 franchise, the required reimbursement must be equal to the total
 2519 amount of state distributions expected to be paid from the date
 2520 the franchise violates the agreement with the applicant through
 2521 the final maturity of the bonds.

2522 3. States that the certified applicant is subject to

2523 decertification if the certified applicant fails to comply with
 2524 this section or the agreement.

2525 4. States that the department may recover state incentive
 2526 funds if the certified applicant is decertified.

2527 5. Specifies the information that the certified applicant
 2528 must report to the department.

2529 6. Includes any provision deemed prudent by the
 2530 department.

2531 (3) USE OF FUNDS.—

2532 (a) A certified applicant may use funds provided under s.
 2533 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ only to:

2534 1. Serve the public purpose of constructing or renovating
 2535 a facility for a spring training franchise.

2536 2. Pay or pledge for the payment of debt service on, or to
 2537 fund debt service reserve funds, arbitrage rebate obligations,
 2538 or other amounts payable with respect thereto, bonds issued for
 2539 the construction or renovation of such facility, or for the
 2540 reimbursement of such costs or the refinancing of bonds issued
 2541 for such purposes.

2542 (c) The Department of Revenue may not distribute funds
 2543 under s. 212.20(6)(d)6.c. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
 2544 Further, the Department of Revenue may not distribute funds to
 2545 an applicant certified on or after July 1, 2013, until it
 2546 receives notice from the department that:

2547 1. The certified applicant has encumbered funds under
 2548 either subparagraph (a)1. or subparagraph (a)2.; and

2549 2. If applicable, any existing agreement with a spring
 2550 training franchise for the use of a facility has expired.

2551 (d)1. All certified applicants shall place unexpended
 2552 state funds received pursuant to s. 212.20(6)(d)6.c.
 2553 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
 2554 only as authorized in this section.

2555 2. A certified applicant may request that the department
 2556 notify the Department of Revenue to suspend further
 2557 distributions of state funds made available under s.
 2558 212.20(6)(d)6.e. for 12 months after expiration of an existing
 2559 agreement with a spring training franchise to provide the
 2560 certified applicant with an opportunity to enter into a new
 2561 agreement with a spring training franchise, at which time the
 2562 distributions shall resume.

2563 3. The expenditure of state funds distributed to an
 2564 applicant certified after July 1, 2013, must begin within 48
 2565 months after the initial receipt of the state funds. In
 2566 addition, the construction or renovation of a spring training
 2567 facility must be completed within 24 months after the project's
 2568 commencement.

2569 Section 30. (1) Any building permit, and any permit
 2570 issued by the Department of Environmental Protection or by a
 2571 water management district pursuant to part IV of chapter 373,
 2572 Florida Statutes, which has an expiration date of January 1,
 2573 2016, through January 1, 2018, is extended and renewed for a
 2574 period of 2 years after its expiration date. This extension

2575 includes any local government-issued development order or
2576 building permit including certificates of levels of service.
2577 This section does not prohibit conversion from the construction
2578 phase to the operation phase upon completion of construction.
2579 This extension is in addition to any existing permit extension.
2580 Extensions granted pursuant to this section; s. 14 of chapter
2581 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
2582 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
2583 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
2584 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
2585 2014-218, Laws of Florida, may not exceed 4 years in total.
2586 Further, specific development order extensions granted pursuant
2587 to s. 380.06(19)(c)2., Florida Statutes, may not be further
2588 extended by this section.

2589 (2) The commencement and completion dates for any required
2590 mitigation associated with a phased construction project are
2591 extended so that mitigation takes place in the same timeframe
2592 relative to the phase as originally permitted.

2593 (3) The holder of a valid permit or other authorization
2594 that is eligible for the 2-year extension must notify the
2595 authorizing agency in writing by December 31, 2015, identifying
2596 the specific authorization for which the holder intends to use
2597 the extension and the anticipated timeframe for acting on the
2598 authorization.

2599 (4) The extension provided in subsection (1) does not
2600 apply to:

2601 (a) A permit or other authorization under any programmatic
2602 or regional general permit issued by the United States Army
2603 Corps of Engineers.

2604 (b) A permit or other authorization held by an owner or
2605 operator determined to be in significant noncompliance with the
2606 conditions of the permit or authorization as established through
2607 the issuance of a warning letter or notice of violation, the
2608 initiation of formal enforcement, or other equivalent action by
2609 the authorizing agency.

2610 (c) A permit or other authorization, if granted an
2611 extension, that would delay or prevent compliance with a court
2612 order.

2613 (5) Permits extended under this section continue to be
2614 governed by the rules in effect at the time the permit was
2615 issued unless it is demonstrated that the rules in effect at the
2616 time the permit was issued would create an immediate threat to
2617 public safety or health. This provision applies to any
2618 modification of the plans, terms, and conditions of the permit
2619 that lessens the environmental impact, except that any such
2620 modification does not extend the time limit beyond 2 additional
2621 years.

2622 (6) This section does not impair the authority of a county
2623 or municipality to require the owner of a property who has
2624 notified the county or municipality of the owner's intent to
2625 receive the extension of time granted pursuant to this section
2626 to maintain and secure the property in a safe and sanitary

2627 condition in compliance with applicable laws and ordinances.

2628 Section 31. Section 290.50, Florida Statutes, is created
2629 to read:

2630 290.50 Local enterprise zone program.—

2631 (1) DEFINITIONS.—As used in this section, the term:

2632 (a) "Designated local enterprise zone area" means a
2633 defined geographic area identified by the governing body of a
2634 county or municipality, or by the governing bodies of a county
2635 and one or more municipalities, that is targeted for accelerated
2636 economic growth through the reduction of local taxes and
2637 regulations. A designated local enterprise zone area must be
2638 created by a local resolution as part of a local enterprise zone
2639 program.

2640 (b) "Expanding business" means a business entity
2641 authorized to do business in the state that increases its total
2642 number of full-time employees by at least 10 percent and is
2643 located in a designated local enterprise zone area.

2644 (c) "Local enterprise zone program" means a program
2645 established by a local government pursuant to subsection (2).

2646 (d) "Newly established business" means any business entity
2647 authorized to do business in the state that has conducted
2648 operations for less than 1 year and is located in a designated
2649 local enterprise zone area.

2650 (2) A local government may adopt a resolution establishing
2651 a local enterprise zone program through which it creates 1 or
2652 more designated local enterprise zone areas and grants

2653 exemptions from specified local taxes, fees, permits, and
2654 licenses to newly established or expanding businesses.

2655 (3) A local government that establishes a local enterprise
2656 zone program shall submit a copy of the resolution establishing
2657 the program to the Department of Economic Opportunity within 20
2658 calendar days after enacting the resolution.

2659 (4) A local enterprise zone program must exempt all newly
2660 established or expanding businesses from the following
2661 ordinances, taxes, and fees imposed by the local government for
2662 a minimum of 24 consecutive months:

2663 (a) Business taxes.

2664 (b) Impact fees.

2665 (c) Business, professional, and occupational regulatory
2666 fees.

2667 (d) Green utility fees.

2668 (e) Building permit fees.

2669 (f) Special assessments, including but not limited to
2670 services associated with beach renourishment and restoration,
2671 downtown redevelopment, solid waste disposal, fire and rescue
2672 services, fire protection, parking facilities, sewer
2673 improvements, stormwater management services, street
2674 improvements, and water and sewer line extensions.

2675 (g) Sign ordinance requirements, permits, and fees.

2676 (h) Tree and landscape ordinance requirements, permits,
2677 and fees.

2678 (5) A local government may not issue a citation for a

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2679 violation of a municipal code or ordinance applicable to:

2680 (a) A newly established business, for a period no less
2681 than 24 months after commencement of the business's operations.

2682 (b) An expanding business, for a period of no less than 24
2683 months after an expansion of the business that results in an
2684 increase of the business's number of full-time employees of 10
2685 percent or more.

2686 (c) Any business located within a designated local
2687 enterprise zone area for a period no less than 24 months after
2688 the creation of such zone.

2689

2690 This subsection does not apply to violations of a municipal code
2691 or ordinance that pose a direct threat to the health and safety
2692 of the public.

2693 Section 32. Section 290.60, Florida Statutes, is created
2694 to read:

2695 290.60 Enterprise zone certification program.-

2696 (1) PURPOSE.-The enterprise zone certification program is
2697 hereby created for the purpose of certifying designated local
2698 enterprise zone areas, as defined in s. 290.50, that are
2699 submitted to the Department of Economic Opportunity pursuant to
2700 s. 290.50(3).

