

1                                   A bill to be entitled  
2       An act relating to economic development; amending s.  
3       220.191, F.S.; excluding certain funds from the  
4       definition of the term "cumulative capital  
5       investment"; amending s. 288.005, F.S.; revising  
6       definition of the term "economic benefits" to include  
7       all state funds; amending s. 288.061, F.S.; revising  
8       evaluation and contract requirements of the economic  
9       development incentive application process; specifying  
10      requirements for approval and disbursement of certain  
11      payments and tax refund claims; amending s. 288.076,  
12      F.S.; conforming a cross-reference; revising  
13      definition of the term "state investment" to include  
14      all state funds spent or forgone to benefit a  
15      business; amending s. 288.095, F.S.; deleting a  
16      restriction on certain tax refund payments approved by  
17      the Department of Economic Opportunity; amending s.  
18      288.1045, F.S.; revising provisions of the qualified  
19      defense contractor and space flight business tax  
20      refund program; revising definitions; revising local  
21      financial support requirements; revising provisions  
22      applicable to a rural areas of opportunity;  
23      authorizing certain qualified applicants to receive a  
24      tax refund by providing certain information to the  
25      Department of Economic Opportunity; delaying the  
26      expiration date of the qualified defense contractor

27 | and space flight business tax refund program; amending  
 28 | s. 288.106, F.S.; revising provisions of the tax  
 29 | refund program for qualified target industry  
 30 | businesses; revising definitions; revising local  
 31 | financial support requirements; revising provisions  
 32 | applicable to a rural area of opportunity; repealing  
 33 | provisions regarding economic recovery extensions of  
 34 | certain tax refund agreements; amending s. 288.108,  
 35 | F.S.; revising provisions relating to high-impact  
 36 | businesses; defining the term "local financial  
 37 | support"; authorizing certain waivers from local  
 38 | financial support requirements; revising application  
 39 | requirements and requiring the Department of Economic  
 40 | Opportunity to certify high-impact business grant  
 41 | applications; providing requirements for the Governor  
 42 | relating to such applications; providing contract and  
 43 | department validation requirements for such  
 44 | applications; amending s. 288.1088, F.S.; revising  
 45 | provisions regarding the Quick Action Closing Fund;  
 46 | revising project eligibility requirements; providing  
 47 | limitations local financial support requirements;  
 48 | revising contract requirements for certain projects  
 49 | eligible for funding through the Quick Action Closing  
 50 | Fund; revising approval requirements for amendments or  
 51 | modifications of contract requirements for such  
 52 | projects; revising requirements of the Governor

53 relating to certain projects eligible for funding  
 54 through the Quick Action Closing Fund; limiting the  
 55 total amount of payments scheduled by the department  
 56 in a fiscal year; amending s. 288.1089, F.S.; revising  
 57 provisions relating to the Innovation Incentive  
 58 Program; revising definitions; revising provisions  
 59 applicable to a rural areas of opportunity; limiting  
 60 wage requirement waivers in certain circumstances;  
 61 authorizing and providing limitations on waivers from  
 62 local financial support requirements relating to the  
 63 program; revising requirements of the Governor and the  
 64 Department of Economic Opportunity relating to certain  
 65 projects eligible for funding through the program;  
 66 revising contract requirements for such projects;  
 67 revising approval requirements for amendments or  
 68 modifications of contract requirements for such  
 69 projects; amending s. 196.012, F.S.; conforming a  
 70 cross-reference; providing an appropriation; providing  
 71 an effective date.

72  
 73 Be It Enacted by the Legislature of the State of Florida:

74  
 75 Section 1. Paragraph (b) of subsection (1) of section  
 76 220.191, Florida Statutes, is amended to read:

77 220.191 Capital investment tax credit.—

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

79 (b) "Cumulative capital investment" means the total  
 80 capital investment in land, buildings, and equipment made by or  
 81 on behalf of the qualifying business in connection with a  
 82 qualifying project during the period from the beginning of  
 83 construction of the project to the commencement of operations.  
 84 The term does not include funds granted to or spent on behalf of  
 85 the qualifying business by the state, a local government, or  
 86 other governmental entity; funds appropriated in the General  
 87 Appropriations Act; or funds otherwise provided to the  
 88 qualifying business by a state agency, local government, or  
 89 other governmental entity.

90 Section 2. Subsection (1) of section 288.005, Florida  
 91 Statutes, is amended to read:

92 288.005 Definitions.—As used in this chapter, the term:

93 (1) "Economic benefits" means the direct, indirect, and  
 94 induced gains in state revenues as a percentage of the state's  
 95 investment. The state's investment includes all state funds  
 96 spent or forgone to benefit the business, including, but not  
 97 limited to, state funds appropriated to public and private  
 98 entities, state grants, tax exemptions, tax refunds, tax  
 99 credits, and other state incentives.

100 Section 3. Subsections (2) and (3) of section 288.061,  
 101 Florida Statutes, are amended to read:

102 288.061 Economic development incentive application  
 103 process.—

104 (2) (a) ~~Beginning July 1, 2013,~~ The department shall review

105 and evaluate each economic development incentive application for  
 106 the economic benefits of the proposed award of state incentives  
 107 proposed for the project. Such review shall occur before the  
 108 department approves an economic development incentive  
 109 application and each time an approved incentive agreement or  
 110 contract is amended, extended, or otherwise altered by the  
 111 department or Enterprise Florida, Inc. The department shall  
 112 notify the Legislature within 5 business days after any contract  
 113 amendment or use of an incentive contract extension. Except as  
 114 otherwise provided in this chapter, the department may not  
 115 execute an amendment to an incentive agreement or contract for a  
 116 project for which the economic benefits have been reduced unless  
 117 the award of state incentives outlined in the incentive  
 118 agreement or contract have been reduced by a proportionate  
 119 amount. When evaluating an economic development incentive  
 120 application, the department may not attribute to the business  
 121 any capital investment made by the business using state funds.

122 (b) As used in this subsection, the term "economic  
 123 benefits" has the same meaning as defined in s. 288.005. The  
 124 Office of Economic and Demographic Research shall establish the  
 125 methodology and model used to calculate the economic benefits  
 126 and shall establish guidelines for appropriate application of  
 127 the model. For purposes of this requirement, an amended  
 128 definition of "economic benefits" may be developed by the Office  
 129 of Economic and Demographic Research but must include all state  
 130 funds spent or forgone to benefit a business, including, but not

131 limited to, state funds appropriated to public and private  
132 entities, state grants, tax exemptions, tax refunds, tax  
133 credits, other state incentives, and any other source of state  
134 funds which should reasonably be known to the department at the  
135 time of approval.

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

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

142 (3) Within 10 business days after the department receives  
143 the submitted economic development incentive application, the  
144 executive director shall approve or disapprove the application  
145 and issue a letter of certification to the applicant which  
146 includes a justification of that decision, unless the business  
147 requests an extension of that time.

148 (a) The contract or agreement with the applicant must  
149 specify the total amount of the award, the performance  
150 conditions that must be met to obtain the award, the schedule  
151 for payment, and sanctions that would apply for failure to meet  
152 performance conditions. The contract or agreement with the  
153 applicant must require that the applicant use the state's job  
154 bank system to advertise job openings created as a result of the  
155 state incentive agreement. The department may enter into one  
156 agreement or contract covering all of the state incentives that

157 are being provided to the applicant. The contract must provide  
158 that release of funds is contingent upon sufficient  
159 appropriation of funds by the Legislature. The state may not  
160 enter into a contract or agreement with a term of more than 10  
161 years with any applicant.

162 (b) The release of funds for the incentive or incentives  
163 awarded to the applicant depends upon the statutory requirements  
164 of the particular incentive program.

165 (c) The department may only provide payments and tax  
166 refunds once the department has verified that the applicant has  
167 met the required project performance criteria, and only in the  
168 year in which the payment or tax refund is scheduled to be paid  
169 pursuant to the contract. Funds appropriated may only be paid to  
170 the applicant and not to a third party. Any funds unexpended by  
171 June 30 of each year shall revert in accordance with s. 216.301  
172 and may not be transferred to an escrow account. Any funds  
173 transferred before July 1, 2015, to an escrow account held by  
174 Enterprise Florida, Inc., for payments for a contract entered  
175 into pursuant to s. 288.1088 or s. 288.1089 before July 1, 2015,  
176 may be used to make payment to applicants who have met  
177 performance criteria until all such funds are expended. Any  
178 funds deposited in the escrow account encumbered under a  
179 contract whose requirements are not met, or that has been  
180 terminated, must be returned by Enterprise Florida, Inc., to the  
181 state within 10 calendar days after notification by the  
182 department.

183        (d) The total amount of payments and tax refunds approved  
184 for payment by the department based on actual project  
185 performance may not exceed the amount appropriated for such  
186 purposes for the fiscal year. Claims for payments and tax  
187 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,  
188 288.1088, and 288.1089 shall be paid in the order that the  
189 claims are approved by the department. The Legislature shall  
190 annually appropriate in the General Appropriations Act an amount  
191 estimated to sufficiently satisfy payments and tax refunds under  
192 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and  
193 288.1089 in a fiscal year. In the event that the Legislature  
194 does not appropriate an amount sufficient to satisfy the  
195 payments and tax refunds under ss. 288.0659, 288.1045, 288.106,  
196 288.107, 288.108, 288.1088, and 288.1089 in a fiscal year, the  
197 department shall pay the claims from the appropriation for the  
198 following fiscal year. By March 1 of each year, the department  
199 shall notify the legislative appropriations committees of the  
200 Senate and the House of Representatives of any anticipated  
201 shortfall in the amount of funds needed to satisfy claims for  
202 payments and tax refunds from the appropriation for the current  
203 fiscal year.

