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# Appropriations Committee

**Tuesday, February 21, 2017  
1:00 PM – 3:30 PM  
212 Knott Building**

## Meeting Packet

**Richard Corcoran  
Speaker**

**Carlos Trujillo  
Chair**



# The Florida House of Representatives

## Appropriations Committee

**Richard Corcoran**  
Speaker

**Carlos Trujillo**  
Chair

### **AGENDA**

Tuesday, February 21, 2017

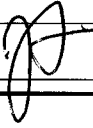
212 Knott Building

1:00 PM – 3:30 PM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair Trujillo
- III. Consideration of the following bill:  
**HB 7005** Economic Programs by Careers & Competition Subcommittee, Renner
- IV. Subcommittee Chairs Report on Budget Exercise
- V. Closing Remarks and Adjournment

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7005      PCB CCS 17-01      Economic Programs  
**SPONSOR(S):** Careers & Competition Subcommittee, Renner  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Careers & Competition Subcommittee	10 Y, 5 N	Willson	Anstead
1) Appropriations Committee		Proctor <i>TP</i>	Leznoff 

### SUMMARY ANALYSIS

The bill eliminates the following economic incentives and economic development programs or offices:

- Enterprise Florida, Inc. (EFI)
- Florida Tourism Industry Marketing Corporation (VISIT FLORIDA)
- Office of Film & Entertainment, and the Entertainment Industry Incentive and Tax Exemption Programs
- The Urban High-Crime Area Job Tax Credit Program
- The Capital Investment Tax Credit Program
- The Florida Small Business Development Center Network
- The Quick Response Training Program
- Qualified Defense Contractor and Space Flight Business Tax Refund Program
- The Qualified Target Industry Tax Refund Program
- The Brownfield Redevelopment Bonus Tax Refund Program
- High-Impact Business Performance Grant Program
- The Economic Gardening Business Loan and Technical Assistance Pilot Programs
- The Quick Action Closing Fund Program
- The Innovation Incentive Fund Program
- The Professional Sports Franchises, Spring Training Franchises, and Sports Development Programs
- The Florida Small Business Technology Growth Program
- The Florida Opportunity Fund
- The Institute for the Commercialization of Public Research
- The Florida Technology Seed Capital Fund
- The New Markets Development Program Act
- The Microfinance Guarantee Program
- The Economic Development Transportation Projects Program (Road Fund)
- The State Economic Enhancement and Development Trust Fund
- The Tourism Promotional Trust Fund
- The Florida International Trade and Promotion Trust Fund

However, the bill allows current certified participants in many of the programs to continue to participate in the programs in accordance with current contract provisions.

The bill provides that all duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to the programs in EFI and VISIT FLORIDA are transferred by a type two transfer to the Department of Economic Opportunity.

The bill was reviewed by the Revenue Estimating Conference on February 10, 2017, and it was determined that for Fiscal Year 2017-18 the bill will have a positive recurring impact to general revenue of \$231.7 million, a positive nonrecurring impact to general revenue of \$57.2 million, a net overall positive recurring revenue impact of \$45.1 million and nonrecurring revenue impact of \$75.7 million.

The bill provides an effective date of July 1, 2017.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

Florida's economic development system is multi-faceted and includes public agencies, non-profit corporations, and private entities at the state, regional, and local level. The Legislature created some of these organizations, while others are units of local government or privately formed associations or alliances. Many of the organizations have similar missions (e.g., encouraging economic development and enhancing the state's business climate) and serve the same constituencies (e.g., in- and out-of-state businesses and the state's economic and workforce development communities). The most prominent of these organizations are Enterprise Florida, Inc. (EFI) and the Department of Economic Opportunity (DEO).<sup>1</sup>

To achieve their economic development missions, EFI and DEO perform numerous activities and collaborate via contracts. DEO serves as the contract manager for agreements with EFI, the Institute for the Commercialization of Public Research, the Florida Defense Support Task Force, the Florida Sports Foundation, Space Florida, and VISIT FLORIDA.<sup>2</sup>

Prior to the creation of EFI, the Department of Commerce and Department of Labor and Employment Security were responsible for the state's economic development activities. In 1996, the Legislature created EFI as a public-private partnership to serve as the state's principal economic development marketing and promotion organization.<sup>3</sup>

To support the ongoing evolution of the state's economic development system, the 2011 Legislature created the Department of Economic Opportunity, transferring functions from the Agency for Workforce Innovation (AWI), Department of Community Affairs (DCA), and Governor's Office of Tourism, Trade, and Economic Development (OTTED) to the new agency.<sup>4</sup> AWI had performed functions related to workforce, unemployment compensation, and early learning services, while DCA was the state's land planning and community development agency. OTTED assisted the Governor in formulating economic development policies and strategies and administered the state's economic programs.<sup>5</sup>

##### **Department of Economic Opportunity**

Three core divisions carry out DEO's objectives and statutory responsibilities: Strategic Business Development, Community Development, and Workforce Services. These divisions help fulfill DEO's statutorily mandated responsibilities, which include:<sup>6</sup>

- ensuring that Florida's goals and policies relating to economic development, community planning and development, workforce development, and affordable housing are fully integrated with appropriate implementation strategies;
- recruiting new businesses to Florida and promoting the expansion of businesses by expediting permitting and location decisions, worker placement and training, and incentive awards;
- promoting viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities;

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<sup>1</sup> OPPAGA, Report No. 16-09, Agency Review-Enterprise Florida, Inc., and Department of Economic Opportunity, p.6 (December 2016)

<sup>2</sup> *Id.* s. 20.60(9)(b), F.S.

<sup>3</sup> *Id.* at 7.

<sup>4</sup> Chapter 2011-142, Laws of Fla. DEO began operations in October 2011.

<sup>5</sup> OPPAGA, Report No. 16-09, p.7

<sup>6</sup> OPPAGA, Report No. 16-09, p.24



- coordinating with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval; and
- managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of various programs.<sup>7</sup>

DEO derives most of its funding from federal sources and transfers a significant portion to other entities. In Fiscal Year 2015-16, DEO's total budget was \$1.08 billion and the majority (\$679 million, 63%) of this funding was from federal sources. Most of DEO's total budget (\$816.4 million, 75%) was transferred to other entities. For example, \$283 million was transferred to fund local workforce boards, \$105 million supported housing programs administered by Florida Housing Finance Corporation, \$74 million went to VISIT FLORIDA, and \$25 million went to EFI.<sup>8</sup> Between Fiscal Year 2012-13 and Fiscal Year 2015-16, EFI's legislative appropriation increased by 56.3% (\$9 million), while DEO's appropriation decreased by 16.4% (\$207.7 million).<sup>9</sup>

### **Enterprise Florida, Inc.**

EFI is a nonprofit corporation established by the Legislature to serve as the state's main economic development organization.<sup>10</sup> EFI is required to enter into a performance-based contract with DEO, which includes annual measurements of the performance of EFI.<sup>11</sup> EFI is governed by a board of directors chaired by the Governor.

As a public-private partnership, EFI is expected to obtain private sector support to help pay for its operational costs. According to state law, the agency's legislative appropriations must be matched with private sector support equal to at least 100% of state operational funding.<sup>12</sup> Under state law, private sector support includes:

- cash given directly to EFI for its operations, including contributions from at-large members of the board of directors;
- cash donations from organizations assisted by EFI's divisions;
- cash jointly raised by EFI, private local economic development organizations, a group of such organizations, or a statewide private business organization that supports collaborative projects;
- cash generated by fees charged for products or services of EFI and its divisions by sponsorship of events, missions, programs, and publications; and
- copayments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida or its divisions.

According to a recent report<sup>13</sup> published by the Office of Program Policy Analysis and Government Accountability (OPPAGA), state funding has always far exceeded private sector funding.<sup>14</sup> Specifically, private sector cash contributions during the review period<sup>15</sup> rarely exceeded \$2 million, while state appropriations averaged about \$20 million per year. Funds from other private sources (e.g., event revenue, other income) averaged approximately \$2.7 million per year.

<sup>7</sup> s. 20.60(4)(b)(f), F.S.

<sup>8</sup> OPPAGA, Report No. 16-09, p.24.

<sup>9</sup> OPPAGA, Report No. 16-09, p.8.

<sup>10</sup> s. 288.901, F.S. Chapter 92-277, Laws of Fla., created EFI, while ch. 96-320, Laws of Fla, established EFI as a public-private partnership.

<sup>11</sup> Section. 20.60(1), F.S., requires DEO to "establish annual performance standards for Enterprise Florida, Inc., CareerSource Florida, Inc., the Florida Tourism Industry Marketing Corporation, and Space Florida and report annually on how these performance measures are being met".

<sup>12</sup> s. 288.904(2)(a), F.S.

<sup>13</sup> OPPAGA, Agency Review-Enterprise Florida, Inc., and Department of Economic Opportunity, Report No. 16-09 (December 2016).

<sup>14</sup> OPPAGA Report No. 16-09, p. 19.

<sup>15</sup> Review period was Fiscal Year 2012-2013 through Fiscal Year 2015-2016.

EFI works with businesses and economic development partners to determine whether projects are eligible for state economic development incentives. A project must be vetted by EFI and EFI must determine that incentives are necessary to secure a deal in order for an incentive package to be developed and sent to DEO for further review. Once the incentive package is finalized, DEO and other appropriate state bodies issue formal approvals.

EFI has the following duties:

- Responsibly and prudently manage all public and private funds received, and ensure that the use of such funds is in accordance with all applicable laws, bylaws, or contractual requirements;
- Administer certain programs;
- Prepare an annual report;
- Prepare, in conjunction with DEO, an annual incentives report;
- Assist DEO with the development of an annual and a long-range strategic business blueprint for economic development; and
- In coordination with CareerSource Florida, Inc., identify education and training programs that will ensure that Florida businesses have access to a skilled and competent workforce necessary to compete successfully in the domestic and global marketplace.

The Legislature provides an annual appropriation to EFI for its operations. EFI is required to have divisions related to:

- International Trade and Business Development,
- Business Retention and Recruitment, Tourism Marketing;
- Minority Business Development; and
- Sports Industry Development.

The board of directors of EFI is comprised of nineteen members: seven from the public sector and twelve from the private sector.<sup>16</sup> The seven members of the board from the public sector include the following: the Governor or the Governor's designee; the Commissioner of Education or his or her designee; the Chief Financial Officer or his or her designee; the Attorney General or his or her designee; the Commissioner of Agriculture or his or her designee; the chairperson of the board of directors for CareerSource Florida, Inc.; and the Secretary of State or his or her designee.

Of the twelve members from the private sector, the Governor appoints six<sup>17</sup> and the President of the Senate and Speaker of the Florida House of Representatives each appoint three. Such members are appointed to four year terms and must include at least one director for each of the following areas of expertise:<sup>18</sup> international business; tourism marketing; the space or aerospace industry; managing or financing a minority-owned business; manufacturing; finance and accounting; and sports marketing. In addition, the President of the Senate must appoint a member of the Senate and the Speaker of the House must appoint a member of the House of Representatives, both of which serve as ex officio members.<sup>19</sup> The board must meet at least four times each year, upon the call of the chairperson, at the request of the vice chairperson, or at the request of a majority of the membership. A majority of the total number of current voting members constitutes a quorum.<sup>20</sup>

Florida law directs the board of directors to "integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and

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<sup>16</sup> s. 288.901(5), F.S.

<sup>17</sup> Members appointed by the Governor are subject to Senate confirmation. s. 288.901(5)(a), F.S.

<sup>18</sup> s. 288.901(5)(b), F.S.

<sup>19</sup> s. 288.901(7), F.S.

<sup>20</sup> s. 288.901(8), F.S.

collaborative effort to reinvigorate the state's economy."<sup>21</sup> To that end, Florida law authorizes the Board to:

- secure funding for its programs and activities from federal, state, local, and private sources and from fees charged for services and published materials;
- solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property and make expenditures;
- make and enter into contracts and other instruments necessary or convenient with its powers and functions;
- elect or appoint officers, employees, and agents as required for its activities and for its divisions;
- carry forward any unexpended state appropriations into succeeding fiscal years;
- create and dissolve advisory councils, working groups, task forces, or other similar organizations, as necessary to carry out its mission;
- establish an executive committee consisting of the chairperson or a designee, the vice chairperson, and as many additional members of the board of directors as the board deems appropriate (with a minimum of five members);
- sue and be sued, and appear and defend all actions and proceedings;
- adopt, use, and alter a common corporate seal for EFI and its divisions;
- adopt, amend, and repeal bylaws;
- acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, royalties, and other rights or interests;
- use the state seal when appropriate for standard corporate identity applications; and
- procure insurance or require bond against any loss in connection with the property of EFI.<sup>22</sup>

### **Florida Tourism Industry Marketing Corporation (VISIT FLORIDA)**

The Florida Tourism Industry Marketing Corporation dba VISIT FLORIDA (VF) is a nonprofit corporation established by the Florida Legislature to serve as a direct support organization of EFI.<sup>23</sup> Florida law requires that EFI contract with VF "to execute tourism promotion and marketing services, functions, and programs for the state."<sup>24</sup>

EFI, in conjunction with DEO, appoints VF's 31-member board of directors. The board, which meets three times per year, provides guidance, input and insight into the evolution and development of programs, processes, and messages; acts as a steering council for various committees; and works directly with VF executive staff to guide strategy.

VF's primary responsibilities include:

- administering domestic and international advertising campaigns;
- conducting research on tourism and travel trends;
- conducting domestic and international marketing activities; and
- managing the state's welcome centers.

VF also administers a number of small grant programs that provide organizations and state agencies funding for certain tourism-related activities, including convention grants for attracting national conferences and conventions to Florida.<sup>25</sup> Grant funds total less than \$2 million per year.

VF administers a cooperative advertising matching grants program whereby VF makes expenditures and enters into contracts with certain local governments and nonprofit corporations for the purpose of

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<sup>21</sup> s. 288.9015(1), F.S.

<sup>22</sup> s. 288.9015(2), F.S.

<sup>23</sup> s. 288.1226(2), F.S.

<sup>24</sup> s. 288.923(3), F.S.

<sup>25</sup> s. 288.124, F.S.

publicizing the tourism advantages of the state.<sup>26</sup> The total annual allocation of funds for this grant program may not exceed \$40,000. Each grant awarded under the program is limited to no more than \$2,500 and must be matched by nonstate dollars. Grants are restricted to local governments and nonprofit corporations serving and located in municipalities having a population of 50,000 persons or less or in counties with an unincorporated area having a population of 200,000 persons or less.<sup>27</sup>

VF collaborates with Florida is For Veterans, Inc. to market the state to veterans as a permanent home and improve veterans' knowledge of and access to benefits.<sup>28</sup> VF is required to expend \$1 million annually on the research marketing campaign through a combination of existing funds appropriated to VF by the Legislature and private funds.<sup>29</sup>

VF operates the state's five official welcome centers. Four welcome centers are located along the main travel corridors leading into the state and the fifth welcome center operates in the Capitol Complex in Tallahassee. The Department of Transportation owns the buildings that house the four highway welcome centers, but the centers are staffed and managed by VF.

In a recent study, OPPAGA found that it is difficult to distinguish VF's influence from that of other entities that engage in similar tourism marketing activities. VF focuses much of its efforts on statewide tourism goals such as increasing total visitors and visitor spending in the state. As a result, these same indicators are often used to promote VF's success in positioning Florida as the top travel destination in the world. However, numerous other entities also actively promote the state. State agencies, county governments, the federal government, and the private sector all engage in tourism promotional activities, including statewide marketing. Moreover, county governments and private businesses specifically market local attractions and destinations.<sup>30</sup>

### **Economic Development Incentives**

Florida has a number of incentive programs intended to promote economic development in the state. These programs come in a variety of forms including tax refunds, tax credits, tax exemptions, and cash grants.

Businesses interested in expanding or relocating in Florida learn about the state's economic incentive programs through several channels, including EFI, state and local economic development organizations, and private site selection consultants. EFI provides businesses a variety of services prior to application filing, including evaluating businesses' needs, identifying potential site locations, and providing information on state and local incentives that might aid businesses with expansion or relocation projects. EFI also helps businesses complete the incentive application. Businesses can apply for more than one incentive to support their expansion or relocation projects.<sup>31</sup>

Once a company begins the application process, EFI notifies the division so that it may begin the formal due diligence process to determine the business's statutory eligibility and financial standing. The due diligence process has two levels. Level one due diligence is conducted for all incentive applications and includes determining whether the company satisfies statutory criteria for program participation and if the business is in good financial and legal standing. Level two due diligence is used for grant incentive programs and considers the business's credit risk and other factors that could affect its ability to repay the state should it be unable to meet incentive performance requirements.<sup>32</sup>

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<sup>26</sup> s. 288.017, F.S.

<sup>27</sup> s. 288.017(2), F.S.

<sup>28</sup> s. 295.23, F.S. Veterans research and marketing campaign.

<sup>29</sup> *Id*

<sup>30</sup> OPPAGA, Report No. 15-01, Florida Economic Development Program Evaluations-Year 2 (January 1, 2015)

<sup>31</sup> OPPAGA, Report No. 16-09, p. 50-51.

<sup>32</sup> *Id*.

When due diligence is complete, division staff review the application for completeness; if the application is not complete, the applicant is notified and additional information is requested. Once the application is deemed complete, the division determines what incentives and associated amounts may be available to the applicant and makes an approval or disapproval recommendation to DEO's executive director. The executive director will make a decision within 10 business days and will issue a letter of certification to the applicant. DEO will develop a contract or agreement with the applicant that specifies the total incentive amount, performance conditions that must be met to receive payment, payment schedule, and sanctions for failure to meet performance conditions.<sup>33</sup>

Businesses found to be out of compliance with performance requirements may be subject to penalties (e.g., clawback provisions) or could be terminated from the incentive program. The division currently uses a third-party contractor to process incentive payment claims. The contractor must review each claim to assess the appropriateness and completeness of the documentation for three performance areas: (1) employment, wages, and benefits; (2) capital expenditures; and (3) tax payments. Payments are contingent upon the contractor's determination that the company has met performance requirements.<sup>34</sup>

Category	Tax Refunds	Tax Credits	Tax Exemptions	Cash Grants
<b>Type of Incentive</b>	Refund of taxes paid, as outlined in a performance-based contract.	Credit against taxes owed.	Exemption from taxes owed.	Grant with a performance-based contract to business.
<b>Claim Process</b>	<ul style="list-style-type: none"> <li>· Company pays taxes</li> <li>· State confirms tax payments and validates performance</li> <li>· State issues refund check</li> </ul>	<ul style="list-style-type: none"> <li>· Company claims credit on state corporate income tax return after meeting program requirements</li> <li>· State confirms jobs and investment (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>· Company is issued tax exemption permit from Florida Department of Revenue</li> <li>· A permit is presented to seller</li> <li>· Seller exempts sales tax on transaction</li> </ul>	<ul style="list-style-type: none"> <li>· Business satisfies a term of the agreement</li> <li>· State verifies</li> <li>· State issues check</li> </ul>
<b>Revenue Source</b>	Annual appropriation	Foregone revenue (no appropriation)	Foregone revenue (no appropriation)	Annual appropriation

35

## Tax Credits, Tax Refunds, Cash Grants

### Qualified Target Industry Tax Refund Program (QTI)

The Qualified Target Industry (QTI) Tax Refund Program was established in 1995 to attract new high quality, high wage jobs for Floridians.<sup>36</sup> Tax refunds are made to qualifying, pre-approved businesses creating new jobs within Florida's target industries. All QTI projects include a performance-based contract with the state, which outlines specific milestones that must be achieved and verified by the

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> DEO, 2015-2016 Annual Incentives Report, p. 7. Section 288.907, F.S., requires EFI, in conjunction with DEO, to provide a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs marketed by EFI.

<sup>36</sup> s. 288.061(1), F.S.

state prior to payment of refunds. Unless waived by the Department of Economic Opportunity, 20% of the award must come from the local city or county government in which the project is located.<sup>37</sup>

A project must propose to create at least ten new jobs, or in the case of a business expansion, must result in a net increase in employment of at least 10% at that business. The jobs proposed to be created or retained must pay an average annual wage of at least 115% of the average private sector wage in the area where the business is located, or the statewide private sector average wage. The amount of the refund is based on the average wages paid by the business, number of jobs created, and where in the state the eligible business chooses to locate or expand. The minimum tax refund is \$3,000 per employee, and the maximum amount is \$11,000 per employee over the term of the incentive agreement. Jobs created in rural communities and enterprise zones, as well as those paying higher annual average wages, are eligible for more incentives.

The average annual wage for the State of Florida was approximately \$46,000 during calendar years 2013 to 2015. EDR's review of wages showed that the actual wage of the QTI projects were much greater than 115 percent of the average annual wage in the state. In most years, wages were higher than 135 percent of the statewide average annual wage; however, this was down from the 150 percent seen in EDR's original review in 2014. Higher than average wages leads to higher output being associated with the projects, and that, in turn, generates more revenue for the State of Florida.<sup>38</sup>

The original ROI in 2014 strongly benefited from producing more employees than contracted for during the window. During EDR's most recent review, the number of jobs confirmed was slightly less than the number of jobs committed. This placed downward pressure on the ROI relative to 2014. The ROI for the QTI Tax Refund Program is projected at 4.4, which is down from the prior ROI projected at 6.4. For every dollar spent on new high quality, high wage jobs in Florida's target industries, the state of Florida received \$4.40 back in tax revenue.<sup>39</sup>

### **Qualified Defense Contractor and Space Flight Tax Refund (QDSC)**

In 1996, the Legislature implemented the Qualified Defense Contractor and Space Flight Business Tax Refund Program (QDSC) to create and retain high quality, high wage jobs for Floridians in the defense and space industries.<sup>40</sup> Historically, the program was designed to protect the state's defense businesses and jobs from reductions in federal defense spending.<sup>41</sup> The program provides tax refunds for job creation similar to those awarded through the Qualified Target Industry Tax Refund Program (QTI). However, the programs differ in that tax refunds under the QDSC program are paid for both created and retained jobs. In addition, QDSC program participation is limited to certain defense and space flight contractors, while QTI includes a wider range of industries.<sup>42</sup> Incentive awards range from \$3,000 to \$8,000 per job.<sup>43</sup>

QDSC tax refunds were provided to qualifying businesses bidding on new competitive contracts or consolidating existing defense or space flight business contracts, converting defense production jobs to nondefense production jobs, or reusing defense-related facilities. A business could not apply for

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<sup>37</sup> s. 288.106(1)(j), F.S.

<sup>38</sup> EDR, Economic Evaluation for Select State Economic Development Incentive Programs, p. 17 (January 2017).

<sup>39</sup> *Id.* at 2.

<sup>40</sup> s. 288.1045, F.S.

<sup>41</sup> The 2008 Legislature amended the program to include space flight businesses (ch. 2008-89, Laws of Fla.).

<sup>42</sup> According to state law, a program applicant is a business that holds or is a subcontractor under a valid U.S. Department of Defense contract or space flight contract, or a business entity that holds a valid contract for the reuse of a defense-related facility.

<sup>43</sup> s. 288.1045, F.S. The per-job award increases from the \$3,000 base when wages exceed 150 percent of the area or statewide annual wage, and when projects are located in specified locations. These included a rural county, an Enterprise Zone, or until 6/30/14, in any of the eight counties that were disproportionately affected by the BP Gulf Oil Spill: Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Walton and Wakulla Counties. From 7/1/11 through 6/30/14, DEO could waive wage or local financial support eligibility requirements for Disproportionately Affected Counties.

the tax refund after submitting a proposal or deciding to consolidate a defense or space flight contract. Businesses seeking to qualify for the program were required to meet several requirements including deriving not less than 60% of gross receipts in the state from defense or space flight business contracts over the last fiscal year and over the five years preceding the date an application was submitted; creating net new Florida jobs;<sup>44</sup> paying an annual average wage of at least 115% of the average wage in the area where the project was located; and providing a local government resolution of financial support amounting to 20% of the total tax refund.

The QDSC program was a performance-based incentive tied directly to defense or space flight business contracts. Businesses qualified for the program in three ways:

- contract or subcontract consolidations that resulted in either a 25 percent increase in employment or at least 80 new Florida jobs;
- defense production conversion projects that resulted in a net increase in nondefense employment at the applicant's facilities in Florida; or
- reuse projects that resulted in the creation of at least 100 jobs for contracts with a duration of two or more years.<sup>45</sup>

The QDSC program was a grant program subject to annual appropriation, with the grant award determined by the interaction between the number of qualifying employees, geographic location of the jobs, and certain taxes paid to both state and local governments. Each QDSC project had a performance-based contract, which outlined specific milestones that must be achieved and verified by the state prior to payment of funds. For businesses engaged in competing for private space flight contracts, other incentives offered by Space Florida such as special conduit financing, conduit construction, and infrastructure improvements may be more important to the business than this type of incentives because these businesses may pay relatively little in the eligible taxes.<sup>46</sup>

Since the QDSC tax refund program's inception 33 applications have been approved. Of those 33 approved applications, three remain active.<sup>47</sup> In Fiscal Year 2013-2014, \$3,208,000 in QDSC tax refund program incentives were awarded.<sup>48</sup>

The QDSC program expired July 1, 2014.<sup>49</sup> However, existing tax refund agreements continue to be in effect in accordance with contract terms.

### **Brownfield Redevelopment Bonus Refund**

The Brownfield Redevelopment Bonus Refund was established in 1997 to improve economic activity in designated Brownfield areas.<sup>50</sup> These areas are designated by the respective community for the presence or perceived presence of economic blight or environmental contamination. Legislation passed in 2013 changed the Brownfield Redevelopment Bonus Tax Refund requirements so that projects only qualify if the project is either on a parcel designated as a Brownfield site or on any real property abutting the Brownfield site within a Brownfield area. Prior to 2013, projects qualified if the development was simply within a Brownfield area.

As with the QTI and QDSC programs, the Brownfield program requires 20 percent of the award to come from the local government. These incentives are grant programs, subject to annual

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<sup>44</sup> A project consolidating a U.S. Department of Defense contract must increase employment by at least 25% or create at least 80 new jobs; reuse projects must result in the creation of at least 100 jobs; defense production conversion projects must result in net increases in nondefense production jobs; and space flight business contracts or consolidation projects must result in net increases in space flight business employment.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 24.

<sup>47</sup> DEO, 2015-2016 Annual Incentives Report, p. 24.

<sup>48</sup> *Id.* at 19.

<sup>49</sup> s. 288.1045, F.S.

<sup>50</sup> s. 288.107, F.S.

appropriations. The Brownfield Redevelopment Bonus Refund allows eligible businesses to claim an additional \$2,500 tax refund per employee for each new Florida job created in a Brownfield area eligible for bonus refunds.

Eligible businesses include: certified QTI businesses; businesses that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas eligible for bonus refunds, and that provides benefits to its employees.

As with other programs, the Brownfield program requires performance-based contracts and specific milestones to be met in order for a project to receive awards.

The program is funded through a specific annual appropriation. DEO reported that \$2.6 million in maximum rewards was approved in Fiscal Year 2013-2014, with an additional \$875,000 in maximum awards for the Brownfield Bonus with QTI. Additionally, the department reported that of the 59 contracts executed from the beginning of the program to June 30, 2014, 33 contracts are active and 9 contracts were successfully completed. For the Brownfield Bonus with QTI, there are 103 contracts executed in the same timeframe with 40 active contracts and 6 completed.<sup>51</sup>

Currently, an applicant may not be certified as qualified under this section after June 30, 2020. However, a tax refund agreement existing on that date shall continue in effect in accordance with its terms.

### **Urban High-Crime Area Job Tax Credit Program**

In 1997, the Legislature created the program to encourage job creation in certain urban high-crime areas. The Urban High-Crime Area Job Tax Credit Program provides job tax credits to businesses that are in specified industries and are located in designated urban areas of the state.<sup>52</sup> Businesses can use the credits to reduce sales and use tax or corporate income tax liability.

Eligible industries include agriculture, forestry, and fishing; manufacturing; retail; public warehousing and storage; hotels and other lodging places; research and development; motion picture production and allied services; public golf courses; amusement parks, and call centers or similar customer service operations that service multistate or international markets.<sup>53</sup>

DEO is responsible for determining whether areas nominated by local governments are eligible for designation as a high-crime area.<sup>54</sup> Every third year, the department is statutorily required to rank and tier nominated areas according to five criteria:<sup>55</sup>

- Highest arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, vandalism, and civil disturbances.
- Highest reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism.
- Highest percentage of reported index crimes that are violent in nature.
- Highest overall index crime volume for the area.
- Highest overall index crime rate for the geographic area.

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<sup>51</sup> The amount approved in any fiscal year may exceed the statutory cap, but payments in any fiscal year will not exceed the cap.  
<sup>52</sup> s. 212.097, F.S.

<sup>53</sup> OPPAGA, Research Memorandum, Urban High-Crime Area Job Tax Credit Program, p. 1 (January 5, 2015).

<sup>54</sup> *Id.* The local government must provide DEO the (a) overall index crime rate for the geographic area; (b) overall index crime volume for the area; (c) percentage of reported index crimes that are violent in nature; (d) reported crime volume and rate of specific property crimes such as business and residential burglary, motor vehicle theft, and vandalism; and (e) arrest rates within the geographic area for violent crime and for such other crimes as drug sale, drug possession, prostitution, disorderly conduct, vandalism, and other public-order offenses.