2701 (2) APPLICATION.-

2702 (a) The governing body of a county or municipality or the
2703 governing bodies of a county and one or more municipalities may
2704 submit an application to the Department of Economic Opportunity

2705 for certification of a designated local enterprise zone area as
2706 an enterprise zone. An application for certification must be
2707 received by the Department of Economic Opportunity by January 1
2708 of each year and must include the following:

2709 1. An aerial map and legal description of the proposed
2710 enterprise zone.

2711 2. Demographic information regarding the proposed
2712 enterprise zone which includes unemployment, poverty, crime,
2713 income, and property value metrics. The Department of Economic
2714 Opportunity shall consult with the Office of Economic and
2715 Demographic Research to develop or identify standard sources and
2716 units of measurement for each required metric and make such
2717 approved sources and units of measurement accessible to the
2718 public on its website.

2719 3. Verification that the applicant has made available to
2720 the public on its official county or municipal website a list of
2721 local taxes, licenses, and fee data and information related to
2722 the creation of a new business, the expansion of an existing
2723 business, and the operation of an existing business, located in
2724 the applicant's jurisdiction.

2725 4. A list and description of the local financial
2726 incentives that have been or will be enacted by the applicant
2727 for the purpose of assisting in the redevelopment of the
2728 enterprise zone. These incentives may include the municipal
2729 service tax exemption provided in s. 166.231, the economic
2730 development ad valorem tax exemption provided in s. 205.054,

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2731 local impact fee abatement or reduction, low-interest or
2732 interest-free loans or grants to businesses to encourage
2733 economic growth within the enterprise zone, and other local
2734 financial incentives.

2735 5. A copy of the resolution adopted pursuant to s.
2736 290.50(2), identifying the designated local enterprise zone
2737 area.

2738 (b) The Department of Economic Opportunity may adopt rules
2739 to develop forms and administer the requirements of this
2740 section.

2741 (3) CERTIFICATION.-All timely submitted and completed
2742 applications shall be certified by the Department of Economic
2743 Opportunity and assigned a unique identification number by June
2744 30 of each year. A certified enterprise zone is not required to
2745 reapply for certification.

2746 (4) MARKETING.-The Department of Economic Opportunity
2747 shall develop a marketing and advertising plan in coordination
2748 with local governments for the purpose of highlighting the
2749 benefits of the enterprise zone program and encouraging
2750 increased business activity within certified enterprise zones.

2751 (5) ANNUAL REPORT.-

2752 (a) By October 1 of each year each local government
2753 containing a certified enterprise zone within its jurisdiction
2754 shall submit to the Department of Economic Opportunity for
2755 inclusion in the annual report required under s. 20.60:

2756 1. The number and types of businesses established within

2757 the certified enterprise zone during the previous fiscal year.

2758 2. The number of jobs created within the certified
2759 enterprise zone during the previous fiscal year.

2760 3. A detailed description of the local and state financial
2761 incentives granted to businesses located in the certified
2762 enterprise zone during the previous fiscal year.

2763 4. A detailed description of the local regulatory
2764 incentives granted to businesses within the certified enterprise
2765 zone during the previous fiscal year.

2766 5. Any other information requested by the Department of
2767 Economic Opportunity.

2768 (b) The Department of Economic Opportunity shall include
2769 in its annual report updated demographic information described
2770 in subparagraph (2)(a)2., for each certified enterprise zone.

2771 (6) DECERTIFICATION.-A certified enterprise zone shall be
2772 decertified by the Department of Economic Opportunity if:

2773 (a) The resolution creating the local enterprise zone
2774 program has been repealed.

2775 (b) The local governing body or bodies in whose
2776 jurisdiction the certified enterprise zone is located has
2777 submitted a written request that the certified enterprise zone
2778 be decertified. Such notification must include a resolution,
2779 adopted by the governing body or bodies after a public meeting,
2780 stating that decertification of the enterprise zone is in the
2781 best interest of the community.

2782 Section 33. Subsections (5) and (19) of section 159.27,

2783 Florida Statutes, are amended to read:

2784 159.27 Definitions.—The following words and terms, unless
 2785 the context clearly indicates a different meaning, shall have
 2786 the following meanings:

2787 (5) "Project" means any capital project comprising an
 2788 industrial or manufacturing plant, a research and development
 2789 park, an agricultural processing or storage facility, a
 2790 warehousing or distribution facility, a headquarters facility, a
 2791 tourism facility, a convention or trade show facility, an urban
 2792 parking facility, a trade center, a health care facility, an
 2793 educational facility, a correctional or detention facility, a
 2794 motion picture production facility, a preservation or
 2795 rehabilitation of a certified historic structure, an airport or
 2796 port facility, a commercial project in a certified ~~an~~ enterprise
 2797 zone, a pollution-control facility, a hazardous or solid waste
 2798 facility, a social service center, or a mass commuting facility,
 2799 including one or more buildings and other structures, whether or
 2800 not on the same site or sites; any rehabilitation, improvement,
 2801 renovation, or enlargement of, or any addition to, any buildings
 2802 or structures for use as a factory, a mill, a processing plant,
 2803 an assembly plant, a fabricating plant, an industrial
 2804 distribution center, a repair, overhaul, or service facility, a
 2805 test facility, an agricultural processing or storage facility, a
 2806 warehousing or distribution facility, a headquarters facility, a
 2807 tourism facility, a convention or trade show facility, an urban
 2808 parking facility, a trade center, a health care facility, an

2809 | educational facility, a correctional or detention facility, a
 2810 | motion picture production facility, a preservation or
 2811 | rehabilitation of a certified historic structure, an airport or
 2812 | port facility, a commercial project in a certified ~~an~~ enterprise
 2813 | zone, a pollution-control facility, a hazardous or solid waste
 2814 | facility, a social service center, or a mass commuting facility,
 2815 | and other facilities, including research and development
 2816 | facilities, for manufacturing, processing, assembling,
 2817 | repairing, overhauling, servicing, testing, or handling of any
 2818 | products or commodities embraced in any industrial or
 2819 | manufacturing plant, in connection with the purposes of a
 2820 | research and development park, or other facilities for or used
 2821 | in connection with an agricultural processing or storage
 2822 | facility, a warehousing or distribution facility, a headquarters
 2823 | facility, a tourism facility, a convention or trade show
 2824 | facility, an urban parking facility, a trade center, a health
 2825 | care facility, an educational facility, a correctional or
 2826 | detention facility, a motion picture production facility, a
 2827 | preservation or rehabilitation of a certified historic
 2828 | structure, an airport or port facility, or a commercial project
 2829 | in a certified ~~an~~ enterprise zone or for controlling air or
 2830 | water pollution or for the disposal, processing, conversion, or
 2831 | reclamation of hazardous or solid waste, a social service
 2832 | center, or a mass commuting facility; and including also the
 2833 | sites thereof and other rights in land therefor whether improved
 2834 | or unimproved, machinery, equipment, site preparation and

2835 landscaping, and all appurtenances and facilities incidental
 2836 thereto, such as warehouses, utilities, access roads, railroad
 2837 sidings, truck docking and similar facilities, parking
 2838 facilities, office or storage or training facilities, public
 2839 lodging and restaurant facilities, dockage, wharfage, solar
 2840 energy facilities, and other improvements necessary or
 2841 convenient for any manufacturing or industrial plant, research
 2842 and development park, agricultural processing or storage
 2843 facility, warehousing or distribution facility, tourism
 2844 facility, convention or trade show facility, urban parking
 2845 facility, trade center, health care facility, educational
 2846 facility, a correctional or detention facility, motion picture
 2847 production facility, preservation or rehabilitation of a
 2848 certified historic structure, airport or port facility,
 2849 commercial project in a certified ~~an~~ enterprise zone, pollution-
 2850 control facility, hazardous or solid waste facility, social
 2851 service center, or a mass commuting facility and any one or more
 2852 combinations of the foregoing.