204        (e) By January 2 of each year, the department shall  
205 provide to the Legislature a list of potential payment and tax  
206 refund claims that may be filed for payment in the following  
207 fiscal year under ss. 288.0659, 288.1045, 288.106, 288.107,  
208 288.108, 288.1088, and 288.1089.



209        (f) By March 1 of each year, the department shall provide  
 210 to the Legislature a list of actual payment and tax refund  
 211 claims filed for payment in the following fiscal year under ss.  
 212 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and  
 213 288.1089.

214        (g) The department may approve applications for  
 215 certification pursuant to ss. 288.0659, 288.1045, 288.106,  
 216 288.107, 288.108, 288.1088, and 288.1089. The total payments and  
 217 tax refunds scheduled to be paid may not exceed \$60 million in  
 218 any one fiscal year.

219        Section 4. Paragraphs (c) and (e) of subsection (1) of  
 220 section 288.076, Florida Statutes, are amended to read:

221        288.076 Return on investment reporting for economic  
 222 development programs.—

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

224        (c) "Project" has the same meaning as provided in s.  
 225 288.106(2)(1) ~~288.106(2)(m)~~.

226        (e) "State investment" means all state funds spent or  
 227 forgone to benefit a business, including, but not limited to,  
 228 state funds appropriated to public and private entities, state  
 229 grants, tax exemptions, tax refunds, tax credits, and any other  
 230 source of state funds which should reasonably be known to the  
 231 department at the time of approval ~~any state grants, tax~~  
 232 ~~exemptions, tax refunds, tax credits, or other state incentives~~  
 233 ~~provided to a business under a program administered by the~~  
 234 ~~department, including the capital investment tax credit under s.~~

235 220.191.

236 Section 5. Subsection (3) of section 288.095, Florida  
 237 Statutes, is amended to read:

238 288.095 Economic Development Trust Fund.—

239 ~~(3) (a) The department may approve applications for~~  
 240 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
 241 ~~the total state share of tax refund payments may not exceed \$35~~  
 242 ~~million.~~

243 (a) ~~(b)~~ The total amount of tax refund claims approved for  
 244 payment by the department based on actual project performance  
 245 may not exceed the amount appropriated to the Economic  
 246 Development Incentives Account for such purposes for the fiscal  
 247 year. Claims for tax refunds under ss. 288.1045 and 288.106  
 248 shall be paid in the order the claims are approved by the  
 249 department. In the event the Legislature does not appropriate an  
 250 amount sufficient to satisfy the tax refunds under ss. 288.1045  
 251 and 288.106 in a fiscal year, the department shall pay the tax  
 252 refunds from the appropriation for the following fiscal year. By  
 253 March 1 of each year, the department shall notify the  
 254 legislative appropriations committees of the Senate and House of  
 255 Representatives of any anticipated shortfall in the amount of  
 256 funds needed to satisfy claims for tax refunds from the  
 257 appropriation for the current fiscal year.

258 (b) ~~(e)~~ Moneys in the Economic Development Incentives  
 259 Account may be used only to pay tax refunds and make other  
 260 payments authorized under s. 288.1045, s. 288.106, or s.

261 288.107.

262 (c)~~(d)~~ The department may adopt rules necessary to carry  
 263 out the provisions of this subsection, including rules providing  
 264 for the use of moneys in the Economic Development Incentives  
 265 Account and for the administration of the Economic Development  
 266 Incentives Account.

267 Section 6. Subsection (1), paragraph (b) of subsection  
 268 (2), paragraphs (b), (c), (d), and (j) of subsection (3), and  
 269 subsection (7) of section 288.1045, Florida Statutes, are  
 270 amended, to read:

271 288.1045 Qualified defense contractor and space flight  
 272 business tax refund program.—

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

274 (a) "Applicant" means any business entity that holds a  
 275 valid Department of Defense contract or space flight business  
 276 contract, any business entity that is a subcontractor under a  
 277 valid Department of Defense contract or space flight business  
 278 contract, or any business entity that holds a valid contract for  
 279 the reuse of a defense-related facility, including all members  
 280 of an affiliated group of corporations as defined in s.

281 220.03(1)(b).

282 (b) "Average private sector wage in the area" means the  
 283 average of all wages and salaries in ~~the state, the county, or~~  
 284 ~~in the standard metropolitan area~~ in which the project business  
 285 ~~unit~~ is located.

286 (c) "Business unit" means an employing unit, as defined in

287 s. 443.036, that is registered with the department for  
288 reemployment assistance purposes or means a subcategory or  
289 division of an employing unit that is accepted by the department  
290 as a reporting unit.

291 (d) "Consolidation of a Department of Defense contract"  
292 means the consolidation of one or more of an applicant's  
293 facilities under one or more Department of Defense contracts,  
294 from outside this state or from inside and outside this state,  
295 into one or more of the applicant's facilities inside this  
296 state.

297 (e) "Consolidation of a space flight business contract"  
298 means the consolidation of one or more of an applicant's  
299 facilities under one or more space flight business contracts,  
300 from outside this state or from inside and outside this state,  
301 into one or more of the applicant's facilities inside this  
302 state.

303 (f) "Contract for reuse of a defense-related facility"  
304 means a contract with a duration of 2 or more years for the use  
305 of a facility for manufacturing, assembling, fabricating,  
306 research, development, or design of tangible personal property,  
307 but excluding any contract to provide goods, improvements to  
308 real or tangible property, or services directly to or for any  
309 particular military base or installation in this state. Such  
310 facility must be located within a port, as defined in s. 313.21,  
311 and have been occupied by a business entity that held a valid  
312 Department of Defense contract or occupied by any branch of the

313 Armed Forces of the United States, within 1 year of any contract  
314 being executed for the reuse of such facility. A contract for  
315 reuse of a defense-related facility may not include any contract  
316 for reuse of such facility for any Department of Defense  
317 contract for manufacturing, assembling, fabricating, research,  
318 development, or design.

319 (g) "Department of Defense contract" means a competitively  
320 bid Department of Defense contract or subcontract or a  
321 competitively bid federal agency contract or subcontract issued  
322 on behalf of the Department of Defense for manufacturing,  
323 assembling, fabricating, research, development, or design with a  
324 duration of 2 or more years, but excluding any contract or  
325 subcontract to provide goods, improvements to real or tangible  
326 property, or services directly to or for any particular military  
327 base or installation in this state. The term includes contracts  
328 or subcontracts for products or services for military use or  
329 homeland security which contracts or subcontracts are approved  
330 by the United States Department of Defense, the United States  
331 Department of State, or the United States Department of Homeland  
332 Security.

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

334 (i) "Jobs" means full-time equivalent positions,  
335 including, but not limited to, positions obtained from a  
336 temporary employment agency or employee leasing company or  
337 through a union agreement or coemployment under a professional  
338 employer organization agreement, that result directly from a

339 project in this state. This number does not include temporary  
340 construction jobs involved with the construction of facilities  
341 for the project.

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

346 1. Local financial support may include excess payments  
347 made to a utility company under a designated program to allow  
348 decreases in service by the utility company under conditions,  
349 regardless of when application is made.

350 2. A qualified applicant may not provide, directly or  
351 indirectly, more than 5 percent of such funding in any fiscal  
352 year. The sources of such funding may not include, directly or  
353 indirectly, state funds appropriated from the General Revenue  
354 Fund or any state trust fund, excluding tax revenues shared with  
355 local governments pursuant to law.

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

359 4. The department may grant a waiver that reduces the  
360 required amount of local financial support for a project to 10  
361 percent of the annual tax refund awarded to a qualified  
362 applicant for a local government, or eliminates the required  
363 amount of local financial support for a project for a local  
364 government located in a rural area of opportunity, as designated

365 by the Governor pursuant to s. 288.0656. To be eligible to  
366 receive a waiver that reduces or eliminates the required amount  
367 of local financial support, a local government shall provide the  
368 department with:

369 a. A resolution adopted by the governing body of the  
370 county or municipality in whose jurisdiction the project will be  
371 located, requesting the applicant's project be waived from the  
372 local financial support requirement.

373 b. A statement prepared by a Florida certified public  
374 accountant, as defined in s. 473.302, that describes the  
375 financial constraints preventing the local government from  
376 providing the local financial support required by this section.

377 ~~(k) "Local financial support exemption option" means the~~  
378 ~~option to exercise an exemption from the local financial support~~  
379 ~~requirement available to any applicant whose project is located~~  
380 ~~in a county designated by the Rural Economic Development~~  
381 ~~Initiative, if the county commissioners of the county in which~~  
382 ~~the project will be located adopt a resolution requesting that~~  
383 ~~the applicant's project be exempt from the local financial~~  
384 ~~support requirement. Any applicant that exercises this option is~~  
385 ~~not eligible for more than 80 percent of the total tax refunds~~  
386 ~~allowed such applicant under this section.~~

387 (k)(1) "New Department of Defense contract" means a  
388 Department of Defense contract entered into after the date  
389 application for certification as a qualified applicant is made  
390 and after January 1, 1994.

391        (l)~~(m)~~ "New space flight business contract" means a space  
 392 flight business contract entered into after an application for  
 393 certification as a qualified applicant is made after July 1,  
 394 2008.

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

398        (n)~~(o)~~ "Project" means any business undertaking in this  
 399 state under a new Department of Defense contract, consolidation  
 400 of a Department of Defense contract, new space flight business  
 401 contract, consolidation of a space flight business contract, or  
 402 conversion of defense production jobs over to nondefense  
 403 production jobs or reuse of defense-related facilities.