<sup>55</sup> *Id.*



Designated urban high-crime areas are ranked into three tiers. There is no threshold level of crime that qualifies or disqualifies an area for designation as an urban high-crime area; instead, nominees ranked 1 to 5 are tier one, those ranked 6 to 10 are tier two, and those ranked 11 to 15 are tier three. The tax credit amount awarded to an eligible business varies depending on the tier ranking of the area in which the business is located, whether the business is new or existing, and the number of qualified employees. A qualified employee must work for an eligible business at least 36 hours per week for at least three months.<sup>56</sup>

<b>Tier</b>	<b>Eligibility Requirements</b>	<b>Credit Amount<sup>57</sup></b>
Tier 1	<ul style="list-style-type: none"> <li>• New business – At least 10 qualified employees</li> <li>• Existing business – At least 5 qualified employees</li> </ul>	\$1,500 per employee
Tier 2	<ul style="list-style-type: none"> <li>• New business – At least 20 qualified employees</li> <li>• Existing business – At least 10 qualified employees</li> </ul>	\$1,000 per employee
Tier 3	<ul style="list-style-type: none"> <li>• New business – At least 30 qualified employees</li> <li>• Existing business – At least 15 qualified employees</li> </ul>	\$500 per employee

In 2015, OPPAGA found that no new areas have been nominated since program inception and DEO did not reevaluate designated area rankings as required by state law. Section 212.097(1)(e), F.S., requires DEO to rank and tier nominated urban high-crime areas using prioritized statutory criteria pertaining to crime every three years. However, this statutory provision was not followed between 1997 and August 2014. OPPAGA noted that, without periodic reevaluation of crime data within the designated areas, it is impossible to verify the ongoing accuracy of the area rankings; it is possible that such an analysis would have resulted in areas changing tiers (e.g., a shift from tier 1 to tier 2 if an area’s crime rate significantly declined). After DEO’s August 2014 data request, three areas changed tier—Jacksonville (from 1 to 2), Pompano Beach (from 2 to 3), and St. Petersburg (from 3 to 1).<sup>58</sup>

According to program officials, rather than reevaluating the designated areas as required by state law, they surveyed area representatives about their willingness to submit updated crime data. These officials reported that most areas declined to provide updated information, citing the onerous process of gathering the data. In addition, the department’s general counsel advised program officials that DEO has no statutory authority to compel areas to provide the crime data, and areas that did not comply should be moved to the bottom of the priority list. The department has no documentation of this internal policy.<sup>59</sup>

The maximum credit amount that may be approved during any calendar year is \$5 million, of which \$1 million shall be exclusively reserved for tier-one areas.<sup>60</sup> The Department of Revenue, in conjunction with the Department of Economic Opportunity, shall notify the governing bodies in areas designated as urban high-crime areas when the \$5 million maximum amount has been reached. Applications must be considered for approval in the order in which they are received without regard to whether the credit is for a new or existing business. This limitation applies to the value of the credit as contained in approved applications. Approved credits may be taken in the time and manner allowed pursuant to this section.

<sup>56</sup> *Id* at 2.

<sup>57</sup> s. 212.097, F.S. A new or existing business will receive an additional \$500 credit if the qualified employee is a welfare transition program participant.

<sup>58</sup> OPPAGA, Research Memorandum, Urban High-Crime Area Job Tax Credit Program, p. 3 (January 5, 2015).

<sup>59</sup> *Id* at 3.

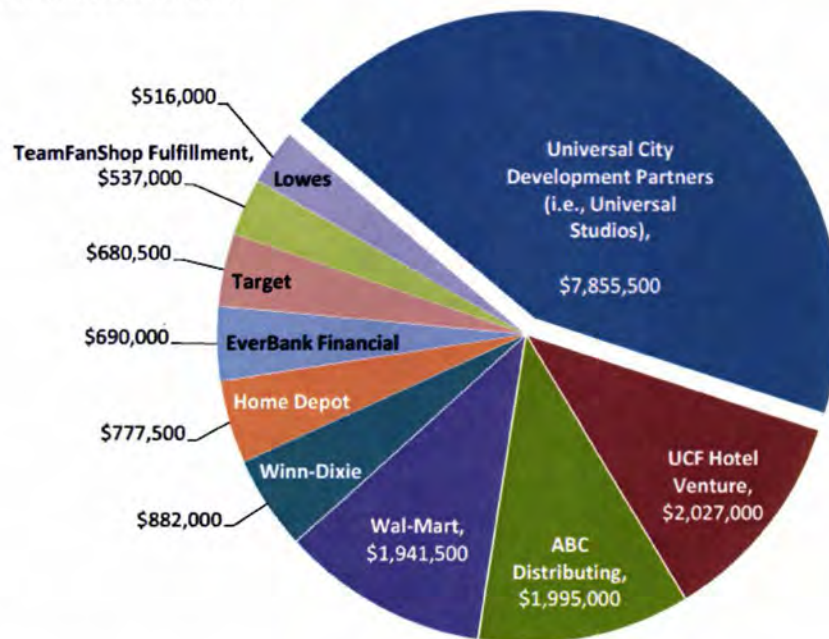
<sup>60</sup> s. 212.097(10)(c), F.S.

Between 1999 and 2015, the Urban High-Crime Area Job Tax Credit Program approved \$26,741,000 in tax credits. Annual credits have typically been well below the \$5 million cap over this period.<sup>61</sup>

Approvals, Jobs Created and Amount of Tax Credits (1999-2015).<sup>62</sup>

Calendar Year	Number of Approvals	Number of Jobs Created	Amount of Tax Credits
2015	15	1,221	\$1,644,500
2014	13	1,487	\$2,069,500
2013	7	1,056	\$1,172,500
2012	5	1,672	\$2,460,500
2011	12	589	\$790,500
2010	11	893	\$1,259,500
2009	18	803	\$855,000
2008	16	569	\$517,500
2007	10	587	\$654,000
2006	16	981	\$1,014,000
2005	11	2,044	\$1,761,000
2004	18	938	\$1,053,500
2003	14	1,184	\$1,069,000
2002	19	2,856	\$2,673,500
2001	22	2,214	\$2,486,500
2000	9	4,109	\$4,999,500
1999	5	221	\$260,500
<b>Totals</b>	<b>221</b>	<b>23,424</b>	<b>\$26,741,000</b>

Between January 1, 1999, and October 31, 2014, a small number of businesses account for over 70% of the approved tax credits. Universal City Development Partners (i.e., Universal Studios) received the most approved credits, or nearly \$8 million (44%).<sup>63</sup> Ten companies accounted for the majority of tax credits, as follows.<sup>64</sup>



OPPAGA staff surveyed urban high-crime area job tax credit recipients to better understand businesses' experiences with the program, the role the incentives played in location and expansion decisions, and recipients' perceptions regarding crime in the areas around their businesses. Surveys were sent to 19 businesses that DEO identified as having received program tax credits during the

<sup>61</sup> DEO, 2015-2016 Annual Incentives Report, p. 40

<sup>62</sup> *Id.*

<sup>63</sup> OPPAGA, Research Memorandum, Urban High-Crime Area Job Tax Credit Program, p. 4 (January 5, 2015).

<sup>64</sup> *Id.*

study period. OPPAGA received responses from five of the businesses. Most of the businesses reported that the urban high-crime area job tax credits were not a factor in their decisions. Regarding crime, most of the businesses noted that their perception of crime in the area around their businesses is that it has remained about the same over the study period.<sup>65</sup>

The ROI for the Urban High-Crime Area Tax Credit was 0.07. For every \$1.00 spent on this program, the state of Florida received \$0.07 back in tax revenue.<sup>66</sup>

### **Capital Investment Tax Credit (CITC)**

The Capital Investment Tax Credit (CITC) is designed to attract and grow capital-intensive industries in Florida.<sup>67</sup> Eligible projects must be in designated high-impact portions of certain sectors, determined by the DEO, including clean energy, biomedical technology, financial services, information or silicon technology, or transportation equipment manufacturing. Corporate headquarters facilities are also eligible. The DEO reported that \$21.5 million in tax credits were claimed in 2014, and \$30.7 million claimed in 2015.<sup>68</sup> The annual credit can be provided for up to twenty years against corporate income tax liability.

To apply for the CITC, a business must meet cumulative capital investment requirements, among other criteria. For the purposes of the CITC tax credit “cumulative capital investment” is defined as the total capital investment in land, buildings, and equipment made in connection with a qualifying project during the period from the beginning of construction of the project to the commencement of operations.

The ROI for the CITC program is projected at 0.43, which is down from the prior ROI projected at 2.3. For every dollar spent to attract and grow capital-intensive industries, the state of Florida received \$0.43 back in tax revenue.

### **New Markets Development Program**

In 2009, the Legislature passed the New Markets Development Program Act (NMDP).<sup>69</sup> The program, which is modeled after the federal New Markets Tax Credit Program, allows taxpayers to earn credits against specified taxes by making qualified investments in qualified community development entities that, in turn, invest in businesses in low-income communities to create and retain jobs in such communities.<sup>70</sup>

Qualified community development entities apply to DEO for approval of a proposed investment as a qualified investment.<sup>71</sup> A qualified community development entity is a federally-certified Community Development Entity, which has entered into an allocation agreement with the U.S. Department of Treasury with respect to tax credits and is authorized under the allocation agreement to serve Florida businesses.<sup>72</sup> A qualified investment is an equity investment in, or a long-term debt security issued by, a qualified community development entity that is issued solely in exchange for cash and is approved by DEO.<sup>73</sup> Often, the equity investor will make its investment with the help of a loan.<sup>74</sup>

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<sup>65</sup> *Id* at 8.

<sup>66</sup> EDR, Return on Investment for The Urban High-Crime Area Job Tax Credit Program, p. 8 (1/1/2015).

<sup>67</sup> s. 220.191, F.S.

<sup>68</sup> DEO, 2015-2016 Annual Incentives Report, p. 20.

<sup>69</sup> ch. 2009-50, Laws of Fla.

<sup>70</sup> s. 288.9912, F.S.

<sup>71</sup> s. 288.9914, F.S.

<sup>72</sup> s. 288.9913(6), F.S.

<sup>73</sup> s. 288.9913(7), F.S.

<sup>74</sup> The loan allows the taxpayer to make a larger investment, to in turn receive a greater amount of tax credits through the program. Current law does not dictate where the loan must come from. Accordingly, the loan may come from an affiliate of the qualified active low income community business.

The applications, which DEO reviews and approves on a first-come first-serve basis,<sup>75</sup> must include the following:

- the name, address, and tax identification number of the qualified community development entity;
- proof of certification as a qualified community development entity under 26 U.S.C. s. 45D;
- a copy of an allocation agreement executed by the qualified community development entity, or its controlling entity, and the Community Development Financial Institutions Fund, which authorizes the entity to serve businesses in this state;
- a verified statement by the chief executive officer of the entity that the allocation agreement remains in effect;
- a description of the proposed amount, structure, and purchaser of an equity investment or long-term debt security;
- the name and tax identification number of any person authorized to claim a tax credit earned as a result of the purchase of the proposed qualified investment;
- a detailed explanation of the proposed use of the proceeds from a proposed qualified investment;
- a nonrefundable application fee of \$1,000, payable to the department; and
- a statement that the entity will invest only in the industries designated by the department.<sup>76</sup>

Once DEO has approved the qualified investment, the taxpayer is eligible to receive tax credits, and the qualified community development entities can invest the proceeds received from the qualified investment in a qualified active low-income community business (up to \$10 million per qualified active low-income community business).<sup>77</sup> A qualified active low-income community business is a business that, among other requirements, derives at least 50% of its total gross income from within a low-income community.<sup>78</sup> A low-income community means a population census tract within the state with a particular poverty rate or average median family income (depending on where the tract is).<sup>79</sup>

Taxpayers that make a qualified investment in qualified community development entities may receive tax credits against the corporate income tax found in s. 220.11, F.S. or the insurance premium tax found in s. 624.509, F.S. The taxpayer may not claim the credit in the first two years after the investment. In year three after the investment, the credit is worth 7% of the qualified investment, and from the fourth year through the seventh year the credit is worth 8%. As in the federal program, over seven years the credit totals 39% of the total qualified investment in the qualified community development entity. Therefore, a taxpayer with qualified investments approved for both the federal and state programs could receive 78% of the purchase price of the investment in tax credits over seven years.<sup>80</sup>

Any unused portion of the tax credit may be carried forward for future tax years; however, all tax credits expire on December 31, 2022.<sup>81</sup> Moreover, the department may not approve a cumulative amount of qualified investments that may result in the claim of more than \$216.34 million in tax credits during the existence of the program or more than \$36.6 million in tax credits in a single state fiscal year.<sup>82</sup>

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<sup>75</sup> s. 288.9914(3), F.S.

<sup>76</sup> s. 288.9914(2), F.S.

<sup>77</sup> s. 288.9915, F.S.

<sup>78</sup> s. 288.9913(5), F.S.

<sup>79</sup> s. 288.9913(3), F.S.

<sup>80</sup> See s. 288.9916(1), F.S.

<sup>81</sup> s. 288.9922, F.S.

<sup>82</sup> s. 288.9914(3)(c), F.S.

Qualified community development entities must follow certain time limits relating to qualified investment applications and issuance.<sup>83</sup>

- The department must approve or deny an application for a proposed investment to become a qualified investment within thirty days after receipt. If the department intends to deny an application, the department must inform the applicant of the basis of the proposed denial. The applicant then has fifteen days after it receives such notice to submit a revised application to the department. The department must issue a final order approving or denying the revised application within thirty days after receipt of the revised application.
- A qualified community development entity must issue a qualified investment in exchange for cash within sixty days after it receives the order approving an investment as a qualified investment.
- A qualified community development entity must provide the department with evidence of the receipt of the cash they received in exchange for the qualified investment within thirty business days after receipt.
- Within thirty days after a credit allowance date, a qualified community development entity that has issued a qualified investment shall submit extensive information to the department relating to all investments they made in qualified active low-income community businesses since the last credit allowance date.

Section 288.9918, F.S., requires qualified community development entities that have issued a qualified investment to submit an annual report to the department by January 31 after the end of each year that includes a “credit allowance date,” or date on which a qualified investment is made and the six subsequent anniversaries of that date. In addition, by April 30 after the end of each year that includes a credit allowance date, each qualified community development entity shall submit to the department annual financial statements for the preceding tax year, audited by an independent certified public accountant.<sup>84</sup>

From its inception in Fiscal Year 2009-2010 through Fiscal Year 2015-2016, the New Markets Development Program has allocated \$216 million in tax credits to eighteen community development entities (CDE), with two CDEs have received over half (54%) of all tax credits allocated.<sup>85</sup> Currently, there are no formal criteria for selecting recipients.<sup>86</sup> Prior to Fiscal Year 2013-2014, DEO allocated tax credits on a first-come, first-serve basis, and in Fiscal Year 2014-2015, DEO allocated the same amount of tax credits to each applicant.<sup>87</sup>

In a study released in January 2017, OPPAGA found that the New Markets Development Program projects are primarily located in two counties, with most capital invested in four industries; and that inadequate reporting requirements hamper assessment of program impact.<sup>88</sup>

Section 288.9922, F.S., provides that the New Markets Development Program will expire December 31, 2022.

The ROI for the New Markets Development Program is 0.18. For every dollar spent with this program, the state of Florida only received \$0.18 back in tax revenue.

### **High-Impact Sector Performance Incentive (HIPI)**

The High Impact Performance Incentive (HIPI)<sup>89</sup> grant program is designed to spur capital investment and job creation in designated portions of high-impact sectors including clean energy, life sciences,

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<sup>83</sup> s. 288.9914(3), F.S.

<sup>84</sup> s. 288.9918(2), F.S.

<sup>85</sup> OPPAGA, Report No. 17-02, Florida Economic Development Program Evaluations-Year 4, p. 16.

<sup>86</sup> *Id.*

<sup>87</sup> *Id.*

<sup>88</sup> *Id.* at 2.



financial services, information technology, silicon technology, transportation equipment manufacturing, or a corporate headquarters facility. This performance-based cash award is paid in two equal installments, one upon commencement of operations and the other upon commencement of full operations. The program has an annual cap of \$30 million for scheduled performance grant payments. This program authorizes the recapture of funds if a business fails to meet its contractual performance requirements. Currently, the DEO “certifies” a qualified high impact business for program participation.

An “eligible high-impact business” is a business in one of the high-impact sectors identified by EFI, and certified by DEO, which is making a cumulative investment in the state of at least \$50 million and creating at least fifty new full-time equivalent jobs, or a research and development facility making a cumulative investment of at least \$25 million and creating at least twenty-five new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed three years after the date the business is certified as a qualified high-impact business.<sup>90</sup>

DEO reviews the application before the business has made a decision to locate or expand a facility in this state. The business must provide the following information:

- A complete description of the type of facility, business operations, and product or service associated with the project.
- The number of full-time equivalent jobs that will be created by the project and the average annual wage of those jobs.
- The cumulative amount of investment to be dedicated to this project within three years.
- A statement concerning any special impacts the facility is expected to stimulate in the sector, the state, or regional economy and in state universities and community colleges.
- A statement concerning the role the grant will play in the decision of the applicant business to locate or expand in this state.
- Any additional information requested by the department.<sup>91</sup>

Amounts of the awards vary based on certain guidelines used by DEO in conjunction with other relevant applicant impact and cost information and analysis. The awards can range anywhere from \$500,000 for a cumulative investment of \$50 million and creating 50 jobs to \$12 million for a cumulative investment of \$800 million and creating 800 jobs.<sup>92</sup>

Within ten business days after DEO receives the submitted High-Impact Sector Performance Incentive application, the executive director of DEO must approve or disapprove the application and issue a letter of certification which includes a justification of that decision, unless the business requests an extension of that time. DEO has the authority to grant awards to qualifying High-Impact Sector Performance Incentive projects without approval by the Governor or LBC.<sup>93</sup>

In EDR’s most recent review period, only one project received a HIPI payment totaling \$2,500,000 for commencement of operations. The project is in the Television Broadcasting industry and also received a Capital Investment Tax Credit award.<sup>94</sup>

The return on investment for the HIPI Program is 0.05, which mean that for every dollar spent on this program, the state of Florida only received \$0.05 back in tax revenue.<sup>95</sup>

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<sup>89</sup> s. 288.108, F.S.

<sup>90</sup> s. 288.108(2)(c), F.S.

<sup>91</sup> s. 288.108(5), F.S.

<sup>92</sup> s. 288.108(3)(b), F.S.

<sup>93</sup> s. 288.108(3)-(5), F.S.

<sup>94</sup> Review period: Fiscal Years 2012-13, 2013-14 and 2014-15. See EDR, Economic Evaluation for Select State Economic Development Incentive Programs, p. 23 (January 2017)

<sup>95</sup> *Id.*

The low return on investment for the program is mainly attributable to the bundled nature of the one qualifying project. It produced 316 jobs, with an average confirmed wage of \$87,000. The jobs and wages produce an estimated output of \$121 million, and the project's confirmed capital investment of was \$138 million. However, the project is bundled with CITC. The HIPI portion of the project accounts for only 1.79 percent of the total incentive package, and as a result, only 1.79 percent of the total output and capital investment.<sup>96</sup>

### **Quick Action Closing Fund (QAC)**

The Quick Action Closing Fund (QAC) was created in 1999 as a discretionary "deal closing" tool in highly competitive negotiations where the state's traditional incentives are not enough to compel a business to relocate, initiate, or expand a project in Florida<sup>97</sup>. The program was created in reaction to the announcement that the space shuttle program was being discontinued by NASA with expected job losses that would negatively impact families, companies, the state, and regional economies.<sup>98</sup>

Under current law, in order to be eligible for QAC funds a project must meet the following criteria:

- Be in a qualified target industry;
- Have a positive economic benefit ratio of at least 5 to 1;
- Pay an average annual wage of at least 125 percent of the area-wide or statewide private sector average wage; and
- Be supported by the local community in which the project is to be located.

DEO and EFI jointly review applications<sup>99</sup> and determine the eligibility of each project. Waiver of the criteria may be considered under the following criteria:

- Based on extraordinary circumstances;
- In order to mitigate the impact of the conclusion of the space shuttle program; or
- In rural areas of opportunity if the project would significantly benefit the local or regional economy.

DEO is required to evaluate proposals for high-impact business facilities based on the following<sup>100</sup>:

- a description of the type of facility or infrastructure, its operations, and the product or service associated with the facility;
- the number of full-time equivalent jobs that will be created by the facility and the total estimated average annual wages of those jobs;
- the cumulative amount of capital investment to be made in the facility;
- a statement of any special impacts the facility is expected to stimulate in a particular business sector in the state or region or in the state's universities or colleges;
- a statement of the role the award will play in the decision of the company to locate or expand in the state; and
- a report evaluating the quality and value of the company submitting the proposal.

All QAC Fund projects have a performance based contract requiring specific scheduled milestones and annual compliance requirements. The program authorizes sanctions and penalties for failure to perform.

Within seven business days of evaluating a project, DEO must recommend to the Governor that a project be approved or disapproved for an award. The Governor is authorized to award projects less than \$2 million without Legislative approval. For project awards between \$2 million and \$5 million, the Governor must provide a written description and evaluation of a project award to the chair and vice

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<sup>96</sup> *Id.*

<sup>97</sup> s. 288.1088, F.S.

<sup>98</sup> s. 288.1088(1)(b), F.S.

<sup>99</sup> s. 288.061, F.S.

<sup>100</sup> s. 288.1088(3), F.S.

chair of the Legislative Budget Commission (LBC) at least ten days prior to giving final approval for a project award. Project awards over \$5 million must be approved by the LBC prior to funds being released. Following approval, DEO is required to enter into a contract with the business which specifies the conditions for payment of funds.<sup>101</sup> The contract must include the total amount of funds awarded, the performance conditions for the project,<sup>102</sup> a baseline of current service with a measure of enhanced capability following the project, methodology for measuring performance, the schedule of payments, and sanctions for failure to meet performance conditions.<sup>103</sup>

The program is funded by a specific annual appropriation, and has no cap. DEO reports that \$44.7 million in grant incentives was approved in Fiscal Year 2013-14. Additionally, the report stated that 144 contracts have been executed through June 30, 2014, with 106 active contracts and ten successfully completed contracts.

The ROI for the QAC program is projected at 0.60, which is down from the prior ROI projected at 1.1.<sup>104</sup> For every dollar spent on this discretionary "deal closing" tool for highly competitive negotiations, the state of Florida only received \$0.60 back in tax revenue.

### **Innovation Incentive Program (IIP)**<sup>105</sup>

The Innovation Incentive Program (IIP) was established in 2006 to provide financial resources so that the state can "respond expeditiously to extraordinary economic opportunities and to compete effectively for high-value research and development, innovation business, and alternative and renewable energy projects." To be eligible for consideration to receive an IIP award, an innovation business, a research and development entity, or an alternative and renewable energy company must submit a written application to DEO before making a decision to locate new operations in the state or expand an existing operation in the state.

To qualify for review by DEO, the applicant must establish that the jobs created by the project must pay an estimated annual wage of at least 130% of the average private sector wage and state awards must be matched by local sources. IIP performance contracts also include a reinvestment requirement, obliging recipients to remit a portion of their royalty revenue back to the state for reinvestment.

DEO is authorized to waive the average wage requirement and the one-to-one match from the local community at the request of EFI, for a project located in a rural area, a brownfield area, or an enterprise zone, when the merits of the individual project or the specific circumstances in the community in relationship to the project warrant such action.

DEO must make a recommendation to the Governor to approve or deny an Innovation Incentive Program award. If the project is recommended, DEO must include in their recommendation proposed performance conditions that the applicant must meet in order to obtain incentive funds and any other conditions that are required to be met before the receipt of any incentive funds. The Governor must approve or deny the award based on the valuation and recommendation received from DEO; and consult with the President of the Senate and the Speaker of the House of Representatives prior to approving an award. The funds may not be released until the award has been reviewed and approved by the LBC.

Upon approval, DEO and the award recipient must enter into an agreement that specifies the amount of the award, the performance conditions and measures, and a schedule of payments and sanctions

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<sup>101</sup> s. 288.1088(3)(d), F.S.

<sup>102</sup> Performance conditions include net new employment in the state, average salary, and total capital investment. *See s. 288.1088(3)(d), F.S.*

<sup>103</sup> s. 288.1088(3)(d), F.S.

<sup>104</sup> EDR, Economic Evaluation for Select State Economic Development Incentive Programs, p. 2 (January 2017)

<sup>105</sup> s. 288.1089, F.S.



for failure to comply with performance conditions, including claw back provisions. Agreements signed on or after July 1, 2009, must also include, among other things, provisions related to job creation, reinvestment of royalty revenues, reporting requirements, and a process for amending the agreement.

Through Fiscal Year 2015-2016, nine projects have received \$435 million (96%) of the \$456 million in total contracted IIP funds.<sup>106</sup> Most IIP recipients have been unable to achieve job goals and several have left the state prior to contract completion.<sup>107</sup> As of June 30, 2016, program recipients had created less than half of the jobs they committed to create in their contracts.<sup>108</sup>

The ROI for the IIP program is 0.10, which is down from the prior ROI of 0.2.<sup>109</sup> For every dollar spent on this program, the state of Florida only received \$0.10 back in tax revenue.

## **OTHER INCENTIVES**

### **Quick-Response Training for Economic Development (QRT)**

The 1993 Legislature established the QRT Program to meet the workforce needs of existing, new, and expanding industries.<sup>110</sup> The program provides grant funding for customized, skill-based training designed to meet the special requirements of businesses in Florida's qualified target industries.<sup>111</sup> Industry associations from the target industry list may apply for consortium grants to serve multiple businesses in the same industry sector.<sup>112</sup> CareerSource Florida (CSF), the business-led statewide workforce investment board, administers the program.<sup>113</sup>

The program is state funded and provides grants to qualifying businesses to train their new full-time employees. For the purpose of employee retention, grants are also provided to companies that are considering leaving the state. All grant applications are given equal consideration and are processed on a first-come, first-served basis. Each grant lasts no more than 24 months. Grant recipients pay for pre-approved direct training-related costs, including instructor wages, curriculum development, and textbooks/manuals and are reimbursed for a portion of the expenses upon submission of required documentation.

Program funds are allocated to a local fiscal agent, which can be a career center, community college, or state university. The fiscal agents manage grant contracts between CSF and grant recipients. There are 30 fiscal agents to assist local businesses in the application, reporting, and reimbursement processes; fiscal agents may keep up to 5% of the grant award amount for performing these tasks.<sup>114</sup> The majority of fiscal agents are community colleges, while a few are local school boards and state universities (e.g., the Hillsborough County School Board, the University of North Florida).

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<sup>106</sup> OPPAGA, Report No. 17-02, Florida Economic Development Program Evaluations-Year 4, p. 12.

<sup>107</sup> *Id.* at 1.

<sup>108</sup> *Id.* at 13.

<sup>109</sup> EDR, Economic Evaluation for Select State Economic Development Incentive Programs, p. 2 (January 2017)

<sup>110</sup> s. 288.047, F.S. (ch. 93-187, Laws of Fla.)

<sup>111</sup> From Fiscal Year 2011-12 through 2013-14, qualified target industries were aviation and aerospace, life sciences, manufacturing, defense and homeland security, information technology, financial and professional services, logistics and distribution, cleantech, and corporate headquarters.

<sup>112</sup> The consortium grants are intended to fill a need for small companies creating net new jobs. Consortium grant recipients must create a minimum of 10 new jobs.

<sup>113</sup> Prior to 2014, CSF was known as Workforce Florida, Inc. CSF is administratively housed within the Department of Economic Opportunity. In addition to administering the QRT and the Incumbent Worker Training training programs, CSF provides policy oversight and designs strategies to address statewide workforce needs and oversees 24 regional workforce boards around the state.

<sup>114</sup> s. 288.047(3), F.S. The 2000 Legislature created the allocation of 5% for fiscal agents via ch. 2000-165, Laws of Florida. This allocation is used solely for indirect costs.

Recipients may provide the grant-funded training via a company employee, independent training vendor, or local fiscal agent. Although the program originally intended for fiscal agents to be the primary training providers, relatively few grant recipients use them for that purpose. Instead, most grant recipients use in-house employees or independent vendors to provide the training.

In order to qualify for QRT a company must<sup>115</sup>:

- Be “for profit” and create new, permanent, full-time (35+ hours per week) jobs for workers requiring customized entry-level skills training not available at the local level.
- Create new, full-time, permanent, high-quality jobs in qualified target industries.
- Require non-degree, specialized skill-based training of 24 months or less not available at the local level.
- Create high-quality jobs paying an average annual wage of at least 115% of local or state private sector wages, whichever is lower.
  - Exception: For businesses located in a distressed urban or rural community, enterprise/empowerment zone, or brownfield area, average annual wage means the average, for a 12-month period or, if less than a 12-month period, converted to a 12-month period, of actual wages.
- Produce an exportable (beyond regional markets) good.
- Provide sufficient documentation for identification of all participants that would allow access through the automated student databases pursuant to s. 288.047(5)(e), F.S., or electronic listings by social security number for calculation of performance measures, and any other outcomes as specified in s.1008.39, F.S., or deemed pertinent to CareerSource Florida.
- May not qualify for funding if relocating from one Florida community to another Florida community.

The ROI for the QRT program was 0.09.<sup>116</sup> For every dollar spent on this program, the state of Florida received \$0.09 back in tax revenue.

## **Economic Gardening**

In 2009, the Florida Legislature created the “Economic Gardening Technical Assistance Pilot Program” and “Economic Gardening Business Loan Pilot Program” to stimulate investment in Florida’s economy by providing technical assistance and loans to expanding businesses in the state, respectively.<sup>117</sup>

The technical assistance program provides an avenue through which eligible companies can receive counseling services, access to technology and information, marketing services and advice, business management support, and other similar services.<sup>118</sup> To carry out the program, DEO contracted with the University of Central Florida (UCF), which in turn established the Florida Economic Gardening Institute or “GrowFL.”<sup>119</sup>

To be eligible for assistance through GrowFL, a business must be a for-profit, privately held, investment-grade business that:

- employs at least ten persons but not more than fifty persons;
- has maintained its principal place of business in the state for at least the previous two years;
- generates at least \$1 million but not more than \$25 million in annual revenue;
- qualifies for the tax refund program for qualified target industry businesses under s. 288.106, F.S.; and

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<sup>115</sup> OPPAGA Report No. 15-11, p. 48

<sup>116</sup> EDR, Economic Evaluation for Select State Economic Development Incentive Programs, p. 2 (January 2017)

<sup>117</sup> ss. 288.1081 and 288.1082, F.S.

<sup>118</sup> s. 288.1082(2), F.S.

<sup>119</sup> DEO, 2015-2016 Annual Incentives Report Page, p. 19.

- has increased both its number of full-time equivalent employees in this State and its gross revenues during three of the previous five years.<sup>120</sup>

The loan program expired on July 1, 2016.<sup>121</sup>

### **Microfinance Loan Guarantee Program**

The Microfinance Loan Guarantee Program is designed to stimulate access to credit for entrepreneurs and small businesses by providing guarantees for loans made to eligible entrepreneurs and small businesses. Microloan guarantees may be used for any allowable business purpose such as startup costs, working capital, and the acquisition of materials, supplies, furniture, fixtures, and equipment. Loan guarantees cannot exceed 50 percent of the total loan amount, and are limited to loans that range between \$50,000 and \$250,000.

On February 17, 2015, DEO entered into an agreement with EFI, as required in s. 288.9935(3), F.S., for \$2.52 million to administer the loan guarantee program. On June 16, 2015, EFI received an additional allocation of \$2.3 million for the Microfinance Loan Guarantee Program, as a result of the lack of RFP responses for additional Microfinance Loan Program administrators. EFI received a total allocation of \$4.825 million to administer the loan guarantee program.<sup>122</sup>

### **Sports Programs**

#### **International Game Fish Association World Center**

The International Game Fish Association (IGFA) is a nonprofit organization founded in 1939 that focuses on the conservation of game fish and the promotion of responsible and ethical angling practices. The association is currently headquartered in Dania Beach, Florida.