2853 (19) "Commercial project in a certified ~~an~~ enterprise
 2854 zone" means buildings, building additions or renovations, or
 2855 other structures to be newly constructed and suitable for use by
 2856 a commercial enterprise, and includes the site on which such
 2857 buildings or structures are located, located in a certified ~~an~~
 2858 ~~area designated as an~~ enterprise zone ~~pursuant to s. 290.0065.~~

2859 Section 34. Subsection (5) of section 159.803, Florida
 2860 Statutes, is amended to read:

2861 159.803 Definitions.—As used in this part, the term:

2862 (5) "Priority project" means a solid waste disposal
 2863 facility or a sewage facility, as such terms are defined in s.
 2864 142 of the Code, or a water facility, as defined in s. 142 of
 2865 the Code, which is operated by a member-owned, not-for-profit
 2866 utility, or any project which is to be located in an area which
 2867 is a certified ~~an~~ enterprise zone ~~designated pursuant to s.~~
 2868 ~~290.0065.~~

2869 Section 35. Subsection (3) of section 163.2517, Florida
 2870 Statutes, is amended to read:

2871 163.2517 Designation of urban infill and redevelopment
 2872 area.—

2873 (3) A local government seeking to designate a geographic
 2874 area within its jurisdiction as an urban infill and
 2875 redevelopment area shall prepare a plan that describes the
 2876 infill and redevelopment objectives of the local government
 2877 within the proposed area. In lieu of preparing a new plan, the
 2878 local government may demonstrate that an existing plan or
 2879 combination of plans associated with a community redevelopment
 2880 area, Florida Main Street program, Front Porch Florida
 2881 Community, sustainable community, certified enterprise zone, or
 2882 neighborhood improvement district includes the factors listed in
 2883 paragraphs (a)-(n), including a collaborative and holistic
 2884 community participation process, or amend such existing plans to
 2885 include these factors. The plan shall demonstrate the local
 2886 government and community's commitment to comprehensively address

2887 the urban problems within the urban infill and redevelopment
2888 area and identify activities and programs to accomplish locally
2889 identified goals such as code enforcement; improved educational
2890 opportunities; reduction in crime; neighborhood revitalization
2891 and preservation; provision of infrastructure needs, including
2892 mass transit and multimodal linkages; and mixed-use planning to
2893 promote multifunctional redevelopment to improve both the
2894 residential and commercial quality of life in the area. The plan
2895 shall also:

2896 (a) Contain a map depicting the geographic area or areas
2897 to be included within the designation.

2898 (b) Confirm that the infill and redevelopment area is
2899 within an area designated for urban uses in the local
2900 government's comprehensive plan.

2901 (c) Identify and map existing enterprise zones, community
2902 redevelopment areas, community development corporations,
2903 brownfield areas, downtown redevelopment districts, safe
2904 neighborhood improvement districts, historic preservation
2905 districts, and empowerment zones or enterprise communities
2906 located within the area proposed for designation as an urban
2907 infill and redevelopment area and provide a framework for
2908 coordinating infill and redevelopment programs within the urban
2909 core.

2910 (d) Identify a memorandum of understanding between the
2911 district school board and the local government jurisdiction
2912 regarding public school facilities located within the urban

2913 infill and redevelopment area to identify how the school board
2914 will provide priority to enhancing public school facilities and
2915 programs in the designated area, including the reuse of existing
2916 buildings for schools within the area.

2917 (e) Identify each neighborhood within the proposed area
2918 and state community preservation and revitalization goals and
2919 projects identified through a collaborative and holistic
2920 community participation process and how such projects will be
2921 implemented.

2922 (f) Identify how the local government and community-based
2923 organizations intend to implement affordable housing programs,
2924 including, but not limited to, economic and community
2925 development programs administered by federal and state agencies,
2926 within the urban infill and redevelopment area.

2927 (g) Identify strategies for reducing crime.

2928 (h) If applicable, provide guidelines for the adoption of
2929 land development regulations specific to the urban infill and
2930 redevelopment area which include, for example, setbacks and
2931 parking requirements appropriate to urban development.

2932 (i) Identify and map any existing transportation
2933 concurrency exception areas and any relevant public
2934 transportation corridors designated by a metropolitan planning
2935 organization in its long-range transportation plans or by the
2936 local government in its comprehensive plan for which the local
2937 government seeks designation as a transportation concurrency
2938 exception area. For those areas, describe how public

2939 transportation, pedestrian ways, and bikeways will be
 2940 implemented as an alternative to increased automobile use.

2941 (j) Identify and adopt a package of financial and local
 2942 government incentives which the local government will offer for
 2943 new development, expansion of existing development, and
 2944 redevelopment within the urban infill and redevelopment area.

2945 Examples of such incentives include:

- 2946 1. Waiver of license and permit fees.
- 2947 2. Exemption of sales made in the urban infill and
 2948 redevelopment area from local option sales surtaxes imposed
 2949 pursuant to s. 212.055.
- 2950 3. Waiver of delinquent local taxes or fees to promote the
 2951 return of property to productive use.
- 2952 4. Expedited permitting.
- 2953 5. Lower transportation impact fees for development which
 2954 encourages more use of public transit, pedestrian, and bicycle
 2955 modes of transportation.
- 2956 6. Prioritization of infrastructure spending within the
 2957 urban infill and redevelopment area.
- 2958 7. Local government absorption of developers' concurrency
 2959 costs.

2960
 2961 In order to be authorized to recognize the exemption from local
 2962 option sales surtaxes pursuant to subparagraph 2., the owner,
 2963 lessee, or lessor of the new development, expanding existing
 2964 development, or redevelopment within the urban infill and

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2965 redevelopment area must file an application under oath with the
2966 governing body having jurisdiction over the urban infill and
2967 redevelopment area where the business is located. The
2968 application must include the name and address of the business
2969 claiming the exclusion from collecting local option surtaxes; an
2970 address and assessment roll parcel number of the urban infill
2971 and redevelopment area for which the exemption is being sought;
2972 a description of the improvements made to accomplish the new
2973 development, expanding development, or redevelopment of the real
2974 property; a copy of the building permit application or the
2975 building permit issued for the development of the real property;
2976 a new application for a certificate of registration with the
2977 Department of Revenue with the address of the new development,
2978 expanding development, or redevelopment; and the location of the
2979 property. The local government must review and approve the
2980 application and submit the completed application and
2981 documentation along with a copy of the ordinance adopted
2982 pursuant to subsection (5) to the Department of Revenue in order
2983 for the business to become eligible to make sales exempt from
2984 local option sales surtaxes in the urban infill and
2985 redevelopment area.

2986 (k) Identify how activities and incentives within the
2987 urban infill and redevelopment area will be coordinated and what
2988 administrative mechanism the local government will use for the
2989 coordination.

2990 (l) Identify how partnerships with the financial and

2991 business community will be developed.

2992 (m) Identify the governance structure that the local
 2993 government will use to involve community representatives in the
 2994 implementation of the plan.

2995 (n) Identify performance measures to evaluate the success
 2996 of the local government in implementing the urban infill and
 2997 redevelopment plan.

2998 Section 36. Subsection (8) of section 163.503, Florida
 2999 Statutes, is amended to read:

3000 163.503 Definitions.—

3001 (8) "Certified enterprise zone" means an area certified
 3002 ~~designated~~ pursuant to s. 290.60 ~~290.0065~~.

3003 Section 37. Section 163.521, Florida Statutes, is amended
 3004 to read:

3005 163.521 Neighborhood improvement district located in
 3006 certified ~~inside~~ enterprise zone; funding.—The local governing
 3007 body of any municipality or county in which the boundaries of a
 3008 certified ~~an~~ enterprise zone include a neighborhood improvement
 3009 district in whole or in part, prior to October 1 of each year,
 3010 may request the Department of Legal Affairs to submit within its
 3011 budget request to the Legislature provisions to fund capital
 3012 improvements. A request may be made for 100 percent of the
 3013 capital improvement costs for 25 percent of the area of the
 3014 certified enterprise zone which overlaps the district. The local
 3015 governing body may also request a 100-percent matching grant for
 3016 capital improvement costs for the remaining 75 percent of the

3017 area of the certified enterprise zone which overlaps the
3018 district. Local governments must demonstrate the capacity to
3019 implement the project within 2 years after the date of the
3020 appropriation. Funds appropriated under this provision may not
3021 be expended until after completion and approval of the safe
3022 neighborhood improvement plan pursuant to ss. 163.516 and
3023 163.519(11). Capital improvements contained within the request
3024 submitted by the local governing body must be specifically
3025 related to crime prevention through community policing
3026 innovations, environmental design, environmental security, and
3027 defensible space and must be reviewed by the department for
3028 compliance with the principles of crime prevention through
3029 community policing innovations, environmental design,
3030 environmental security, and defensible space. The department
3031 shall rank order all requests received for capital improvements
3032 funding based on the necessity of the improvements to the
3033 overall implementation of the safe neighborhood plan; the degree
3034 to which the improvements help the plan achieve crime prevention
3035 through community policing innovations, environmental design,
3036 environmental security, and defensible space objectives; the
3037 effect of the improvements on residents of low or moderate
3038 income; and the fiscal inability of local government to perform
3039 the improvements without state assistance.