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

407        (p)~~(q)~~ "Space flight business" means the manufacturing,  
 408 processing, or assembly of space flight technology products,  
 409 space flight facilities, space flight propulsion systems, or  
 410 space vehicles, satellites, or stations of any kind possessing  
 411 the capability for space flight, as defined by s. 212.02(23), or  
 412 components thereof, and includes, in supporting space flight,  
 413 vehicle launch activities, flight operations, ground control or  
 414 ground support, and all administrative activities directly  
 415 related to such activities. The term does not include products  
 416 that are designed or manufactured for general commercial



417 aviation or other uses even if those products may also serve an  
 418 incidental use in space flight applications.

419 (q)~~(r)~~ "Space flight business contract" means a  
 420 competitively bid federal agency contract, federal agency  
 421 subcontract, an awarded commercial contract, or an awarded  
 422 commercial subcontract for space flight business with a duration  
 423 of 2 or more years.

424 (r)~~(s)~~ "Taxable year" means the same as in s.  
 425 220.03(1)(y).

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

427 (b) Upon approval by the director, a qualified applicant  
 428 shall be allowed tax refund payments equal to \$3,000 times the  
 429 number of jobs specified in the tax refund agreement under  
 430 subparagraph (4)(a)1. or equal to \$6,000 times the number of  
 431 jobs if the project is located in a rural area of opportunity  
 432 ~~county~~ or an enterprise zone. Further, a qualified applicant  
 433 shall be allowed additional tax refund payments equal to \$1,000  
 434 times the number of jobs specified in the tax refund agreement  
 435 under subparagraph (4)(a)1. if such jobs pay an annual average  
 436 wage of at least 150 percent of the average private sector wage  
 437 in the area or equal to \$2,000 times the number of jobs if such  
 438 jobs pay an annual average wage of at least 200 percent of the  
 439 average private sector wage in the area. A qualified applicant  
 440 may not receive refunds of more than 25 percent of the total tax  
 441 refunds provided in the tax refund agreement pursuant to  
 442 subparagraph (4)(a)1. in any fiscal year, provided that no

443 qualified applicant may receive more than \$2.5 million in tax  
 444 refunds pursuant to this section in any fiscal year.

445 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
 446 DETERMINATION.—

447 (b) Applications for certification based on the  
 448 consolidation of a Department of Defense contract or a new  
 449 Department of Defense contract must be submitted to the  
 450 department as prescribed by the department and must include, but  
 451 are not limited to, the following information:

452 1. The applicant's federal employer identification number,  
 453 the applicant's Florida sales tax registration number, and a  
 454 signature of an officer of the applicant.

455 2. The permanent location of the manufacturing,  
 456 assembling, fabricating, research, development, or design  
 457 facility in this state at which the project is or is to be  
 458 located.

459 3. The Department of Defense contract numbers of the  
 460 contract to be consolidated, the new Department of Defense  
 461 contract number, or the "RFP" number of a proposed Department of  
 462 Defense contract.

463 4. The date the contract was executed or is expected to be  
 464 executed, and the date the contract is due to expire or is  
 465 expected to expire.

466 5. The commencement date for project operations under the  
 467 contract in this state.

468 6. The number of net new full-time equivalent Florida jobs

469 included in the project as of December 31 of each year and the  
 470 average wage of such jobs.

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

473 8. The percentage of the applicant's gross receipts  
 474 derived from Department of Defense contracts during the 5  
 475 taxable years immediately preceding the date the application is  
 476 submitted.

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

479 10. A brief statement concerning the applicant's need for  
 480 tax refunds, and the proposed uses of such refunds by the  
 481 applicant.

482 11. A resolution adopted by the governing board of the  
 483 county or municipality in which the project will be located,  
 484 which recommends the applicant be approved as a qualified  
 485 applicant, and which indicates that the necessary commitments of  
 486 local financial support for the applicant exist. ~~Prior to the~~  
 487 ~~adoption of the resolution, the county commission may review the~~  
 488 ~~proposed public or private sources of such support and determine~~  
 489 ~~whether the proposed sources of local financial support can be~~  
 490 ~~provided or, for any applicant whose project is located in a~~  
 491 ~~county designated by the Rural Economic Development Initiative,~~  
 492 ~~a resolution adopted by the county commissioners of such county~~  
 493 ~~requesting that the applicant's project be exempt from the local~~  
 494 ~~financial support requirement.~~

495           12. Any additional information requested by the  
496 department.

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

501           1. The applicant's federal employer identification number,  
502 the applicant's Florida sales tax registration number, and a  
503 signature of an officer of the applicant.

504           2. The permanent location of the manufacturing,  
505 assembling, fabricating, research, development, or design  
506 facility in this state at which the project is or is to be  
507 located.

508           3. The Department of Defense contract numbers of the  
509 contract under which the defense production jobs will be  
510 converted to nondefense production jobs.

511           4. The date the contract was executed, and the date the  
512 contract is due to expire or is expected to expire, or was  
513 canceled.

514           5. The commencement date for the nondefense production  
515 operations in this state.

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

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

521 8. The percentage of the applicant's gross receipts  
 522 derived from Department of Defense contracts during the 5  
 523 taxable years immediately preceding the date the application is  
 524 submitted.

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

527 10. A brief statement concerning the applicant's need for  
 528 tax refunds, and the proposed uses of such refunds by the  
 529 applicant.

530 11. A resolution adopted by the governing board of the  
 531 county or municipality in which the project will be located,  
 532 which recommends the applicant be approved as a qualified  
 533 applicant, and which indicates that the necessary commitments of  
 534 local financial support for the applicant exist. ~~Prior to the~~  
 535 ~~adoption of the resolution, the county commission may review the~~  
 536 ~~proposed public or private sources of such support and determine~~  
 537 ~~whether the proposed sources of local financial support can be~~  
 538 ~~provided or, for any applicant whose project is located in a~~  
 539 ~~county designated by the Rural Economic Development Initiative,~~  
 540 ~~a resolution adopted by the county commissioners of such county~~  
 541 ~~requesting that the applicant's project be exempt from the local~~  
 542 ~~financial support requirement.~~

543 12. Any additional information requested by the  
 544 department.

545 (d) Applications for certification based on a contract for  
 546 reuse of a defense-related facility must be submitted to the

547 department as prescribed by the department and must include, but  
 548 are not limited to, the following information:

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

551 2. The permanent location of the manufacturing,  
 552 assembling, fabricating, research, development, or design  
 553 facility in this state at which the project is or is to be  
 554 located.

555 3. The business entity holding a valid Department of  
 556 Defense contract or branch of the Armed Forces of the United  
 557 States that previously occupied the facility, and the date such  
 558 entity last occupied the facility.

559 4. A copy of the contract to reuse the facility, or such  
 560 alternative proof as may be prescribed by the department that  
 561 the applicant is seeking to contract for the reuse of such  
 562 facility.

563 5. The date the contract to reuse the facility was  
 564 executed or is expected to be executed, and the date the  
 565 contract is due to expire or is expected to expire.

566 6. The commencement date for project operations under the  
 567 contract in this state.

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

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

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

575 10. A brief statement concerning the applicant's need for  
576 tax refunds, and the proposed uses of such refunds by the  
577 applicant.

578 11. A resolution adopted by the governing board of the  
579 county or municipality in which the project will be located,  
580 which recommends the applicant be approved as a qualified  
581 applicant, and which indicates that the necessary commitments of  
582 local financial support for the applicant exist. ~~Before the~~  
583 ~~adoption of the resolution, the county commission may review the~~  
584 ~~proposed public or private sources of such support and determine~~  
585 ~~whether the proposed sources of local financial support can be~~  
586 ~~provided or, for any applicant whose project is located in a~~  
587 ~~county designated by the Rural Economic Development Initiative,~~  
588 ~~a resolution adopted by the county commissioners of such county~~  
589 ~~requesting that the applicant's project be exempt from the local~~  
590 ~~financial support requirement.~~

591 12. Any additional information requested by the  
592 department.

593 (j) Applications for certification based upon a new space  
594 flight business contract or the consolidation of a space flight  
595 business contract must be submitted to the department as  
596 prescribed by the department and must include, but are not  
597 limited to, the following information:

598 1. The applicant's federal employer identification number,

599 the applicant's Florida sales tax registration number, and a  
 600 signature of an officer of the applicant.

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

603 3. The new space flight business contract number, the  
 604 space flight business contract numbers of the contract to be  
 605 consolidated, or the request-for-proposal number of a proposed  
 606 space flight business contract.

607 4. The date the contract was executed and the date the  
 608 contract is due to expire, is expected to expire, or was  
 609 canceled.

610 5. The commencement date for project operations under the  
 611 contract in this state.

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

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

617 8. The percentage of the applicant's gross receipts  
 618 derived from space flight business contracts during the 5  
 619 taxable years immediately preceding the date the application is  
 620 submitted.

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

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



625 applicant.

626 11. A resolution adopted by the governing board of the  
 627 county or municipality in which the project will be located  
 628 which recommends the applicant be approved as a qualified  
 629 applicant and indicates that the necessary commitments of local  
 630 financial support for the applicant exist. ~~Prior to the adoption~~  
 631 ~~of the resolution, the county commission may review the proposed~~  
 632 ~~public or private sources of such support and determine whether~~  
 633 ~~the proposed sources of local financial support can be provided~~  
 634 ~~or, for any applicant whose project is located in a county~~  
 635 ~~designated by the Rural Economic Development Initiative, a~~  
 636 ~~resolution adopted by the county commissioners of such county~~  
 637 ~~requesting that the applicant's project be exempt from the local~~  
 638 ~~financial support requirement.~~

639 12. Any additional information requested by the  
 640 department.