In 1996, the Florida Legislature created a funding program for the IGFA to build and maintain its "World Center" facility in Florida.<sup>123</sup> The program required the IGFA to apply for and receive certification from DEO, which the IGFA accomplished in February, 2000.<sup>124</sup>

IGFA received funding after initially meeting the following requirements<sup>125</sup>:

- the IGFA World Center must be the only fishing museum, hall of fame, and international administrative headquarters in the U.S. recognized by the IGFA, and that one or more private sector entities committed to donate to the IGFA land upon which the facility will operate;
- IGFA is a nonprofit Florida corporation that has contracted to construct and operate the facility;
- the municipality or county (if located in an unincorporated area) in which the facility is located has passed a resolution that states the facility serves a public purpose;
- there are existing projections that the facility and co-located privately-owned facilities will attract an attendance of more than 1.8 million annually;
- there is an independent analysis which demonstrates that the amount of sales tax generated by sales at the facility will at least equal \$1 million annually;
- there are existing projections that the project will attract more than 300,000 out-of-state visitors annually;

<sup>120</sup> s. 288.1082(4), F.S.

<sup>121</sup> s. 288.1081(10), F.S.

<sup>122</sup> DEO, Microfinance Program Annual Report FY 2015-2016, p. 7-8.

<sup>123</sup> ch. 96-415, Laws of Fla.

<sup>124</sup> OPPAGA, Report No. 15-01, Economic Development Program Evaluations-Year 2, at 52 (Jan. 1, 2015)

<sup>125</sup> s. 288.1169(2), F.S.

- the applicant has submitted an agreement to provide \$500,000 annually in national and international media promotion of the facility during the period of time that it receives state funds;
- documentation exists that demonstrates the applicant has provided, or is capable of providing, more than one-half of the cost related to the improvements and the development of the facility; and
- the application for certification is signed by senior officials of the IFGA and is notarized according to state law.

In addition, Florida law required the World Center to be recertified every ten years by demonstrating that it was open, continued to be the only international administrative headquarters, fishing museum, and hall of fame in the country recognized by the IGFA, and was meeting at least one of the minimum projections established at the time of original certification: 300,000 annual visitors or \$1 million in annual sales tax revenue.<sup>126</sup>

Upon the granting of certification, the Department of Revenue distributed a lump sum payment of \$999,996 to the IGFA and \$83,333 per month thereafter for up to 168 months (for a total of \$13,999,944). The state made its last disbursement to the facility in February 2014,<sup>127</sup> and on March 19, 2015, the IGFA announced that it would be moving its Fishing Hall of Fame and Museum to Springfield, Missouri.<sup>128</sup>

The ROI for the funding program for the IGFA was -0.09.<sup>129</sup> For every dollar spent for this program, the state of Florida lost all of its investment and incurred an additional cost of \$0.09.

### **Florida Sports Foundation (FSF)**

EFI is responsible for assisting and marketing professional and amateur sports teams and sporting events in Florida and is required to create a division to carry out such responsibility.<sup>130</sup> The Florida Sports Foundation, Inc. (FSF) is a 501(c)(3) non-profit corporation, serving as the official sports promotion and development organization for the State of Florida. It is charged with the promotion and development of professional, amateur, and recreational sports, physical fitness opportunities, and assisting communities and host organizations in attracting major and minor sports events to help produce a thriving Florida sports industry and environment.

The 1989, the Legislature provided that the Office of Tourism, Trade, and Economic Development (OTTED) could authorize a "direct support organization" to assist the office with a number of sports related responsibilities. The direct-support organization that ultimately fulfilled such role was the FSF.

In 2011, when Florida lawmakers reorganized certain governmental agencies to create the Department of Economic Opportunity (which, among other responsibilities, took over the operations of OTTED), the statute providing for the direct support organization (s. 288.1229, F.S.) was repealed.<sup>131</sup> EFI continued as the official sports promotion and development organization for the state and the FSF is currently housed within EFI and serves as EFI's Division of Sports Industry Development. The FSF's stated mission is to:

- assist communities in the state with securing, hosting, and retaining sporting events that generate economic impact and sports-tourism for the state;

<sup>126</sup> The facility reported an average of \$3.8 million in annual sales tax revenues generated from 2000 through 2010 and received recertification in 2011. OPPAGA, Report No. 15-01, p. 52 (Jan. 1, 2015)

<sup>127</sup> *Id.*

<sup>128</sup> Brian Bandell, *Fishing Hall of Fame and Museum ditching Dania Beach for Missouri*, ORLANDO BUS. J. (March 19, 2015), <http://www.bizjournals.com/southflorida/news/2015/03/19/fishing-hall-of-fame-and-museum-ditching-dania-for.html>

<sup>129</sup> EDR, Return on Investment for the Florida Sports Foundation Grants and Related Programs, p. 2 (January 2015).

<sup>130</sup> ss. 288.901 and 288.9015, F.S.

<sup>131</sup> ch. 2011-142, Laws of Fla.

- provide Floridians opportunities to participate in the Sunshine State Games and Florida Senior Games;
- serve as the state’s leading source for sports-tourism research and information;
- assist in the promotion of targeted leisure sport industries in the state; and
- assist national and state governing bodies to promote amateur sports development through the Sunshine State Games and hosting events in the state.

The FSF promotes Florida Spring Training Baseball as a tourist destination for Major League Baseball fans each March, hosting 15 MLB teams at 14 locations throughout the state. In 2016, over 1.5 million fans visited to Florida for Spring Training games, with over 26 million fans attending Florida Spring Training Games since 2000.

### **Professional Sports Franchise Program**

Authorized by the Legislature in 1988, the Professional Sports Franchise incentive is the state’s funding mechanism to attract and retain pro sport franchises in Florida. Since 1991, qualified/certified applicants are eligible for up to \$2 million annually for 30 years. These dollars are pledged with other local government resources to secure bonds to fund the acquisition, construction, reconstruction or renovation of pro sport facilities.

State law provides certification and state funding for new or retained professional sports franchises in Florida to pay for acquiring, constructing, reconstructing, or renovating facilities. DEO is responsible for screening and certifying applicants for state funding, and the FSF provides access to information about the program. Since 1994, the Legislature has allocated state funding for 8 major professional sports facilities; 10 Major League Baseball spring training facilities; and the Professional Golf Hall of Fame.<sup>132</sup>

“New professional sports franchise” means a professional sports franchise that was not based in this state before April 1, 1987. “Retained professional sports franchise” means a professional sports franchise that has had a league-authorized location in this state on or before December 31, 1976, and has continuously remained at that location, and has never been located at a facility that has been previously certified under any provision of this section.<sup>133</sup>

Before certifying an applicant as a facility for a new or retained professional sports franchise, DEO must determine that<sup>134</sup>:

- A “unit of local government” as defined in s. 218.369 is responsible for the construction, management, or operation of the professional sports franchise facility or holds title to the property on which the professional sports franchise facility is located.
- The applicant has a verified copy of a signed agreement with a new professional sports franchise for the use of the facility for a term of at least 10 years, or in the case of a retained professional sports franchise, an agreement for use of the facility for a term of at least 20 years.
- The applicant has a verified copy of the approval from the governing authority of the league in which the new professional sports franchise exists authorizing the location of the professional sports franchise in this state after April 1, 1987, or in the case of a retained professional sports franchise, verified evidence that it has had a league-authorized location in this state on or before December 31, 1976. As used in this section, the term “league” means the National League or the American League of Major League Baseball, the National Basketball Association, the National Football League, or the National Hockey League.
- The applicant has projections, verified by DEO, which demonstrate that the new or retained professional sports franchise will attract a paid attendance of more than 300,000 annually.

<sup>132</sup> OPPAGA Report No. 16-09, p. 47.

<sup>133</sup> s. 288.1162(3), F.S.

<sup>134</sup> s. 288.1162(4), F.S.

- The applicant has an independent analysis or study, verified by DEO, which demonstrates that the amount of the revenues generated by the taxes imposed under chapter 212 with respect to the use and operation of the professional sports franchise facility will equal or exceed \$2 million annually.
- The municipality in which the facility for a new or retained professional sports franchise is located, or the county if the facility for a new or retained professional sports franchise is located in an unincorporated area, has certified by resolution after a public hearing that the application serves a public purpose.
- The applicant has demonstrated that it has provided, is capable of providing, or has financial or other commitments to provide more than one-half of the costs incurred or related to the improvement and development of the facility.
- An applicant previously certified under any provision of this section who has received funding under such certification is not eligible for an additional certification.

No more than eight facilities can be certified as facilities for a new professional sports franchise or as facilities for a retained professional sports franchise, including in the total any facilities certified by the former Department of Commerce before July 1, 1996, and no more than one certification may be granted for any facility.<sup>135</sup>

Currently, under s. 218.64(3), F.S., counties may use up to \$3 million annually of the local government half-cent sales tax allocated to that county for a number of purposes, including, as specified in s. 218.64(3)(a), F.S., "funding a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise."<sup>136</sup>

Under s. 212.20(6)(b), F.S., DEO distributes<sup>137</sup>:

- \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162; and
- up to \$41,667 monthly to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise.

However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).<sup>138</sup>

An applicant certified as a facility for a new or retained professional sports franchise may use funds provided under s. 212.20 only for the public purpose of paying for the acquisition, construction, reconstruction, or renovation of a facility for a new or retained professional sports franchise to pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect to, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.<sup>139</sup>

To date, eight certified facilities for new or retained professional sports franchises have received funding distributions from DOR. Each facility receives \$166,667 monthly (\$2 million annually) for no more than 30 years, totaling a maximum of \$60 million.<sup>140</sup>

<sup>135</sup> s. 288.1162(6), F.S.

<sup>136</sup> s. 218.64(3), F.S.

<sup>137</sup> s. 212.20(6)(a), F.S.

<sup>138</sup> s. 212.20(6)(a), F.S.

<sup>139</sup> s. 288.1162(5), F.S.

<sup>140</sup> EDR, Return on Investment for the Florida Sports Foundation Grants and Related Programs, p. 18-19 (January 2015).

The ROI for the Professional Sports Franchise incentive was 0.30.<sup>141</sup> For every dollar spent on the program, the state of Florida received \$0.30 back in tax revenue.

### Spring Training Baseball Franchise Program

The Spring Training Baseball Franchise incentive is the state's funding mechanism to attract and retain facilities for Major League Baseball (MLB) spring training in Florida. Qualified applicants are eligible for up to \$500,000 annually for up to 30 years. These dollars are typically pledged with designated Tourist Development Tax revenue and other local government resources to secure bonds to fund the acquisition, construction, reconstruction or renovation of spring training facilities.

In 1991, the law establishing incentives to attract professional franchises to the state was significantly revised and expanded to include an incentive for spring training baseball franchises. Certification criteria for the spring training franchise incentive included a commitment by the franchise to use the facility for fifteen years, projections for paid attendance (at least 50,000 annually), demonstration of the financial capability to provide more than one-half of the costs incurred or related to the improvement or development of the facility, proof that the facility was located within 20 miles of an interstate or other limited-access highway system, and a requirement that the county levy a four-percent Tourist Development Tax, with 87.5% of the proceeds dedicated for the construction of the complex.<sup>142</sup> This law also limited the total number of awards for both the professional sports franchises and new spring training franchises to six, and prohibited facilities from receiving more than one award.

In 1999, the Legislature extended the use of the Professional Sports and Additional Professional Sports Tourist Development Taxes to fund debt service on spring training franchise facilities.<sup>143</sup> At that point, no local governments had applied for the incentive. In 2000, the law was amended to limit the incentive to "retained" rather than "new" spring training franchises, delete the requirement that the facility be located within 20 miles of an interstate or other limited-access highway system, establish ranking criteria for awards,<sup>144</sup> and limit the awards to publically-owned facilities, authorized for in-state relocations.<sup>145</sup>

In 2006, the number of authorized awards for spring training facilities was expanded to ten, with the imposition of additional certification criteria. Counties were authorized to use up to \$2 million of their local option half-cent sales tax revenues annually to fund facilities for new or retained professional sports franchises and facilities for retained spring training franchises.<sup>146</sup> Finally, the scope of the incentive was expanded in 2010, to include any spring training franchise rather than only "retained" spring training franchises<sup>147</sup>, and by August 2012, ten facilities were certified for the incentive.<sup>148</sup>

Currently, under s. 218.64(3), F.S., counties may use up to \$3 million annually of the local government half-cent sales tax allocated to that county for a number of purposes, including, as specified in s. 218.64(3)(a), F.S., "funding a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise."<sup>149</sup>

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<sup>141</sup> *Id.*

<sup>142</sup> ch. 91-274, Laws of Fla.

<sup>143</sup> ch. 99-287, Laws of Fla.

<sup>144</sup> EDR, Return on Investment for the Florida Sports Foundation Grants and Related Programs, p. 21. (January 2015).

<sup>145</sup> ch. 2000-186, Laws of Fla.

<sup>146</sup> ch. 2006-262, Laws of Fla.

<sup>147</sup> ch. 2010-140, Laws of Fla. (with provisions relating to the spring training incentive were transferred from s. 288.1162 to newly created s. 288.11621, F.S.)

<sup>148</sup> EDR, Return on Investment for the Florida Sports Foundation Grants and Related Programs, p. 21. (January 2015).

<sup>149</sup> s. 218.64(3), F.S.

Before certifying an applicant to receive state funding for a facility for a spring training franchise, DEO must verify that<sup>150</sup>:

- The applicant is responsible for the acquisition, construction, management, or operation of the facility for a spring training franchise or holds title to the property on which the facility for a spring training franchise is located.
- The applicant has a certified copy of a signed agreement with a spring training franchise for the use of the facility for a term of at least 20 years. The agreement also must require the franchise to reimburse the state for state funds expended by an applicant under this section if the franchise relocates before the agreement expires. The agreement may be contingent on an award of funds under this section and other conditions precedent.
- The applicant has made a financial commitment to provide 50 percent or more of the funds required by an agreement for the acquisition, construction, or renovation of the facility for a spring training franchise. The commitment may be contingent upon an award of funds under this section and other conditions precedent.
- The applicant demonstrates that the facility for a spring training franchise will attract a paid attendance of at least 50,000 annually to the spring training games.
- The facility for a spring training franchise is located in a county that levies a tourist development tax under s. 125.0104.

Each applicant certified since July 1, 2010, enters into an agreement that<sup>151</sup>:

- Specifies the amount of the state incentive funding to be distributed.
- States the criteria that the certified applicant must meet in order to remain certified.
- States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.
- States that DEO may recover state incentive funds if the certified applicant is decertified.
- Specifies information that the certified applicant must report to DEO.
- Includes any provision deemed prudent by DEO.

A certified applicant may use funds provided under s. 212.20(6)(d)(6)(b), F.S., to:<sup>152</sup>

- Serve the public purpose of acquiring, constructing, reconstructing, or renovating a facility for a spring training franchise.
- Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the acquisition, construction, reconstruction, or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.
- Assist in the relocation of a spring training franchise from one unit of local government to another only if the governing board of the current host local government by a majority vote agrees to relocation.

Additionally, state funds awarded to a certified applicant for a facility for a spring training franchise may not be used to subsidize facilities that are privately owned, maintained, and used only by a spring training franchise.<sup>153</sup> The expenditure of state funds distributed to a certified applicant, must begin within 48 months after the initial receipt of the state funds, with the additional requirement of the construction of, or capital improvements to, a spring training facility being completed within 24 months after the project's commencement.<sup>154</sup>

The ROI for the Spring Training Baseball Franchise program is 0.11. For every dollar spent for this program, the state of Florida only received \$0.11 back in tax revenue.

### **Major League Baseball Spring Training Retention Program**

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<sup>150</sup> s. 288.11621(2)(a), F.S.

<sup>151</sup> s. 288.11621(2)(c), F.S.

<sup>152</sup> s. 288.11621(3)(a), F.S.

<sup>153</sup> s. 288.11621(3)(b), F.S.

<sup>154</sup> s. 288.11621(3)(d)(3), F.S.



Section 288.11631, F.S., authorizes local governments that partner with a spring training baseball franchise to apply for certification from DEO to receive state distributions for the purpose of renovating or constructing a spring training baseball facility.<sup>155</sup>

Certified applicants receive a distribution from state sales tax revenue of up to \$83,333 per month for 20 years for a facility used by a single spring training franchise facility or up to \$166,667 per month for 25 years for a facility used by more than one spring training franchise.<sup>156</sup> The amount of state incentive funding per certified applicant may not exceed \$20 million if the applicant's facility is used by one franchise and \$50 million if the applicant's facility is used by more than one franchise.<sup>157</sup>

Section 288.11631, F.S., which became law in 2013, mostly mirrors the provisions of s. 288.11621. The differences between the sections include:

- The agreement must be for a minimum of the length of the term of the bonds issued for the construction or renovation of the facility, or if no such bonds are issued, at least 20 years.
- A new agreement may not be signed unless the previous agreement, if any, is within 4 years of expiring.
- There is no limit to the number of applicants which may be certified.
- The net increase in recreational areas represented by the facility is not considered in the evaluation process.
- The amount of state funding provided in the agreement between the applicant and DEO may not exceed \$20 million, or if the applicant hosts 2 or more franchises, \$50 million.
- Funds provided as a result of certification under this section may not be used to acquire or reconstruct a facility, or to assist a franchise in moving from one local government to another.

A recent example of the Spring Training Retention Program is with the City of Lakeland and the Detroit Tigers who reached an agreement on the terms and conditions included in a contract extending the City's relationship with the organization another 20 years. The previous contract signed in 2000 expired December 31, 2016, with the new contract solidifying the Detroit Tigers continuing their Spring Training, their Class A Minor League operations with the Flying Tigers, and programs at Joker Marchant Stadium and the Tigertown Complex through 2036.<sup>158</sup> The State of Florida, through the Spring Training Retention Program is set to fund \$1 million per year for 20 years as part of the total \$37 million to be available for capital improvements to the Joker Marchant Stadium and Tigertown Complex.

### **Sports Development Program**

In 2014, the Florida Legislature enacted the Sports Development Statute for "[t]he purpose of ... provid[ing] applicants state funding ... for the public purpose of constructing, reconstructing, renovating, or improving a [sports] facility."<sup>159</sup> An applicant qualifying as a new professional sports franchise must be a professional sports franchise that was not based in Florida prior to April 1, 1987. Applicants qualifying as retained professional sports franchises must have had a league-authorized location in the state on or before December 31, 1976, and be continuously located at the location. The number of certified professional sports franchises, both new and retained, is limited to eight total franchises.

The statute tasks DEO with screening applications and provides two distinct application processes. The general application and approval process, found in s. 288.11625(4), F.S., includes a competitive

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<sup>155</sup> s. 288.11631(1)-(2), F.S.

<sup>156</sup> s. 212.20(6)(d)(6)(e), F.S.

<sup>157</sup> s. 288.11631(2)(c), F.S.

<sup>158</sup> *City News Blog*, CITY OF LAKELAND (July, 18, 2014),

<https://www.lakelandgov.net/lakelandgovmobilehome/newsblogmobile/tag/spring-training>

<sup>159</sup> s. 288.11625(3), F.S.

evaluation and ranking component. The special application process, found in subsection s. 288.11625(11), F.S., modifies the general application and approval process by providing a separate process for any applications for new facilities or projects commenced between March 1, 2013, and July 1, 2014. The special application process specifically omits a competitive evaluation and ranking component and also permits the Legislative Budget Commission, rather than the Legislature, to “approve” applications.

Under either application process, it is not the DEO’s role to allocate funding; that is a decision the statute explicitly reserves for the Legislature under the general application process and for the Legislative Budget Commission under the special application process. A DEO recommendation under the special application process is not a subjective determination by DEO that an applicant’s project will have a positive economic impact, but is simply a certification that the statutory criteria are met.

Within the statute, any “beneficiary” means a professional sports franchise of the National Football League, the National Hockey League, the National Basketball Association, the National League or American League of Major League Baseball, Minor League Baseball, Major League Soccer, the North American Soccer League, the Professional Rodeo Cowboys Association, the promoter or host of a signature event administered by Breeders’ Cup Limited, or the promoter of a signature event sanctioned by the National Association for Stock Car Auto Racing.<sup>160</sup> A beneficiary may also be an applicant under this section. However, a professional sports franchise of the National League or the American League of Major League Baseball or Minor League Baseball may not be a beneficiary unless, before filing an application under s. 288.11625(3), F.S.

No applications have been approved under this program.

### **Florida Sports Specialty License Plates**

Florida law authorizes the Legislature to create “specialty” license plates that are available to any owner or lessee of a motor vehicle willing to pay an annual fee of typically \$25. The collected fees are distributed by the Department of Highway Safety and Motor Vehicles (DMSMV) to statutorily designated organizations in support of a particular cause or charity. With respect to specialty license plates related to sports, the DHSMV distributes collected fees to EFI, which in turn administers the fees as statutorily directed. Currently, such sports-related specialty license plates include the following:

- the Florida United States Olympic Committee license plate;
- Florida Professional Sports Team license plates;
- the Florida Golf license plate;
- the Florida NASCAR license plate; and
- the Florida Tennis license plate.

### **Entertainment Industry Incentives**

#### **Office of Film and Entertainment**

The Office of Film and Entertainment (OFE) within the DEO develops, markets, promotes, and provides services to Florida’s entertainment industry, including serving as a liaison between the industry and government entities and facilitating access to filming locations.<sup>161</sup> The Commissioner of Film and Entertainment is selected through a national search and must meet certain qualifications. The OFE is assisted by the Florida Film and Entertainment Advisory Council (council), which is composed of seventeen members, of which seven members are appointed by the Governor, and five

<sup>160</sup> s. 288.11625(2)(c), F.S.

<sup>161</sup> s. 288.1251, F.S.; *see also* Florida Office of Film & Entertainment, <http://filminflorida.com/> (last visited February 4, 2017).

members each are appointed by the President of the Senate and the Speaker of the House of Representatives.<sup>162</sup>

The OFE gathers statistical information related to the state's entertainment industry; provides information and services to businesses, communities, organizations, and individuals engaged in entertainment industry activities; administers field offices outside the state; and coordinates with regional offices maintained by counties and regions of the state. The OFE is also required to develop a five year strategic plan to guide its activities, which is updated on an annual basis and aligns with the DEO's Strategic Plan for Economic Development. The OFE's mission is to build, support, and market the entertainment industry in Florida.

### Entertainment Industry Incentive Programs

In 2003, the Legislature created the Entertainment Industry Financial Incentive Program,<sup>163</sup> which is a six year program that began July 1, 2010, and sunsets June 30, 2016. The program provides tax credits for qualified expenditures related to filming and production activities in Florida. These tax credits may be applied against the corporate income tax or sales and use taxes. Additionally these tax credits may be transferred or sold one time.<sup>164</sup>

Over the six year period, a total of \$296 million in tax credits were authorized. Annual limitations for tax credits were set at:

- \$53.5 million in Fiscal Year 2010-11;
- \$74.5 million in Fiscal Year 2011-12; and
- \$42 million in each Fiscal Year 2012-13, 2013-14, 2014-15, and 2015-16.<sup>165</sup>

The OFE reports that all of the tax credits authorized for the six year period have been certified (*allocated to certified productions*).<sup>166</sup> Entertainment industry qualified production companies are eligible for several exemptions from taxes under ch. 212, F.S. A qualified production company can obtain a certificate to avoid paying tax at the point of sale, rather than claiming a refund after paying the tax.<sup>167</sup> Qualified production companies are exempt from paying sales tax for the following:

- *Lease or rental of real property* that is used as an integral part of an activity or service performed directly in connection with the production of a qualified motion picture (the term "activity or service" includes photography, casting, location scouting, and designing sets).<sup>168</sup>
- *Fabrication labor* when a producer uses his or her own equipment and personnel to produce a qualified motion picture.<sup>169</sup>
- *Purchase or lease of motion picture and video equipment and sound recording equipment* used in Florida for motion picture or television production or for the production of master tapes or master records.<sup>170</sup>
- *Sale, lease, storage, or use of blank master tapes, records, films, and video tapes.*<sup>171</sup>

The OFE reviews and approves applications for the exemptions and the Department of Revenue (DOR) issues certificates of exemption to the production companies.

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<sup>162</sup> s. 288.1252, F.S.

<sup>163</sup> s. 288.1254, F.S. See ch. 2003-81, Laws of Fla. In 2010, the incentive program was changed from a cash reimbursement type program to the current form. See ch. 2010-147, Laws of Fla.

<sup>164</sup> Also, tax credits may be relinquished to the Department of Revenue for 90% of the amount of the relinquished tax credit.

<sup>165</sup> s. 288.1254(7), F.S. In 2012, an additional year was added to the program. See s. 15, Ch. 2012-32, Laws of Fla.

<sup>166</sup> EDR, Return on Investment for the Entertainment Industry Incentive Programs, p. 5 (Jan. 2015)

<sup>167</sup> s. 288.1258, F.S.

<sup>168</sup> s. 212.031(1)(a)(9), F.S.

<sup>169</sup> Section 212.06(1)(b), F.S., provides a definition of the term "qualified motion picture" for purposes of ch. 212, F.S.

<sup>170</sup> s. 212.08(5)(f), F.S.

<sup>171</sup> s. 212.08(12), F.S.

The ROI for the Entertainment Industry Financial Incentive Program was 0.43.<sup>172</sup> For every dollar spent on this program, the state of Florida received \$0.43 back in tax revenue. Additionally, the ROI for the Entertainment Industry Sales Tax Exemption was 0.54.<sup>173</sup> For every dollar spent on this program providing tax credits for qualified expenditures related to filming and production activities in Florida, the state of Florida received \$0.54 back in tax revenue.

### Florida Opportunity Fund

In 2007, the Legislature found that there was a need to increase the availability of seed capital and early stage venture equity capital for emerging Florida companies in targeted industries. In response to this need, the Legislature passed the Florida Capital Formation Act.<sup>174</sup> The act provided for the creation of the Florida Opportunity Fund (FOF), which was launched in 2008, initially as a fund of funds program. In 2009, the Legislature expanded the FOF's mandate under the Capital Formation Act to create direct investment programs that invest in businesses and infrastructure projects.<sup>175</sup>

FOF is a consolidated unit of EFI, and EFI appoints a five-member board of directors to govern the FOF. The individuals selected for the board serve without compensation and have expertise in the selection and supervision of early stage investment managers or in the fiduciary management of investment funds.<sup>176</sup>

To manage the fund, the FOF contracts with Florida First Partners, a joint venture between Arsenal Venture Partners and Grosvenor Capital Management's Customized Fund Investment Group.<sup>177</sup> Florida First Partners provides the FOF with investment advisory services. In this capacity, the fund manager must evaluate the suitability of possible investments, perform due diligence on venture capital firms and direct investment candidates, ensure proper allocation of funds across FOF programs, and measure the performance of individual investments and the fund at large. As of June 30, 2013, EFI has paid Florida First Partners fund management fees of approximately \$4.7 million.<sup>178</sup>

The Capital Formation Act authorized the creation of the FOF, which as of June 30, 2013 was funded with approximately \$103.9 million from state and federal sources. These funds support three programs: Fund of Funds, Clean Energy Investment, and Florida Venture Capital. The Legislature appropriated \$29.5 million to the Fund of Funds Program, while the federal government provided \$74.4 million for direct investments in the Clean Energy Investment Program and Florida Venture Capital Program.<sup>179</sup>

State law requires that the FOF invest in venture capital funds that are either based in the state, have a record of successful investments in the state, or have an office in the state staffed with a full-time professional investment executive. Similarly, federal law requires that all direct investments through the Clean Energy Investment Program and Florida Venture Capital Program be awarded to companies with a Florida nexus.

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<sup>172</sup> EDR, Return on Investment for the Entertainment Industry Incentive Programs, p. 5 (Jan. 2015)

<sup>173</sup> *Id.*

<sup>174</sup> s. 288.9621, F.S.

<sup>175</sup> OPPAGA, Status of Florida Opportunity Fund Investments, p. 1 (August 13, 2014)

<sup>176</sup> *Id.*

<sup>177</sup> The FOF issued an RFP for Venture Capital Investment Advisory Services in 2008. Firms were required to submit a proposal to EFI providing information regarding the firm's level of experience, quality of management, investment philosophy and process, provable success in fundraising, prior investment fund results, and plan for achieving the purposes of the Capital Formation Act.

<sup>178</sup> *Id.* The fund manager may also receive a percentage of the realized gains from fund investments if the return exceeds the aggregate invested capital.

<sup>179</sup> *Id.* at 2. The Legislature established the Fund of Funds Program in 2008 following the passage of the Capital Formation Act. In subsequent years, the Clean Energy Investment Program and Florida Venture Capital Program were established and funded with federal American Recovery and Reinvestment Act and State Small Business Credit Initiative funds, respectively.

The following table provides an overview of the three programs, including funding sources and total investments made as of June 30, 2013.<sup>180</sup>

Program (Inception)	Purpose	Funding/Source	Investments
The Fund of Funds (2008)	Realize significant long-term capital appreciation by identifying and investing in a diversified, high-quality portfolio of seed and early stage venture capital funds that target investment opportunities within Florida	\$29.5 million / State appropriation	As of June 30, 2013, \$27 million had been committed to eight venture capital funds; \$11.8 had been funded.
Clean Energy Investment (2010)	Promote the adoption of energy efficient or renewable energy products and technologies in Florida by providing funding to businesses to increase the use of such technologies, equipment, and materials in the state	\$32.5 million / Federal American Recovery and Reinvestment Act funds	As of June 30, 2013, eight direct investment commitments had been made, fully committing the program's funding; \$20.2 million had been funded.
Florida Venture Capital (2011)	Provide direct investments to qualifying Florida businesses to increase the amount of capital available to small businesses	\$41.9 million / Federal State Small Business Credit Initiative funds	As of June 30, 2013, \$39.9 million had been committed to nine direct investments; \$14.2 million had been funded.