3040 Section 38. Subsection (1) of section 163.522, Florida
3041 Statutes, is amended to read:

3042 163.522 State redevelopment programs.—

3043 (1) Any county or municipality containing a certified
 3044 ~~which has nominated an area as an enterprise zone pursuant to s.~~
 3045 ~~290.0055 which has been so designated pursuant to s. 290.0065~~ is
 3046 directed to give consideration to the creation of a neighborhood
 3047 improvement district within said area.

3048 Section 39. Subsection (8) of section 166.231, Florida
 3049 Statutes, is amended to read:

3050 166.231 Municipalities; public service tax.—

3051 (8) (a) ~~Beginning July 1, 1995,~~ A municipality may by
 3052 ordinance exempt not less than 50 percent of the tax imposed
 3053 under this section on purchasers of electrical energy who are
 3054 located within a certified enterprise zone or determined to be
 3055 eligible for the exemption provided by s. 212.08(15) by the
 3056 Department of Revenue. The exemption shall be administered as
 3057 provided in that section. A copy of any ordinance adopted
 3058 pursuant to this subsection shall be provided to the Department
 3059 of Revenue not less than 14 days prior to its effective date.

3060 (b) If an area submitted for enterprise zone certification
 3061 ~~that is nominated as an enterprise zone pursuant to s. 290.60~~
 3062 ~~290.0055~~ has not yet been certified ~~designated pursuant to s.~~
 3063 ~~290.0065,~~ a municipality may enact an ordinance for such
 3064 exemption; however, the ordinance shall not be effective until
 3065 such area is certified ~~designated pursuant to s. 290.0065.~~

3066 ~~(c) This subsection expires on the date specified in s.~~
 3067 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
 3068 ~~except that any qualified business that has satisfied the~~

3069 ~~requirements of this subsection before that date shall be~~
 3070 ~~allowed the full benefit of the exemption allowed under this~~
 3071 ~~subsection as if this subsection had not expired on that date.~~

3072 Section 40. Paragraphs (a) and (b) of subsection (14),
 3073 paragraph (b) of subsection (15), and subsection (18) of section
 3074 196.012, Florida Statutes, are amended to read:

3075 196.012 Definitions.—For the purpose of this chapter, the
 3076 following terms are defined as follows, except where the context
 3077 clearly indicates otherwise:

3078 (14) "New business" means:

3079 (a)1. A business or organization establishing 10 or more
 3080 new jobs to employ 10 or more full-time employees in this state,
 3081 paying an average wage for such new jobs that is above the
 3082 average wage in the area, which principally engages in any one
 3083 or more of the following operations:

3084 a. Manufactures, processes, compounds, fabricates, or
 3085 produces for sale items of tangible personal property at a fixed
 3086 location and which comprises an industrial or manufacturing
 3087 plant; or

3088 b. Is a target industry business as defined in s.
 3089 288.106(2)(n) ~~288.106(2)(q)~~;

3090 2. A business or organization establishing 25 or more new
 3091 jobs to employ 25 or more full-time employees in this state, the
 3092 sales factor of which, as defined by s. 220.15(5), for the
 3093 facility with respect to which it requests an economic
 3094 development ad valorem tax exemption is less than 0.50 for each

3095 year the exemption is claimed; or

3096 3. An office space in this state owned and used by a
 3097 business or organization newly domiciled in this state; provided
 3098 such office space houses 50 or more full-time employees of such
 3099 business or organization; provided that such business or
 3100 organization office first begins operation on a site clearly
 3101 separate from any other commercial or industrial operation owned
 3102 by the same business or organization.

3103 (b) Any business or organization located in a certified ~~an~~
 3104 enterprise zone or brownfield area that first begins operation
 3105 on a site clearly separate from any other commercial or
 3106 industrial operation owned by the same business or organization.

3107 (15) "Expansion of an existing business" means:

3108 (b) Any business or organization located in a certified ~~an~~
 3109 enterprise zone or brownfield area that increases operations on
 3110 a site located within the same zone or area colocated with a
 3111 commercial or industrial operation owned by the same business or
 3112 organization under common control with the same business or
 3113 organization.

3114 (18) "Certified enterprise zone" means an enterprise zone
 3115 certified ~~area designated as an enterprise zone pursuant to s.~~
 3116 ~~290.60 290.0065. This subsection expires on the date specified~~
 3117 ~~in s. 290.016 for the expiration of the Florida Enterprise Zone~~
 3118 ~~Act.~~

3119 Section 41. Section 196.095, Florida Statutes, is amended
 3120 to read:

3121 196.095 Exemption for a licensed child care facility
 3122 operating in a certified ~~an~~ enterprise zone.—

3123 (1) Any real estate used and owned as a child care
 3124 facility as defined in s. 402.302 which operates in a certified
 3125 ~~an~~ enterprise zone pursuant to chapter 290 is exempt from
 3126 taxation.

3127 (2) To claim a certified ~~an~~ enterprise zone child care
 3128 property tax exemption authorized by this section, a child care
 3129 facility must file an application under oath with the governing
 3130 body ~~or enterprise zone development agency~~ having jurisdiction
 3131 over the certified enterprise zone where the child care center
 3132 is located. Within 10 working days after receipt of an
 3133 application, the governing body ~~or enterprise zone development~~
 3134 ~~agency~~ shall review the application to determine if it contains
 3135 all the information required pursuant to this section and meets
 3136 the criteria set out in this section. The governing body or
 3137 agency shall certify all applications that contain the
 3138 information required pursuant to this section and meet the
 3139 criteria set out in this section as eligible to receive an ad
 3140 valorem tax exemption. The child care center shall be
 3141 responsible for forwarding all application materials to the
 3142 governing body ~~or enterprise zone development agency~~.

3143 (3) The production by the child care facility operator of
 3144 a current license by the Department of Children and Families or
 3145 local licensing authority and certification by the governing
 3146 body ~~or enterprise zone~~ where the child care center is located

3147 is prima facie evidence that the child care facility owner is
 3148 entitled to such exemptions.

3149 Section 42. Subsections (3) and (5) of section 196.1995,
 3150 Florida Statutes, are amended to read:

3151 196.1995 Economic development ad valorem tax exemption.—

3152 (3) The board of county commissioners or the governing
 3153 authority of the municipality that calls a referendum within its
 3154 total jurisdiction to determine whether its respective
 3155 jurisdiction may grant economic development ad valorem tax
 3156 exemptions may vote to limit the effect of the referendum to
 3157 authority to grant economic development tax exemptions for new
 3158 businesses and expansions of existing businesses located in a
 3159 certified ~~an~~ enterprise zone or a brownfield area, as defined in
 3160 s. 376.79(4). If an area submitted for enterprise zone
 3161 certification ~~nominated to be an enterprise zone~~ pursuant to s.
 3162 290.60 ~~290.0055~~ has not yet been certified ~~designated~~ pursuant
 3163 ~~to s. 290.0065~~, the board of county commissioners or the
 3164 governing authority of the municipality may call such referendum
 3165 prior to such certification ~~designation~~; however, the authority
 3166 to grant economic development ad valorem tax exemptions does not
 3167 apply until such area is certified ~~designated~~ pursuant to s.
 3168 ~~290.0065~~. The ballot question in such referendum shall be in
 3169 substantially the following form and shall be used in lieu of
 3170 the ballot question prescribed in subsection (2):
 3171 Shall the board of county commissioners of this county (or the
 3172 governing authority of this municipality, or both) be authorized

3173 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 3174 property tax exemptions for new businesses and expansions of
 3175 existing businesses that are located in a certified ~~an~~
 3176 enterprise zone or a brownfield area and that are expected to
 3177 create new, full-time jobs in the county (or municipality, or
 3178 both)?

3179Yes—For authority to grant exemptions.

3180No—Against authority to grant exemptions.