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

645 Section 7. Subsection (2), paragraph (b) of subsection  
 646 (3), paragraphs (b) and (f) of subsection (4), paragraph (b) of  
 647 subsection (5), and subsection (8) of section 288.106, Florida  
 648 Statutes, are amended, to read:

649 288.106 Tax refund program for qualified target industry  
 650 businesses.—

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

652 (a) "Account" means the Economic Development Incentives  
 653 Account within the Economic Development Trust Fund established  
 654 under s. 288.095.

655 (b) "Authorized local economic development agency" means a  
 656 public or private entity, including an entity defined in s.  
 657 288.075, authorized by a county or municipality to promote the  
 658 general business or industrial interests of that county or  
 659 municipality.

660 (c) "Average private sector wage in the area" means ~~the~~  
 661 ~~statewide private sector average wage or~~ the average of all  
 662 private sector wages and salaries in the county ~~or in the~~  
 663 ~~standard metropolitan area~~ in which the project business is  
 664 located or will be located.

665 (d) "Business" means an employing unit, as defined in s.  
 666 443.036, that is registered for reemployment assistance purposes  
 667 with the state agency providing reemployment assistance tax  
 668 collection services under an interagency agreement pursuant to  
 669 s. 443.1316, or a subcategory or division of an employing unit  
 670 that is accepted by the state agency providing reemployment  
 671 assistance tax collection services as a reporting unit.

672 (e) "Corporate headquarters business" means an  
 673 international, national, or regional headquarters office of a  
 674 multinational or multistate business enterprise or national  
 675 trade association, whether separate from or connected with other  
 676 facilities used by such business.

677 (f) "Enterprise zone" means an area designated as an  
 678 enterprise zone pursuant to s. 290.0065.

679 (g) "Expansion of an existing business" means the  
 680 expansion of an existing Florida business by or through  
 681 additions to real and personal property, resulting in a net  
 682 increase in employment of not less than 10 percent at such  
 683 business.

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

685 (i) "Jobs" means full-time equivalent positions,  
 686 including, but not limited to, positions obtained from a  
 687 temporary employment agency or employee leasing company or  
 688 through a union agreement or coemployment under a professional  
 689 employer organization agreement, that result directly from a  
 690 project in this state. The term does not include temporary  
 691 construction jobs involved with the construction of facilities  
 692 for the project or any jobs previously included in any  
 693 application for tax refunds under s. 288.1045 or this section.

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

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

703 revenues shared with local governments pursuant to law.

704 2. A qualified target industry business may not receive  
 705 more than 80 percent of the total tax refunds from state funds  
 706 which are allowed such business under this section.

707 3. The department may grant a waiver that reduces the  
 708 required amount of local financial support for a project to 10  
 709 percent of the annual tax refund awarded to a qualified target  
 710 industry business for a local government, or eliminates the  
 711 required amount of local financial support for a project for a  
 712 local government located in a rural area of opportunity, as  
 713 designated by the Governor pursuant to s. 288.0656. To be  
 714 eligible to receive a waiver that reduces or eliminates the  
 715 required amount of local financial support, a local government  
 716 shall provide the department with:

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

721 b. A statement prepared by a Florida certified public  
 722 accountant, as defined in s. 473.302, which describes the  
 723 financial constraints preventing the local government from  
 724 providing the local financial support required by this section.

725 ~~(k) "Local financial support exemption option" means the~~  
 726 ~~option to exercise an exemption from the local financial support~~  
 727 ~~requirement available to any applicant whose project is located~~  
 728 ~~in a brownfield area, a rural city, or a rural community. Any~~

729 ~~applicant that exercises this option is not eligible for more~~  
 730 ~~than 80 percent of the total tax refunds allowed such applicant~~  
 731 ~~under this section.~~

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

736 (l)~~(m)~~ "Project" means the creation of a new business or  
 737 expansion of an existing business.

738 (m)~~(n)~~ "Qualified target industry business" means a target  
 739 industry business approved by the department to be eligible for  
 740 tax refunds under this section.

741 ~~(o) "Rural city" means a city having a population of~~  
 742 ~~10,000 or fewer, or a city having a population of greater than~~  
 743 ~~10,000 but fewer than 20,000 that has been determined by the~~  
 744 ~~department to have economic characteristics such as, but not~~  
 745 ~~limited to, a significant percentage of residents on public~~  
 746 ~~assistance, a significant percentage of residents with income~~  
 747 ~~below the poverty level, or a significant percentage of the~~  
 748 ~~city's employment base in agriculture-related industries.~~

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

- 750 ~~1. A county having a population of 75,000 or fewer.~~
- 751 ~~2. A county having a population of 125,000 or fewer that~~  
 752 ~~is contiguous to a county having a population of 75,000 or~~  
 753 ~~fewer.~~
- 754 ~~3. A municipality within a county described in~~

755 ~~subparagraph 1. or subparagraph 2.~~

756

757 ~~For purposes of this paragraph, population shall be determined~~  
 758 ~~in accordance with the most recent official estimate pursuant to~~  
 759 ~~s. 186.901.~~

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

765 1. Future growth.—Industry forecasts should indicate  
 766 strong expectation for future growth in both employment and  
 767 output, according to the most recent available data. Special  
 768 consideration should be given to businesses that export goods  
 769 to, or provide services in, international markets and businesses  
 770 that replace domestic and international imports of goods or  
 771 services.

772 2. Stability.—The industry should not be subject to  
 773 periodic layoffs, whether due to seasonality or sensitivity to  
 774 volatile economic variables such as weather. The industry should  
 775 also be relatively resistant to recession, so that the demand  
 776 for products of this industry is not typically subject to  
 777 decline during an economic downturn.

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

780 4. Market and resource independent.—The location of

781 industry businesses should not be dependent on Florida markets  
 782 or resources as indicated by industry analysis, except for  
 783 businesses in the renewable energy industry.

784 5. Industrial base diversification and strengthening.—The  
 785 industry should contribute toward expanding or diversifying the  
 786 state's or area's economic base, as indicated by analysis of  
 787 employment and output shares compared to national and regional  
 788 trends. Special consideration should be given to industries that  
 789 strengthen regional economies by adding value to basic products  
 790 or building regional industrial clusters as indicated by  
 791 industry analysis. Special consideration should also be given to  
 792 the development of strong industrial clusters that include  
 793 defense and homeland security businesses.

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

799  
 800 The term does not include any business engaged in retail  
 801 industry activities; any electrical utility company as defined  
 802 in s. 366.02(2); any phosphate or other solid minerals  
 803 severance, mining, or processing operation; any oil or gas  
 804 exploration or production operation; or any business subject to  
 805 regulation by the Division of Hotels and Restaurants of the  
 806 Department of Business and Professional Regulation. Any business

807 within NAICS code 5611 or 5614, office administrative services  
 808 and business support services, respectively, may be considered a  
 809 target industry business only after the local governing body and  
 810 Enterprise Florida, Inc., make a determination that the  
 811 community where the business may locate has conditions affecting  
 812 the fiscal and economic viability of the local community or  
 813 area, including but not limited to, factors such as low per  
 814 capita income, high unemployment, high underemployment, and a  
 815 lack of year-round stable employment opportunities, and such  
 816 conditions may be improved by the location of such a business to  
 817 the community. By January 1 of every 3rd year, beginning January  
 818 1, 2011, the department, in consultation with Enterprise  
 819 Florida, Inc., economic development organizations, the State  
 820 University System, local governments, employee and employer  
 821 organizations, market analysts, and economists, shall review  
 822 and, as appropriate, revise the list of such target industries  
 823 and submit the list to the Governor, the President of the  
 824 Senate, and the Speaker of the House of Representatives.

825 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.  
 826 220.03(1)(y).

827 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

828 (b)1. Upon approval by the department, a qualified target  
 829 industry business shall be allowed tax refund payments equal to  
 830 \$3,000 multiplied by the number of jobs specified in the tax  
 831 refund agreement under subparagraph (5)(a)1., or equal to \$6,000  
 832 multiplied by the number of jobs if the project is located in a



833 rural area of opportunity ~~community~~ or an enterprise zone.

834 2. A qualified target industry business shall be allowed  
 835 additional tax refund payments equal to \$1,000 multiplied by the  
 836 number of jobs specified in the tax refund agreement under  
 837 subparagraph (5)(a)1. if such jobs pay an annual average wage of  
 838 at least 150 percent of the average private sector wage in the  
 839 area, or equal to \$2,000 multiplied by the number of jobs if  
 840 such jobs pay an annual average wage of at least 200 percent of  
 841 the average private sector wage in the area.

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

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

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

855 b. Increases exports of its goods through a seaport or  
 856 airport in the state by at least 10 percent in value or tonnage  
 857 in each of the years that the business receives a tax refund  
 858 under this section. For purposes of this sub-subparagraph,

859 seaports in the state are limited to the ports of Jacksonville,  
 860 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm  
 861 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,  
 862 Pensacola, Fernandina, and Key West.

863 (4) APPLICATION AND APPROVAL PROCESS.—

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

867 1.a. The jobs proposed to be created under the  
 868 application, pursuant to subparagraph (a)4., must pay an  
 869 estimated annual average wage equaling at least 115 percent of  
 870 the average private sector wage in the area where the business  
 871 is to be located ~~or the statewide private sector average wage.~~  
 872 ~~The governing board of the local governmental entity providing~~  
 873 ~~the local financial support of the jurisdiction where the~~  
 874 ~~qualified target industry business is to be located shall notify~~  
 875 ~~the department and Enterprise Florida, Inc., which calculation~~  
 876 ~~of the average private sector wage in the area must be used as~~  
 877 ~~the basis for the business's wage commitment.~~ In determining the  
 878 average annual wage, the department shall include only new  
 879 proposed jobs, and wages for existing jobs shall be excluded  
 880 from this calculation.