In 2016, OPPAGA reviewed the FOF and found that fund annual reports have not adequately addressed statutory information requirements, including businesses or jobs created, industry growth, or additional capital leveraged. The report noted that the FOF's fund manager was unable to provide OPPAGA information needed to fully evaluate the progress of business growth for projects funded through direct investments. To address these concerns, the FOF agreed to improve reporting to incorporate OPPAGA feedback and ensure consistent and accurate reporting of all statutorily-required information.<sup>181</sup>

### The Florida Institute for the Commercialization of Public Research

The Florida Legislature created the Institute for the Commercialization of Public Research (Institute) in 2007 as a non-profit organization tasked with assisting innovation businesses, and public colleges, universities, or research institutes, or any other publicly supported organization in the State in the commercialization of products. Specifically, Florida law directs the Institute to:

- maintain a centralized location to showcase companies and their technologies and products;
- develop an efficient process to inventory and publicize companies and products that have been accepted by the institute for commercialization;
- routinely communicate with private investors and venture capital organizations regarding the investment opportunities in its showcased companies;
- facilitate meetings between prospective investors and eligible organizations in the institute;
- hire full-time staff who understand relevant technologies needed to market companies to the angel investors and venture capital investment community; and
- develop cooperative relationships with publicly supported organizations all of which work together to provide resources or special knowledge that is likely to be helpful to institute companies.<sup>182</sup>

### Florida Technology Seed Capital Fund

In 2013, the Legislature directed the Institute for the Commercialization of Public Research to create the Florida Technology Seed Capital Fund as a corporate subsidiary<sup>183</sup> for the following purposes:

<sup>180</sup> *Id.*

<sup>181</sup> OPPAGA, Report No. 16-09, p.46

<sup>182</sup> s. 288.9625(8), F.S.

<sup>183</sup> ch. 2013-120, Laws of Fla.

- foster greater private-sector investment funding,
- encourage seed-state investments in start-up companies, and
- advise companies on the restructuring of existing management, operations, or production in order to attract greater business opportunities.<sup>184</sup>

The Institute is responsible for the administration of the Fund, and is directed to establish an advisory board consisting of venture capitalists and early stage investors to advise and guide the Fund in addition to making funding recommendations. Administrative fees associated with the Fund are determined by the advisory board. The state is required to annually evaluate the activities and results of the funding.

The Institute is required to use a thorough and detailed process modeled after the best practices of the investment industry to evaluate each proposal. To approve a company for investment, the Institute must consider if:

- The company has a strong intellectual property position, capable management team, readily identifiable paths to market or commercialization, significant job-growth potential, the ability to provide other sources of capital to leverage the state's investment, and the potential to attract additional funding.
- The company has been identified by a publicly funded research institution.
- The company operates in a targeted industry.<sup>185</sup>
- The company has been identified by an approved private-sector lead investor who has demonstrated due diligence typical of start-up investments in evaluating the potential of the company.
- The advisory board and fund manager have reviewed the company's proposal and recommend it.

The Fund may make an investment if a company is approved for funding by the Institute and:

- The individual investment range is between \$50,000 and \$300,000.
- The total invested in a single company does not exceed \$500,000.
- There is a one-to-one match of private-sector investment for seed fund investments up to \$300,000. There is a two-to-one match of private sector investment for seed fund investments over \$300,000.

Additionally, s. 288.92655(6), F.S., provides that the Institute may:

- Provide a company with value-added support services in the areas of business plan development and strategy, the preparation of investor presentations, and other critical areas identified by the Institute to increase its chances for long-term viability and success.
- Encourage appropriate investment funds to become preapproved to match investment funds.
- Market the attractiveness of the state as an early-stage investment location.
- Collaborate with state economic development organizations, national associations of seed and angel funds, and other innovation-based associations to create an enhanced state entrepreneurial ecosystem.

The Institute is required to annually evaluate the activities and results of the funding, taking into consideration that seed investment horizons span anywhere from 3 to 7 years.<sup>186</sup>

### **Economic Development Transportation Projects (Road Fund)**

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<sup>184</sup> s. 288.92655, F.S.

<sup>185</sup> section 288.106(2)(q), F.S.; defined broadly by Enterprise Florida, Inc., as cleantech, life sciences, information technology, aviation/aerospace, logistics and distribution, defense and homeland security, and financial/professional services.

<sup>186</sup> s. 288.92655(7), F.S.

The Economic Development Transportation Projects (Road Fund) is a grant fund administered by the Department of Transportation (DOT). Section 339.2821, F.S. provides for DOT, in consultation with DEO and EFI, to make and approve expenditures and contract with governmental bodies<sup>187</sup> for the direct costs of transportation projects<sup>188</sup>.

DOT, in consultation with DEO, reviews each transportation project for approval and funding. Transportation projects must be deemed “necessary to facilitate the economic development and growth of the state”<sup>189</sup> and the review must consider:

- The cost per job created or retained considering the amount of transportation funds requested;
- The average hourly rate of wages for jobs created;
- The reliance on any program as an inducement for determining the transportation project’s location;
- The amount of capital investment to be made by a business;
- The demonstrated local commitment;
- The location of the transportation project in an enterprise zone as designated in s. 290.0055;
- The location of the transportation project in a spaceport territory as defined in s. 331.304;
- The unemployment rate of the surrounding area; and
- The poverty rate of the community.<sup>190</sup>

DOT must approve a transportation project if it determines that the project will:

- Attract new employment opportunities to the state or expand or retain employment in existing companies operating within the state.
- Allow for the construction or expansion of a state or federal correctional facility in a county having a population of 75,000 or fewer which creates new employment opportunities or expands or retains employment in the county.<sup>191</sup>

The Road Fund is funded by the State Transportation Trust Fund.<sup>192</sup> The amount appropriated for this transfer varies from year to year. In 2012, the Legislature repealed s. 288.063, F.S., where the Road Fund was statutorily placed, and created s. 339.2821, F.S.<sup>193</sup> The revisions did not change the purpose of the Road Fund, but moved oversight of the fund from the DEO to DOT.<sup>194</sup>

Funds for approved transportation projects may be used for expenses that are necessary for building new, or improving existing, transportation facilities, as well as administrative costs and equipment purchases specified in the contract. Funds may not be expended for the relocation of a business from one community to another community within the state unless DOT determines that, without the relocation, the business will move outside the state or determines that the business has a compelling economic reason for the relocation, such as creating additional jobs.<sup>195</sup> Approved projects are terminated if construction does not begin within four years after the date of the initial grant award.

### **The Florida Small Business Development Center Network (SBDC)<sup>196</sup>**

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<sup>187</sup> Section 339.2821(1)(b)2., F.S. defines “Governmental body” as an instrumentality of the state or a county, municipality, district, authority, board, or commission, or an agency thereof, within which jurisdiction the transportation project is located and which is responsible to the department for the transportation project. Section 339.2821(2), F.S. provides that Space Florida may serve as the governmental body or as the contracting agency for a project within a spaceport territory.

<sup>188</sup> s. 339.2821, F.S.

<sup>189</sup> s. 339.2821(1)(b)2., F.S.

<sup>190</sup> s. 339.2821(2), F.S.

<sup>191</sup> s. 339.2821(3)(a), F.S.

<sup>192</sup> s. 339.08(1)(f), F.S.

<sup>193</sup> ch. 2012-128, Laws of Fla.

<sup>194</sup> Budget Committee Final Analysis of SB 1998 (2012)

<sup>195</sup> s. 339.2821(3)(c), F.S.

<sup>196</sup> s. 288.001, F.S.

SBDC provides entrepreneurial and business development services to support Florida's economic development by assisting entrepreneurs in every stage of the business life cycle. SBDC provides professional expertise, tools, and information to small businesses to support business decisions in a complex and ever-changing marketplace. SBDC is operated by a Board, which represents various segments and industries of the economy in Florida, bringing knowledge and skills that enhance the board's collective knowledge of small business assistance needs and challenges.

### **Florida Small Business Technology Growth Program (SBTGP)<sup>197</sup>**

SBTGP is a subset of EFI that provides financial assistance to businesses in this state having high job growth and emerging technology potential and fewer than 100 employees. SBTGP and its associated nonprofit<sup>198</sup> are under the guidance of EFI. EFI must establish and monitor a separate small business technology growth account in the Florida Technology Research Investment Fund for the Florida SBTGP. This fund consists of appropriations by the Legislature, proceeds of any collateral used to secure such assistance, transfers, fees assessed for providing or processing such financial assistance, grants, interest earnings, and earnings on financial assistance.

## **International Trade & Development**

### **Export Assistance Program**

The International Trade & Development division within EFI offers export assistance to Florida businesses. The Export Assistance Program assists Florida firms that seek to export goods and services to international markets with activities, including grants, scholarships, and miscellaneous services. The assistance is primarily directed towards small to mid-sized businesses that have little or no history in exporting.

The Export Assistance Program provides many services including, maintaining Florida's Export Directory; maintaining international trade statistics; promoting and supporting international trade shows and trade missions; providing trade grants; and providing an Export Marketing Plan Scholarship.

Florida's Export Assistance Program offers a variety of export-related services and grants for small to medium-sized businesses. Available grants and scholarships include<sup>199</sup>:

- **Target Sector Grants**  
Eligible companies may be reimbursed up to \$6,000 for expenses at qualified trade shows or exhibitions around the world. To qualify, the company must be in one of the following target sectors: Aviation & Aerospace, Clean Energy, Homeland Security & Defense, Life Sciences, Marine Industry, Professional Services (Healthcare, Architecture/Engineering, Software Development), or Manufacturing.
- **Gold Key/Matchmaker Grants**  
Companies are provided an opportunity to meet with pre-screened and pre-qualified potential buyers, importers, agents, and others with an interest in the companies' products or services. The grant covers up to \$1,000 for the cost of the matchmaking services. To qualify, the firm must be in a qualified target sector (same as Target Sector Trade Grants) and either a new exporter, new to the interested foreign market, or an infrequent exporter (i.e., less than 50 export shipments per year).
- **Export Marketing Plan Scholarship**  
Eligible companies receive a \$3,530 grant to cover the cost of a customized export marketing plan done by a Small Business Development International Trade Specialist. The export marketing plan provides the company with an in-depth strategic assessment of the firm's

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<sup>197</sup> s. 288.95155, F.S.

<sup>198</sup> s. 288.9519, F.S.

<sup>199</sup> EDR, Return-on-Investment for International Trade and Business Development Programs, p. 19 (December 2015)



export opportunities. The company must be an infrequent exporter to qualify and personally cover \$500 of the cost of the plan.

In addition to the grant and scholarship programs, the Export Assistance Program includes a variety of technical assistance to Florida firms looking to export, including helping a company find a distributor or sales representative, aiding in the resolution of regulatory issues, assisting with licensing, and preparing a Certificate of Free Sale or Certificate of Good Manufacturing for exporting firms.<sup>200</sup>

### **International Offices Program**

Section 288.012, F.S., establishes the International Offices Program to promote foreign direct investment. EFI contracts with 13 full service foreign offices and 2 liaison offices in 13 countries. Full-service foreign offices are located in Brazil, Canada, China, France, Germany, Israel, Japan, Mexico, South Africa, Spain, and the United Kingdom. Liaison offices are located in Taiwan and the Czech Republic.<sup>201</sup>

In a 2015 survey of state trade directors, 40 out of the 50 states collectively operated 199 international offices. The top five countries with U.S. international offices were Germany, Mexico, China, Brazil, and Canada. One role of international offices is to increase state exports into the host country. The international offices can act as intermediaries between domestic businesses and potential international clients by arranging meetings or providing translation services between the companies. The offices also assist domestic companies at international trade shows and provide advice (e.g., trade statistics and market research).<sup>202</sup>

One role of the international offices is attracting foreign direct investment. Foreign direct investment (FDI) is defined as the full or partial ownership by a foreign investor of a business operating in the domestic country. In Florida's case, an FDI example could be a logistics center located in Jacksonville and owned, at least in part, by a German company which has more than a 10% stock in the center. Foreign direct investment can involve either a new business or an established company whose shares are bought by a foreign company. In 2012, the total stock of FDI in the United States was at \$3.9 trillion dollars, with an annual net positive inflow of \$166 billion dollars. In 2012, an estimated 245,000 Florida jobs were affiliated with companies that were either fully or partially foreign-owned.<sup>203</sup>

EFI receives about \$6.6 million each year to support international trade and development activities; payroll and foreign office contracts comprise the largest portion of expenditures. EFI's International Trade and Development unit received \$6.6 million in funding for Fiscal Year 2016-17. The Legislature allocates funds for the unit from the Florida International Trade and Promotion Trust Fund, which receives 4.25% of the state's rental car surcharge tax.

### **Trust Funds**

#### **Economic Development Trust Fund<sup>204</sup>**

Under current law, funds transferred from local governments for the purposes of the local financial support requirements of the QDSC and the QTI programs are deposited in the Economic Development Incentives Account within the Economic Development Trust Fund. Economic

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<sup>200</sup> *Id.* Certificate of Free Sale or Certificate of Good Manufacturing are documents that indicate that the exporting products are legally sold or distributed in the open market and approved by the regulatory authorities in the country of origin.

<sup>201</sup> EDR, Return-on-Investment for International Trade and Business Development Programs, p. 22 (December 2015)

<sup>202</sup> *Id.*

<sup>203</sup> EDR, Return-on-Investment for International Trade and Business Development Programs, p. 22 (December 2015)

<sup>204</sup> s. 288.095, F.S.

Development Incentives Account funds can only be used to pay tax refunds and make other payments authorized for the QDSC, QTI, and Brownfield Redevelopment Tax Refund programs.<sup>205</sup>

### **The State Economic Enhancement and Development Trust Fund<sup>206</sup>**

The trust fund was created for the purpose of infrastructure and job creation opportunities and for the following purposes or programs:

- Transportation facilities that meet a strategic and essential state interest with respect to the economic development of the state;
- Affordable housing programs and projects in accordance with chapter 420, F.S.;
- Economic development incentives for job creation and capital investment;
- Workforce training associated with locating a new business or expanding an existing business; and
- Tourism promotion and marketing services, functions, and programs.

The trust fund receives documentary stamp tax proceeds as specified in law, local financial support funds, interest earnings, and cash advances from other trust funds. Funds are expended only pursuant to legislative appropriation or an approved amendment to DEO's operating budget pursuant to the provisions of chapter 216, F.S.

### **Tourism Promotional Trust Fund<sup>207</sup>**

Moneys deposited in the Tourism Promotional Trust Fund may only be used to support the authorized activities and operations and the tourism promotion and marketing activities, services, functions, and programs administered by EFI, through a contract with VISIT FLORIDA. The Tourism Promotional Trust Fund receives 15.75% of the state's rental car surcharge tax.<sup>208</sup>

### **Florida International Trade and Promotion Trust Fund<sup>209</sup>**

The Florida International Trade and Promotion Trust Fund is administered by DEO for the operation of EFI and for the operation of Florida international offices under s. 288.012, F.S. The Florida International Trade and Promotion Trust Fund receives 4.25% of the state's rental car surcharge tax.<sup>210</sup>

### **Return on Investment (ROI)**

The Legislature has directed the Office of Economic and Demographic Research (EDR) and the Office of Program Policy Analysis and Government Accountability (OPPAGA) to analyze and evaluate 21 state economic development incentive programs on a recurring three-year schedule.<sup>211</sup>

As part of their evaluation, EDR calculates the state's return on investment (ROI)<sup>212</sup> in addition to reporting the impact on the key economic variables. In their most recent report,<sup>213</sup> EDR reviewed the following programs for Fiscal Years 2012-13, 2013-14 and 2014-15:

- The Capital Investment Tax Credit (CITC) established under s. 220.191, F.S.;
- The Qualified Target Industry Tax Refund (QTI) established under s. 288.106, F.S.;
- The Brownfield Redevelopment Bonus Refund (BFR) established under s. 288.107, F.S.;

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<sup>205</sup> s. 288.095, F.S.

<sup>206</sup> s. 288.1201, F.S.

<sup>207</sup> s. 288.122, F.S.

<sup>208</sup> s. 212.0606(3)(a), F.S.

<sup>209</sup> s. 288.826, F.S.

<sup>210</sup> s. 212.0606(3)(a), F.S.

<sup>211</sup> s. 288.0001, F.S.

<sup>212</sup> In this report, the term Return on Investment is synonymous with economic benefit, and is used in lieu of the statutory term.

<sup>213</sup> EDR, Economic Evaluation for Select State Economic Development Incentive Programs, Revised (January 2017)

- High-Impact Business Performance Grants (HIPI) established under s. 288.108, F.S.;
- The Quick Action Closing Fund (QACF) established under s. 288.1088, F.S.;
- The Innovation Incentive Program (IIP) established under s. 288.1089, F.S.;
- Enterprise Zone Program (EZ) incentives established under ss. 212.08(5) and (15), F.S.; and
- The New Markets Development Program established under ss. 288.991-288.9922, F.S..<sup>214</sup>

<b>Return On Investment Analyses</b>			
<b>Conducted by the Office of Economic and Demographic Research</b>			
<b>Ranked Incentives and Investments</b>	<b>CURRENT ROI</b>	<b>PRIOR ROI</b>	<b>STATUS</b>
Florida Sports Foundation Grant Program	5.6		<b>More than Breaks Even</b> (State makes money from the investment)
Economic Evaluation of Florida's Investment in Beaches	5.4		
Qualified Target Industry (QTI)	4.4	6.4	
International Offices Program	4.0		
VISIT FLORIDA Advertising	3.2		
Transportation: Seaports Program Area	2.7		
Export Assistance Program	1.9		
Transportation: Aviation Program Area	1.7		
Quick Action Closing Fund (QACF)	0.60	1.1	<b>Does Not Break Even</b> (however, the State recovers a portion of the cost)
Entertainment Industry Sales Tax Exemption (STE)	0.54		
Capital Investment Tax Credit (CITC)	0.43	2.3	
Entertainment Industry Financial Incentives Program (Tax Credit or FTC)	0.43		
Brownfield	0.30	1.1	
Professional Sports Franchise Incentive	0.30		
Transportation: Roads & Highways	0.19		
New Markets Development Program	0.18		
Spring Training Baseball Franchise Incentive	0.11		
Innovation Incentive Program (IIP)	0.10	0.20	
Quick Response Training Program	0.09		
Urban High-Crime Area Job Tax Credit	0.07		
Transportation: Public Transit	0.05		
High-Impact Sector Performance Grant (HIPI)	0.05	0.70	
Transportation: Rails	0.02		
Enterprise Zones	-0.05		<b>State Loses All of Its Investment</b> (plus incurs additional costs)
Professional Golf Hall of Fame Facility Incentive	-0.08		
International Game Fish Association World Center Facility Incentive	-0.09		

## Effect of Proposed Changes

### Repeals

The bill repeals the following sections of Florida Statutes:

20.601	Agency Review; Department of Economic Opportunity.
212.0602	Education; limited exemption.
212.097	Urban High-Crime Area Job Tax Credit Program.
220.1899	Entertainment industry tax credit.
220.191	Capital investment tax credit.
288.001	Florida Small Business Development Center Network.
288.012	State of Florida international offices, state protocol officer, and protocol manual.
288.017	Cooperative advertising matching grants program.
288.046	Quick-response training for economic development.
288.1045	Qualified defense contractor and space flight business tax refund program.
288.106	Tax Refund Program for Qualified Target Industry Businesses.
288.107	Brownfield Redevelopment Bonus Refunds.

<sup>214</sup> With the exception of the Florida New Markets Development Program, this is EDR's second evaluation of these programs. The previous report and several presentations related to the findings of the first report can be found at EDR's website:

288.108	High-Impact Business Program.
288.1081	Economic Gardening Business Loan and Technical Assistance Pilot Programs.
288.1088	Quick Action Closing Fund.
288.1089	Innovation Incentive Program.
288.111	Information concerning local manufacturing development programs.
288.1162	Professional Sports Franchises.
288.11621	Spring Training Baseball Franchises.
288.11625	Sports development.
288.11631	Retention of Major League Baseball Spring Training Baseball Franchises.
288.1169	International Game Fish Association World Center facility.
288.1201	State Economic Enhancement and Development Trust Fund.
288.122	Tourism Promotional Trust Fund.
288.1226	Florida Tourism Industry Marketing Corporation.
288.124	Convention Grants Program.
288.125-.1258	Entertainment Industry Programs.
288.826	Florida International Trade and Promotion Trust Fund.
288.90-9614	Enterprise Florida, Inc.
288.95155	Florida Small Business Technology Growth Program.
288.9621	Florida Capital Formation Act.
288.96255	Florida Technology Seed Capital Fund.
288.9624	Florida Opportunity Fund.
288.9625	Institute for the Commercialization of Public Research.
288.991-.9922	New Markets Development Program Act.
288.9935	Microfinance Guarantee Program.
295.23	Veterans research and marketing campaign.
339.2821	Economic development transportation projects.
625.3255	Capital participation instrument.

### **Transfers to DEO**

The bill eliminates EFI and provides that all duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to the programs in EFI are transferred by a type two transfer to DEO.

The bill provides for DEO to assume EFI's responsibility for the Capitol Information Center.

The bill eliminates VISIT FLORIDA, and provides that all duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to the programs in VISIT FLORIDA are transferred by a type two transfer to DEO.

The bill provides for DOT to assume VISIT FLORIDA's management responsibilities for the welcome centers that are located on DOT property.

The bill provides that the Florida Sports Foundation may enter into an agreement with DEO to continue any existing program, activity, duty, or function necessary for operation of the foundation and that any funds held in trust for the foundation may be used for the purpose for which the funds were received.

### **Trust Funds**

The bill terminates the following trust funds:

- The State Economic Enhancement and Development Trust Fund (s. 288.1201, F.S.)

- Tourism Promotional Trust Fund (s. 288.122, F.S.)
- The Florida International Trade and Promotion Trust Fund (s. 288.826, F.S.)

The bill provides that all current balances remaining in, and all revenues of, the trust funds shall be transferred to the General Revenue Fund.

The bill provides that DEO shall pay any outstanding debts and obligations of the terminated funds as soon as practicable, and the Chief Financial Officer shall close out and remove the terminated funds from various state accounting systems using generally accepted accounting principles concerning warrants outstanding, assets, and liabilities.

The portion of the rental car surcharge tax formerly deposited in the Florida International Trade and Promotion Trust Fund and the portion of the rental car surcharge tax formerly deposited in the Tourism Promotional Trust Fund are redirected to general revenue. The portion of the documentary stamp tax proceeds formerly deposited in the State Economic Enhancement and Development Trust Fund are redirected to general revenue.

### **Transitional Provision**

The bill provides that certified incentive projects currently in existence will be allowed to continue in accordance with the terms of the contract or agreement with DEO for the following programs:

- The Urban High-Crime Area Job Tax Credit Program (s. 212.097, F.S.)
- The Entertainment Industry Tax Credit (s. 220.1899, F.S.)
- The Capital Investment Tax Credit (s. 220.191, F.S.)
- Quick-Response Training for Economic Development (288.047, F.S.)
- The Qualified Defense Contractor and Space Flight Business Tax Refund Program (s. 288.1045, F.S.)
- The Tax Refund Program for Qualified Target Industry Businesses (s. 288.106, F.S.)
- Brownfield Redevelopment Bonus Refunds (s. 288.107, F.S.)
- The High-Impact Business Program (s. 288.108, F.S.)
- The Economic Gardening Business Loan and Technical Assistance Pilot Programs (ss. 288.1081 and 288.1082, F.S.)
- The Quick Action Closing Fund (s. 288.1088, F.S.)
- The Innovation Incentive Program (s. 288.1089, F.S.)
- Professional Sports Franchises (s. 288.1162, F.S.)
- Spring Training Baseball Franchises (s. 288.11621, F.S.)
- Sports Development (s. 288.11625, F.S.)
- The Retention of Major League Baseball Spring Training Baseball Franchises (s. 288.11631, F.S.)
- The New Markets Development Program Act (s. 288.9916, F.S.) and
- Economic Development Transportation Projects (s. 339.2821, F.S.)

The bill provides that no new or additional applications, certifications, contracts, agreements, or awards will be made, approved, issued, or executed. All certifications are rescinded except for those certified applicants or projects that continue to meet the criteria in effect before July 1, 2017. Existing contracts and agreements will continue in full force and effect in accordance with the statutory requirements in effect when the contract or agreement was executed or last modified. Except for computations made by the Department of Revenue relating to the income generated by or arising out of the qualifying project, no further modifications, extensions or waivers may be made or granted.

B. SECTION DIRECTORY:

Section	1	Amends	s. 11.45	Authority for Audits and Other Engagement
Section	2	Amends	s. 14.32	Office of Chief Inspector General
Section	3	Amends	s. 15.18	International and Cultural Relations
Section	4	Amends	s. 15.182	International Travel by State-Funded musical, cultural, or artistic organizations; notification to the Department of Economic Opportunity
Section	5	Amends	s. 20.60	Department of Economic Opportunity
Section	6	Repeals	s. 20.601	Agency Review; Department of Economic Opportunity
Section	7	Transfers		Type Two transfer of Enterprise Florida, Inc. to Department of Economic Opportunity
Section	8	Transfers		Type Two transfer of Florida Tourism Industry Marketing Corp. to Department of Economic Opportunity
Section	9	Provides		Transitional provisions for terminated programs established pursuant to certain statutes
Section	10	Amends	s. 125.0104	Taxable privileges; exemptions; levy; rate
Section	11	Amends	s. 159.803	Definitions
Section	12	Amends	s. 166.231	Municipalities; public service tax
Section	13	Amends	s. 189.033	Independent special district services in disproportionately affected county; rate reduction for providers providing economic benefits
Section	14	Amends	s. 196.012	Definitions
Section	15	Amends	s. 196.101	Exemption for totally and permanently disabled persons
Section	16	Amends	s. 196.121	Homestead exemptions; forms
Section	17	Amends	s. 196.1995	Economic development ad valorem tax exemption
Section	18	Amends	s. 201.15	Distribution of taxes collected
Section	19	Amends	s. 212.031	Tax on rental or license fee for use of real property
Section	20	Amends	s. 212.06	Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax
Section	21	Repeals	s. 212.0602	Education; limited exemption
Section	22	Amends	s. 212.0606	Rental car surcharge
Section	23	Amends	s. 212.08	Sales, rental, use, consumption, distribution, and storage tax; specified exemptions
Section	24	Repeals	s. 212.097	Urban High-Crime Area Job Tax Credit Program
Section	25	Amends	s. 212.098	Rural Job Tax Credit Programs
Section	26	Amends	s. 212.20	Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected
Section	27	Amends	s. 218.61	Local government half-cent sales tax; designated proceeds; trust fund
Section	28	Amends	s. 218.64	Local government half-cent sales tax; uses; limitations
Section	29	Amends	s. 220.02	Legislative intent
Section	30	Amends	s. 220.13	"Adjusted federal income" defined
Section	31	Amends	s. 220.1895	Rural Job Tax Credit
Section	32	Repeals	s. 220.1899	Entertainment industry tax credit
Section	33	Repeals	s. 220.191	Capital investment tax credit
Section	34	Amends	s. 220.194	Corporate income tax credits for spaceflight projects

Section	35	Amends	s. 220.196	Research and development tax credits
Section	36	Amends	s. 265.004	Florida Tourism Hall of Fame
Section	37	Amends	s. 272.11	Capitol information center
Section	38	Amends	s. 287.0947	Florida Advisory Council on Small and Minority Business Development; creation; membership; duties
Section	39	Amends	s. 288.0001	Economic development program evaluation
Section	40	Repeals	s. 288.001	The Florida Small Business Development Center Network
Section	41	Repeals	s. 288.012	State of Florida international offices; state protocol officer; protocol manual
Section	42	Repeals	s. 288.017	Cooperative advertising matching grants program
Section	43	Amends	s. 288.018	Regional Rural Development Grants Program
Section	44	Repeals	s. 288.046	Quick-response training; legislative intent
Section	45	Repeals	s. 288.047	Quick-response training for economic development
Section	46	Amends	s. 288.061	Economic development incentive application process
Section	47	Amends	s. 288.0655	Rural Infrastructure Fund
Section	48	Amends	s. 288.0656	Rural Economic Development Initiative
Section	49	Amends	s. 288.0658	Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission
Section	50	Amends	s. 288.075	Confidentiality of records
Section	51	Amends	s. 288.076	Return on investment reporting for economic development programs
Section	52	Amends	s. 288.095	Economic Development Trust Fund
Section	53	Repeals	s. 288.1045	Qualified defense contractor and space flight business tax refund program
Section	54	Repeals	s. 288.106	Tax refund program for qualified target industry businesses
Section	55	Repeals	s. 288.107	Brownfield redevelopment bonus refunds
Section	56	Repeals	s. 288.108	High-impact business
Section	57	Repeals	s. 288.1081	Economic Gardening Business Loan Pilot Program
Section	58	Repeals	s. 288.1082	Economic Gardening Technical Assistance Pilot Program
Section	59	Repeals	s. 288.1088	Quick Action Closing Fund
Section	60	Repeals	s. 288.1089	Innovation Incentive Program
Section	61	Repeals	s. 288.111	Information concerning local manufacturing development programs
Section	62	Repeals	s. 288.1162	Professional sports franchises; duties
Section	63	Repeals	s. 288.1162	Spring training baseball franchises
Section	64	Repeals	s. 288.1163	Sports development
Section	65	Repeals	s. 288.1163	Retention of Major League Baseball spring training baseball franchises
Section	66	Repeals	s. 288.1169	International Game Fish Association World Center facility
Section	67	Repeals	s. 288.1201	State Economic Enhancement and Development Trust Fund
Section	68	Terminates		State Economic Enhancement and Development Trust Fund
Section	69	Repeals	s. 288.122	Tourism Promotional Trust Fund
Section	70	Terminates		Tourism Promotional Trust Fund
Section	71	Repeals	s. 288.1226	Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit
Section	72	Amends	s. 288.1227	Welcome centers

Section	73	Repeals	s. 288.124	Convention grants program
Section	74	Repeals	s. 288.125	Definition of "entertainment industry"
Section	75	Repeals	s. 288.1251	Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties
Section	76	Repeals	s. 288.1252	Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties
Section	77	Repeals	s. 288.1253	Travel and entertainment expenses
Section	78	Repeals	s. 288.1258	Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports
Section	79	Amends	s. 288.7015	Appointment of rules ombudsman; duties
Section	80	Amends	s. 288.706	Florida Minority Business Loan Mobilization Program
Section	81	Amends	s. 288.773	Florida Export Finance Corporation
Section	82	Amends	s. 288.776	Board of directors; powers and duties
Section	83	Amends	s. 288.7771	Annual report of Florida Export Finance Corporation
Section	84	Amends	s. 288.8017	Awards
Section	85	Amends	s. 288.816	Intergovernmental relations
Section	86	Repeals	s. 288.826	Florida International Trade and Promotion Trust Fund
Section	87	Terminates		Florida International Trade and Promotion Trust Fund within DEO
Section	88	Repeals	s. 288.901	Enterprise Florida, Inc.
Section	89	Repeals	s. 288.9015	Powers of Enterprise Florida, Inc.; board of directors.
Section	90	Repeals	s. 288.903	Duties of Enterprise Florida, Inc.
Section	91	Repeals	s. 288.904	Funding for Enterprise Florida, Inc.; performance and return on the public's investment.
Section	92	Repeals	s. 288.905	President and employees of Enterprise Florida, Inc.
Section	93	Repeals	s. 288.906	Annual report of Enterprise Florida, Inc., and its divisions; audits.
Section	94	Amends	s. 288.907	Annual Incentives Report
Section	95	Repeals	s. 288.911	Creation and implementation of a marketing and image campaign.
Section	96	Amends	s. 288.912	Inventory of communities seeking to recruit businesses
Section	97	Repeals	s. 288.92	Divisions of Enterprise Florida, Inc.
Section	98	Repeals	s. 288.923	Division of Tourism Marketing; definitions; responsibilities.
Section	99	Repeals	s. 288.9516	Florida Small Business Technology Growth Program.
Section	100	Repeals	s. 288.9519	Not-for-profit corporation.
Section	101	Amends	s. 288.952	Public records exemption.
Section	102	Amends	s. 288.9603	Definitions
Section	103	Amends	s. 288.9604	Creation of the authority
Section	104	Amends	s. 288.9605	Corporation powers.
Section	105	Repeals	s. 288.9614	Authorized programs.
Section	106	Repeals	s. 288.9621	Florida Capital Formation Act
Section	107	Repeals	s. 288.9622	Findings and intent
Section	108	Repeals	s. 288.9623	Definitions.
Section	109	Repeals	s. 288.9624	Florida Opportunity Fund; creation; duties.
Section	110	Repeals	s. 288.9625	Institute for the Commercialization of Public Research.
Section	111	Repeals	s. 288.9626	Florida Technology Seed Capital Fund; creation; duties.