3181 (5) Upon a majority vote in favor of such authority, the
 3182 board of county commissioners or the governing authority of the
 3183 municipality, at its discretion, by ordinance may exempt from ad
 3184 valorem taxation up to 100 percent of the assessed value of all
 3185 improvements to real property made by or for the use of a new
 3186 business and of all tangible personal property of such new
 3187 business, or up to 100 percent of the assessed value of all
 3188 added improvements to real property made to facilitate the
 3189 expansion of an existing business and of the net increase in all
 3190 tangible personal property acquired to facilitate such expansion
 3191 of an existing business. To qualify for this exemption, the
 3192 improvements to real property must be made or the tangible
 3193 personal property must be added or increased after approval by
 3194 motion or resolution of the local governing body, subject to
 3195 ordinance adoption or on or after the day the ordinance is
 3196 adopted. However, if the authority to grant exemptions is
 3197 approved in a referendum in which the ballot question contained
 3198 in subsection (3) appears on the ballot, the authority of the

3199 board of county commissioners or the governing authority of the
 3200 municipality to grant exemptions is limited solely to new
 3201 businesses and expansions of existing businesses that are
 3202 located in a certified ~~an~~ enterprise zone or brownfield area.
 3203 Property acquired to replace existing property shall not be
 3204 considered to facilitate a business expansion. The exemption
 3205 applies only to taxes levied by the respective unit of
 3206 government granting the exemption. The exemption does not apply,
 3207 however, to taxes levied for the payment of bonds or to taxes
 3208 authorized by a vote of the electors pursuant to s. 9(b) or s.
 3209 12, Art. VII of the State Constitution. Any such exemption shall
 3210 remain in effect for up to 10 years with respect to any
 3211 particular facility, regardless of any change in the authority
 3212 of the county or municipality to grant such exemptions. The
 3213 exemption shall not be prolonged or extended by granting
 3214 exemptions from additional taxes or by virtue of any
 3215 reorganization or sale of the business receiving the exemption.

3216 Section 43. Subsection (4) of section 205.022, Florida
 3217 Statutes, is amended to read:

3218 205.022 Definitions.—When used in this chapter, the
 3219 following terms and phrases shall have the meanings ascribed to
 3220 them in this section, except when the context clearly indicates
 3221 a different meaning:

3222 (4) "Certified enterprise zone" means an area certified
 3223 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.
 3224 ~~This subsection expires on the date specified in s. 290.016 for~~

3225 ~~the expiration of the Florida Enterprise Zone Act.~~

3226 Section 44. Section 205.054, Florida Statutes, is amended
 3227 to read:

3228 205.054 Business tax; partial exemption for engaging in
 3229 business or occupation in certified enterprise zone.—

3230 (1) Notwithstanding the provisions of s. 205.033(1)(a) or
 3231 s. 205.043(1)(a), the governing body of a county or municipality
 3232 may authorize by appropriate resolution or ordinance, adopted
 3233 pursuant to the procedure established in s. 205.032 or s.
 3234 205.042, the exemption of 50 percent of the business tax levied
 3235 for the privilege of engaging in or managing any business,
 3236 profession, or occupation in the respective jurisdiction of the
 3237 county or municipality when such privilege is exercised at a
 3238 permanent business location or branch office located in a
 3239 certified ~~an~~ enterprise zone.

3240 (2) Such exemption applies to each classification for
 3241 which a business tax receipt is required in the jurisdiction.
 3242 Classifications shall be the same in a certified ~~an~~ enterprise
 3243 zone as elsewhere in the jurisdiction. Each county or municipal
 3244 business tax receipt issued with the exemption authorized in
 3245 this section shall be in the same general form as the other
 3246 county or municipal business tax receipts and shall expire at
 3247 the same time as those other receipts expire as fixed by law.
 3248 Any receipt issued with the exemption authorized in this section
 3249 is nontransferable. The exemption authorized in this section
 3250 does not apply to any penalty authorized in s. 205.053.

3251 (3) Each tax collecting authority of a county or
 3252 municipality which provides the exemption authorized in this
 3253 section shall issue to each person who may be entitled to the
 3254 exemption a receipt pursuant to the provisions contained in this
 3255 section. Before a receipt with such exemption is issued to an
 3256 applicant, the tax collecting authority must, in each case, be
 3257 provided proof that the applicant is entitled to such exemption.
 3258 Such proof shall be made by means of a statement filed under
 3259 oath with the tax collecting authority, which statement
 3260 indicates that the permanent business location or branch office
 3261 of the applicant is located in a certified ~~an~~ enterprise zone of
 3262 a jurisdiction which has authorized the exemption permitted in
 3263 this section.

3264 (4) Any receipt obtained with the exemption authorized in
 3265 this subsection by the commission of fraud upon the issuing
 3266 authority is void. Any person who has fraudulently obtained such
 3267 exemption and thereafter engages, under color of the receipt, in
 3268 any business, profession, or occupation requiring the business
 3269 tax receipt is subject to prosecution for engaging in a
 3270 business, profession, or occupation without having the required
 3271 receipt under the laws of the state.

3272 (5) If an area has been submitted for certification
 3273 ~~nominated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0055~~
 3274 ~~has not yet been designated pursuant to s. 290.0065~~, the
 3275 governing body of a county or municipality may enact the
 3276 appropriate ordinance or resolution authorizing the exemption

3277 permitted in this section; however, such ordinance or resolution
 3278 will not be effective until such area is certified ~~designated~~
 3279 pursuant to s. 290.60 ~~290.0065~~.

3280 ~~(6) This section expires on the date specified in s.~~
 3281 ~~290.016 for the expiration of the Florida Enterprise Zone Act;~~
 3282 ~~and a receipt may not be issued with the exemption authorized in~~
 3283 ~~this section for any period beginning on or after that date.~~

3284 Section 45. Subsection (6) of section 212.02, Florida
 3285 Statutes, is amended to read:

3286 212.02 Definitions.—The following terms and phrases when
 3287 used in this chapter have the meanings ascribed to them in this
 3288 section, except where the context clearly indicates a different
 3289 meaning:

3290 (6) "Certified enterprise zone" means an enterprise zone
 3291 certified ~~an area of the state designated~~ pursuant to s. 290.60
 3292 ~~290.0065. This subsection expires on the date specified in s.~~
 3293 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

3294 Section 46. Paragraphs (o) and (p) of subsection (5) of
 3295 section 212.08, Florida Statutes, are amended to read:

3296 212.08 Sales, rental, use, consumption, distribution, and
 3297 storage tax; specified exemptions.—The sale at retail, the
 3298 rental, the use, the consumption, the distribution, and the
 3299 storage to be used or consumed in this state of the following
 3300 are hereby specifically exempt from the tax imposed by this
 3301 chapter.

3302 (5) EXEMPTIONS; ACCOUNT OF USE.—

3303 (o) Building materials in redevelopment projects.—
 3304 1. As used in this paragraph, the term:
 3305 a. "Building materials" means tangible personal property
 3306 that becomes a component part of a housing project or a mixed-
 3307 use project.
 3308 b. "Housing project" means the conversion of an existing
 3309 manufacturing or industrial building to a housing unit which is
 3310 in an urban high-crime area, a certified ~~an~~ enterprise zone, an
 3311 empowerment zone, a Front Porch Community, a designated
 3312 brownfield site for which a rehabilitation agreement with the
 3313 Department of Environmental Protection or a local government
 3314 delegated by the Department of Environmental Protection has been
 3315 executed under s. 376.80 and any abutting real property parcel
 3316 within a brownfield area, or an urban infill area; and in which
 3317 the developer agrees to set aside at least 20 percent of the
 3318 housing units in the project for low-income and moderate-income
 3319 persons or the construction in a designated brownfield area of
 3320 affordable housing for persons described in s. 420.0004(9),
 3321 (11), (12), or (17) or in s. 159.603(7).
 3322 c. "Mixed-use project" means the conversion of an existing
 3323 manufacturing or industrial building to mixed-use units that
 3324 include artists' studios, art and entertainment services, or
 3325 other compatible uses. A mixed-use project must be located in an
 3326 urban high-crime area, a certified ~~an~~ enterprise zone, an
 3327 empowerment zone, a Front Porch Community, a designated
 3328 brownfield site for which a rehabilitation agreement with the

3329 Department of Environmental Protection or a local government
3330 delegated by the Department of Environmental Protection has been
3331 executed under s. 376.80 and any abutting real property parcel
3332 within a brownfield area, or an urban infill area; and the
3333 developer must agree to set aside at least 20 percent of the
3334 square footage of the project for low-income and moderate-income
3335 housing.

3336 d. "Substantially completed" has the same meaning as
3337 provided in s. 192.042(1).