881 b. The department may waive the average wage requirement  
 882 at the request of the local governing body recommending the  
 883 project and Enterprise Florida, Inc. The department may waive  
 884 the wage requirement for a project located in a brownfield area

885 designated under s. 376.80, in a rural area of opportunity ~~city,~~  
 886 ~~in a rural community,~~ in an enterprise zone, or for a  
 887 manufacturing project at any location in the state if the jobs  
 888 proposed to be created pay an estimated annual average wage  
 889 equaling at least 105 ~~100~~ percent of the average private sector  
 890 wage in the area where the business is to be located, only if  
 891 the merits of the individual project or the specific  
 892 circumstances in the community in relationship to the project  
 893 warrant such action. If the local governing body and Enterprise  
 894 Florida, Inc., make such a recommendation, it must be  
 895 transmitted in writing, and the specific justification for the  
 896 waiver recommendation must be explained. If the department  
 897 elects to waive the wage requirement, the waiver must be stated  
 898 in writing, and the reasons for granting the waiver must be  
 899 explained.

900 2. The target industry business's project must result in  
 901 the creation of at least 10 jobs at the project and, in the case  
 902 of an expansion of an existing business, must result in a net  
 903 increase in employment of at least 10 percent at the business.  
 904 At the request of the local governing body recommending the  
 905 project and Enterprise Florida, Inc., the department may waive  
 906 this requirement for a business located in a rural area of  
 907 opportunity ~~designated by the Governor pursuant to s. 288.0656,~~  
 908 ~~community~~ or an enterprise zone if the merits of the individual  
 909 project or the specific circumstances in the community in  
 910 relationship to the project warrant such action. If the local

911 governing body and Enterprise Florida, Inc., make such a  
 912 request, the request must be transmitted in writing, and the  
 913 specific justification for the request must be explained. If the  
 914 department elects to grant the request, the grant must be stated  
 915 in writing, and the reason for granting the request must be  
 916 explained.

917 3. The business activity or product for the applicant's  
 918 project must be within an industry identified by the department  
 919 as a target industry business that contributes to the economic  
 920 growth of the state and the area in which the business is  
 921 located, that produces a higher standard of living for residents  
 922 of this state in the new global economy, or that can be shown to  
 923 make an equivalent contribution to the area's and state's  
 924 economic progress.

925 ~~(f) Notwithstanding paragraph (2)(j), the department may~~  
 926 ~~reduce the local financial support requirements of this section~~  
 927 ~~by one-half for a qualified target industry business located in~~  
 928 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~  
 929 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~  
 930 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~  
 931 ~~department determines that such reduction of the local financial~~  
 932 ~~support requirements is in the best interest of the state and~~  
 933 ~~facilitates economic development, growth, or new employment~~  
 934 ~~opportunities in such county. This paragraph expires June 30,~~  
 935 ~~2014.~~

936 (5) TAX REFUND AGREEMENT.—

937 (b) Compliance with the terms and conditions of the  
 938 agreement is a condition precedent for the receipt of a tax  
 939 refund each year. The failure to comply with the terms and  
 940 conditions of the tax refund agreement results in the loss of  
 941 eligibility for receipt of all tax refunds previously authorized  
 942 under this section and the revocation by the department of the  
 943 certification of the business entity as a qualified target  
 944 industry business, unless the business is eligible to receive  
 945 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~  
 946 ~~the department grants the business an economic recovery~~  
 947 ~~extension.~~

948 ~~1. A qualified target industry business may submit a~~  
 949 ~~request to the department for an economic recovery extension.~~  
 950 ~~The request must provide quantitative evidence demonstrating how~~  
 951 ~~negative economic conditions in the business's industry, the~~  
 952 ~~effects of a named hurricane or tropical storm, or specific acts~~  
 953 ~~of terrorism affecting the qualified target industry business~~  
 954 ~~have prevented the business from complying with the terms and~~  
 955 ~~conditions of its tax refund agreement.~~

956 ~~2. Upon receipt of a request under subparagraph 1., the~~  
 957 ~~department has 45 days to notify the requesting business, in~~  
 958 ~~writing, whether its extension has been granted or denied. In~~  
 959 ~~determining whether an extension should be granted, the~~  
 960 ~~department shall consider the extent to which negative economic~~  
 961 ~~conditions in the requesting business's industry have occurred~~  
 962 ~~in the state or the effects of a named hurricane or tropical~~

963 ~~storm or specific acts of terrorism affecting the qualified~~  
 964 ~~target industry business have prevented the business from~~  
 965 ~~complying with the terms and conditions of its tax refund~~  
 966 ~~agreement. The department shall consider current employment~~  
 967 ~~statistics for this state by industry, including whether the~~  
 968 ~~business's industry had substantial job loss during the prior~~  
 969 ~~year, when determining whether an extension shall be granted.~~

970 ~~3. As a condition for receiving a prorated refund under~~  
 971 ~~paragraph (6) (e) or an economic recovery extension under this~~  
 972 ~~paragraph, a qualified target industry business must agree to~~  
 973 ~~renegotiate its tax refund agreement with the department to, at~~  
 974 ~~a minimum, ensure that the terms of the agreement comply with~~  
 975 ~~current law and the department's procedures governing~~  
 976 ~~application for and award of tax refunds. Upon approving the~~  
 977 ~~award of a prorated refund or granting an economic recovery~~  
 978 ~~extension, the department shall renegotiate the tax refund~~  
 979 ~~agreement with the business as required by this subparagraph.~~  
 980 ~~When amending the agreement of a business receiving an economic~~  
 981 ~~recovery extension, the department may extend the duration of~~  
 982 ~~the agreement for a period not to exceed 2 years.~~

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

987 ~~5. A qualified target industry business that receives an~~  
 988 ~~economic recovery extension may not receive a tax refund for the~~

989 ~~period covered by the extension.~~

990 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~  
 991 ~~in the best interest of the public for reasons of facilitating~~  
 992 ~~economic development, growth, or new employment opportunities~~  
 993 ~~within a Disproportionally Affected County, the department may,~~  
 994 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~  
 995 ~~or local financial support eligibility requirements and allow a~~  
 996 ~~qualified target industry business from another state which~~  
 997 ~~relocates all or a portion of its business to a~~  
 998 ~~Disproportionally Affected County to receive a tax refund~~  
 999 ~~payment of up to \$6,000 multiplied by the number of jobs~~  
 1000 ~~specified in the tax refund agreement under subparagraph~~  
 1001 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~  
 1002 ~~waiver, the executive director of the department shall file with~~  
 1003 ~~the Governor a written statement of the conditions and~~  
 1004 ~~circumstances constituting the reason for the waiver. Such~~  
 1005 ~~business shall be eligible for the additional tax refund~~  
 1006 ~~payments specified in subparagraph (3)(b)4. if it meets the~~  
 1007 ~~criteria. As used in this section, the term "Disproportionally~~  
 1008 ~~Affected County" means Bay County, Escambia County, Franklin~~  
 1009 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~  
 1010 ~~County, or Wakulla County.~~

1011 Section 8. Paragraph (b) of subsection (2) of section  
 1012 288.108, Florida Statutes, is amended, paragraph (h) is added to  
 1013 that subsection, and subsection (5) of that section is amended,  
 1014 to read:

1015 288.108 High-impact business.—

1016 (2) DEFINITIONS.—As used in this section, the term:

1017 (b) "Cumulative investment" means the total investment in

1018 buildings and equipment made by a qualified high-impact business

1019 since the beginning of construction of such facility. The term

1020 does not include funds granted to or spent on behalf of the

1021 business by the state, a local government, or other governmental

1022 entity; funds appropriated in the General Appropriations Act; or

1023 funds otherwise provided to the business by a state agency or

1024 local government.

1025 (h) "Local financial support" means financial, in-kind, or

1026 other quantifiable contributions from local sources that,

1027 combined, equal 20 percent or more of the total investment in

1028 the project by state and local sources.

1029 1. The department may grant a waiver that reduces the

1030 required amount of local financial support for a project to 10

1031 percent of the award granted to a business pursuant to this

1032 section for a local government, or eliminates the local

1033 financial support for a local government located in a rural area

1034 of opportunity, as designated by the Governor pursuant to s.

1035 288.0656.

1036 2. A local government that requests a waiver that reduces

1037 or eliminates the local financial support requirement shall

1038 provide the department a statement prepared by a Florida

1039 certified public accountant as defined in s. 473.302, which

1040 describes the financial constraints preventing the local



1041 government from providing the local financial support required  
 1042 by this section.

1043 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT  
 1044 AGREEMENT.—

1045 (a) The department shall review and certify, pursuant to  
 1046 s. 288.061, an application ~~pursuant to s. 288.061 which is~~  
 1047 received from any eligible business, as defined in subsection  
 1048 (2), for consideration as a qualified high-impact business  
 1049 before the business has made a decision to locate or expand a  
 1050 facility in this state. The business must provide the following  
 1051 information:

1052 1. A complete description of the type of facility,  
 1053 business operations, and product or service associated with the  
 1054 project.

1055 2. The number of full-time equivalent jobs that will be  
 1056 created by the project and the average annual wage of those  
 1057 jobs.