Section	112	Repeals	s. 288.9626	Exemptions from public records and public meetings requirements for the Florida Opportunity Fund.
Section	113	Repeals	s. 288.9627	Exemptions from public records and public meetings requirements for the Institute for the Commercialization of Public Research.
Section	114	Amends	s. 288.98	Military base retention; legislative intent; grants program.
Section	115	Repeals	s. 288.991	New Markets Development Program Act
Section	116	Repeals	s. 288.9912	New Markets Development Program; purpose.
Section	117	Repeals	s. 288.9913	Definitions.
Section	118	Repeals	s. 288.9914	Certification of qualified investments; investment issuance reporting.
Section	119	Repeals	s. 288.9915	Use of proceeds from qualified investments; recordkeeping.
Section	120	Repeals	s. 288.9916	New markets tax credit.
Section	121	Repeals	s. 288.9917	Community development entity reporting after a credit allowance date; certification of tax credit amount
Section	122	Repeals	s. 288.9918	Annual reporting by a community development entity
Section	123	Repeals	s. 288.9919	Audits and examinations; penalties
Section	124	Repeals	s. 288.9920	Recapture and penalties
Section	125	Repeals	s. 288.9921	Rulemaking
Section	126	Repeals	s. 288.9922	Expiration of the New Markets Development Program Act
Section	127	Amends	s. 288.9932	Definitions
Section	128	Amends	s. 288.9934	Microfinance Loan Program
Section	129	Repeals	s. 288.9935	Microfinance Guarantee Program
Section	130	Amends	s. 288.9936	Annual report of the Microfinance Loan Program
Section	131	Amends	s. 288.9937	Evaluation of programs
Section	132	Amends	s. 290.0056	Enterprise zone development agency
Section	133	Amends	s. 290.0065	State designation of enterprise zones
Section	134	Amends	s. 290.0068	Rural enterprise zones; special qualifications.
Section	135	Amends	s. 290.007	State incentives available in enterprise zones
Section	136	Amends	s. 290.053	Response to economic emergencies in small communities
Section	137	Amends	s. 295.21	Florida Is For Veterans, Inc.
Section	138	Amends	s. 295.22	Veterans Employment and Training Services Program
Section	139	Repeals	s. 295.23	Veterans research and marketing campaign
Section	140	Amends	s. 320.0806	Specialty license plates
Section	141	Amends	s. 331.3051	Duties of Space Florida
Section	142	Amends	s. 331.3081	Board of directors
Section	143	Amends	s. 339.08	Use of moneys in State Transportation Trust Fund
Section	144	Repeals	s. 339.2821	Economic development transportation projects
Section	145	Amends	s. 364.0135	Promotion of broadband adoption
Section	146	Amends	s. 376.82	Eligibility criteria and liability protection
Section	147	Amends	s. 377.703	Additional functions of the Department of Agriculture and Consumer Services
Section	148	Amends	s. 377.804	Renewable Energy and Energy-Efficient Technologies Grants Program
Section	149	Amends	s. 377.809	Energy Economic Zone Pilot Program
Section	150	Amends	s. 380.06	Developments of regional impact

Section	151	Amends	s. 380.0657	Expedited permitting process for economic development projects
Section	152	Amends	s. 403.42	Florida Clean Fuel Act
Section	153	Amends	s. 403.7032	Recycling
Section	154	Amends	s. 403.973	Expedited permitting; amendments to comprehensive plans.
Section	155	Amends	s. 413.801	Florida Unique Abilities Partner Program
Section	156	Amends	s. 443.091	Benefit eligibility conditions
Section	157	Amends	s. 445.004	CareerSource Florida, Inc.; creation; purpose; membership; duties and powers
Section	158	Amends	s. 445.045	Development of an Internet-based system for information technology industry promotion and workforce recruitment
Section	159	Amends	s. 446.44	Duties of Rural Workforce Services Program
Section	160	Amends	s. 477.0135	Exemptions.
Section	161	Amends	s. 570.81	Agricultural Economic Development Project Review Committee; powers and duties
Section	162	Amends	s. 570.85	Agritourism
Section	163	Amends	s. 624.5105	Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration
Section	164	Repeals	s. 625.3255	Capital participation instrument
Section	165	Amends	s. 657.042	Investment powers and limitations
Section	166	Amends	s. 658.67	Investment powers and limitations
Section	167	Amends	s. 1004.015	Higher Education Coordinating Council
Section	168	Amends	s. 1004.65	Florida College System institutions; governance, mission, and responsibilities
Section	169	Amends	s. 1004.78	Technology transfer centers at Florida College System institutions
Section	170	Amends	s. 1011.76	Small School District Stabilization Program
Section	171	Amends	s. 1011.80	Funds for operation of workforce education programs
Section	172	Amends	s. 1011.94	University Major Gifts Program
Section	173	Provides		Effective Date

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

The bill was reviewed by the Revenue Estimating Conference on February 10, 2017, and it was determined that for Fiscal Year 2017-18 the bill had a positive recurring impact to general revenue of \$231.7 million and a positive nonrecurring impact to general revenue of \$57.2 million. The net overall positive recurring revenue impact of \$45.1 million and nonrecurring impact of \$75.7 million is outlined below:

In Millions	General Revenue		Trust Funds		Total	
	Recurring	Nonrecurring	Recurring	Nonrecurring	Recurring	Nonrecurring
Elimination of Tax Credits	\$29.6	-\$27.9	\$0.0	\$0.0	\$29.6	-\$27.9
Redirect Trust Fund Revenue	\$186.6	\$85.3	-\$186.6	-\$85.3	\$0.0	\$0.0
Elimination of Entertainment Industry Sales Tax Exemption	\$14.5	\$0.0	\$0.0	\$0.0	\$14.5	\$0.0
No New Applicants to Baseball Spring Training Facilities Tax Distributions	\$1.0	-\$0.2	\$0.0	\$0.0	\$1.0	-\$0.2
Escrow Account Transfer	\$0.0	\$0.0	\$0.0	\$103.8	\$0.0	\$103.8
<b>Total</b>	<b>\$231.7</b>	<b>\$57.2</b>	<b>-\$186.6</b>	<b>\$18.5</b>	<b>\$45.1</b>	<b>\$75.7</b>

The bill also provides for a nonrecurring transfer of \$115.3 million to the state, the current balance from an EFI escrow account. This is represented above as \$103.8 million based on the assumption that the entities participating in economic development programs where the funds are placed in an escrow account at EFI will meet 100% of their contracted performance requirements in order to received 100% of payments due in Fiscal Year 2016-17 prior to the bill becoming law. Funds are anticipated to be moved into a state treasury account, such as the Economic Development Trust Fund within DEO.

See fiscal comments section.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference further determined the bill had a net positive recurring revenue impact to local governments of \$4.1 million based on the following:

In Millions	Local/Other	
	Recurring	Nonrecurring
Elimination of Tax Credits	\$0.4	\$0.0
Elimination of Entertainment Industry Sales Tax Exemption	\$3.7	\$0.0
<b>Total</b>	<b>\$4.1</b>	<b>\$0.0</b>

See fiscal comments section.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

A number of studies and performance reviews have attempted to fully quantify the impact of state and local incentives on the overall business climate within a state or local area. While the studies and reviews do not always agree, many of these reviews have found that the impact of specific economic incentive programs is small and that a number of other factors are more important for economic and tourist development. The factors that are often cited as most important to business and tourism development include the following: community quality of life, community cost of living, overall tax climate, workforce education, transportation infrastructure, permitting and construction requirements, regulatory structure, crime rates, and leisure amenities.

**D. FISCAL COMMENTS:**

The bill eliminates many of the incentive programs that did not have a positive return on investment, which will have a positive impact on state revenues.

According to OPPAGA Report No. 16-09, the Legislature appropriates certain incentive funds to DEO, which in turn provides funding to EFI as the agent for DEO, to hold in order to make future payments to some of the state's incentive recipients after contract requirements are met. EFI holds those funds in a commercial bank account (escrow account), which generates daily interest. Bank representatives and OPPAGA analyses indicate that the escrow account receives approximately 0.25% interest on funds held in the account. Current balances in the escrow account have increased over the years due to additional funds provided for the Quick Action Closing Fund by the Legislature and interest income earned. EFI remits interest payments earned on escrow funds to DEO quarterly.

According to EDR and OPPAGA, EFI's escrow account balances increased significantly from Fiscal Year 2012-13 through 2015-16: 2012-13 – \$19,107,556; 2013-14 – \$77,626,338; 2014-15 – \$85,513,019; 2015-16 – \$110,710,175. EDR and OPPAGA both report that EFI's escrow account funds could generate significantly more interest income if held in a state trust fund. Currently, the escrow account has a balance of \$115.3 million. Using a state trust fund to hold these funds would generate almost \$2 million more annually in interest than the commercial account.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None

**B. RULE-MAKING AUTHORITY:**

None

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to economic programs; amending ss.  
 3           11.45, 14.32, 15.18, 15.182, and 20.60, F.S.;  
 4           conforming provisions to changes made by the act;  
 5           repealing s. 20.601, F.S., relating to review of the  
 6           Department of Economic Opportunity; transferring all  
 7           duties, records, pending issues, rules, and unexpended  
 8           balances of appropriations, allocations, and other  
 9           public funds relating to programs in Enterprise  
 10          Florida, Inc., and the Florida Tourism Marketing  
 11          Corporation to the Department of Economic Opportunity  
 12          by a type two transfer; authorizing the Florida Sports  
 13          Foundation to enter into an agreement with the  
 14          Department of Economic Opportunity for certain  
 15          purposes and use certain funds; providing legislative  
 16          intent; providing transitional provisions for  
 17          terminated programs established pursuant to certain  
 18          statutes; amending ss. 125.0104, 159.803, 166.231,  
 19          189.033, 196.012, 196.101, 196.121, and 196.1995,  
 20          F.S.; conforming provisions to changes made by the  
 21          act; conforming cross-references; amending s. 201.15,  
 22          F.S.; providing that certain funds shall be  
 23          transferred to the General Revenue Fund; conforming  
 24          provisions to changes made by the act; amending ss.  
 25          212.031 and 212.06, F.S.; conforming provisions to

26 changes made by the act; repealing s. 212.0602, F.S.,  
 27 relating to an exemption from sales and use taxes for  
 28 certain education-related purchases or leases;  
 29 amending ss. 212.0606 and 212.08, F.S.; conforming  
 30 provisions to changes made by the act; repealing s.  
 31 212.097, F.S., relating to the Urban High-Crime Area  
 32 Job Tax Credit Program; amending ss. 212.098, 212.20,  
 33 218.61, 218.64, 220.02, 220.13, and 220.1895, F.S.;  
 34 conforming provisions to changes made by the act;  
 35 repealing ss. 220.1899 and 220.191, F.S., relating to  
 36 an entertainment industry tax credit and a capital  
 37 investment tax credit, respectively; amending s.  
 38 220.194, F.S.; conforming a cross-reference; amending  
 39 ss. 220.196, 265.004, 272.11, 287.0947, and 288.0001,  
 40 F.S.; conforming provisions to changes made by the  
 41 act; repealing ss. 288.001, 288.012, and 288.017,  
 42 F.S., relating to the Florida Small Business  
 43 Development Center Network, the State of Florida  
 44 international offices, and a cooperative advertising  
 45 matching grants program, respectively; amending s.  
 46 288.018, F.S.; conforming provisions to changes made  
 47 by the act; repealing ss. 288.046 and 288.047, F.S.,  
 48 relating to quick-response training for economic  
 49 development; amending s. 288.061, F.S.; conforming  
 50 provisions to changes made by the act; amending s.

51 288.0655, F.S.; conforming a cross-reference;  
 52 conforming provisions to changes made by the act;  
 53 amending ss. 288.0656, 288.0658, 288.075, 288.076, and  
 54 288.095, F.S.; conforming provisions to changes made  
 55 by the act; repealing ss. 288.1045, 288.106, 288.107,  
 56 288.108, 288.1081, 288.1082, 288.1088, and 288.1089,  
 57 F.S., relating to the qualified defense contractor and  
 58 space flight business tax refund program, a tax refund  
 59 program for qualified target industry businesses,  
 60 brownfield redevelopment bonus refunds, high-impact  
 61 business, the Economic Gardening Business Loan Pilot  
 62 Program, the Economic Gardening Technical Assistance  
 63 Pilot Program, the Quick Action Closing Fund, and the  
 64 Innovation Incentive Program, respectively; amending  
 65 s. 288.111, F.S.; conforming a provision to changes  
 66 made by the act; repealing ss. 288.1162, 288.11621,  
 67 288.11625, and 288.11631, F.S., relating to  
 68 professional sports franchises, spring training  
 69 baseball franchises, sports development, and retention  
 70 of Major League Baseball spring training baseball  
 71 franchises, respectively; repealing ss. 288.1169,  
 72 288.1201, and 288.122, F.S., relating to the  
 73 International Game Fish Association World Center  
 74 facility, the State Economic Enhancement and  
 75 Development Trust Fund, and the Tourism Promotional

76 Trust Fund, respectively; terminating such trust  
 77 funds; transferring the balances and revenues of such  
 78 trust funds to the General Revenue Fund; requiring the  
 79 department to pay outstanding debts and obligations of  
 80 such trust funds; requiring the Chief Financial  
 81 Officer to close out and remove such trust funds from  
 82 state accounting systems; repealing s. 288.1226, F.S.,  
 83 relating to the Florida Tourism Industry Marketing  
 84 Corporation; amending s. 288.12265, F.S.; transferring  
 85 responsibility for administering and operating welcome  
 86 centers from Enterprise Florida, Inc., to the  
 87 Department of Transportation; repealing ss. 288.124,  
 88 288.125, 288.1251, 288.1252, 288.1253, and 288.1258,  
 89 F.S., relating to a convention grants program, a  
 90 definition of the term "entertainment industry," the  
 91 promotion and development of the entertainment  
 92 industry by the Office of Film and Entertainment, the  
 93 Florida Film and Entertainment Advisory Council, and  
 94 certain travel and entertainment expenses, and  
 95 entertainment industry qualified production companies,  
 96 respectively; amending ss. 288.7015 and 288.706, F.S.;  
 97 conforming provisions to changes made by the act;  
 98 amending ss. 288.773, 288.776, 288.7771, 288.8017, and  
 99 288.816, F.S.; conforming provisions to changes made  
 100 by the act; repealing s. 288.826, F.S., relating to



101 | the Florida International Trade and Promotion Trust  
 102 | Fund; terminating such trust fund; transferring the  
 103 | balances and revenues of such trust fund to the  
 104 | General Revenue Fund; requiring the department to pay  
 105 | outstanding debts and obligations of such trust fund;  
 106 | requiring the Chief Financial Officer to close out and  
 107 | remove such trust fund from state accounting systems;  
 108 | repealing ss. 288.901, 288.9015, 288.903, 288.904,  
 109 | 288.905, and 288.906, F.S., relating to Enterprise  
 110 | Florida, Inc., powers of board of directors of  
 111 | Enterprise Florida, Inc., duties of Enterprise  
 112 | Florida, Inc., funding for Enterprise Florida, Inc.,  
 113 | the president and employees of Enterprise Florida,  
 114 | Inc., and the annual report and audits of Enterprise  
 115 | Florida, Inc., and its divisions, respectively;  
 116 | transferring, renumbering, and amending s. 288.907,  
 117 | F.S.; conforming provisions to changes made by the  
 118 | act; repealing s. 288.911, F.S., relating to the  
 119 | creation and implementation of a marketing and image  
 120 | campaign; transferring, renumbering, and amending s.  
 121 | 288.912, F.S.; conforming provisions to changes made  
 122 | by the act; repealing ss. 288.92, 288.923, 288.95155,  
 123 | and 288.9519, F.S., relating to the divisions of  
 124 | Enterprise Florida, Inc., the Division of Tourism  
 125 | Marketing, the Florida Small Business Technology

126 Growth Program, and a not-for-profit corporation  
 127 intended to promote the competitiveness and  
 128 profitability of high-technology business and  
 129 industry, respectively; amending ss. 288.9520,  
 130 288.9603, 288.9604, and 288.9605, F.S.; conforming  
 131 provisions to changes made by the act; repealing ss.  
 132 288.9614, 288.9621, 288.9622, 288.9623, 288.9624,  
 133 288.9625, 288.96255, 288.9626, and 288.9627, F.S.,  
 134 relating to the Florida Capital Formation Act and  
 135 findings and intent and definitions relating thereto,  
 136 the Florida Opportunity Fund, the Institute for the  
 137 Commercialization of Public Research, the Florida  
 138 Technology Seed Capital Fund, and exemptions from  
 139 public records and public meetings requirements for  
 140 such fund and institute, respectively; amending s.  
 141 288.980, F.S.; conforming a provision to changes made  
 142 by the act; repealing ss. 288.991, 288.9912, 288.9913,  
 143 288.9914, 288.9915, 288.9916, 288.9917, 288.9918,  
 144 288.9919, 288.9920, 288.9921, and 288.9922, F.S.,  
 145 relating to the New Markets Development Program;  
 146 amending ss. 288.9932 and 288.9934, F.S.; conforming  
 147 provisions to changes made by the act; repealing s.  
 148 288.9935, F.S., relating to the Microfinance Guarantee  
 149 Program; amending ss. 288.9936, 288.9937, 290.0056,  
 150 290.0065, 290.00677, 290.007, 290.053, 295.21, and

151 295.22, F.S.; conforming provisions to changes made by  
 152 the act; conforming cross-references; repealing s.  
 153 295.23, F.S., relating to the veterans research and  
 154 marketing campaign; amending ss. 320.08058, 331.3051,  
 155 331.3081, and 339.08, F.S.; conforming provisions to  
 156 changes made by the act; repealing s. 339.2821, F.S.,  
 157 relating to economic development transportation  
 158 projects; amending ss. 364.0135, 376.82, 377.703,  
 159 377.804, 377.809, 380.06, 380.0657, 403.42, 403.7032,  
 160 403.973, 413.801, 443.091, 445.004, 445.045, 446.44,  
 161 477.0135, 570.81, 570.85, and 624.5105, F.S.;  
 162 conforming provisions to changes made by the act;  
 163 conforming a cross-reference; repealing s. 625.3255,  
 164 F.S., relating to a capital participation instrument;  
 165 amending ss. 657.042, 658.67, 1004.015, 1004.65,  
 166 1004.78, 1011.76, 1011.80, and 1011.94, F.S.;  
 167 conforming provisions to changes made by the act;  
 168 conforming a cross-reference; providing an effective  
 169 date.

171 WHEREAS, economic development incentives foster unfair  
 172 competition by benefitting select firms and industries, and

173 WHEREAS, economic development incentives often subsidize  
 174 private companies and their shareholders for economic actions  
 175 they would have taken regardless of such incentives, and

176 WHEREAS, economic development incentives cause market  
 177 distortions which result in inefficiencies and inequities in the  
 178 marketplace, and

179 WHEREAS, business incentives divert the attention of  
 180 policymakers from other issues that could lead to additional job  
 181 creation and a more robust business climate, and

182 WHEREAS, the true costs of economic development incentives  
 183 are an unnecessary shift of private business expenses to the  
 184 taxpaying public and a reduction in available funding for other  
 185 public services which could promote economic growth, and

186 WHEREAS, economic development scholars and professionals  
 187 lack consensus on how influential economic development and  
 188 business incentives are on the economy, generally, or on a  
 189 business when choosing its location, NOW, THEREFORE,

190

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

192

193 Section 1. Paragraph (i) of subsection (3) of section  
 194 11.45, Florida Statutes, is amended to read:

195 11.45 Definitions; duties; authorities; reports; rules.-

196 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.-The  
 197 Auditor General may, pursuant to his or her own authority, or at  
 198 the direction of the Legislative Auditing Committee, conduct  
 199 audits or other engagements as determined appropriate by the  
 200 Auditor General of:

201 ~~(i) Enterprise Florida, Inc., including any of its boards,~~  
 202 ~~advisory committees, or similar groups created by Enterprise~~  
 203 ~~Florida, Inc., and programs. The audit report may not reveal the~~  
 204 ~~identity of any person who has anonymously made a donation to~~  
 205 ~~Enterprise Florida, Inc., pursuant to this paragraph. The~~  
 206 ~~identity of a donor or prospective donor to Enterprise Florida,~~  
 207 ~~Inc., who desires to remain anonymous and all information~~  
 208 ~~identifying such donor or prospective donor are confidential and~~  
 209 ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I~~  
 210 ~~of the State Constitution. Such anonymity shall be maintained in~~  
 211 ~~the auditor's report.~~

212 Section 2. Paragraph (a) of subsection (3) of section  
 213 14.32, Florida Statutes, is amended to read:

214 14.32 Office of Chief Inspector General.—

215 (3) Related to public-private partnerships, the Chief  
 216 Inspector General:

217 (a) Shall advise public-private partnerships, ~~including~~  
 218 ~~Enterprise Florida, Inc.,~~ in their development, utilization, and  
 219 improvement of internal control measures necessary to ensure  
 220 fiscal accountability.

221 Section 3. Section 15.18, Florida Statutes, is amended to  
 222 read:

223 15.18 International and cultural relations.—The Divisions  
 224 of Cultural Affairs, Historical Resources, and Library and  
 225 Information Services of the Department of State promote programs

226 having substantial cultural, artistic, and indirect economic  
 227 significance that emphasize American creativity. The Secretary  
 228 of State, as the head administrator of these divisions, shall  
 229 hereafter be known as "Florida's Chief Cultural Officer." As  
 230 this officer, the Secretary of State is encouraged to initiate  
 231 and develop relationships between the state and foreign cultural  
 232 officers, their representatives, and other foreign governmental  
 233 officials in order to promote Florida as the center of American  
 234 creativity. The Secretary of State shall coordinate  
 235 international activities pursuant to this section with  
 236 ~~Enterprise Florida, Inc.,~~ and any other organization the  
 237 secretary deems appropriate. For the accomplishment of this  
 238 purpose, the Secretary of State shall have the power and  
 239 authority to:

240 (1) Disseminate any information pertaining to the State of  
 241 Florida which promotes the state's cultural assets.

242 (2) Plan and carry out activities designed to cause  
 243 improved cultural and governmental programs and exchanges with  
 244 foreign countries.

245 (3) Plan and implement cultural and social activities for  
 246 visiting foreign heads of state, diplomats, dignitaries, and  
 247 exchange groups.

248 (4) Encourage and cooperate with other public and private  
 249 organizations or groups in their efforts to promote the cultural  
 250 advantages of Florida.

251 (5) Serve as the liaison with all foreign consular and  
 252 ambassadorial corps, as well as international organizations,  
 253 that are consistent with the purposes of this section.

254 (6) Provide, arrange, and make expenditures for the  
 255 achievement of any or all of the purposes specified in this  
 256 section.

257 Section 4. Subsection (2) of section 15.182, Florida  
 258 Statutes, is amended to read:

259 15.182 International travel by state-funded musical,  
 260 cultural, or artistic organizations; notification to the  
 261 Department of Economic Opportunity.—

262 (2) The Department of Economic Opportunity, ~~in conjunction~~  
 263 ~~with Enterprise Florida, Inc.,~~ shall act as an intermediary  
 264 between performing musical, cultural, and artistic organizations  
 265 and Florida businesses to encourage and coordinate joint  
 266 undertakings. Such coordination may include, but is not limited  
 267 to, encouraging business and industry to sponsor cultural  
 268 events, assistance with travel of such organizations, and  
 269 coordinating travel schedules of cultural performance groups and  
 270 international trade missions.

271 Section 5. Subsections (4) and (5), paragraph (b) of  
 272 subsection (9), and subsections (10) and (11) of section 20.60,  
 273 Florida Statutes, are amended to read:

274 20.60 Department of Economic Opportunity; creation; powers  
 275 and duties.—

276 (4) The purpose of the department is to assist the  
 277 Governor in working with the Legislature, state agencies,  
 278 business leaders, and economic development professionals to  
 279 formulate and implement coherent and consistent policies and  
 280 strategies designed to promote economic opportunities for all  
 281 Floridians. To accomplish such purposes, the department shall:

282 (a) Facilitate the direct involvement of the Governor and  
 283 the Lieutenant Governor in economic development and workforce  
 284 development projects designed to create, expand, and retain  
 285 businesses in this state, to recruit business from around the  
 286 world, and to facilitate other job-creating efforts.

287 (b) Recruit new businesses to this state and promote the  
 288 expansion of existing businesses by expediting permitting and  
 289 location decisions, worker placement and training, and incentive  
 290 awards.

291 (c) Promote viable, sustainable communities by providing  
 292 technical assistance and guidance on growth and development  
 293 issues, grants, and other assistance to local communities.

294 (d) Ensure that the state's goals and policies relating to  
 295 economic development, workforce development, community planning  
 296 and development, and affordable housing are fully integrated  
 297 with appropriate implementation strategies.

298 (e) Manage the activities of public-private partnerships  
 299 and state agencies in order to avoid duplication and promote  
 300 coordinated and consistent implementation of programs in areas



301 including, but not limited to, tourism; international trade and  
 302 investment; business recruitment, creation, retention, and  
 303 expansion; minority and small business development; rural  
 304 community development; commercialization of products, services,  
 305 or ideas developed in public universities or other public  
 306 institutions; and the development and promotion of professional  
 307 and amateur sporting events.

308 (f) Coordinate with state agencies on the processing of  
 309 state development approvals or permits to minimize the  
 310 duplication of information provided by the applicant and the  
 311 time before approval or disapproval.

312 ~~(5) The divisions within the department have specific~~  
 313 ~~responsibilities to achieve the duties, responsibilities, and~~  
 314 ~~goals of the department. Specifically:~~

315 ~~(a) The Division of Strategic Business Development shall:~~

316 (g)1. Analyze and evaluate business prospects identified  
 317 by the Governor and~~7~~ the executive director of the department,  
 318 ~~and Enterprise Florida, Inc.~~

319 (h)2. Administer certain tax refund, tax credit, and grant  
 320 programs created in law. Notwithstanding any other provision of  
 321 law, the department may expend interest earned from the  
 322 investment of program funds deposited in the Grants and  
 323 Donations Trust Fund to contract for the administration of those  
 324 programs, or portions of the programs, assigned to the  
 325 department by law, by the appropriations process, or by the

326 Governor. Such expenditures shall be subject to review under  
 327 chapter 216.

328 (i)~~3~~. Develop measurement protocols for the state  
 329 incentive programs and for the contracted entities which will be  
 330 used to determine their performance and competitive value to the  
 331 state. Performance measures, benchmarks, and sanctions must be  
 332 developed in consultation with the legislative appropriations  
 333 committees and the appropriate substantive committees, and are  
 334 subject to the review and approval process provided in s.  
 335 216.177. The approved performance measures, standards, and  
 336 sanctions shall be included and made a part of the strategic  
 337 plan for contracts entered into for delivery of programs  
 338 authorized by this section.

339 (j)~~4~~. Develop a 5-year statewide strategic plan. The  
 340 strategic plan must include, but need not be limited to:

341 1.a~~1~~. Strategies for the promotion of business formation,  
 342 expansion, recruitment, and retention through aggressive  
 343 marketing, international development, and export assistance,  
 344 which lead to more and better jobs and higher wages for all  
 345 geographic regions, disadvantaged communities, and populations  
 346 of the state, including rural areas, minority businesses, and  
 347 urban core areas.

348 2.b~~2~~. The development of realistic policies and programs to  
 349 further the economic diversity of the state, its regions, and  
 350 their associated industrial clusters.

351           3.e. Specific provisions for the stimulation of economic  
 352 development and job creation in rural areas and midsize cities  
 353 and counties of the state, including strategies for rural  
 354 marketing and the development of infrastructure in rural areas.

355           4.d. Provisions for the promotion of the successful long-  
 356 term economic development of the state with increased emphasis  
 357 in market research and information.

358           5.e. Plans for the generation of foreign investment in the  
 359 state which create jobs paying above-average wages and which  
 360 result in reverse investment in the state, including programs  
 361 that establish viable overseas markets, assist in meeting the  
 362 financing requirements of export-ready firms, broaden  
 363 opportunities for international joint venture relationships, use  
 364 the resources of academic and other institutions, coordinate  
 365 trade assistance and facilitation services, and facilitate  
 366 availability of and access to education and training programs  
 367 that assure requisite skills and competencies necessary to  
 368 compete successfully in the global marketplace.

369           6.f. The identification of business sectors that are of  
 370 current or future importance to the state's economy and to the  
 371 state's global business image, and development of specific  
 372 strategies to promote the development of such sectors.

373           7.g. Strategies for talent development necessary in the  
 374 state to encourage economic development growth, taking into  
 375 account factors such as the state's talent supply chain,

376 education and training opportunities, and available workforce.

377 (k)~~5~~. Update the strategic plan every 5 years.

378 (l)~~6~~. Involve ~~Enterprise Florida, Inc.;~~ CareerSource  
 379 Florida, Inc.; local governments; the general public; local and  
 380 regional economic development organizations; other local, state,  
 381 and federal economic, international, and workforce development  
 382 entities; the business community; and educational institutions  
 383 to assist with the strategic plan.