3338 2. Building materials used in the construction of a
3339 housing project or mixed-use project are exempt from the tax
3340 imposed by this chapter upon an affirmative showing to the
3341 satisfaction of the department that the requirements of this
3342 paragraph have been met. This exemption inures to the owner
3343 through a refund of previously paid taxes. To receive this
3344 refund, the owner must file an application under oath with the
3345 department which includes:

3346 a. The name and address of the owner.

3347 b. The address and assessment roll parcel number of the
3348 project for which a refund is sought.

3349 c. A copy of the building permit issued for the project.

3350 d. A certification by the local building code inspector
3351 that the project is substantially completed.

3352 e. A sworn statement, under penalty of perjury, from the
3353 general contractor licensed in this state with whom the owner
3354 contracted to construct the project, which statement lists the

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3355 building materials used in the construction of the project and
3356 the actual cost thereof, and the amount of sales tax paid on
3357 these materials. If a general contractor was not used, the owner
3358 shall provide this information in a sworn statement, under
3359 penalty of perjury. Copies of invoices evidencing payment of
3360 sales tax must be attached to the sworn statement.

3361 3. An application for a refund under this paragraph must
3362 be submitted to the department within 6 months after the date
3363 the project is deemed to be substantially completed by the local
3364 building code inspector. Within 30 working days after receipt of
3365 the application, the department shall determine if it meets the
3366 requirements of this paragraph. A refund approved pursuant to
3367 this paragraph shall be made within 30 days after formal
3368 approval of the application by the department.

3369 4. The department shall establish by rule an application
3370 form and criteria for establishing eligibility for exemption
3371 under this paragraph.

3372 5. The exemption shall apply to purchases of materials on
3373 or after July 1, 2000.

3374 (p) Community contribution tax credit for donations.—

3375 1. Authorization.—Persons who are registered with the
3376 department under s. 212.18 to collect or remit sales or use tax
3377 and who make donations to eligible sponsors are eligible for tax
3378 credits against their state sales and use tax liabilities as
3379 provided in this paragraph:

3380 a. The credit shall be computed as 50 percent of the

3381 person's approved annual community contribution.

3382 b. The credit shall be granted as a refund against state
3383 sales and use taxes reported on returns and remitted in the 12
3384 months preceding the date of application to the department for
3385 the credit as required in sub-subparagraph 3.c. If the annual
3386 credit is not fully used through such refund because of
3387 insufficient tax payments during the applicable 12-month period,
3388 the unused amount may be included in an application for a refund
3389 made pursuant to sub-subparagraph 3.c. in subsequent years
3390 against the total tax payments made for such year. Carryover
3391 credits may be applied for a 3-year period without regard to any
3392 time limitation that would otherwise apply under s. 215.26.

3393 c. A person may not receive more than \$200,000 in annual
3394 tax credits for all approved community contributions made in any
3395 one year.

3396 d. All proposals for the granting of the tax credit
3397 require the prior approval of the Department of Economic
3398 Opportunity.

3399 e. The total amount of tax credits which may be granted
3400 for all programs approved under this paragraph, s. 220.183, and
3401 s. 624.5105 is \$18.4 million annually for projects that provide
3402 homeownership opportunities for low-income households or very-
3403 low-income households as those terms are defined in s. 420.9071
3404 and \$3.5 million annually for all other projects.

3405 f. A person who is eligible to receive the credit provided
3406 in this paragraph, s. 220.183, or s. 624.5105 may receive the

3407 credit only under one section of the person's choice.

3408 2. Eligibility requirements.—

3409 a. A community contribution by a person must be in the

3410 following form:

3411 (I) Cash or other liquid assets;

3412 (II) Real property;

3413 (III) Goods or inventory; or

3414 (IV) Other physical resources identified by the Department

3415 of Economic Opportunity.

3416 b. All community contributions must be reserved

3417 exclusively for use in a project. As used in this sub-

3418 subparagraph, the term "project" means activity undertaken by an

3419 eligible sponsor which is designed to construct, improve, or

3420 substantially rehabilitate housing that is affordable to low-

3421 income households or very-low-income households as those terms

3422 are defined in s. 420.9071; designed to provide commercial,

3423 industrial, or public resources and facilities; or designed to

3424 improve entrepreneurial and job-development opportunities for

3425 low-income persons. A project may be the investment necessary to

3426 increase access to high-speed broadband capability in rural

3427 communities with enterprise zones, including projects that

3428 result in improvements to communications assets that are owned

3429 by a business. A project may include the provision of museum

3430 educational programs and materials that are directly related to

3431 a project approved between January 1, 1996, and December 31,

3432 1999, and located in a certified ~~an~~ enterprise zone ~~designated~~

3433 ~~pursuant to s. 290.0065.~~ This paragraph does not preclude
 3434 projects that propose to construct or rehabilitate housing for
 3435 low-income households or very-low-income households on scattered
 3436 sites. With respect to housing, contributions may be used to pay
 3437 the following eligible low-income and very-low-income housing-
 3438 related activities:

3439 (I) Project development impact and management fees for
 3440 low-income or very-low-income housing projects;

3441 (II) Down payment and closing costs for low-income persons
 3442 and very-low-income persons, as those terms are defined in s.
 3443 420.9071;

3444 (III) Administrative costs, including housing counseling
 3445 and marketing fees, not to exceed 10 percent of the community
 3446 contribution, directly related to low-income or very-low-income
 3447 projects; and

3448 (IV) Removal of liens recorded against residential
 3449 property by municipal, county, or special district local
 3450 governments if satisfaction of the lien is a necessary precedent
 3451 to the transfer of the property to a low-income person or very-
 3452 low-income person, as those terms are defined in s. 420.9071,
 3453 for the purpose of promoting home ownership. Contributions for
 3454 lien removal must be received from a nonrelated third party.

3455 c. The project must be undertaken by an "eligible
 3456 sponsor," which includes:

3457 (I) A community action program;

3458 (II) A nonprofit community-based development organization

3459 | whose mission is the provision of housing for low-income
 3460 | households or very-low-income households or increasing
 3461 | entrepreneurial and job-development opportunities for low-income
 3462 | persons;

3463 | (III) A neighborhood housing services corporation;

3464 | (IV) A local housing authority created under chapter 421;

3465 | (V) A community redevelopment agency created under s.
 3466 | 163.356;

3467 | (VI) A historic preservation district agency or
 3468 | organization;

3469 | (VII) A regional workforce board;

3470 | (VIII) A direct-support organization as provided in s.
 3471 | 1009.983;

3472 | (IX) An enterprise zone development agency created under
 3473 | s. 290.0056;

3474 | (X) A community-based organization incorporated under
 3475 | chapter 617 which is recognized as educational, charitable, or
 3476 | scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
 3477 | and whose bylaws and articles of incorporation include
 3478 | affordable housing, economic development, or community
 3479 | development as the primary mission of the corporation;

3480 | (XI) Units of local government;

3481 | (XII) Units of state government; or

3482 | (XIII) Any other agency that the Department of Economic
 3483 | Opportunity designates by rule.

3484 |

3485 A contributing person may not have a financial interest in the
3486 eligible sponsor.

3487 d. The project must be located in an area designated a
3488 certified ~~an~~ enterprise zone or a Front Porch Florida Community,
3489 unless the project increases access to high-speed broadband
3490 capability for rural communities that have enterprise zones but
3491 is physically located outside the designated rural zone
3492 boundaries. Any project designed to construct or rehabilitate
3493 housing for low-income households or very-low-income households
3494 as those terms are defined in s. 420.9071 is exempt from the
3495 area requirement of this sub-subparagraph.

3496 e.(I) If, during the first 10 business days of the state
3497 fiscal year, eligible tax credit applications for projects that
3498 provide homeownership opportunities for low-income households or
3499 very-low-income households as those terms are defined in s.
3500 420.9071 are received for less than the annual tax credits
3501 available for those projects, the Department of Economic
3502 Opportunity shall grant tax credits for those applications and
3503 grant remaining tax credits on a first-come, first-served basis
3504 for subsequent eligible applications received before the end of
3505 the state fiscal year. If, during the first 10 business days of
3506 the state fiscal year, eligible tax credit applications for
3507 projects that provide homeownership opportunities for low-income
3508 households or very-low-income households as those terms are
3509 defined in s. 420.9071 are received for more than the annual tax
3510 credits available for those projects, the Department of Economic

3511 Opportunity shall grant the tax credits for those applications
3512 as follows:

3513 (A) If tax credit applications submitted for approved
3514 projects of an eligible sponsor do not exceed \$200,000 in total,
3515 the credits shall be granted in full if the tax credit
3516 applications are approved.