1058 3. The cumulative amount of investment to be dedicated to  
 1059 this project within 3 years.

1060 4. A statement concerning any special impacts the facility  
 1061 is expected to stimulate in the sector, the state, or regional  
 1062 economy and in state universities and community colleges.

1063 5. A statement concerning the role the grant will play in  
 1064 the decision of the applicant business to locate or expand in  
 1065 this state.

1066 6. Any additional information requested by the department.

1067           (b) Within 7 business days after evaluating an  
1068 application, the department shall recommend to the Governor  
1069 approval or disapproval of an eligible high-impact business for  
1070 receipt of funds. Recommendations to the Governor shall include  
1071 a memorandum of understanding between the department and the  
1072 applicant, which shall be incorporated into the final contract,  
1073 setting forth the conditions for payment of the qualified high-  
1074 impact business performance grant. The memorandum of  
1075 understanding must include the total amount of the qualified  
1076 high-impact business facility performance grant award; the  
1077 performance conditions that must be met to obtain the award,  
1078 including, but not limited to, net new employment in the state,  
1079 average salary, and total capital investment incurred by the  
1080 business; a baseline of current service and a measure of  
1081 enhanced capability; the methodology for validating performance;  
1082 the schedule of performance grant payments; and sanctions for  
1083 failure to meet performance conditions ~~Applications shall be~~  
1084 ~~reviewed and certified pursuant to s. 288.061.~~

1085           (c) The Governor may approve a high-impact business  
1086 performance grant of less than \$2 million without consulting the  
1087 Legislature. For such grants, the Governor shall provide a  
1088 written description and evaluation of the approved project and a  
1089 memorandum of understanding meeting the requirements of  
1090 paragraph (b) to the chair and vice chair of the Legislative  
1091 Budget Commission, the President of the Senate, and the Speaker  
1092 of the House of Representatives within 1 business day after

1093 approval ~~The department and the qualified high-impact business~~  
1094 ~~shall enter into a performance grant agreement setting forth the~~  
1095 ~~conditions for payment of the qualified high-impact business~~  
1096 ~~performance grant. The agreement shall include the total amount~~  
1097 ~~of the qualified high-impact business facility performance grant~~  
1098 ~~award, the performance conditions that must be met to obtain the~~  
1099 ~~award, including the employment, average salary, investment, the~~  
1100 ~~methodology for determining if the conditions have been met, and~~  
1101 ~~the schedule of performance grant payments.~~

1102 (d) The Governor shall provide a written description and  
1103 evaluation of each eligible high-impact business recommended for  
1104 approval for a high-impact business performance grant that  
1105 equals or exceeds \$2 million to the chair and vice chair of the  
1106 Legislative Budget Commission, the President of the Senate, and  
1107 the Speaker of the House of Representatives at least 14 days  
1108 before approving a qualified high-impact business performance  
1109 grant. The recommendation shall include a memorandum of  
1110 understanding that meets the requirements provided in paragraph  
1111 (b). If the chair or vice chair of the Legislative Budget  
1112 Commission, the President of the Senate, or the Speaker of the  
1113 House of Representatives timely advises the Executive Office of  
1114 the Governor in writing that the award of funds exceeds the  
1115 delegated authority of the Executive Office of the Governor or  
1116 is contrary to legislative policy or intent, the Executive  
1117 Office of the Governor shall instruct the department to  
1118 immediately change the action or proposed action.

1119        (e) An amendment, modification, or extension of an  
 1120 executed contract that results in a 0.5 point or greater  
 1121 reduction in the economic benefit ratio of the project must be  
 1122 approved as provided in paragraph (d). An amendment,  
 1123 modification, or extension may not be made to an executed  
 1124 contract if such action would result in an economic benefit  
 1125 ratio less than 2 to 1.

1126        (f) The department shall validate contractor performance  
 1127 and report such validation in the annual incentives report  
 1128 required by s. 288.907.

1129        Section 9. Paragraph (e) of subsection (3) of section  
 1130 288.1088, Florida Statutes, is redesignated as paragraph (f),  
 1131 paragraphs (b), (d), and (e) of subsection (2) and paragraphs  
 1132 (a), (c), and (d) of subsection (3) are amended, and a new  
 1133 paragraph (e) is added to subsection (3) of that section, to  
 1134 read:

1135        288.1088 Quick Action Closing Fund.—

1136        (2) There is created within the department the Quick  
 1137 Action Closing Fund. Projects eligible for receipt of funds from  
 1138 the Quick Action Closing Fund shall:

1139        (b) Have a positive economic benefit ratio of at least 4 ~~5~~  
 1140 to 1.

1141        (d) Pay an average annual wage of at least 125 percent of  
 1142 the average private sector wage in the area, as defined in s.  
 1143 288.106 ~~areawide or statewide private sector average wage.~~

1144        (e) Be supported by the local community in which the

1145 project is to be located.

1146 1. Financial support by the local community shall include  
1147 financial, in-kind, or other quantifiable contributions from  
1148 local sources that, combined, equal 20 percent or more of the  
1149 total investment in the project by state and local sources.

1150 2. The department may grant a waiver that reduces the  
1151 required amount of local financial support for a project to 10  
1152 percent of the award granted to a business pursuant to this  
1153 section for a local government, or eliminates the required  
1154 amount of local financial support for a project for a local  
1155 government located in a rural area of opportunity, as designated  
1156 by the Governor pursuant to s. 288.0656.

1157 3. A local government that requests a waiver that reduces  
1158 or eliminates the local financial support requirement shall  
1159 provide the department a statement prepared by a Florida  
1160 certified public accountant as defined in s. 473.302, which  
1161 describes the financial constraints preventing the local  
1162 government from providing the local financial support required  
1163 by this section.

1164 (f) Create at least 10 new jobs if the project is a new  
1165 business, or increase the number of jobs by at least 10 percent  
1166 if the project is an expanding business.

1167 (3) (a) The department and Enterprise Florida, Inc., shall  
1168 jointly review applications pursuant to s. 288.061 and determine  
1169 the eligibility of each project consistent with the criteria in  
1170 subsection (2). No more than two waivers ~~waiver~~ of these

1171 criteria may be considered under the following criteria:

- 1172 1. Based on extraordinary circumstances;
- 1173 2. In order to mitigate the impact of the conclusion of
- 1174 the space shuttle program; or
- 1175 3. In rural areas of opportunity if the project would
- 1176 significantly benefit the local or regional economy.

1177

1178 A waiver may not be granted by the department if the positive

1179 economic benefit ratio of the project is below 2 to 1, the

1180 project is not within a target industry under s. 288.106, the

1181 award of funds is not an inducement to the project's location or

1182 expansion in the state, or the average annual wage of jobs

1183 directly created by the project is below 105 percent of the

1184 average private sector wage in the area, as defined in s.

1185 288.106.

1186 (c)1. Within 7 business days after evaluating a project,

1187 the department shall recommend to the Governor approval or

1188 disapproval of a project for receipt of funds from the Quick

1189 Action Closing Fund. In recommending a project, the department

1190 shall include a memorandum of understanding between the

1191 department and the applicant, which shall be incorporated into

1192 the final contract, setting forth the conditions for payment of

1193 moneys from the fund. The memorandum of understanding must

1194 include the total amount of recommended funds to be awarded; the

1195 performance conditions that must be met to obtain the award,

1196 including, but not limited to, net new employment in the state,

1197 average salary, and total capital investment incurred by the  
 1198 business; a baseline of current service and a measure of  
 1199 enhanced capability; the methodology for validating performance;  
 1200 the schedule of payments from the fund; and sanctions for  
 1201 failure to meet performance conditions, including any clawback  
 1202 provisions ~~proposed performance conditions that the project must~~  
 1203 ~~meet to obtain incentive funds.~~

1204       2. The Governor may approve a Quick Action Closing Fund  
 1205 project award requiring less than \$2 million in funding ~~projects~~  
 1206 ~~without consulting the Legislature for projects requiring less~~  
 1207 ~~than \$2 million in funding.~~ For such projects, the Governor  
 1208 shall provide a written description and evaluation of the  
 1209 approved project and a memorandum of understanding meeting the  
 1210 requirements of subparagraph 1. to the chair and vice chair of  
 1211 the Legislative Budget Commission, the President of the Senate,  
 1212 and the Speaker of the House of Representatives within 1  
 1213 business day after approval.