384 (5) The divisions within the department have specific  
 385 responsibilities to achieve the duties, responsibilities, and  
 386 goals of the department. Specifically:

387 (a)~~(b)~~ The Division of Community Development shall:

388 1. Assist local governments and their communities in  
 389 finding creative planning solutions to help them foster vibrant,  
 390 healthy communities, while protecting the functions of important  
 391 state resources and facilities.

392 2. Administer state and federal grant programs as provided  
 393 by law to provide community development and project planning  
 394 activities to maintain viable communities, revitalize existing  
 395 communities, and expand economic development and employment  
 396 opportunities, including:

397 a. The Community Services Block Grant Program.

398 b. The Community Development Block Grant Program in  
 399 chapter 290.

400 c. The Low-Income Home Energy Assistance Program in

401 chapter 409.

402 d. The Weatherization Assistance Program in chapter 409.

403 e. The Neighborhood Stabilization Program.

404 f. The local comprehensive planning process and the  
405 development of regional impact process.

406 g. The Front Porch Florida Initiative through the Office  
407 of Urban Opportunity, which is created within the division. The  
408 purpose of the office is to administer the Front Porch Florida  
409 initiative, a comprehensive, community-based urban core  
410 redevelopment program that enables urban core residents to craft  
411 solutions to the unique challenges of each designated community.

412 3. Assist in developing the 5-year statewide strategic  
413 plan required by this section.

414 (b)~~(e)~~ The Division of Workforce Services shall:

415 1. Prepare and submit a unified budget request for  
416 workforce development in accordance with chapter 216 for, and in  
417 conjunction with, CareerSource Florida, Inc., and its board.

418 2. Ensure that the state appropriately administers federal  
419 and state workforce funding by administering plans and policies  
420 of CareerSource Florida, Inc., under contract with CareerSource  
421 Florida, Inc. The operating budget and midyear amendments  
422 thereto must be part of such contract.

423 a. All program and fiscal instructions to local workforce  
424 development boards shall emanate from the Department of Economic  
425 Opportunity pursuant to plans and policies of CareerSource

426 Florida, Inc., which shall be responsible for all policy  
 427 directions to the local workforce development boards.

428 b. Unless otherwise provided by agreement with  
 429 CareerSource Florida, Inc., administrative and personnel  
 430 policies of the Department of Economic Opportunity apply.

431 3. Implement the state's reemployment assistance program.  
 432 The Department of Economic Opportunity shall ensure that the  
 433 state appropriately administers the reemployment assistance  
 434 program pursuant to state and federal law.

435 4. Assist in developing the 5-year statewide strategic  
 436 plan required by this section.

437 (9) The executive director shall:

438 (b) Serve as the manager for the state with respect to  
 439 contracts with ~~Enterprise Florida, Inc., the Institute for the~~  
 440 ~~Commercialization of Public Research, and~~ all applicable direct-  
 441 support organizations. To accomplish the provisions of this  
 442 section and applicable provisions of chapter 288, and  
 443 notwithstanding the provisions of part I of chapter 287, the  
 444 director shall enter into specific contracts with Enterprise  
 445 ~~Florida, Inc., the Institute for the Commercialization of Public~~  
 446 ~~Research, and other~~ appropriate direct-support organizations.  
 447 Such contracts may be for multiyear terms and shall include  
 448 specific performance measures for each year. ~~For purposes of~~  
 449 ~~this section, the Florida Tourism Industry Marketing Corporation~~  
 450 ~~is not an appropriate direct-support organization.~~

451 (10) The department, ~~with assistance from Enterprise~~  
 452 ~~Florida, Inc.~~, shall, by November 1 of each year, submit an  
 453 annual report to the Governor, the President of the Senate, and  
 454 the Speaker of the House of Representatives on the condition of  
 455 the business climate and economic development in the state.

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

458 (b) The report must incorporate annual reports of other  
 459 programs, including:

460 1. The displaced homemaker program established under s.  
 461 446.50.

462 2. Information provided by the Department of Revenue under  
 463 s. 290.014.

464 3. Information provided by enterprise zone development  
 465 agencies under s. 290.0056 and an analysis of the activities and  
 466 accomplishments of each enterprise zone.

467 ~~4. The Economic Gardening Business Loan Pilot Program~~  
 468 ~~established under s. 288.1081 and the Economic Gardening~~  
 469 ~~Technical Assistance Pilot Program established under s.~~  
 470 ~~288.1082.~~

471 4.5. A detailed report of the performance of the Black  
 472 Business Loan Program and a cumulative summary of quarterly  
 473 report data required under s. 288.714.

474 5.6. The Rural Economic Development Initiative established  
 475 under s. 288.0656.

476 6.7. The Florida Unique Abilities Partner Program.

477 (11) The department shall establish annual performance  
 478 standards for ~~Enterprise Florida, Inc.,~~ CareerSource Florida,  
 479 Inc., ~~the Florida Tourism Industry Marketing Corporation,~~ and  
 480 Space Florida and report annually on how these performance  
 481 measures are being met in the annual report required under  
 482 subsection (10).

483 Section 6. Section 20.601, Florida Statutes, is repealed.

484 Section 7. (1) All duties, functions, records, pending  
 485 issues, existing contracts, administrative authority,  
 486 administrative rules, and unexpended balances of appropriations,  
 487 allocations, and other public funds relating to the programs in  
 488 Enterprise Florida, Inc., are transferred by a type two transfer  
 489 to the Department of Economic Opportunity.

490 (2) (a) The Florida Sports Foundation, incorporated under  
 491 chapter 617, Florida Statutes, which was previously merged into  
 492 and transferred to Enterprise Florida, Inc., may enter into an  
 493 agreement with the Department of Economic Opportunity to  
 494 continue any existing program, activity, duty, or function  
 495 necessary for the operation of that foundation.

496 (b) Any funds held in trust which were donated to or  
 497 earned by the Florida Sports Foundation may be used by that  
 498 foundation for the original purposes for which the funds were  
 499 received.

500 (3) It is the intent of the Legislature that the changes



501 made by this act be accomplished with minimal disruption of  
 502 services provided to the public and with minimal disruption to  
 503 employees of any organization.

504 Section 8. All duties, functions, records, pending issues,  
 505 existing contracts, administrative authority, administrative  
 506 rules, and unexpended balances of appropriations, allocations,  
 507 and other public funds relating to the programs in the Florida  
 508 Tourism Industry Marketing Corporation are transferred by a type  
 509 two transfer to the Department of Economic Opportunity.

510 Section 9. For programs established pursuant to ss.  
 511 212.097, 220.1899, 220.191, 288.047, 288.1045, 288.106, 288.107,  
 512 288.108, 288.1081, 288.1082, 288.1088, 288.1089, 288.1162,  
 513 288.11621, 288.11625, 288.11631, 288.9916, and 339.2821, Florida  
 514 Statutes, no new or additional applications or certifications  
 515 shall be approved, no new letters of certification may be  
 516 issued, no new contracts or agreements may be executed, and no  
 517 new awards may be made. All certifications are rescinded except  
 518 for those certified applicants or projects that continue to meet  
 519 the criteria in effect before July 1, 2017. Any existing  
 520 contracts or agreements authorized under any of these programs  
 521 shall continue in full force and effect in accordance with the  
 522 statutory requirements in effect when the contract or agreement  
 523 was executed or last modified. However, no further  
 524 modifications, extensions, or waivers may be made or granted  
 525 relating to such contracts or agreements except computations by

526 | the Department of Revenue of the income generated by or arising  
 527 | out of the qualifying project.

528 | Section 10. Paragraph (n) of subsection (3) of section  
 529 | 125.0104, Florida Statutes, is amended to read:

530 | 125.0104 Tourist development tax; procedure for levying;  
 531 | authorized uses; referendum; enforcement.—

532 | (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

533 | (n) In addition to any other tax that is imposed under  
 534 | this section, a county that has imposed the tax under paragraph  
 535 | (1) may impose an additional tax that is no greater than 1  
 536 | percent on the exercise of the privilege described in paragraph  
 537 | (a) by a majority plus one vote of the membership of the board  
 538 | of county commissioners in order to:

539 | 1. Pay the debt service on bonds issued to finance:

540 | a. The construction, reconstruction, or renovation of a  
 541 | facility either publicly owned and operated, or publicly owned  
 542 | and operated by the owner of a professional sports franchise or  
 543 | other lessee with sufficient expertise or financial capability  
 544 | to operate such facility, and to pay the planning and design  
 545 | costs incurred prior to the issuance of such bonds for a new  
 546 | professional sports franchise ~~as defined in s. 288.1162.~~ As used  
 547 | in this sub-subparagraph, the term "new professional sports  
 548 | franchise" means a professional sports franchise that was not  
 549 | based in this state before April 1, 1987.

550 | b. The acquisition, construction, reconstruction, or

551 renovation of a facility either publicly owned and operated, or  
 552 publicly owned and operated by the owner of a professional  
 553 sports franchise or other lessee with sufficient expertise or  
 554 financial capability to operate such facility, and to pay the  
 555 planning and design costs incurred prior to the issuance of such  
 556 bonds for a retained spring training franchise.

557 2. Promote and advertise tourism in the State of Florida  
 558 and nationally and internationally; however, if tax revenues are  
 559 expended for an activity, service, venue, or event, the  
 560 activity, service, venue, or event shall have as one of its main  
 561 purposes the attraction of tourists as evidenced by the  
 562 promotion of the activity, service, venue, or event to tourists.

563  
 564 A county that imposes the tax authorized in this paragraph may  
 565 not expend any ad valorem tax revenues for the acquisition,  
 566 construction, reconstruction, or renovation of a facility for  
 567 which tax revenues are used pursuant to subparagraph 1. The  
 568 provision of paragraph (b) which prohibits any county authorized  
 569 to levy a convention development tax pursuant to s. 212.0305  
 570 from levying more than the 2-percent tax authorized by this  
 571 section shall not apply to the additional tax authorized by this  
 572 paragraph in counties which levy convention development taxes  
 573 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to  
 574 the adoption of the additional tax authorized in this paragraph.  
 575 The effective date of the levy and imposition of the tax

576 authorized under this paragraph is the first day of the second  
 577 month following approval of the ordinance by the board of county  
 578 commissioners or the first day of any subsequent month specified  
 579 in the ordinance. A certified copy of such ordinance shall be  
 580 furnished by the county to the Department of Revenue within 10  
 581 days after approval of the ordinance.

582 Section 11. Subsection (11) of section 159.803, Florida  
 583 Statutes, is amended to read:

584 159.803 Definitions.—As used in this part, the term:

585 (11) "Florida First Business project" means any project  
 586 which is certified by the Department of Economic Opportunity as  
 587 eligible to receive an allocation from the Florida First  
 588 Business allocation pool established pursuant to s. 159.8083.  
 589 The Department of Economic Opportunity may certify ~~these~~  
 590 ~~projects meeting the criteria set forth in s. 288.106(4)(b) or~~  
 591 any project providing a substantial economic benefit to this  
 592 state.

593 Section 12. Paragraph (a) of subsection (8) of section  
 594 166.231, Florida Statutes, is amended to read:

595 166.231 Municipalities; public service tax.—

596 (8)(a) Beginning July 1, 1995, a municipality may by  
 597 ordinance exempt not less than 50 percent of the tax imposed  
 598 under this section on purchasers of electrical energy who are  
 599 determined to be eligible for the exemption provided by s.  
 600 212.08(14) ~~212.08(15)~~ by the Department of Revenue. The

601 exemption shall be administered as provided in that section. A  
 602 copy of any ordinance adopted pursuant to this subsection shall  
 603 be provided to the Department of Revenue not less than 14 days  
 604 prior to its effective date.

605 Section 13. Section 189.033, Florida Statutes, is amended  
 606 to read:

607 189.033 Independent special district services in  
 608 disproportionately affected county; rate reduction for providers  
 609 providing economic benefits.—If the governing body of an  
 610 independent special district that provides water, wastewater,  
 611 and sanitation services in a disproportionately affected county~~7~~  
 612 ~~as defined in s. 288.106(8)~~, determines that a new user or the  
 613 expansion of an existing user of one or more of its utility  
 614 systems will provide a significant benefit to the community in  
 615 terms of increased job opportunities, economies of scale, or  
 616 economic development in the area, the governing body may  
 617 authorize a reduction of its rates, fees, or charges for that  
 618 user for a specified period of time. A governing body that  
 619 exercises this power must do so by resolution that states the  
 620 anticipated economic benefit justifying the reduction as well as  
 621 the period of time that the reduction will remain in place. As  
 622 used in this section, the term "disproportionally affected  
 623 county" means Bay County, Escambia County, Franklin County, Gulf  
 624 County, Okaloosa County, Santa Rosa County, Walton County, or  
 625 Wakulla County.

626 Section 14. Subsections (11) through (19) of section  
 627 196.012, Florida Statutes, are renumbered as subsections (12)  
 628 through (20), respectively, a new subsection (11) is added to  
 629 that section, and paragraph (a) of present subsection (14),  
 630 paragraph (a) of present subsection (15), and present subsection  
 631 (16) of that section are amended to read:

632 196.012 Definitions.—For the purpose of this chapter, the  
 633 following terms are defined as follows, except where the context  
 634 clearly indicates otherwise:

635 (11) "Target industry business" means a corporate  
 636 headquarters business or any business that is engaged in one of  
 637 the target industries identified pursuant to the following  
 638 criteria developed by the Department of Economic Opportunity:

639 (a) Future growth.—The industry forecast indicates strong  
 640 expectation for future growth in employment and output,  
 641 according to the most recent available data. Special  
 642 consideration should be given to businesses that export goods  
 643 to, or provide services in, international markets and businesses  
 644 that replace domestic and international imports of goods or  
 645 services.

646 (b) Stability.—The industry is not subject to periodic  
 647 layoffs, whether due to seasonality or sensitivity to volatile  
 648 economic variables such as weather. The industry is also  
 649 relatively resistant to recession, so that the demand for  
 650 products of this industry is not typically subject to decline

651 during an economic downturn.

652 (c) High wage.—The industry pays relatively high wages  
 653 compared to statewide or area averages.

654 (d) Market and resource independent.—The industry business  
 655 location is not dependent on markets or resources in the state  
 656 as indicated by industry analysis, except for businesses in the  
 657 renewable energy industry.

658 (e) Industrial base diversification and strengthening.—The  
 659 industry contributes toward expanding or diversifying the  
 660 state's or area's economic base, as indicated by analysis of  
 661 employment and output shares compared to national and regional  
 662 trends. Special consideration should be given to industries that  
 663 strengthen regional economies by adding value to basic products  
 664 or building regional industrial clusters as indicated by  
 665 industry analysis. Special consideration should also be given to  
 666 the development of strong industrial clusters that include  
 667 defense and homeland security businesses.

668 (f) Positive economic impact.—The industry has strong  
 669 positive economic impacts on or benefits to the state or  
 670 regional economies. Special consideration should be given to  
 671 industries that facilitate the development of the state as a hub  
 672 for domestic and global trade and logistics.

673  
 674 The term does not include any business engaged in retail  
 675 industry activities; any electrical utility company as defined

676 | in s. 366.02(2); any phosphate or other solid minerals  
 677 | severance, mining, or processing operation; any oil or gas  
 678 | exploration or production operation; or any business subject to  
 679 | regulation by the Division of Hotels and Restaurants of the  
 680 | Department of Business and Professional Regulation. Any business  
 681 | within NAICS code 5611 or 5614, office administrative services  
 682 | and business support services, respectively, may be considered a  
 683 | target industry business only after the local governing body and  
 684 | the Department of Economic Opportunity determine that the  
 685 | community in which the business may locate has conditions  
 686 | affecting the fiscal and economic viability of the local  
 687 | community or area, including, but not limited to, low per capita  
 688 | income, high unemployment, high underemployment, and a lack of  
 689 | year-round stable employment opportunities, and such conditions  
 690 | may be improved by the business locating in such community. By  
 691 | January 1 of every 3rd year, beginning January 1, 2011, the  
 692 | Department of Economic Opportunity, in consultation with  
 693 | economic development organizations, the State University System,  
 694 | local governments, employee and employer organizations, market  
 695 | analysts, and economists, shall review and, as appropriate,  
 696 | revise the list of target industries and submit the list to the  
 697 | Governor, the President of the Senate, and the Speaker of the  
 698 | House of Representatives.

699 |        ~~(15)~~~~(14)~~ "New business" means:

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



701 new jobs to employ 10 or more full-time employees in this state,  
 702 paying an average wage for such new jobs that is above the  
 703 average wage in the area, which principally engages in any one  
 704 or more of the following operations:

705 a. manufactures, processes, compounds, fabricates, or  
 706 produces for sale items of tangible personal property at a fixed  
 707 location and which comprises an industrial or manufacturing  
 708 plant; or

709 b. Is a target industry business as defined in subsection  
 710 (11) ~~s. 288.106(2)(g)~~;

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

717 3. An office space in this state owned and used by a  
 718 business or organization newly domiciled in this state; provided  
 719 such office space houses 50 or more full-time employees of such  
 720 business or organization; provided that such business or  
 721 organization office first begins operation on a site clearly  
 722 separate from any other commercial or industrial operation owned  
 723 by the same business or organization.

724 (16)~~(15)~~ "Expansion of an existing business" means:

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

726 new jobs to employ 10 or more full-time employees in this state,  
 727 paying an average wage for such new jobs that is above the  
 728 average wage in the area, which principally engages in any of  
 729 the operations referred to in subparagraph (15)(a)1. ~~(14)(a)1.~~;  
 730 or

731 2. A business or organization establishing 25 or more new  
 732 jobs to employ 25 or more full-time employees in this state, the  
 733 sales factor of which, as defined by s. 220.15(5), for the  
 734 facility with respect to which it requests an economic  
 735 development ad valorem tax exemption is less than 0.50 for each  
 736 year the exemption is claimed; provided that such business  
 737 increases operations on a site located within the same county,  
 738 municipality, or both colocated with a commercial or industrial  
 739 operation owned by the same business or organization under  
 740 common control with the same business or organization, resulting  
 741 in a net increase in employment of not less than 10 percent or  
 742 an increase in productive output or sales of not less than 10  
 743 percent.

744 (17) ~~(16)~~ "Permanent resident" means a person who has  
 745 established a permanent residence as defined in subsection (18)  
 746 ~~(17)~~.

747 Section 15. Subsection (2) of section 196.101, Florida  
 748 Statutes, is amended to read:

749 196.101 Exemption for totally and permanently disabled  
 750 persons.—

751 (2) Any real estate used and owned as a homestead by a  
 752 paraplegic, hemiplegic, or other totally and permanently  
 753 disabled person, as defined in s. 196.012(12) ~~196.012(11)~~, who  
 754 must use a wheelchair for mobility or who is legally blind, is  
 755 exempt from taxation.

756 Section 16. Subsection (2) of section 196.121, Florida  
 757 Statutes, is amended to read:

758 196.121 Homestead exemptions; forms.—

759 (2) The forms shall require the taxpayer to furnish  
 760 certain information to the property appraiser for the purpose of  
 761 determining that the taxpayer is a permanent resident as defined  
 762 in s. 196.012(17) ~~196.012(16)~~. Such information may include, but  
 763 need not be limited to, the factors enumerated in s. 196.015.

764 Section 17. Subsections (6) and (11) of section 196.1995,  
 765 Florida Statutes, are amended to read:

766 196.1995 Economic development ad valorem tax exemption.—

767 (6) With respect to a new business as defined in ~~by~~ s.  
 768 196.012(15)(c) ~~196.012(14)(e)~~, the municipality annexing the  
 769 property on which the business is situated may grant an economic  
 770 development ad valorem tax exemption under this section to that  
 771 business for a period that will expire upon the expiration of  
 772 the exemption granted by the county. If the county renews the  
 773 exemption under subsection (7), the municipality may also extend  
 774 its exemption. A municipal economic development ad valorem tax  
 775 exemption granted under this subsection may not extend beyond

776 the duration of the county exemption.

777 (11) An ordinance granting an exemption under this section  
 778 shall be adopted in the same manner as any other ordinance of  
 779 the county or municipality and shall include the following:

780 (a) The name and address of the new business or expansion  
 781 of an existing business to which the exemption is granted;

782 (b) The total amount of revenue available to the county or  
 783 municipality from ad valorem tax sources for the current fiscal  
 784 year, the total amount of revenue lost to the county or  
 785 municipality for the current fiscal year by virtue of economic  
 786 development ad valorem tax exemptions currently in effect, and  
 787 the estimated revenue loss to the county or municipality for the  
 788 current fiscal year attributable to the exemption of the  
 789 business named in the ordinance;

790 (c) The period of time for which the exemption will remain  
 791 in effect and the expiration date of the exemption, which may be  
 792 any period of time up to 10 years, or up to 20 years for a data  
 793 center; and

794 (d) A finding that the business named in the ordinance  
 795 meets the requirements of s. 196.012(15) or (16) ~~196.012(14) or~~  
 796 ~~(15)~~.

797 Section 18. Paragraphs (a), (c), and (d) of subsection (4)  
 798 of section 201.15, Florida Statutes, are amended to read:

799 201.15 Distribution of taxes collected.—All taxes  
 800 collected under this chapter are hereby pledged and shall be

801 first made available to make payments when due on bonds issued  
 802 pursuant to s. 215.618 or s. 215.619, or any other bonds  
 803 authorized to be issued on a parity basis with such bonds. Such  
 804 pledge and availability for the payment of these bonds shall  
 805 have priority over any requirement for the payment of service  
 806 charges or costs of collection and enforcement under this  
 807 section. All taxes collected under this chapter, except taxes  
 808 distributed to the Land Acquisition Trust Fund pursuant to  
 809 subsections (1) and (2), are subject to the service charge  
 810 imposed in s. 215.20(1). Before distribution pursuant to this  
 811 section, the Department of Revenue shall deduct amounts  
 812 necessary to pay the costs of the collection and enforcement of  
 813 the tax levied by this chapter. The costs and service charge may  
 814 not be levied against any portion of taxes pledged to debt  
 815 service on bonds to the extent that the costs and service charge  
 816 are required to pay any amounts relating to the bonds. All of  
 817 the costs of the collection and enforcement of the tax levied by  
 818 this chapter and the service charge shall be available and  
 819 transferred to the extent necessary to pay debt service and any  
 820 other amounts payable with respect to bonds authorized before  
 821 January 1, 2017, secured by revenues distributed pursuant to  
 822 this section. All taxes remaining after deduction of costs shall  
 823 be distributed as follows:

824 (4) After the required distributions to the Land  
 825 Acquisition Trust Fund pursuant to subsections (1) and (2) and

826 deduction of the service charge imposed pursuant to s.  
 827 215.20(1), the remainder shall be distributed as follows:  
 828 (a) The lesser of 24.18442 percent of the remainder or  
 829 \$541.75 million in each fiscal year shall be paid into the State  
 830 Treasury to the credit of the State Transportation Trust Fund.  
 831 Of such funds, \$75 million for each fiscal year shall be  
 832 transferred to the General Revenue Fund ~~State Economic~~  
 833 ~~Enhancement and Development Trust Fund within the Department of~~  
 834 ~~Economic Opportunity~~. Notwithstanding any other law, the  
 835 remaining amount credited to the State Transportation Trust Fund  
 836 shall be used for:  
 837 1. Capital funding for the New Starts Transit Program,  
 838 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
 839 341.051, in the amount of 10 percent of the funds;  
 840 2. The Small County Outreach Program specified in s.  
 841 339.2818, in the amount of 10 percent of the funds;  
 842 3. The Strategic Intermodal System specified in ss.  
 843 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent  
 844 of the funds after deduction of the payments required pursuant  
 845 to subparagraphs 1. and 2.; and  
 846 4. The Transportation Regional Incentive Program specified  
 847 in s. 339.2819, in the amount of 25 percent of the funds after  
 848 deduction of the payments required pursuant to subparagraphs 1.  
 849 and 2. The first \$60 million of the funds allocated pursuant to  
 850 this subparagraph shall be allocated annually to the Florida

851 Rail Enterprise for the purposes established in s. 341.303(5).

852 (c) Eleven and twenty-four hundredths percent of the  
 853 remainder in each fiscal year shall be paid into the State  
 854 Treasury to the credit of the State Housing Trust Fund. Of such  
 855 funds, the first \$35 million shall be transferred annually,  
 856 subject to any distribution required under subsection (5), to  
 857 the General Revenue Fund ~~State Economic Enhancement and~~  
 858 ~~Development Trust Fund within the Department of Economic~~  
 859 ~~Opportunity~~. The remainder shall be used as follows:

860 1. Half of that amount shall be used for the purposes for  
 861 which the State Housing Trust Fund was created and exists by  
 862 law.

863 2. Half of that amount shall be paid into the State  
 864 Treasury to the credit of the Local Government Housing Trust  
 865 Fund and used for the purposes for which the Local Government  
 866 Housing Trust Fund was created and exists by law.

867 (d) Twelve and ninety-three hundredths percent of the  
 868 remainder in each fiscal year shall be paid into the State  
 869 Treasury to the credit of the State Housing Trust Fund. Of such  
 870 funds, the first \$40 million shall be transferred annually,  
 871 subject to any distribution required under subsection (5), to  
 872 the General Revenue Fund ~~State Economic Enhancement and~~  
 873 ~~Development Trust Fund within the Department of Economic~~  
 874 ~~Opportunity~~. The remainder shall be used as follows:

875 1. Twelve and one-half percent of that amount shall be

876 deposited into the State Housing Trust Fund and expended by the  
 877 Department of Economic Opportunity and the Florida Housing  
 878 Finance Corporation for the purposes for which the State Housing  
 879 Trust Fund was created and exists by law.

880 2. Eighty-seven and one-half percent of that amount shall  
 881 be distributed to the Local Government Housing Trust Fund and  
 882 used for the purposes for which the Local Government Housing  
 883 Trust Fund was created and exists by law. Funds from this  
 884 category may also be used to provide for state and local  
 885 services to assist the homeless.

886 Section 19. Paragraph (a) of subsection (1) of section  
 887 212.031, Florida Statutes, is amended to read:

888 212.031 Tax on rental or license fee for use of real  
 889 property.-

890 (1)(a) It is declared to be the legislative intent that  
 891 every person is exercising a taxable privilege who engages in  
 892 the business of renting, leasing, letting, or granting a license  
 893 for the use of any real property unless such property is:

- 894 1. Assessed as agricultural property under s. 193.461.
- 895 2. Used exclusively as dwelling units.
- 896 3. Property subject to tax on parking, docking, or storage  
 897 spaces under s. 212.03(6).
- 898 4. Recreational property or the common elements of a  
 899 condominium when subject to a lease between the developer or  
 900 owner thereof and the condominium association in its own right



901 or as agent for the owners of individual condominium units or  
902 the owners of individual condominium units. However, only the  
903 lease payments on such property shall be exempt from the tax  
904 imposed by this chapter, and any other use made by the owner or  
905 the condominium association shall be fully taxable under this  
906 chapter.

907 5. A public or private street or right-of-way and poles,  
908 conduits, fixtures, and similar improvements located on such  
909 streets or rights-of-way, occupied or used by a utility or  
910 provider of communications services, as defined by s. 202.11,  
911 for utility or communications or television purposes. For  
912 purposes of this subparagraph, the term "utility" means any  
913 person providing utility services as defined in s. 203.012. This  
914 exception also applies to property, wherever located, on which  
915 the following are placed: towers, antennas, cables, accessory  
916 structures, or equipment, not including switching equipment,  
917 used in the provision of mobile communications services as  
918 defined in s. 202.11. For purposes of this chapter, towers used  
919 in the provision of mobile communications services, as defined  
920 in s. 202.11, are considered to be fixtures.

921 6. A public street or road which is used for  
922 transportation purposes.

923 7. Property used at an airport exclusively for the purpose  
924 of aircraft landing or aircraft taxiing or property used by an  
925 airline for the purpose of loading or unloading passengers or

926 property onto or from aircraft or for fueling aircraft.

927 8.a. Property used at a port authority, as defined in s.  
 928 315.02(2), exclusively for the purpose of oceangoing vessels or  
 929 tugs docking, or such vessels mooring on property used by a port  
 930 authority for the purpose of loading or unloading passengers or  
 931 cargo onto or from such a vessel, or property used at a port  
 932 authority for fueling such vessels, or to the extent that the  
 933 amount paid for the use of any property at the port is based on  
 934 the charge for the amount of tonnage actually imported or  
 935 exported through the port by a tenant.

936 b. The amount charged for the use of any property at the  
 937 port in excess of the amount charged for tonnage actually  
 938 imported or exported shall remain subject to tax except as  
 939 provided in sub-subparagraph a.

940 ~~9. Property used as an integral part of the performance of~~  
 941 ~~qualified production services. As used in this subparagraph, the~~  
 942 ~~term "qualified production services" means any activity or~~  
 943 ~~service performed directly in connection with the production of~~  
 944 ~~a qualified motion picture, as defined in s. 212.06(1)(b), and~~  
 945 ~~includes:~~

946 ~~a. Photography, sound and recording, casting, location~~  
 947 ~~managing and scouting, shooting, creation of special and optical~~  
 948 ~~effects, animation, adaptation (language, media, electronic, or~~  
 949 ~~otherwise), technological modifications, computer graphics, set~~  
 950 ~~and stage support (such as electricians, lighting designers and~~

951 ~~operators, greensmen, prop managers and assistants, and grips),~~  
 952 ~~wardrobe (design, preparation, and management), hair and makeup~~  
 953 ~~(design, production, and application), performing (such as~~  
 954 ~~acting, dancing, and playing), designing and executing stunts,~~  
 955 ~~coaching, consulting, writing, scoring, composing,~~  
 956 ~~choreographing, script supervising, directing, producing,~~  
 957 ~~transmitting dailies, dubbing, mixing, editing, cutting,~~  
 958 ~~looping, printing, processing, duplicating, storing, and~~  
 959 ~~distributing;~~

960 ~~b. The design, planning, engineering, construction,~~  
 961 ~~alteration, repair, and maintenance of real or personal property~~  
 962 ~~including stages, sets, props, models, paintings, and facilities~~  
 963 ~~principally required for the performance of those services~~  
 964 ~~listed in sub-subparagraph a.; and~~

965 ~~c. Property management services directly related to~~  
 966 ~~property used in connection with the services described in sub-~~  
 967 ~~subparagraphs a. and b.~~

968  
 969 ~~This exemption will inure to the taxpayer upon presentation of~~  
 970 ~~the certificate of exemption issued to the taxpayer under the~~  
 971 ~~provisions of s. 288.1258.~~

972 9.10. ~~Leased, subleased, licensed, or rented to a person~~  
 973 ~~providing food and drink concessionaire services within the~~  
 974 ~~premises of a convention hall, exhibition hall, auditorium,~~  
 975 ~~stadium, theater, arena, civic center, performing arts center,~~

976 publicly owned recreational facility, or any business operated  
 977 under a permit issued pursuant to chapter 550. A person  
 978 providing retail concessionaire services involving the sale of  
 979 food and drink or other tangible personal property within the  
 980 premises of an airport shall be subject to tax on the rental of  
 981 real property used for that purpose, but shall not be subject to  
 982 the tax on any license to use the property. For purposes of this  
 983 subparagraph, the term "sale" shall not include the leasing of  
 984 tangible personal property.