3517 (B) If tax credit applications submitted for approved
3518 projects of an eligible sponsor exceed \$200,000 in total, the
3519 amount of tax credits granted pursuant to sub-sub-sub-
3520 subparagraph (A) shall be subtracted from the amount of
3521 available tax credits, and the remaining credits shall be
3522 granted to each approved tax credit application on a pro rata
3523 basis.

3524 (II) If, during the first 10 business days of the state
3525 fiscal year, eligible tax credit applications for projects other
3526 than those that provide homeownership opportunities for low-
3527 income households or very-low-income households as those terms
3528 are defined in s. 420.9071 are received for less than the annual
3529 tax credits available for those projects, the Department of
3530 Economic Opportunity shall grant tax credits for those
3531 applications and shall grant remaining tax credits on a first-
3532 come, first-served basis for subsequent eligible applications
3533 received before the end of the state fiscal year. If, during the
3534 first 10 business days of the state fiscal year, eligible tax
3535 credit applications for projects other than those that provide
3536 homeownership opportunities for low-income households or very-

3537 low-income households as those terms are defined in s. 420.9071
3538 are received for more than the annual tax credits available for
3539 those projects, the Department of Economic Opportunity shall
3540 grant the tax credits for those applications on a pro rata
3541 basis.

3542 3. Application requirements.—

3543 a. Any eligible sponsor seeking to participate in this
3544 program must submit a proposal to the Department of Economic
3545 Opportunity which sets forth the name of the sponsor, a
3546 description of the project, and the area in which the project is
3547 located, together with such supporting information as is
3548 prescribed by rule. The proposal must also contain a resolution
3549 from the local governmental unit in which the project is located
3550 certifying that the project is consistent with local plans and
3551 regulations.

3552 b. Any person seeking to participate in this program must
3553 submit an application for tax credit to the Department of
3554 Economic Opportunity which sets forth the name of the sponsor, a
3555 description of the project, and the type, value, and purpose of
3556 the contribution. The sponsor shall verify, in writing, the
3557 terms of the application and indicate its receipt of the
3558 contribution, and such verification must accompany the
3559 application for tax credit. The person must submit a separate
3560 tax credit application to the Department of Economic Opportunity
3561 for each individual contribution that it makes to each
3562 individual project.

3563 c. Any person who has received notification from the
 3564 Department of Economic Opportunity that a tax credit has been
 3565 approved must apply to the department to receive the refund.
 3566 Application must be made on the form prescribed for claiming
 3567 refunds of sales and use taxes and be accompanied by a copy of
 3568 the notification. A person may submit only one application for
 3569 refund to the department within a 12-month period.

3570 4. Administration.—

3571 a. The Department of Economic Opportunity may adopt rules
 3572 necessary to administer this paragraph, including rules for the
 3573 approval or disapproval of proposals by a person.

3574 b. The decision of the Department of Economic Opportunity
 3575 must be in writing, and, if approved, the notification shall
 3576 state the maximum credit allowable to the person. Upon approval,
 3577 the Department of Economic Opportunity shall transmit a copy of
 3578 the decision to the department.

3579 c. The Department of Economic Opportunity shall
 3580 periodically monitor all projects in a manner consistent with
 3581 available resources to ensure that resources are used in
 3582 accordance with this paragraph; however, each project must be
 3583 reviewed at least once every 2 years.

3584 d. The Department of Economic Opportunity shall, in
 3585 consultation with the statewide and regional housing and
 3586 financial intermediaries, market the availability of the
 3587 community contribution tax credit program to community-based
 3588 organizations.

3589 5. Expiration.—This paragraph expires June 30, 2016;
 3590 however, any accrued credit carryover that is unused on that
 3591 date may be used until the expiration of the 3-year carryover
 3592 period for such credit.

3593 Section 47. Paragraph (d) of subsection (2) of section
 3594 220.183, Florida Statutes, is amended to read:

3595 220.183 Community contribution tax credit.—

3596 (2) ELIGIBILITY REQUIREMENTS.—

3597 (d) The project shall be located in a certified ~~an area~~
 3598 ~~designated as an~~ enterprise zone or a Front Porch Florida
 3599 Community. Any project designed to construct or rehabilitate
 3600 housing for low-income or very-low-income households as defined
 3601 in s. 420.9071(19) and (28) is exempt from the area requirement
 3602 of this paragraph. This section does not preclude projects that
 3603 propose to construct or rehabilitate housing for low-income or
 3604 very-low-income households on scattered sites. Any project
 3605 designed to provide increased access to high-speed broadband
 3606 capabilities which includes coverage of a rural enterprise zone
 3607 may locate the project's infrastructure in any area of a rural
 3608 county.

3609 Section 48. Paragraphs (a) and (b) of subsection (2) of
 3610 section 288.0001, Florida Statutes, are amended to read:

3611 288.0001 Economic Development Programs Evaluation.—The
 3612 Office of Economic and Demographic Research and the Office of
 3613 Program Policy Analysis and Government Accountability (OPPAGA)
 3614 shall develop and present to the Governor, the President of the

3615 Senate, the Speaker of the House of Representatives, and the
 3616 chairs of the legislative appropriations committees the Economic
 3617 Development Programs Evaluation.

3618 (2) The Office of Economic and Demographic Research and
 3619 OPPAGA shall provide a detailed analysis of economic development
 3620 programs as provided in the following schedule:

3621 (a) By January 1, 2014, and every 3 years thereafter, an
 3622 analysis of the following:

3623 1. The capital investment tax credit established under s.
 3624 220.191.

3625 2. The qualified target industry tax refund established
 3626 under s. 288.106.

3627 3. The brownfield redevelopment bonus refund established
 3628 under s. 288.107.

3629 4. High-impact business performance grants established
 3630 under s. 288.108.

3631 5. The Quick Action Closing Fund established under s.
 3632 288.1088.

3633 6. The Innovation Incentive Program established under s.
 3634 288.1089.

3635 7. Enterprise zone program incentives established under
 3636 ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

3637 8. The New Markets Development Program established under
 3638 ss. 288.991-288.9922.

3639 9. The enterprise zone certification program established
 3640 under s. 290.60.

3641 (b) By January 1, 2015, and every 3 years thereafter, an
 3642 analysis of the following:

3643 1. The entertainment industry financial incentive program
 3644 established under s. 288.1254.

3645 2. The entertainment industry sales tax exemption program
 3646 established under s. 288.1258.

3647 3. The Florida Tourism Industry Marketing Corporation
 3648 ~~VISIT Florida~~ and its programs established or funded under ss.
 3649 288.122, 288.1226, 288.12265, and 288.124.

3650 4. The Florida Sports Foundation and related programs
 3651 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
 3652 ~~288.1168, 288.1169,~~ and 288.1171.

3653 Section 49. Subsection (3) of section 288.018, Florida
 3654 Statutes, is amended to read:

3655 288.018 Regional Rural Development Grants Program.—

3656 (3) The department may also contract for the development
 3657 of a certified ~~an~~ enterprise zone web portal or websites for
 3658 each certified enterprise zone which will be used to market the
 3659 program for job creation in disadvantaged urban and rural
 3660 certified enterprise zones. Each certified enterprise zone web
 3661 page should include downloadable links to state forms and
 3662 information, as well as local message boards that help
 3663 businesses and residents receive information concerning zone
 3664 boundaries, job openings, zone programs, and neighborhood
 3665 improvement activities.

3666 Section 50. Subsection (4) of section 288.047, Florida

3667 Statutes, is amended to read:

3668 288.047 Quick-response training for economic development.—

3669 (4) For the first 6 months of each fiscal year, Workforce
 3670 Florida, Inc., shall set aside 30 percent of the amount
 3671 appropriated for the Quick-Response Training Program by the
 3672 Legislature to fund instructional programs for businesses
 3673 located in a certified ~~an~~ enterprise zone or brownfield area.
 3674 Any unencumbered funds remaining undisbursed from this set-aside
 3675 at the end of the 6-month period may be used to provide funding
 3676 for any program qualifying for funding pursuant to this section.