1214       3. ~~For projects requiring funding in the amount of \$2~~  
 1215 ~~million to \$5 million,~~ The Governor shall provide a written  
 1216 description and evaluation of each Quick Action Closing Fund a  
 1217 project award recommended for approval that requires funding of  
 1218 \$2 million or more to the chair and vice chair of the  
 1219 Legislative Budget Commission, the President of the Senate, and  
 1220 the Speaker of the House of Representatives at least 14 10 days  
 1221 before ~~prior to~~ giving final approval for a project. The  
 1222 recommendation must include a memorandum of understanding

1223 meeting the requirements of subparagraph 1 ~~proposed performance~~  
 1224 ~~conditions that the project must meet in order to obtain funds.~~

1225 4. If the chair or vice chair of the Legislative Budget  
 1226 Commission, ~~or~~ the President of the Senate, or the Speaker of  
 1227 the House of Representatives timely advises the Executive Office  
 1228 of the Governor, in writing, that such action or proposed action  
 1229 exceeds the delegated authority of the Executive Office of the  
 1230 Governor or is contrary to legislative policy or intent, the  
 1231 Executive Office of the Governor shall ~~void the release of funds~~  
 1232 ~~and~~ instruct the department to immediately change such action or  
 1233 proposed action ~~until the Legislative Budget Commission or the~~  
 1234 ~~Legislature addresses the issue. Notwithstanding such~~  
 1235 ~~requirement, any project exceeding \$5 million must be approved~~  
 1236 ~~by the Legislative Budget Commission prior to the funds being~~  
 1237 ~~released.~~

1238 (d) Upon the approval of the Governor in accordance with  
 1239 subparagraph (c)2., or upon expiration of the 14-day legislative  
 1240 consultation period provided in subparagraph (c)3., the  
 1241 department and the business shall enter into a contract that  
 1242 sets forth the conditions for payment of moneys from the fund.  
 1243 The contract must include the total amount of funds awarded; the  
 1244 performance conditions that must be met to obtain the award,  
 1245 including, but not limited to, net new employment in the state,  
 1246 average salary, and total capital investment; demonstrate a  
 1247 baseline of current service and a measure of enhanced  
 1248 capability; the methodology for validating performance; the



1249 | schedule of payments from the fund; and sanctions for failure to  
 1250 | meet performance conditions. The contract must provide that  
 1251 | payment of moneys from the fund is contingent upon sufficient  
 1252 | appropriation of funds by the Legislature. The department shall  
 1253 | not schedule more than \$35 million in total payments in any  
 1254 | single fiscal year for projects approved under s. 288.1088.

1255 |       (e) An amendment, modification, or extension of an  
 1256 | existing contract that results in a 0.5 point or greater  
 1257 | reduction in the economic benefit ratio of the project may not  
 1258 | take effect until it is approved through the approval process in  
 1259 | subparagraph (c)3. An amendment, modification, or extension may  
 1260 | not be made to an executed contract if such action would result  
 1261 | in an economic benefit ratio below 2 to 1.

1262 |       Section 10. Paragraphs (b) and (p) of subsection (2),  
 1263 | subsection (4), paragraphs (l) and (m) of subsection (5), and  
 1264 | subsections (7) and (8) of section 288.1089, Florida Statutes,  
 1265 | are amended to read:

1266 |       288.1089 Innovation Incentive Program.—

1267 |       (2) As used in this section, the term:

1268 |       (b) "Average private sector wage in the area" means the  
 1269 | average of all private sector wages and salaries in the county  
 1270 | in which the project is located ~~the statewide average wage in~~  
 1271 | ~~the private sector or the average of all private sector wages in~~  
 1272 | ~~the county or in the standard metropolitan area in which the~~  
 1273 | ~~project is located as determined by the department.~~

1274 |       ~~(p) "Rural area" means a rural city or rural community as~~

1275 ~~defined in s. 288.106.~~

1276 (4) To qualify for review by the department, the applicant  
 1277 must, at a minimum, establish the following to the satisfaction  
 1278 of the department:

1279 (a) The jobs created by the project must pay an estimated  
 1280 annual average wage equaling at least 130 percent of the average  
 1281 private sector wage in the area. The department may waive this  
 1282 average wage requirement at the request of Enterprise Florida,  
 1283 Inc., for a project located in a rural area of opportunity, a  
 1284 brownfield area, or an enterprise zone, when the merits of the  
 1285 individual project or the specific circumstances in the  
 1286 community in relationship to the project warrant such action. A  
 1287 recommendation for waiver by Enterprise Florida, Inc., must  
 1288 include a specific justification for the waiver and be  
 1289 transmitted to the department in writing. If the department  
 1290 elects to waive the wage requirement, the waiver must be stated  
 1291 in writing and the reasons for granting the waiver must be  
 1292 explained. The department may not waive the wage requirement for  
 1293 any project that does not pay an estimated annual average wage  
 1294 equaling at least 105 percent of the average private sector wage  
 1295 in the area.

1296 (b) A research and development project must:

1297 1. Serve as a catalyst for an emerging or evolving  
 1298 technology cluster.

1299 2. Demonstrate a plan for significant higher education  
 1300 collaboration.

1301 3. Provide the state, at a minimum, a cumulative break-  
 1302 even economic benefit within a 20-year period.

1303 4. Be provided with a one-to-one match from the local  
 1304 community. The match requirement may be reduced or waived in  
 1305 rural areas of opportunity ~~or reduced in rural areas~~, brownfield  
 1306 areas, and enterprise zones. A local government that requests a  
 1307 waiver that reduces or eliminates the one-to-one match shall  
 1308 provide the department with a statement prepared by a Florida  
 1309 certified public accountant, as defined in s. 473.302, which  
 1310 describes the financial constraints preventing the local  
 1311 government from meeting the local financial support requirement  
 1312 of this section.

1313 (c) An innovation business project in this state, other  
 1314 than a research and development project, must:

1315 1.a. Result in the creation of at least 1,000 direct, new  
 1316 jobs at the business; or

1317 b. Result in the creation of at least 500 direct, new jobs  
 1318 if the project is located in a rural area of opportunity, a  
 1319 brownfield area, or an enterprise zone.

1320 2. Have an activity or product that is within an industry  
 1321 that is designated as a target industry business under s.  
 1322 288.106 or a designated sector under s. 288.108.

1323 3.a. Have a cumulative investment of at least \$500 million  
 1324 within a 5-year period; or

1325 b. Have a cumulative investment that exceeds \$250 million  
 1326 within a 10-year period if the project is located in a rural

1327 area of opportunity, brownfield area, or an enterprise zone.

1328 4. Be provided with a one-to-one match from the local  
 1329 community. The match requirement may be reduced or waived in  
 1330 rural areas of opportunity or reduced in ~~rural areas~~, brownfield  
 1331 areas~~,~~ and enterprise zones. A local government that requests a  
 1332 waiver that reduces or eliminates the one-to-one match shall  
 1333 provide the department with a statement prepared by a Florida  
 1334 certified public accountant, as defined in s. 473.302, which  
 1335 describes the financial constraints preventing the local  
 1336 government from meeting the local financial support requirement  
 1337 of this section.

1338 (d) For an alternative and renewable energy project in  
 1339 this state, the project must:

1340 1. Demonstrate a plan for significant collaboration with  
 1341 an institution of higher education.~~†~~

1342 2. Provide the state, at a minimum, a cumulative break-  
 1343 even economic benefit within a 20-year period.~~†~~

1344 3. Include matching funds provided by the applicant or  
 1345 other available sources. The match requirement may be reduced or  
 1346 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~  
 1347 ~~rural areas~~, brownfield areas, and enterprise zones. A local  
 1348 government that requests a waiver that reduces or eliminates the  
 1349 one-to-one match shall provide the department with a statement  
 1350 prepared by a Florida certified public accountant, as defined in  
 1351 s. 473.302, which describes the financial constraints preventing  
 1352 the local government from meeting the one-to-one match

1353 requirement of this section.~~†~~

1354 4. Be located in this state.~~†~~~~and~~

1355 5. Provide at least 35 direct, new jobs that pay an  
 1356 estimated annual average wage that equals at least 130 percent  
 1357 of the average private sector wage in the area.

1358 (5) The department shall review proposals pursuant to s.  
 1359 288.061 for all three categories of innovation incentive awards.  
 1360 Before making a recommendation to the executive director, the  
 1361 department shall solicit comments and recommendations from the  
 1362 Department of Agriculture and Consumer Services. For each  
 1363 project, the evaluation and recommendation to the department  
 1364 must include, but need not be limited to:

1365 (1) Additional evaluative criteria for a research and  
 1366 development facility project, including:

1367 1. A description of the extent to which the project has  
 1368 the potential to serve as catalyst for an emerging or evolving  
 1369 cluster.

1370 2. A description of the extent to which the project has or  
 1371 could have a long-term collaborative research and development  
 1372 relationship with one or more universities or community colleges  
 1373 in this state.

1374 3. A description of the existing or projected impact of  
 1375 the project on established clusters or targeted industry  
 1376 sectors.

1377 4. A description of the project's contribution to the  
 1378 diversity and resiliency of the innovation economy of this

1379 state.

1380 5. A description of the project's impact on special needs  
 1381 communities, including, but not limited to, rural areas of  
 1382 opportunity, distressed urban areas, and enterprise zones.

1383 (m) Additional evaluative criteria for alternative and  
 1384 renewable energy proposals, including:

1385 1. The availability of matching funds or other in-kind  
 1386 contributions applied to the total project from an applicant.  
 1387 The Department of Agriculture and Consumer Services shall give  
 1388 greater preference to projects that provide such matching funds  
 1389 or other in-kind contributions.

1390 2. The degree to which the project stimulates in-state  
 1391 capital investment and economic development in metropolitan and  
 1392 rural areas of opportunity, including the creation of jobs and  
 1393 the future development of a commercial market for renewable  
 1394 energy technologies.

1395 3. The extent to which the proposed project has been  
 1396 demonstrated to be technically feasible based on pilot project  
 1397 demonstrations, laboratory testing, scientific modeling, or  
 1398 engineering or chemical theory that supports the proposal.

1399 4. The degree to which the project incorporates an  
 1400 innovative new technology or an innovative application of an  
 1401 existing technology.

1402 5. The degree to which a project generates thermal,  
 1403 mechanical, or electrical energy by means of a renewable energy  
 1404 resource that has substantial long-term production potential.