985 10.11. Property occupied pursuant to an instrument calling  
 986 for payments which the department has declared, in a Technical  
 987 Assistance Advisement issued on or before March 15, 1993, to be  
 988 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
 989 Administrative Code; provided that this subparagraph shall only  
 990 apply to property occupied by the same person before and after  
 991 the execution of the subject instrument and only to those  
 992 payments made pursuant to such instrument, exclusive of renewals  
 993 and extensions thereof occurring after March 15, 1993.

994 11.12. Property used or occupied predominantly for space  
 995 flight business purposes. As used in this subparagraph, "space  
 996 flight business" means the manufacturing, processing, or  
 997 assembly of a space facility, space propulsion system, space  
 998 vehicle, satellite, or station of any kind possessing the  
 999 capacity for space flight, as defined by s. 212.02(23), or  
 1000 components thereof, and also means the following activities

1001 supporting space flight: vehicle launch activities, flight  
 1002 operations, ground control or ground support, and all  
 1003 administrative activities directly related thereto. Property  
 1004 shall be deemed to be used or occupied predominantly for space  
 1005 flight business purposes if more than 50 percent of the  
 1006 property, or improvements thereon, is used for one or more space  
 1007 flight business purposes. Possession by a landlord, lessor, or  
 1008 licensor of a signed written statement from the tenant, lessee,  
 1009 or licensee claiming the exemption shall relieve the landlord,  
 1010 lessor, or licensor from the responsibility of collecting the  
 1011 tax, and the department shall look solely to the tenant, lessee,  
 1012 or licensee for recovery of such tax if it determines that the  
 1013 exemption was not applicable.

1014 12.13 Rented, leased, subleased, or licensed to a person  
 1015 providing telecommunications, data systems management, or  
 1016 Internet services at a publicly or privately owned convention  
 1017 hall, civic center, or meeting space at a public lodging  
 1018 establishment as defined in s. 509.013. This subparagraph  
 1019 applies only to that portion of the rental, lease, or license  
 1020 payment that is based upon a percentage of sales, revenue  
 1021 sharing, or royalty payments and not based upon a fixed price.  
 1022 This subparagraph is intended to be clarifying and remedial in  
 1023 nature and shall apply retroactively. This subparagraph does not  
 1024 provide a basis for an assessment of any tax not paid, or create  
 1025 a right to a refund of any tax paid, pursuant to this section

1026 before July 1, 2010.

1027 Section 20. Paragraph (b) of subsection (1) of section  
 1028 212.06, Florida Statutes, is amended to read:

1029 212.06 Sales, storage, use tax; collectible from dealers;  
 1030 "dealer" defined; dealers to collect from purchasers;  
 1031 legislative intent as to scope of tax.—

1032 (1)

1033 (b) Except as otherwise provided, any person who  
 1034 manufactures, produces, compounds, processes, or fabricates in  
 1035 any manner tangible personal property for his or her own use  
 1036 shall pay a tax upon the cost of the product manufactured,  
 1037 produced, compounded, processed, or fabricated without any  
 1038 deduction therefrom on account of the cost of material used,  
 1039 labor or service costs, or transportation charges,  
 1040 notwithstanding the provisions of s. 212.02 defining "cost  
 1041 price." However, the tax levied under this paragraph shall not  
 1042 be imposed upon any person who manufactures or produces  
 1043 electrical power or energy, steam energy, or other energy at a  
 1044 single location, when such power or energy is used directly and  
 1045 exclusively at such location, or at other locations if the  
 1046 energy is transferred through facilities of the owner in the  
 1047 operation of machinery or equipment that is used to manufacture,  
 1048 process, compound, produce, fabricate, or prepare for shipment  
 1049 tangible personal property for sale or to operate pollution  
 1050 control equipment, maintenance equipment, or monitoring or

1051 control equipment used in such operations. The manufacture or  
 1052 production of electrical power or energy that is used for space  
 1053 heating, lighting, office equipment, or air-conditioning or any  
 1054 other, nonprocessing, noncompounding, nonproducing,  
 1055 nonfabricating, or nonshipping activity is taxable. Electrical  
 1056 power or energy consumed or dissipated in the transmission or  
 1057 distribution of electrical power or energy for resale is also  
 1058 not taxable. ~~Fabrication labor shall not be taxable when a~~  
 1059 ~~person is using his or her own equipment and personnel, for his~~  
 1060 ~~or her own account, as a producer, subproducer, or coproducer of~~  
 1061 ~~a qualified motion picture. For purposes of this chapter, the~~  
 1062 ~~term "qualified motion picture" means all or any part of a~~  
 1063 ~~series of related images, either on film, tape, or other~~  
 1064 ~~embodiment, including, but not limited to, all items comprising~~  
 1065 ~~part of the original work and film-related products derived~~  
 1066 ~~therefrom as well as duplicates and prints thereof and all sound~~  
 1067 ~~recordings created to accompany a motion picture, which is~~  
 1068 ~~produced, adapted, or altered for exploitation in, on, or~~  
 1069 ~~through any medium or device and at any location, primarily for~~  
 1070 ~~entertainment, commercial, industrial, or educational purposes.~~  
 1071 ~~This exemption for fabrication labor associated with production~~  
 1072 ~~of a qualified motion picture will inure to the taxpayer upon~~  
 1073 ~~presentation of the certificate of exemption issued to the~~  
 1074 ~~taxpayer under the provisions of s. 288.1258. A person who~~  
 1075 manufactures factory-built buildings for his or her own use in

1076 the performance of contracts for the construction or improvement  
 1077 of real property shall pay a tax only upon the person's cost  
 1078 price of items used in the manufacture of such buildings.

1079 Section 21. Section 212.0602, Florida Statutes, is  
 1080 repealed.

1081 Section 22. Paragraph (a) of subsection (3) of section  
 1082 212.0606, Florida Statutes, is amended to read:

1083 212.0606 Rental car surcharge.-

1084 (3)(a) Notwithstanding s. 212.20, and less the costs of  
 1085 administration, 80 percent of the proceeds of this surcharge  
 1086 shall be deposited in the State Transportation Trust Fund, ~~15.75~~  
 1087 ~~percent of the proceeds of this surcharge shall be deposited in~~  
 1088 ~~the Tourism Promotional Trust Fund created in s. 288.122, and 20~~  
 1089 ~~4.25~~ percent of the proceeds of this surcharge shall be  
 1090 deposited in the General Revenue Fund ~~Florida International~~  
 1091 ~~Trade and Promotion Trust Fund~~. For the purposes of this  
 1092 subsection, "proceeds" of the surcharge means all funds  
 1093 collected and received by the department under this section,  
 1094 including interest and penalties on delinquent surcharges. The  
 1095 department shall provide the Department of Transportation rental  
 1096 car surcharge revenue information for the previous state fiscal  
 1097 year by September 1 of each year.

1098 Section 23. Paragraphs (g) through (q) of subsection (5)  
 1099 of section 212.08, Florida Statutes, are redesignated as  
 1100 paragraphs (f) through (p), respectively, subsections (12)



1101 through (18) are renumbered as subsections (11) through (17),  
 1102 respectively, and paragraph (f) and present paragraphs (h) and  
 1103 (j) of subsection (5), subsection (12), and paragraph (f) of  
 1104 present subsection (15) of that section are amended to read:

1105       212.08 Sales, rental, use, consumption, distribution, and  
 1106 storage tax; specified exemptions.—The sale at retail, the  
 1107 rental, the use, the consumption, the distribution, and the  
 1108 storage to be used or consumed in this state of the following  
 1109 are hereby specifically exempt from the tax imposed by this  
 1110 chapter.

1111       (5) EXEMPTIONS; ACCOUNT OF USE.—

1112       ~~(f) Motion picture or video equipment used in motion~~  
 1113 ~~picture or television production activities and sound recording~~  
 1114 ~~equipment used in the production of master tapes and master~~  
 1115 ~~records.—~~

1116       ~~1. Motion picture or video equipment and sound recording~~  
 1117 ~~equipment purchased or leased for use in this state in~~  
 1118 ~~production activities is exempt from the tax imposed by this~~  
 1119 ~~chapter. The exemption provided by this paragraph shall inure to~~  
 1120 ~~the taxpayer upon presentation of the certificate of exemption~~  
 1121 ~~issued to the taxpayer under the provisions of s. 288.1258.~~

1122       ~~2. For the purpose of the exemption provided in~~  
 1123 ~~subparagraph 1.:~~

1124       ~~a. "Motion picture or video equipment" and "sound~~  
 1125 ~~recording equipment" includes only tangible personal property or~~

1126 ~~other property that has a depreciable life of 3 years or more~~  
 1127 ~~and that is used by the lessee or purchaser exclusively as an~~  
 1128 ~~integral part of production activities; however, motion picture~~  
 1129 ~~or video equipment and sound recording equipment does not~~  
 1130 ~~include supplies, tape, records, film, or video tape used in~~  
 1131 ~~productions or other similar items; vehicles or vessels; or~~  
 1132 ~~general office equipment not specifically suited to production~~  
 1133 ~~activities. In addition, the term does not include equipment~~  
 1134 ~~purchased or leased by television or radio broadcasting or cable~~  
 1135 ~~companies licensed by the Federal Communications Commission.~~  
 1136 ~~Furthermore, a building and its structural components are not~~  
 1137 ~~motion picture or video equipment and sound recording equipment~~  
 1138 ~~unless the building or structural component is so closely~~  
 1139 ~~related to the motion picture or video equipment and sound~~  
 1140 ~~recording equipment that it houses or supports that the building~~  
 1141 ~~or structural component can be expected to be replaced when the~~  
 1142 ~~motion picture or video equipment and sound recording equipment~~  
 1143 ~~are replaced. Heating and air-conditioning systems are not~~  
 1144 ~~motion picture or video equipment and sound recording equipment~~  
 1145 ~~unless the sole justification for their installation is to meet~~  
 1146 ~~the requirements of the production activities, even though the~~  
 1147 ~~system may provide incidental comfort to employees or serve, to~~  
 1148 ~~an insubstantial degree, nonproduction activities.~~

1149 ~~b. "Production activities" means activities directed~~  
 1150 ~~toward the preparation of a:~~

1151 ~~(I) Master tape or master record embodying sound; or~~  
 1152 ~~(II) Motion picture or television production which is~~  
 1153 ~~produced for theatrical, commercial, advertising, or educational~~  
 1154 ~~purposes and utilizes live or animated actions or a combination~~  
 1155 ~~of live and animated actions. The motion picture or television~~  
 1156 ~~production shall be commercially produced for sale or for~~  
 1157 ~~showing on screens or broadcasting on television and may be on~~  
 1158 ~~film or video tape.~~

1159 (g) ~~(h)~~ Business property used in an enterprise zone.—

1160 1. Business property purchased for use by businesses  
 1161 located in an enterprise zone which is subsequently used in an  
 1162 enterprise zone shall be exempt from the tax imposed by this  
 1163 chapter. This exemption inures to the business only through a  
 1164 refund of previously paid taxes. A refund shall be authorized  
 1165 upon an affirmative showing by the taxpayer to the satisfaction  
 1166 of the department that the requirements of this paragraph have  
 1167 been met.

1168 2. To receive a refund, the business must file under oath  
 1169 with the governing body or enterprise zone development agency  
 1170 having jurisdiction over the enterprise zone where the business  
 1171 is located, as applicable, an application which includes:

1172 a. The name and address of the business claiming the  
 1173 refund.

1174 b. The identifying number assigned pursuant to s. 290.0065  
 1175 to the enterprise zone in which the business is located.

1176 c. A specific description of the property for which a  
 1177 refund is sought, including its serial number or other permanent  
 1178 identification number.

1179 d. The location of the property.

1180 e. The sales invoice or other proof of purchase of the  
 1181 property, showing the amount of sales tax paid, the date of  
 1182 purchase, and the name and address of the sales tax dealer from  
 1183 whom the property was purchased.

1184 f. Whether the business is a small business as defined by  
 1185 s. 288.703.

1186 g. If applicable, the name and address of each permanent  
 1187 employee of the business, including, for each employee who is a  
 1188 resident of an enterprise zone, the identifying number assigned  
 1189 pursuant to s. 290.0065 to the enterprise zone in which the  
 1190 employee resides.

1191 3. Within 10 working days after receipt of an application,  
 1192 the governing body or enterprise zone development agency shall  
 1193 review the application to determine if it contains all the  
 1194 information required pursuant to subparagraph 2. and meets the  
 1195 criteria set out in this paragraph. The governing body or agency  
 1196 shall certify all applications that contain the information  
 1197 required pursuant to subparagraph 2. and meet the criteria set  
 1198 out in this paragraph as eligible to receive a refund. If  
 1199 applicable, the governing body or agency shall also certify if  
 1200 20 percent of the employees of the business are residents of an

1201 enterprise zone, excluding temporary and part-time employees.  
 1202 The certification shall be in writing, and a copy of the  
 1203 certification shall be transmitted to the executive director of  
 1204 the Department of Revenue. The business shall be responsible for  
 1205 forwarding a certified application to the department within the  
 1206 time specified in subparagraph 4.

1207 4. An application for a refund pursuant to this paragraph  
 1208 must be submitted to the department within 6 months after the  
 1209 tax is due on the business property that is purchased.

1210 5. The amount refunded on purchases of business property  
 1211 under this paragraph shall be the lesser of 97 percent of the  
 1212 sales tax paid on such business property or \$5,000, or, if no  
 1213 less than 20 percent of the employees of the business are  
 1214 residents of an enterprise zone, excluding temporary and part-  
 1215 time employees, the amount refunded on purchases of business  
 1216 property under this paragraph shall be the lesser of 97 percent  
 1217 of the sales tax paid on such business property or \$10,000. A  
 1218 refund approved pursuant to this paragraph shall be made within  
 1219 30 days after formal approval by the department of the  
 1220 application for the refund. A refund may not be granted under  
 1221 this paragraph unless the amount to be refunded exceeds \$100 in  
 1222 sales tax paid on purchases made within a 60-day time period.

1223 6. The department shall adopt rules governing the manner  
 1224 and form of refund applications and may establish guidelines as  
 1225 to the requisites for an affirmative showing of qualification

1226 for exemption under this paragraph.

1227         7. If the department determines that the business property  
 1228 is used outside an enterprise zone within 3 years from the date  
 1229 of purchase, the amount of taxes refunded to the business  
 1230 purchasing such business property shall immediately be due and  
 1231 payable to the department by the business, together with the  
 1232 appropriate interest and penalty, computed from the date of  
 1233 purchase, in the manner provided by this chapter.

1234 Notwithstanding this subparagraph, business property used  
 1235 exclusively in:

- 1236         a. Licensed commercial fishing vessels,
- 1237         b. Fishing guide boats, or
- 1238         c. Ecotourism guide boats

1239  
 1240 that leave and return to a fixed location within an area  
 1241 designated under s. 379.2353, Florida Statutes 2010, are  
 1242 eligible for the exemption provided under this paragraph if all  
 1243 requirements of this paragraph are met. Such vessels and boats  
 1244 must be owned by a business that is eligible to receive the  
 1245 exemption provided under this paragraph. This exemption does not  
 1246 apply to the purchase of a vessel or boat.

1247         8. The department shall deduct an amount equal to 10  
 1248 percent of each refund granted under this paragraph from the  
 1249 amount transferred into the Local Government Half-cent Sales Tax  
 1250 Clearing Trust Fund pursuant to s. 212.20 for the county area in

1251 | which the business property is located and shall transfer that  
 1252 | amount to the General Revenue Fund.

1253 |         9. For the purposes of this exemption, "business property"  
 1254 | means new or used property defined as "recovery property" in s.  
 1255 | 168(c) of the Internal Revenue Code of 1954, as amended, except:

1256 |         a. Property classified as 3-year property under s.  
 1257 | 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

1258 |         b. Industrial machinery and equipment as defined in sub-  
 1259 | subparagraph (b)6.a. and eligible for exemption under paragraph  
 1260 | (b);

1261 |         c. Building materials as defined in sub-subparagraph  
 1262 | (f)8.a. ~~(g)8.a.~~; and

1263 |         d. Business property having a sales price of under \$5,000  
 1264 | per unit.

1265 |         10. This paragraph expires on the date specified in s.  
 1266 | 290.016 for the expiration of the Florida Enterprise Zone Act.

1267 |         (i)~~(j)~~ Machinery and equipment used in semiconductor,  
 1268 | defense, or space technology production.-

1269 |         1.a. Industrial machinery and equipment used in  
 1270 | semiconductor technology facilities certified under subparagraph  
 1271 | 5. to manufacture, process, compound, or produce semiconductor  
 1272 | technology products for sale or for use by these facilities are  
 1273 | exempt from the tax imposed by this chapter. For purposes of  
 1274 | this paragraph, industrial machinery and equipment includes  
 1275 | molds, dies, machine tooling, other appurtenances or accessories

1276 to machinery and equipment, testing equipment, test beds,  
 1277 computers, and software, whether purchased or self-fabricated,  
 1278 and, if self-fabricated, includes materials and labor for  
 1279 design, fabrication, and assembly.

1280 b. Industrial machinery and equipment used in defense or  
 1281 space technology facilities certified under subparagraph 5. to  
 1282 design, manufacture, assemble, process, compound, or produce  
 1283 defense technology products or space technology products for  
 1284 sale or for use by these facilities are exempt from the tax  
 1285 imposed by this chapter.

1286 2. Building materials purchased for use in manufacturing  
 1287 or expanding clean rooms in semiconductor-manufacturing  
 1288 facilities are exempt from the tax imposed by this chapter.

1289 3. In addition to meeting the criteria mandated by  
 1290 subparagraph 1. or subparagraph 2., a business must be certified  
 1291 by the Department of Economic Opportunity in order to qualify  
 1292 for exemption under this paragraph.

1293 4. For items purchased tax-exempt pursuant to this  
 1294 paragraph, possession of a written certification from the  
 1295 purchaser, certifying the purchaser's entitlement to the  
 1296 exemption, relieves the seller of the responsibility of  
 1297 collecting the tax on the sale of such items, and the department  
 1298 shall look solely to the purchaser for recovery of the tax if it  
 1299 determines that the purchaser was not entitled to the exemption.

1300 5.a. To be eligible to receive the exemption provided by



1301 subparagraph 1. or subparagraph 2., a qualifying business entity  
 1302 shall initially apply to the Department of Economic Opportunity  
 1303 ~~Enterprise Florida, Inc.~~ The original certification is valid for  
 1304 a period of 2 years. In lieu of submitting a new application,  
 1305 the original certification may be renewed biennially by  
 1306 submitting to the Department of Economic Opportunity a  
 1307 statement, certified under oath, that there has not been a  
 1308 material change in the conditions or circumstances entitling the  
 1309 business entity to the original certification. The initial  
 1310 application and the certification renewal statement shall be  
 1311 developed by the Department of Economic Opportunity.

1312 b. The ~~Division of Strategic Business Development of the~~  
 1313 Department of Economic Opportunity shall review each submitted  
 1314 initial application and determine whether or not the application  
 1315 is complete within 5 working days. Once complete, the division  
 1316 shall, within 10 working days, evaluate the application and  
 1317 recommend approval or disapproval to the Department of Economic  
 1318 Opportunity.

1319 c. Upon receipt of the initial application and  
 1320 recommendation from the division or upon receipt of a  
 1321 certification renewal statement, the Department of Economic  
 1322 Opportunity shall certify within 5 working days those applicants  
 1323 who are found to meet the requirements of this section and  
 1324 notify the applicant of the original certification or  
 1325 certification renewal. If the Department of Economic Opportunity

1326 finds that the applicant does not meet the requirements, it  
 1327 shall notify the applicant ~~and Enterprise Florida, Inc.,~~ within  
 1328 10 working days that the application for certification has been  
 1329 denied and the reasons for denial. The Department of Economic  
 1330 Opportunity has final approval authority for certification under  
 1331 this section.

1332 d. The initial application and certification renewal  
 1333 statement must indicate, for program evaluation purposes only,  
 1334 the average number of full-time equivalent employees at the  
 1335 facility over the preceding calendar year, the average wage and  
 1336 benefits paid to those employees over the preceding calendar  
 1337 year, the total investment made in real and tangible personal  
 1338 property over the preceding calendar year, and the total value  
 1339 of tax-exempt purchases and taxes exempted during the previous  
 1340 year. The department shall assist the Department of Economic  
 1341 Opportunity in evaluating and verifying information provided in  
 1342 the application for exemption.

1343 e. The Department of Economic Opportunity may use the  
 1344 information reported on the initial application and  
 1345 certification renewal statement for evaluation purposes only.

1346 6. A business certified to receive this exemption may  
 1347 elect to designate one or more state universities or community  
 1348 colleges as recipients of up to 100 percent of the amount of the  
 1349 exemption. To receive these funds, the institution must agree to  
 1350 match the funds with equivalent cash, programs, services, or

1351 other in-kind support on a one-to-one basis for research and  
 1352 development projects requested by the certified business. The  
 1353 rights to any patents, royalties, or real or intellectual  
 1354 property must be vested in the business unless otherwise agreed  
 1355 to by the business and the university or community college.

1356 7. As used in this paragraph, the term:

1357 a. "Semiconductor technology products" means raw  
 1358 semiconductor wafers or semiconductor thin films that are  
 1359 transformed into semiconductor memory or logic wafers, including  
 1360 wafers containing mixed memory and logic circuits; related  
 1361 assembly and test operations; active-matrix flat panel displays;  
 1362 semiconductor chips; semiconductor lasers; optoelectronic  
 1363 elements; and related semiconductor technology products as  
 1364 determined by the Department of Economic Opportunity.

1365 b. "Clean rooms" means manufacturing facilities enclosed  
 1366 in a manner that meets the clean manufacturing requirements  
 1367 necessary for high-technology semiconductor-manufacturing  
 1368 environments.

1369 c. "Defense technology products" means products that have  
 1370 a military application, including, but not limited to, weapons,  
 1371 weapons systems, guidance systems, surveillance systems,  
 1372 communications or information systems, munitions, aircraft,  
 1373 vessels, or boats, or components thereof, which are intended for  
 1374 military use and manufactured in performance of a contract with  
 1375 the United States Department of Defense or the military branch

1376 of a recognized foreign government or a subcontract thereunder  
 1377 which relates to matters of national defense.

1378 d. "Space technology products" means products that are  
 1379 specifically designed or manufactured for application in space  
 1380 activities, including, but not limited to, space launch  
 1381 vehicles, space flight vehicles, missiles, satellites or  
 1382 research payloads, avionics, and associated control systems and  
 1383 processing systems and components of any of the foregoing. The  
 1384 term does not include products that are designed or manufactured  
 1385 for general commercial aviation or other uses even though those  
 1386 products may also serve an incidental use in space applications.

1387 ~~(12) PARTIAL EXEMPTION; MASTER TAPES, RECORDS, FILMS, OR~~  
 1388 ~~VIDEO TAPES.~~

1389 ~~(a) There are exempt from the taxes imposed by this~~  
 1390 ~~chapter the gross receipts from the sale or lease of, and the~~  
 1391 ~~storage, use, or other consumption in this state of, master~~  
 1392 ~~tapes or master records embodying sound, or master films or~~  
 1393 ~~master video tapes; except that amounts paid to recording~~  
 1394 ~~studios or motion picture or television studios for the tangible~~  
 1395 ~~elements of such master tapes, records, films, or video tapes~~  
 1396 ~~are taxable as otherwise provided in this chapter. This~~  
 1397 ~~exemption will inure to the taxpayer upon presentation of the~~  
 1398 ~~certificate of exemption issued to the taxpayer under the~~  
 1399 ~~provisions of s. 288.1258.~~

1400 ~~(b) For the purposes of this subsection, the term:~~

1401           1. ~~"Amounts paid for the tangible elements" does not~~  
 1402 ~~include any amounts paid for the copyrightable, artistic, or~~  
 1403 ~~other intangible elements of such master tapes, records, films,~~  
 1404 ~~or video tapes, whether designated as royalties or otherwise,~~  
 1405 ~~including, but not limited to, services rendered in producing,~~  
 1406 ~~fabricating, processing, or imprinting tangible personal~~  
 1407 ~~property or any other services or production expenses in~~  
 1408 ~~connection therewith which may otherwise be construed as~~  
 1409 ~~constituting a "sale" under s. 212.02.~~

1410           2. ~~"Master films or master video tapes" means films or~~  
 1411 ~~video tapes utilized by the motion picture and television~~  
 1412 ~~production industries in making visual images for reproduction.~~

1413           3. ~~"Master tapes or master records embodying sound" means~~  
 1414 ~~tapes, records, and other devices utilized by the recording~~  
 1415 ~~industry in making recordings embodying sound.~~

1416           4. ~~"Motion picture or television studio" means a facility~~  
 1417 ~~in which film or video tape productions or parts of productions~~  
 1418 ~~are made and which contains the necessary equipment and~~  
 1419 ~~personnel for this purpose and includes a mobile unit or vehicle~~  
 1420 ~~that is equipped in much the same manner as a stationary studio~~  
 1421 ~~and used in the making of film or video tape productions.~~

1422           5. ~~"Recording studio" means a place where, by means of~~  
 1423 ~~mechanical or electronic devices, voices, music, or other sounds~~  
 1424 ~~are transmitted to tapes, records, or other devices capable of~~  
 1425 ~~reproducing sound.~~

1426 ~~6. "Recording industry" means any person engaged in an~~  
 1427 ~~occupation or business of making recordings embodying sound for~~  
 1428 ~~a livelihood or for a profit.~~

1429 ~~7. "Motion picture or television production industry"~~  
 1430 ~~means any person engaged in an occupation or business for a~~  
 1431 ~~livelihood or for profit of making visual motion picture or~~  
 1432 ~~television visual images for showing on screen or television for~~  
 1433 ~~theatrical, commercial, advertising, or educational purposes.~~

1434 (14) ~~(15)~~ ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.-

1435 (f) For the purpose of the exemption provided in this  
 1436 subsection, the term "qualified business" means a business which  
 1437 is:

1438 1. First occupying a new structure to which electrical  
 1439 service, other than that used for construction purposes, has not  
 1440 been previously provided or furnished;

1441 2. Newly occupying an existing, remodeled, renovated, or  
 1442 rehabilitated structure to which electrical service, other than  
 1443 that used for remodeling, renovation, or rehabilitation of the  
 1444 structure, has not been provided or furnished in the three  
 1445 preceding billing periods; or

1446 3. Occupying a new, remodeled, rebuilt, renovated, or  
 1447 rehabilitated structure for which a refund has been granted  
 1448 pursuant to paragraph (5) (f) ~~(5) (g)~~.

1449 Section 24. Section 212.097, Florida Statutes, is  
 1450 repealed.

1451 Section 25. Paragraph (a) of subsection (1) of section  
 1452 212.098, Florida Statutes, is amended to read:  
 1453 212.098 Rural Job Tax Credit Program.—  
 1454 (1) As used in this section, the term:  
 1455 (a) "Eligible business" means any sole proprietorship,  
 1456 firm, partnership, or corporation that is located in a qualified  
 1457 county and is predominantly engaged in, or is headquarters for a  
 1458 business predominantly engaged in, activities usually provided  
 1459 for consideration by firms classified within the following  
 1460 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 1461 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
 1462 (public warehousing and storage); SIC 70 (hotels and other  
 1463 lodging places); SIC 7391 (research and development); SIC 781  
 1464 (motion picture production and allied services); SIC 7992  
 1465 (public golf courses); and SIC 7996 (amusement parks); ~~and a~~  
 1466 ~~targeted industry eligible for the qualified target industry~~  
 1467 ~~business tax refund under s. 288.106.~~ A call center or similar  
 1468 customer service operation that services a multistate market or  
 1469 an international market is also an eligible business. In  
 1470 addition, the Department of Economic Opportunity may, as part of  
 1471 its final budget request submitted pursuant to s. 216.023,  
 1472 recommend additions to or deletions from the list of standard  
 1473 industrial classifications used to determine an eligible  
 1474 business, and the Legislature may implement such  
 1475 recommendations. Excluded from eligible receipts are receipts

1476 from retail sales, except such receipts for hotels and other  
 1477 lodging places classified in SIC 70, public golf courses in SIC  
 1478 7992, and amusement parks in SIC 7996. For purposes of this  
 1479 paragraph, the term "predominantly" means that more than 50  
 1480 percent of the business's gross receipts from all sources is  
 1481 generated by those activities usually provided for consideration  
 1482 by firms in the specified standard industrial classification.  
 1483 The determination of whether the business is located in a  
 1484 qualified county and the tier ranking of that county must be  
 1485 based on the date of application for the credit under this  
 1486 section. Commonly owned and controlled entities are to be  
 1487 considered a single business entity.

1488 Section 26. Paragraph (d) of subsection (6) of section  
 1489 212.20, Florida Statutes, is amended to read:

1490 212.20 Funds collected, disposition; additional powers of  
 1491 department; operational expense; refund of taxes adjudicated  
 1492 unconstitutionally collected.-

1493 (6) Distribution of all proceeds under this chapter and  
 1494 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1495 (d) The proceeds of all other taxes and fees imposed  
 1496 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 1497 and (2)(b) shall be distributed as follows:

1498 1. In any fiscal year, the greater of \$500 million, minus  
 1499 an amount equal to 4.6 percent of the proceeds of the taxes  
 1500 collected pursuant to chapter 201, or 5.2 percent of all other



1501 taxes and fees imposed pursuant to this chapter or remitted  
 1502 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 1503 monthly installments into the General Revenue Fund.

1504 2. After the distribution under subparagraph 1., 8.9744  
 1505 percent of the amount remitted by a sales tax dealer located  
 1506 within a participating county pursuant to s. 218.61 shall be  
 1507 transferred into the Local Government Half-cent Sales Tax  
 1508 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 1509 transferred shall be reduced by 0.1 percent, and the department  
 1510 shall distribute this amount to the Public Employees Relations  
 1511 Commission Trust Fund less \$5,000 each month, which shall be  
 1512 added to the amount calculated in subparagraph 3. and  
 1513 distributed accordingly.

1514 3. After the distribution under subparagraphs 1. and 2.,  
 1515 0.0966 percent shall be transferred to the Local Government  
 1516 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 1517 to s. 218.65.