3677 Section 51. Paragraph (b) of subsection (2) of section
 3678 288.11621, Florida Statutes, is amended to read:

3679 288.11621 Spring training baseball franchises.—

3680 (2) CERTIFICATION PROCESS.—

3681 (b) The department shall competitively evaluate
 3682 applications for state funding of a facility for a spring
 3683 training franchise. The total number of certifications may not
 3684 exceed 10 at any time. The evaluation criteria must include,
 3685 with priority given in descending order to, the following items:

3686 1. The anticipated effect on the economy of the local
 3687 community where the spring training facility is to be built,
 3688 including projections on paid attendance, local and state tax
 3689 collections generated by spring training games, and direct and
 3690 indirect job creation resulting from the spring training
 3691 activities. Priority shall be given to applicants who can
 3692 demonstrate the largest projected economic impact.

3693 2. The amount of the local matching funds committed to a
 3694 facility relative to the amount of state funding sought, with
 3695 priority given to applicants that commit the largest amount of
 3696 local matching funds relative to the amount of state funding
 3697 sought.

3698 3. The potential for the facility to serve multiple uses.

3699 4. The intended use of the funds by the applicant, with
 3700 priority given to the funds being used to acquire a facility,
 3701 construct a new facility, or renovate an existing facility.

3702 5. The length of time that a spring training franchise has
 3703 been under an agreement to conduct spring training activities
 3704 within an applicant's geographic location or jurisdiction, with
 3705 priority given to applicants having agreements with the same
 3706 franchise for the longest period of time.

3707 6. The length of time that an applicant's facility has
 3708 been used by one or more spring training franchises, with
 3709 priority given to applicants whose facilities have been in
 3710 continuous use as facilities for spring training the longest.

3711 7. The term remaining on a lease between an applicant and
 3712 a spring training franchise for a facility, with priority given
 3713 to applicants having the shortest lease terms remaining.

3714 8. The length of time that a spring training franchise
 3715 agrees to use an applicant's facility if an application is
 3716 granted under this section, with priority given to applicants
 3717 having agreements for the longest future use.

3718 9. The net increase of total active recreation space owned

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3719 by the applicant after an acquisition of land for the facility,
3720 with priority given to applicants having the largest percentage
3721 increase of total active recreation space that will be available
3722 for public use.

3723 10. The location of the facility in a brownfield, a
3724 certified ~~an~~ enterprise zone, a community redevelopment area, or
3725 other area of targeted development or revitalization included in
3726 an urban infill redevelopment plan, with priority given to
3727 applicants having facilities located in these areas.

3728 Section 52. Paragraph (b) of subsection (2) of section
3729 288.11631, Florida Statutes, is amended to read:

3730 288.11631 Retention of Major League Baseball spring
3731 training baseball franchises.—

3732 (2) CERTIFICATION PROCESS.—

3733 (b) The department shall evaluate applications for state
3734 funding of the construction or renovation of the facility for a
3735 spring training franchise. The evaluation criteria must include
3736 the following items:

3737 1. The anticipated effect on the economy of the local
3738 community where the facility is to be constructed or renovated,
3739 including projections on paid attendance, local and state tax
3740 collections generated by spring training games, and direct and
3741 indirect job creation resulting from the spring training
3742 activities.

3743 2. The amount of the local matching funds committed to a
3744 facility relative to the amount of state funding sought.

3745 3. The potential for the facility to be used as a multiple
3746 purpose, year-round facility.

3747 4. The intended use of the funds by the applicant.

3748 5. The length of time that a spring training franchise has
3749 been under an agreement to conduct spring training activities
3750 within an applicant's geographic location or jurisdiction.

3751 6. The length of time that an applicant's facility has
3752 been used by one or more spring training franchises, including
3753 continuous use as facilities for spring training.

3754 7. The term remaining on a lease between an applicant and
3755 a spring training franchise for a facility.

3756 8. The length of time that a spring training franchise
3757 agrees to use an applicant's facility if an application is
3758 granted under this section.

3759 9. The location of the facility in a brownfield, a
3760 certified ~~an~~ enterprise zone, a community redevelopment area, or
3761 other area of targeted development or revitalization included in
3762 an urban infill redevelopment plan.

3763 Section 53. Paragraph (f) of subsection (2) of section
3764 339.2821, Florida Statutes, is amended to read:

3765 339.2821 Economic development transportation projects.—

3766 (2) The department, in consultation with the Department of
3767 Economic Opportunity, shall review each transportation project
3768 for approval and funding. In the review, the department must
3769 consider:

3770 (f) The location of the transportation project in a

3771 certified ~~an~~ enterprise zone as ~~designated in s. 290.0055;~~

3772

3773 The department may contact any agency it deems appropriate for
 3774 additional information regarding the approval of a
 3775 transportation project. A transportation project must be
 3776 approved by the department to be eligible for funding.

3777 Section 54. Paragraph (a) of subsection (3) of section
 3778 403.973, Florida Statutes, is amended to read:

3779 403.973 Expedited permitting; amendments to comprehensive
 3780 plans.—

3781 (3) (a) The secretary shall direct the creation of regional
 3782 permit action teams for the purpose of expediting review of
 3783 permit applications and local comprehensive plan amendments
 3784 submitted by:

3785 1. Businesses creating at least 50 jobs or a commercial or
 3786 industrial development project that will be occupied by
 3787 businesses that would individually or collectively create at
 3788 least 50 jobs; or

3789 2. Businesses creating at least 25 jobs if the project is
 3790 located in a certified ~~an~~ enterprise zone, or in a county having
 3791 a population of fewer than 75,000 or in a county having a
 3792 population of fewer than 125,000 which is contiguous to a county
 3793 having a population of fewer than 75,000, as determined by the
 3794 most recent decennial census, residing in incorporated and
 3795 unincorporated areas of the county.

3796 Section 55. Paragraph (b) of subsection (6) of section

3797 | 624.509, Florida Statutes, is amended to read:
 3798 | 624.509 Premium tax; rate and computation.—
 3799 | (6)
 3800 | (b) To the extent that any credits granted by subsection
 3801 | (5) remain as a result of the limitation set forth in paragraph
 3802 | (a), such excess credits related to salaries and wages of
 3803 | employees whose place of employment is located within a
 3804 | certified ~~an~~ enterprise zone created pursuant to chapter 290 may
 3805 | be transferred, in an aggregate amount not to exceed 25 percent
 3806 | of such excess salary credits, to any insurer that is a member
 3807 | of an affiliated group of corporations, as defined in sub-
 3808 | subparagraph (5)(b)4.a., that includes the original insurer
 3809 | qualifying for the credits under subsection (5). The amount of
 3810 | such excess credits to be transferred shall be calculated by
 3811 | multiplying the amount of such excess credits by a fraction, the
 3812 | numerator of which is the sum of the salaries qualifying for the
 3813 | credit allowed by subsection (5) of employees whose place of
 3814 | employment is located in a certified ~~an~~ enterprise zone and the
 3815 | denominator of which is the sum of the salaries qualifying for
 3816 | the credit allowed by subsection (5). Any such transferred
 3817 | credits shall be subject to the same provisions and limitations
 3818 | set forth within part IV of this chapter. The provisions of this
 3819 | paragraph do not apply to an affiliated group of corporations
 3820 | that participate in a common paymaster arrangement as defined in
 3821 | s. 443.1216.
 3822 | Section 56. Paragraph (b) of subsection (1) of section

3823 624.5091, Florida Statutes, is amended to read:

3824 624.5091 Retaliatory provision, insurers.—

3825 (1)

3826 (b) As used in this subsection, the term "portion of the
 3827 remaining 20 percent" shall be calculated by multiplying the
 3828 remaining 20 percent by a fraction, the numerator of which is
 3829 the sum of the salaries qualifying for the credit allowed by s.
 3830 624.509(5) of employees whose place of employment is located in
 3831 a certified ~~an~~ enterprise zone created pursuant to chapter 290
 3832 and the denominator of which is the sum of the salaries
 3833 qualifying for the credit allowed by s. 624.509(5).

3834 Section 57. Paragraph (d) of subsection (2) of section
 3835 624.5105, Florida Statutes, is amended to read:

3836 624.5105 Community contribution tax credit; authorization;
 3837 limitations; eligibility and application requirements;
 3838 administration; definitions; expiration.—

3839 (2) ELIGIBILITY REQUIREMENTS.—

3840 (d) The project shall be located in a certified ~~an area~~
 3841 ~~designated as an~~ enterprise zone or a Front Porch Community. Any
 3842 project designed to construct or rehabilitate housing for low-
 3843 income or very-low-income households as defined in s.
 3844 420.9071(19) and (28) is exempt from the area requirement of
 3845 this paragraph.

3846 Section 58. This act shall take effect July 1, 2015.