- 1405           6. The degree to which a project demonstrates efficient  
 1406 use of energy and material resources.
- 1407           7. The degree to which the project fosters overall  
 1408 understanding and appreciation of renewable energy technologies.
- 1409           8. The ability to administer a complete project.
- 1410           9. Project duration and timeline for expenditures.
- 1411           10. The geographic area in which the project is to be  
 1412 conducted in relation to other projects.
- 1413           11. The degree of public visibility and interaction.
- 1414           (7) (a) Within 7 days after evaluating an innovation  
 1415 incentive award proposal pursuant to s. 288.061, the department  
 1416 shall recommend to the Governor approval or disapproval of an  
 1417 award. In recommending an award, the department shall include a  
 1418 memorandum of understanding between the department and the  
 1419 applicant, which shall be incorporated into the final contract,  
 1420 setting forth the conditions for payment of the incentive funds.  
 1421 The memorandum of understanding shall include the total amount  
 1422 of funds awarded; the performance conditions that must be met to  
 1423 obtain the award, including, but not limited to, net new  
 1424 employment in the state, average salary, and total capital  
 1425 investment incurred by the business; a baseline of current  
 1426 service and a measure of enhanced capability; the methodology  
 1427 for validating performance; the schedule of payments; and  
 1428 sanctions for failure to meet performance conditions, including  
 1429 any clawback provisions ~~Upon receipt of the evaluation and~~  
 1430 ~~recommendation from the department, the Governor shall approve~~

1431 ~~or deny an award. In recommending approval of an award, the~~  
1432 ~~department shall include proposed performance conditions that~~  
1433 ~~the applicant must meet in order to obtain incentive funds and~~  
1434 ~~any other conditions that must be met before the receipt of any~~  
1435 ~~incentive funds. The Governor shall consult with the President~~  
1436 ~~of the Senate and the Speaker of the House of Representatives~~  
1437 ~~before giving approval for an award. Upon review and approval of~~  
1438 ~~an award by the Legislative Budget Commission, the Executive~~  
1439 ~~Office of the Governor shall release the funds.~~

1440 (b) The Governor may approve an innovation incentive award  
1441 of less than \$2 million without consulting the Legislature. For  
1442 such awards, the Governor shall provide a written description  
1443 and evaluation of the approved project and a copy of the  
1444 memorandum of understanding between the department and business  
1445 meeting the requirements of paragraph (a) to the chair and vice  
1446 chair of the Legislative Budget Commission, the President of the  
1447 Senate, and the Speaker of the House of Representatives within 1  
1448 business day after approval.

1449 (c) The Governor shall provide a written description and  
1450 evaluation of each innovation incentive award proposal  
1451 recommended for approval for an innovation incentive award that  
1452 equals or exceeds \$2 million to the chair and vice chair of the  
1453 Legislative Budget Commission, the President of the Senate, and  
1454 the Speaker of the House of Representatives at least 14 days  
1455 before giving final approval for an award. The recommendation  
1456 must include a copy of the memorandum of understanding between



1457 the department and business meeting the requirements of  
 1458 paragraph (a). If the chair or vice chair of the Legislative  
 1459 Budget Commission, the President of the Senate, or the Speaker  
 1460 of the House of Representatives timely advises the Executive  
 1461 Office of the Governor in writing that the award of incentive  
 1462 funds exceeds the delegated authority of the Executive Office of  
 1463 the Governor or is contrary to legislative policy or intent, the  
 1464 Executive Office of the Governor shall instruct the department  
 1465 to immediately change action or proposed action.

1466 (d) An amendment, modification, or extension of an  
 1467 executed contract that results in a 0.5 point or greater  
 1468 reduction in the economic benefit ratio of the project may not  
 1469 take effect until it is approved through the approval process in  
 1470 paragraph (c). An amendment, modification, or extension may not  
 1471 be made to an executed contract if such action would result in  
 1472 an economic benefit ratio below 1 to 1.

1473 (8) ~~(a)~~ In addition to the requirements provided in  
 1474 paragraph (7) (a), a contract between the department and an award  
 1475 recipient After the conditions set forth in subsection (7) have  
 1476 been met, the department shall issue a letter certifying the  
 1477 applicant as qualified for an award. The department and the  
 1478 award recipient shall enter into an agreement that sets forth  
 1479 the conditions for payment of the incentive funds. The agreement  
 1480 must include, at a minimum:

- 1481 1. The total amount of funds awarded.
- 1482 2. The performance conditions that must be met in order to

1483 ~~obtain the award or portions of the award, including, but not~~  
 1484 ~~limited to, net new employment in the state, average wage, and~~  
 1485 ~~total cumulative investment.~~

1486 ~~3. Demonstration of a baseline of current service and a~~  
 1487 ~~measure of enhanced capability.~~

1488 ~~4. The methodology for validating performance.~~

1489 ~~5. The schedule of payments.~~

1490 ~~6. Sanctions for failure to meet performance conditions,~~  
 1491 ~~including any clawback provisions.~~

1492 ~~(b) Additionally, agreements signed on or after July 1,~~  
 1493 ~~2009,~~ must include the following provisions:

1494 1. Notwithstanding subsection (4), a requirement that the  
 1495 jobs created by the recipient of the incentive funds pay an  
 1496 annual average wage at least equal to the relevant industry's  
 1497 annual average wage or at least 130 percent of the average  
 1498 private sector wage in the area, whichever is greater.

1499 2. A reinvestment requirement. Each recipient of an award  
 1500 shall reinvest up to 15 percent of net royalty revenues,  
 1501 including revenues from spin-off companies and the revenues from  
 1502 the sale of stock it receives from the licensing or transfer of  
 1503 inventions, methods, processes, and other patentable discoveries  
 1504 conceived or reduced to practice using its facilities in Florida  
 1505 or its Florida-based employees, in whole or in part, and to  
 1506 which the recipient of the grant becomes entitled during the 20  
 1507 years following the effective date of its agreement with the  
 1508 department. Each recipient of an award also shall reinvest up to

1509 15 percent of the gross revenues it receives from naming  
 1510 opportunities associated with any facility it builds in this  
 1511 state. Reinvestment payments shall commence no later than 6  
 1512 months after the recipient of the grant has received the final  
 1513 disbursement under the contract and shall continue until the  
 1514 maximum reinvestment, as specified in the contract, has been  
 1515 paid. Reinvestment payments shall be remitted to the department  
 1516 for deposit in the Biomedical Research Trust Fund for companies  
 1517 specializing in biomedicine or life sciences, or in the Economic  
 1518 Development Trust Fund for companies specializing in fields  
 1519 other than biomedicine or the life sciences. If these trust  
 1520 funds no longer exist at the time of the reinvestment, the  
 1521 state's share of reinvestment shall be deposited in their  
 1522 successor trust funds as determined by law. Each recipient of an  
 1523 award shall annually submit a schedule of the shares of stock  
 1524 held by it as payment of the royalty required by this paragraph  
 1525 and report on any trades or activity concerning such stock. Each  
 1526 recipient's reinvestment obligations survive the expiration or  
 1527 termination of its agreement with the state.

1528 3. Requirements for the establishment of internship  
 1529 programs or other learning opportunities for educators and  
 1530 secondary, postsecondary, graduate, and doctoral students.

1531 4. A requirement that the recipient submit quarterly  
 1532 reports and annual reports related to activities and performance  
 1533 to the department, according to standardized reporting periods.

1534 5. A requirement for an annual accounting to the

1535 department of the expenditure of funds disbursed under this  
 1536 section.

1537 6. A process for amending the agreement.

1538 Section 11. Paragraph (a) of subsection (14) of section  
 1539 196.012, Florida Statutes, is amended to read:

1540 196.012 Definitions.—For the purpose of this chapter, the  
 1541 following terms are defined as follows, except where the context  
 1542 clearly indicates otherwise:

1543 (14) "New business" means:

1544 (a)1. A business or organization establishing 10 or more  
 1545 new jobs to employ 10 or more full-time employees in this state,  
 1546 paying an average wage for such new jobs that is above the  
 1547 average wage in the area, which principally engages in any one  
 1548 or more of the following operations:

1549 a. Manufactures, processes, compounds, fabricates, or  
 1550 produces for sale items of tangible personal property at a fixed  
 1551 location and which comprises an industrial or manufacturing  
 1552 plant; or

1553 b. Is a target industry business as defined in s.  
 1554 288.106(2)(n) ~~288.106(2)(q)~~;

1555 2. A business or organization establishing 25 or more new  
 1556 jobs to employ 25 or more full-time employees in this state, the  
 1557 sales factor of which, as defined by s. 220.15(5), for the  
 1558 facility with respect to which it requests an economic  
 1559 development ad valorem tax exemption is less than 0.50 for each  
 1560 year the exemption is claimed; or

1561           3. An office space in this state owned and used by a  
 1562 business or organization newly domiciled in this state; provided  
 1563 such office space houses 50 or more full-time employees of such  
 1564 business or organization; provided that such business or  
 1565 organization office first begins operation on a site clearly  
 1566 separate from any other commercial or industrial operation owned  
 1567 by the same business or organization.

1568           Section 12. The sum of \$20 million of nonrecurring funds  
 1569 in the State Economic Enhancement and Development Trust Fund and  
 1570 the sum of \$3.8 million of nonrecurring funds in the Economic  
 1571 Development Trust Fund are appropriated to the Department of  
 1572 Economic Opportunity to provide payments and tax refunds  
 1573 pursuant to s. 288.061, Florida Statutes, for programs under ss.  
 1574 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and  
 1575 288.1089, Florida Statutes, for fiscal year 2015-2016. Payments  
 1576 may only be made for projects that meet statutory eligibility  
 1577 requirements. Funds may not be released for any other purpose  
 1578 and may only be disbursed directly to the applicant when  
 1579 projects are certified to have met all contracted performance  
 1580 requirements. Funds provided from the Economic Development Trust  
 1581 Fund represent local matching funds.

1582           Section 13. This act shall take effect July 1, 2015.