1518 4. After the distributions under subparagraphs 1., 2., and  
 1519 3., 2.0810 percent of the available proceeds shall be  
 1520 transferred monthly to the Revenue Sharing Trust Fund for  
 1521 Counties pursuant to s. 218.215.

1522 5. After the distributions under subparagraphs 1., 2., and  
 1523 3., 1.3653 percent of the available proceeds shall be  
 1524 transferred monthly to the Revenue Sharing Trust Fund for  
 1525 Municipalities pursuant to s. 218.215. If the total revenue to

1526 be distributed pursuant to this subparagraph is at least as  
 1527 great as the amount due from the Revenue Sharing Trust Fund for  
 1528 Municipalities and the former Municipal Financial Assistance  
 1529 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 1530 receive less than the amount due from the Revenue Sharing Trust  
 1531 Fund for Municipalities and the former Municipal Financial  
 1532 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 1533 total proceeds to be distributed are less than the amount  
 1534 received in combination from the Revenue Sharing Trust Fund for  
 1535 Municipalities and the former Municipal Financial Assistance  
 1536 Trust Fund in state fiscal year 1999-2000, each municipality  
 1537 shall receive an amount proportionate to the amount it was due  
 1538 in state fiscal year 1999-2000.

1539 6. Of the remaining proceeds:

1540 a. In each fiscal year, the sum of \$29,915,500 shall be  
 1541 divided into as many equal parts as there are counties in the  
 1542 state, and one part shall be distributed to each county. The  
 1543 distribution among the several counties must begin each fiscal  
 1544 year on or before January 5th and continue monthly for a total  
 1545 of 4 months. If a local or special law required that any moneys  
 1546 accruing to a county in fiscal year 1999-2000 under the then-  
 1547 existing provisions of s. 550.135 be paid directly to the  
 1548 district school board, special district, or a municipal  
 1549 government, such payment must continue until the local or  
 1550 special law is amended or repealed. The state covenants with

1551 holders of bonds or other instruments of indebtedness issued by  
 1552 local governments, special districts, or district school boards  
 1553 before July 1, 2000, that it is not the intent of this  
 1554 subparagraph to adversely affect the rights of those holders or  
 1555 relieve local governments, special districts, or district school  
 1556 boards of the duty to meet their obligations as a result of  
 1557 previous pledges or assignments or trusts entered into which  
 1558 obligated funds received from the distribution to county  
 1559 governments under then-existing s. 550.135. This distribution  
 1560 specifically is in lieu of funds distributed under s. 550.135  
 1561 before July 1, 2000.

1562       b. The department shall distribute \$166,667 monthly to  
 1563 each applicant certified as a facility for a new or retained  
 1564 professional sports franchise pursuant to former s. 288.1162. Up  
 1565 to \$41,667 shall be distributed monthly by the department to  
 1566 each certified applicant as defined in former s. 288.11621 for a  
 1567 facility for a spring training franchise. However, not more than  
 1568 \$416,670 may be distributed monthly in the aggregate to all  
 1569 certified applicants for facilities for spring training  
 1570 franchises. Distributions begin 60 days after such certification  
 1571 and continue for not more than 30 years, except as otherwise  
 1572 provided in former s. 288.11621. A certified applicant  
 1573 identified in this sub-subparagraph may not receive more in  
 1574 distributions than expended by the applicant for the public  
 1575 purposes provided in former s. 288.1162(5) or former s.

1576 288.11621(3).

1577 c. Beginning 30 days after notice by the Department of  
 1578 Economic Opportunity to the Department of Revenue that an  
 1579 applicant has been certified as the professional golf hall of  
 1580 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
 1581 shall be distributed monthly, for up to 300 months, to the  
 1582 applicant.

1583 ~~d. Beginning 30 days after notice by the Department of~~  
 1584 ~~Economic Opportunity to the Department of Revenue that the~~  
 1585 ~~applicant has been certified as the International Game Fish~~  
 1586 ~~Association World Center facility pursuant to s. 288.1169, and~~  
 1587 ~~the facility is open to the public, \$83,333 shall be distributed~~  
 1588 ~~monthly, for up to 168 months, to the applicant. This~~  
 1589 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
 1590 ~~lump sum payment of \$999,996 shall be made after certification~~  
 1591 ~~and before July 1, 2000.~~

1592 ~~d.e.~~ The department shall distribute up to \$83,333 monthly  
 1593 to each certified applicant as defined in former s. 288.11631  
 1594 for a facility used by a single spring training franchise, or up  
 1595 to \$166,667 monthly to each certified applicant as defined in  
 1596 former s. 288.11631 for a facility used by more than one spring  
 1597 training franchise. Monthly distributions begin 60 days after  
 1598 such certification or July 1, 2016, whichever is later, and  
 1599 continue for not more than 20 years to each certified applicant  
 1600 as defined in former s. 288.11631 for a facility used by a

1601 single spring training franchise or not more than 25 years to  
 1602 each certified applicant as defined in former s. 288.11631 for a  
 1603 facility used by more than one spring training franchise. A  
 1604 certified applicant identified in this sub-subparagraph may not  
 1605 receive more in distributions than expended by the applicant for  
 1606 the public purposes provided in former s. 288.11631(3).

1607 ~~f. Beginning 45 days after notice by the Department of~~  
 1608 ~~Economic Opportunity to the Department of Revenue that an~~  
 1609 ~~applicant has been approved by the Legislature and certified by~~  
 1610 ~~the Department of Economic Opportunity under s. 288.11625 or~~  
 1611 ~~upon a date specified by the Department of Economic Opportunity~~  
 1612 ~~as provided under s. 288.11625(6)(d), the department shall~~  
 1613 ~~distribute each month an amount equal to one-twelfth of the~~  
 1614 ~~annual distribution amount certified by the Department of~~  
 1615 ~~Economic Opportunity for the applicant. The department may not~~  
 1616 ~~distribute more than \$7 million in the 2014-2015 fiscal year or~~  
 1617 ~~more than \$13 million annually thereafter under this sub-~~  
 1618 ~~subparagraph.~~

1619 e.g. Beginning December 1, 2015, and ending June 30, 2016,  
 1620 the department shall distribute \$26,286 monthly to the State  
 1621 Transportation Trust Fund. Beginning July 1, 2016, the  
 1622 department shall distribute \$15,333 monthly to the State  
 1623 Transportation Trust Fund.

1624 7. All other proceeds must remain in the General Revenue  
 1625 Fund.

1626 Section 27. Subsection (2) of section 218.61, Florida  
 1627 Statutes, is amended to read:

1628 218.61 Local government half-cent sales tax; designated  
 1629 proceeds; trust fund.—

1630 (2) Money remitted by a sales tax dealer located within  
 1631 the county and transferred into the Local Government Half-cent  
 1632 Sales Tax Clearing Trust Fund shall be earmarked for  
 1633 distribution to the governing body of that county and of each  
 1634 municipality within that county. ~~Such distributions shall be~~  
 1635 ~~made after funding is provided pursuant to s. 218.64(3), if~~  
 1636 ~~applicable.~~ Such moneys shall be known as the "local government  
 1637 half-cent sales tax."

1638 Section 28. Subsection (4) of section 218.64, Florida  
 1639 Statutes, is renumbered as subsection (3), and present  
 1640 subsections (2) and (3) of that section are amended to read:

1641 218.64 Local government half-cent sales tax; uses;  
 1642 limitations.—

1643 (2) Municipalities shall expend their portions of the  
 1644 local government half-cent sales tax only for municipality-wide  
 1645 programs, ~~for reimbursing the state as required pursuant to s.~~  
 1646 ~~288.11625,~~ or for municipality-wide property tax or municipal  
 1647 utility tax relief. All utility tax rate reductions afforded by  
 1648 participation in the local government half-cent sales tax shall  
 1649 be applied uniformly across all types of taxed utility services.

1650 (3) Subject to ordinances enacted by the majority of the

1651 members of the county governing authority and by the majority of  
 1652 the members of the governing authorities of municipalities  
 1653 representing at least 50 percent of the municipal population of  
 1654 such county, counties may use up to \$3 million annually of the  
 1655 local government half-cent sales tax allocated to that county  
 1656 for any of the following purposes:

1657 ~~(a) Funding a certified applicant as a facility for a new~~  
 1658 ~~or retained professional sports franchise under s. 288.1162 or a~~  
 1659 ~~certified applicant as defined in s. 288.11621 for a facility~~  
 1660 ~~for a spring training franchise. It is the Legislature's intent~~  
 1661 ~~that the provisions of s. 288.1162, including, but not limited~~  
 1662 ~~to, the evaluation process by the Department of Economic~~  
 1663 ~~Opportunity except for the limitation on the number of certified~~  
 1664 ~~applicants or facilities as provided in that section and the~~  
 1665 ~~restrictions set forth in s. 288.1162(8), shall apply to an~~  
 1666 ~~applicant's facility to be funded by local government as~~  
 1667 ~~provided in this subsection.~~

1668 ~~(b)~~ funding a certified applicant as a "motorsport  
 1669 entertainment complex," as provided for in s. 288.1171. Funding  
 1670 for each franchise or motorsport complex shall begin 60 days  
 1671 after certification and shall continue for not more than 30  
 1672 years.

1673 ~~(c) Reimbursing the state as required under s. 288.11625.~~

1674 Section 29. Subsection (8) of section 220.02, Florida  
 1675 Statutes, is amended to read:

1676 220.02 Legislative intent.—

1677 (8) It is the intent of the Legislature that credits  
 1678 against either the corporate income tax or the franchise tax be  
 1679 applied in the following order: those enumerated in s. 631.828,  
 1680 those enumerated in former s. 220.191, those enumerated in s.  
 1681 220.181, those enumerated in s. 220.183, those enumerated in s.  
 1682 220.182, those enumerated in s. 220.1895, those enumerated in s.  
 1683 220.195, those enumerated in s. 220.184, those enumerated in s.  
 1684 220.186, those enumerated in s. 220.1845, those enumerated in s.  
 1685 220.19, those enumerated in s. 220.185, those enumerated in s.  
 1686 220.1875, those enumerated in s. 220.192, those enumerated in s.  
 1687 220.193, those enumerated in former s. 288.9916, those  
 1688 enumerated in former s. 220.1899, those enumerated in s.  
 1689 220.194, and those enumerated in s. 220.196.

1690 Section 30. Paragraph (a) of subsection (1) of section  
 1691 220.13, Florida Statutes, is amended to read:

1692 220.13 "Adjusted federal income" defined.—

1693 (1) The term "adjusted federal income" means an amount  
 1694 equal to the taxpayer's taxable income as defined in subsection  
 1695 (2), or such taxable income of more than one taxpayer as  
 1696 provided in s. 220.131, for the taxable year, adjusted as  
 1697 follows:

1698 (a) Additions.—There shall be added to such taxable  
 1699 income:

1700 1. The amount of any tax upon or measured by income,



1701 | excluding taxes based on gross receipts or revenues, paid or  
 1702 | accrued as a liability to the District of Columbia or any state  
 1703 | of the United States which is deductible from gross income in  
 1704 | the computation of taxable income for the taxable year.

1705 |         2. The amount of interest which is excluded from taxable  
 1706 | income under s. 103(a) of the Internal Revenue Code or any other  
 1707 | federal law, less the associated expenses disallowed in the  
 1708 | computation of taxable income under s. 265 of the Internal  
 1709 | Revenue Code or any other law, excluding 60 percent of any  
 1710 | amounts included in alternative minimum taxable income, as  
 1711 | defined in s. 55(b)(2) of the Internal Revenue Code, if the  
 1712 | taxpayer pays tax under s. 220.11(3).

1713 |         3. In the case of a regulated investment company or real  
 1714 | estate investment trust, an amount equal to the excess of the  
 1715 | net long-term capital gain for the taxable year over the amount  
 1716 | of the capital gain dividends attributable to the taxable year.

1717 |         4. That portion of the wages or salaries paid or incurred  
 1718 | for the taxable year which is equal to the amount of the credit  
 1719 | allowable for the taxable year under s. 220.181. This  
 1720 | subparagraph shall expire on the date specified in s. 290.016  
 1721 | for the expiration of the Florida Enterprise Zone Act.

1722 |         5. That portion of the ad valorem school taxes paid or  
 1723 | incurred for the taxable year which is equal to the amount of  
 1724 | the credit allowable for the taxable year under s. 220.182. This  
 1725 | subparagraph shall expire on the date specified in s. 290.016

1726 | for the expiration of the Florida Enterprise Zone Act.

1727 |         6. The amount taken as a credit under s. 220.195 which is  
 1728 | deductible from gross income in the computation of taxable  
 1729 | income for the taxable year.

1730 |         7. That portion of assessments to fund a guaranty  
 1731 | association incurred for the taxable year which is equal to the  
 1732 | amount of the credit allowable for the taxable year.

1733 |         8. In the case of a nonprofit corporation which holds a  
 1734 | pari-mutuel permit and which is exempt from federal income tax  
 1735 | as a farmers' cooperative, an amount equal to the excess of the  
 1736 | gross income attributable to the pari-mutuel operations over the  
 1737 | attributable expenses for the taxable year.

1738 |         9. The amount taken as a credit for the taxable year under  
 1739 | s. 220.1895.

1740 |         10. Up to nine percent of the eligible basis of any  
 1741 | designated project which is equal to the credit allowable for  
 1742 | the taxable year under s. 220.185.

1743 |         11. The amount taken as a credit for the taxable year  
 1744 | under s. 220.1875. The addition in this subparagraph is intended  
 1745 | to ensure that the same amount is not allowed for the tax  
 1746 | purposes of this state as both a deduction from income and a  
 1747 | credit against the tax. This addition is not intended to result  
 1748 | in adding the same expense back to income more than once.

1749 |         12. The amount taken as a credit for the taxable year  
 1750 | under s. 220.192.

1751 13. The amount taken as a credit for the taxable year  
 1752 under s. 220.193.

1753 ~~14. Any portion of a qualified investment, as defined in~~  
 1754 ~~s. 288.9913, which is claimed as a deduction by the taxpayer and~~  
 1755 ~~taken as a credit against income tax pursuant to s. 288.9916.~~

1756 14.15. The costs to acquire a tax credit pursuant to s.  
 1757 288.1254(5) that are deducted from or otherwise reduce federal  
 1758 taxable income for the taxable year.

1759 15.16. The amount taken as a credit for the taxable year  
 1760 pursuant to s. 220.194.

1761 16.17. The amount taken as a credit for the taxable year  
 1762 under s. 220.196. The addition in this subparagraph is intended  
 1763 to ensure that the same amount is not allowed for the tax  
 1764 purposes of this state as both a deduction from income and a  
 1765 credit against the tax. The addition is not intended to result  
 1766 in adding the same expense back to income more than once.

1767 Section 31. Section 220.1895, Florida Statutes, is amended  
 1768 to read:

1769 220.1895 Rural Job Tax Credit ~~and Urban High-Crime Area~~  
 1770 ~~Job Tax Credit.~~—There shall be allowed a credit against the tax  
 1771 imposed by this chapter amounts approved by the Department of  
 1772 Economic Opportunity pursuant to the Rural Job Tax Credit  
 1773 Program in s. 212.098 ~~and the Urban High-Crime Area Job Tax~~  
 1774 ~~Credit Program in s. 212.097.~~ A corporation that uses its credit  
 1775 against the tax imposed by this chapter may not take the credit

1776 against the tax imposed by chapter 212. If any credit granted  
 1777 under this section is not fully used in the first year for which  
 1778 it becomes available, the unused amount may be carried forward  
 1779 for a period not to exceed 5 years. The carryover may be used in  
 1780 a subsequent year when the tax imposed by this chapter for such  
 1781 year exceeds the credit for such year under this section after  
 1782 applying the other credits and unused credit carryovers in the  
 1783 order provided in s. 220.02(8).

1784 Section 32. Section 220.1899, Florida Statutes, is  
 1785 repealed.

1786 Section 33. Section 220.191, Florida Statutes, is  
 1787 repealed.

1788 Section 34. Subsection (9) of section 220.194, Florida  
 1789 Statutes, is amended to read:

1790 220.194 Corporate income tax credits for spaceflight  
 1791 projects.—

1792 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
 1793 Economic Opportunity, in cooperation with Space Florida and the  
 1794 department, shall include in the annual incentives report  
 1795 required under s. 288.0065 ~~288.907~~ a summary of activities  
 1796 relating to the Florida Space Business Incentives Act  
 1797 established under this section.

1798 Section 35. Subsection (1) and paragraph (a) of subsection  
 1799 (2) of section 220.196, Florida Statutes, are amended to read:

1800 220.196 Research and development tax credit.—

1801 (1) DEFINITIONS.—As used in this section, the term:

1802 (a) "Base amount" means the average of the business

1803 enterprise's qualified research expenses in this state allowed

1804 under 26 U.S.C. s. 41 for the 4 taxable years preceding the

1805 taxable year for which the credit is determined. The qualified

1806 research expenses taken into account in computing the base

1807 amount shall be determined on a basis consistent with the

1808 determination of qualified research expenses for the taxable

1809 year.

1810 (b) "Business enterprise" means any corporation as defined

1811 in s. 220.03 which meets the definition of a target industry

1812 business as defined in paragraph (c) s. 288.106.

1813 (c) "Target industry business" means a corporate

1814 headquarters business or any business that is engaged in one of

1815 the target industries identified pursuant to the following

1816 criteria developed by the Department of Economic Opportunity:

1817 1. Future growth.—The industry forecast indicates strong

1818 expectation for future growth in employment and output,

1819 according to the most recent available data. Special

1820 consideration shall be given to businesses that export goods to,

1821 or provide services in, international markets and businesses

1822 that replace domestic and international imports of goods or

1823 services.

1824 2. Stability.—The industry is not subject to periodic

1825 layoffs, whether due to seasonality or sensitivity to volatile

1826 economic variables such as weather. The industry is also  
 1827 relatively resistant to recession, so that the demand for  
 1828 products of this industry is not typically subject to decline  
 1829 during an economic downturn.

1830 3. High wage.—The industry pays relatively high wages  
 1831 compared to statewide or area averages.

1832 4. Market and resource independent.—The industry business  
 1833 location is not dependent on markets or resources in the state  
 1834 as indicated by industry analysis, except for businesses in the  
 1835 renewable energy industry.

1836 5. Industrial base diversification and strengthening.—The  
 1837 industry contributes toward expanding or diversifying the  
 1838 state's or area's economic base, as indicated by analysis of  
 1839 employment and output shares compared to national and regional  
 1840 trends. Special consideration shall be given to industries that  
 1841 strengthen regional economies by adding value to basic products  
 1842 or building regional industrial clusters as indicated by  
 1843 industry analysis. Special consideration shall also be given to  
 1844 the development of strong industrial clusters that include  
 1845 defense and homeland security businesses.

1846 6. Positive economic impact.—The industry has strong  
 1847 positive economic impacts on or benefits to the state or  
 1848 regional economies. Special consideration shall be given to  
 1849 industries that facilitate the development of the state as a hub  
 1850 for domestic and global trade and logistics.

1851  
 1852 The term does not include any business engaged in retail  
 1853 industry activities; any electrical utility company as defined  
 1854 in s. 366.02(2); any phosphate or other solid minerals  
 1855 severance, mining, or processing operation; any oil or gas  
 1856 exploration or production operation; or any business subject to  
 1857 regulation by the Division of Hotels and Restaurants of the  
 1858 Department of Business and Professional Regulation. Any business  
 1859 within NAICS code 5611 or 5614, office administrative services  
 1860 and business support services, respectively, may be considered a  
 1861 target industry business only after the local governing body and  
 1862 the Department of Economic Opportunity determine that the  
 1863 community in which the business may locate has conditions  
 1864 affecting the fiscal and economic viability of the local  
 1865 community or area, including, but not limited to, low per capita  
 1866 income, high unemployment, high underemployment, and a lack of  
 1867 year-round stable employment opportunities, and such conditions  
 1868 may be improved by the business locating in such community. By  
 1869 January 1 of every 3rd year, beginning January 1, 2011, the  
 1870 Department of Economic Opportunity, in consultation with  
 1871 economic development organizations, the State University System,  
 1872 local governments, employee and employer organizations, market  
 1873 analysts, and economists, shall review and, as appropriate,  
 1874 revise the list of target industries and submit the list to the  
 1875 Governor, the President of the Senate, and the Speaker of the

1876 | House of Representatives.

1877 |        ~~(d)~~~~(e)~~ "Qualified research expenses" means research  
1878 | expenses qualifying for the credit under 26 U.S.C. s. 41 for in-  
1879 | house research expenses incurred in this state or contract  
1880 | research expenses incurred in this state. The term does not  
1881 | include research conducted outside this state or research  
1882 | expenses that do not qualify for a credit under 26 U.S.C. s. 41.

1883 |        (2) TAX CREDIT.—

1884 |        (a) As provided in this section, a business enterprise is  
1885 | eligible for a credit against the tax imposed by this chapter if  
1886 | it:

1887 |           1. Has qualified research expenses in this state in the  
1888 | taxable year exceeding the base amount;

1889 |           2. Claims and is allowed a research credit for such  
1890 | qualified research expenses under 26 U.S.C. s. 41 for the same  
1891 | taxable year as subparagraph 1.; and

1892 |           3. Is a ~~qualified~~ target industry business as defined in  
1893 | paragraph (c) ~~s. 288.106(2)(n)~~. Only ~~qualified~~ target industry  
1894 | businesses in the manufacturing, life sciences, information  
1895 | technology, aviation and aerospace, homeland security and  
1896 | defense, cloud information technology, marine sciences,  
1897 | materials science, and nanotechnology industries may qualify for  
1898 | a tax credit under this section. A business applying for a  
1899 | credit pursuant to this section shall include a letter from the  
1900 | Department of Economic Opportunity certifying whether the



1901 business meets the requirements of this subparagraph with its  
 1902 application for credit. The Department of Economic Opportunity  
 1903 shall provide such a letter upon receiving a request.

1904 Section 36. Subsections (2) and (3) of section 265.004,  
 1905 Florida Statutes, are amended to read:

1906 265.004 Florida Tourism Hall of Fame.—

1907 (2) There is established the Florida Tourism Hall of Fame.

1908 (a) The Florida Tourism Hall of Fame is administered by  
 1909 the Department of Economic Opportunity ~~Florida Tourism Industry~~  
 1910 ~~Marketing Corporation~~ without appropriation of state funds.

1911 (b) The Department of Management Services shall set aside  
 1912 an area on the Plaza Level of the Capitol Building and shall  
 1913 consult with the Department of Economic Opportunity ~~Florida~~  
 1914 ~~Tourism Industry Marketing Corporation~~ regarding the design and  
 1915 theme of the area.

1916 (c) Each person who is inducted into the Florida Tourism  
 1917 Hall of Fame shall have his or her name and image placed on a  
 1918 plaque displayed in the designated area of the Capitol Building,  
 1919 which plaque shall designate the member's discipline or  
 1920 contribution and any vital information relating to the member.

1921 (3) The Department of Economic Opportunity ~~Florida Tourism~~  
 1922 ~~Industry Marketing Corporation~~ shall establish selection  
 1923 criteria for induction into the Florida Tourism Hall of Fame and  
 1924 shall annually accept nominations.

1925 (a) In selecting its nominees for submission to the

1926 | executive director of the department ~~board of directors of the~~  
 1927 | ~~corporation~~, the department ~~corporation~~ shall give preference to  
 1928 | tourism industry leaders who were born in Florida or adopted  
 1929 | Florida as their home state and who have made a significant  
 1930 | contribution to the state's travel and tourism industry.

1931 | (b) The department ~~corporation~~ may establish criteria and  
 1932 | set specific timeframes for the acceptance and consideration of  
 1933 | nominations and may establish a formal induction ceremony to  
 1934 | coincide with the annual Governor's Conference on Tourism.

1935 | (c) A person inducted into the Florida Tourism Hall of  
 1936 | Fame ~~administered by the corporation~~ before July 1, 2014, shall  
 1937 | remain in the Florida Tourism Hall of Fame.

1938 | Section 37. Section 272.11, Florida Statutes, is amended  
 1939 | to read:

1940 | 272.11 Capitol information center.—The Department of  
 1941 | Economic Opportunity ~~Enterprise Florida, Inc.~~, shall establish,  
 1942 | maintain, and operate a Capitol information center somewhere  
 1943 | within the area of the Capitol Center and employ personnel or  
 1944 | enter into contracts to maintain same.

1945 | Section 38. Paragraph (f) of subsection (1) of section  
 1946 | 287.0947, Florida Statutes, is amended to read:

1947 | 287.0947 Florida Advisory Council on Small and Minority  
 1948 | Business Development; creation; membership; duties.—

1949 | (1) The Secretary of Management Services may create the  
 1950 | Florida Advisory Council on Small and Minority Business

1951 Development with the purpose of advising and assisting the  
 1952 secretary in carrying out the secretary's duties with respect to  
 1953 minority businesses and economic and business development. It is  
 1954 the intent of the Legislature that the membership of such  
 1955 council include practitioners, laypersons, financiers, and  
 1956 others with business development experience who can provide  
 1957 invaluable insight and expertise for this state in the  
 1958 diversification of its markets and networking of business  
 1959 opportunities. The council shall initially consist of 19  
 1960 persons, each of whom is or has been actively engaged in small  
 1961 and minority business development, either in private industry,  
 1962 in governmental service, or as a scholar of recognized  
 1963 achievement in the study of such matters. Initially, the council  
 1964 shall consist of members representing all regions of the state  
 1965 and shall include at least one member from each group identified  
 1966 within the definition of "minority person" in s. 288.703(4),  
 1967 considering also gender and nationality subgroups, and shall  
 1968 consist of the following:

1969 (f) A member from the Department of Economic Opportunity  
 1970 ~~board of directors of Enterprise Florida, Inc.~~

1971  
 1972 A candidate for appointment may be considered if eligible to be  
 1973 certified as an owner of a minority business enterprise, or if  
 1974 otherwise qualified under the criteria above. Vacancies may be  
 1975 filled by appointment of the secretary, in the manner of the

1976 original appointment.

1977 Section 39. Subsections (2) and (4) of section 288.0001,  
 1978 Florida Statutes, are amended to read:

1979 288.0001 Economic Development Programs Evaluation.—The  
 1980 Office of Economic and Demographic Research and the Office of  
 1981 Program Policy Analysis and Government Accountability (OPPAGA)  
 1982 shall develop and present to the Governor, the President of the  
 1983 Senate, the Speaker of the House of Representatives, and the  
 1984 chairs of the legislative appropriations committees the Economic  
 1985 Development Programs Evaluation.

1986 (2) The Office of Economic and Demographic Research and  
 1987 OPPAGA shall provide a detailed analysis of economic development  
 1988 programs as provided in the following schedule:

1989 (a) By January 1, 2014, and every 3 years thereafter, an  
 1990 analysis of the following:

1991 1. ~~The capital investment tax credit established under s.~~  
 1992 ~~220.191.~~

1993 2. ~~The qualified target industry tax refund established~~  
 1994 ~~under s. 288.106.~~

1995 3. ~~The brownfield redevelopment bonus refund established~~  
 1996 ~~under s. 288.107.~~

1997 4. ~~High impact business performance grants established~~  
 1998 ~~under s. 288.108.~~

1999 5. ~~The Quick Action Closing Fund established under s.~~  
 2000 ~~288.1088.~~

2001 ~~6. The Innovation Incentive Program established under s.~~  
 2002 ~~288.1089.~~

2003 1.7. Enterprise Zone Program incentives established under  
 2004 ss. 212.08(5) and (14)~~(15)~~, 212.096, 220.181, and 220.182.

2005 2.8. The New Markets Development Program established under  
 2006 ss. 288.991-288.9922.

2007 (b) By January 1, 2015, and every 3 years thereafter, an  
 2008 analysis of ~~the following~~:

2009 1. The entertainment industry financial incentive program  
 2010 established under s. 288.1254.

2011 ~~2. The entertainment industry sales tax exemption program~~  
 2012 ~~established under s. 288.1258.~~

2013 ~~3. VISIT Florida and its programs established or funded~~  
 2014 ~~under ss. 288.122, 288.1226, 288.12265, and 288.124.~~

2015 2.4. The Florida Sports Foundation and related programs  
 2016 established under ss. ~~288.1162, 288.11621,~~ 288.1166, 288.1167,  
 2017 288.1168, ~~288.1169,~~ and 288.1171.

2018 ~~(b)(e)~~ By January 1, 2016, and every 3 years thereafter,  
 2019 an analysis of the following:

2020 ~~1. The qualified defense contractor and space flight~~  
 2021 ~~business tax refund program established under s. 288.1045.~~

2022 1.2. The tax exemption for semiconductor, defense, or  
 2023 space technology sales established under s. 212.08(5)(i)  
 2024 ~~212.08(5)(j).~~

2025 2.3. The Military Base Protection Program established

2026 under s. 288.980.

2027 3.4. The Manufacturing and Spaceport Investment Incentive  
2028 Program formerly established under s. 288.1083.

2029 ~~5. The Quick Response Training Program established under~~  
2030 ~~s. 288.047.~~

2031 4.6. The Incumbent Worker Training Program established  
2032 under s. 445.003.

2033 ~~7. International trade and business development programs~~  
2034 ~~established or funded under s. 288.826.~~

2035 ~~(c)~~(d) By January 1, 2019, and every 3 years thereafter,  
2036 an analysis of the grant and entrepreneur initiative programs  
2037 established under s. 295.22(3)(d) and (e).

2038 ~~(e) Beginning January 1, 2018, and every 3 years~~  
2039 ~~thereafter, an analysis of the Sports Development Program~~  
2040 ~~established under s. 288.11625.~~

2041 (4) Pursuant to the schedule established in subsection  
2042 (2), OPPAGA shall evaluate each program over the previous 3  
2043 years for its effectiveness and value to the taxpayers of this  
2044 state and include recommendations on each program for  
2045 consideration by the Legislature. The analysis may include  
2046 relevant economic development reports or analyses prepared by  
2047 the department ~~of Economic Opportunity, Enterprise Florida,~~  
2048 ~~Inc.,~~ or local or regional economic development organizations,+  
2049 interviews with the parties involved,+ or any other relevant  
2050 data.

2051 Section 40. Section 288.001, Florida Statutes, is  
 2052 repealed.

2053 Section 41. Section 288.012, Florida Statutes, is  
 2054 repealed.

2055 Section 42. Section 288.017, Florida Statutes, is  
 2056 repealed.

2057 Section 43. Subsection (4) of section 288.018, Florida  
 2058 Statutes, is amended to read:

2059 288.018 Regional Rural Development Grants Program.—

2060 (4) The department may expend up to \$750,000 each fiscal  
 2061 year from funds appropriated to the Rural Community Development  
 2062 Revolving Loan Fund for the purposes outlined in this section.  
 2063 ~~The department may contract with Enterprise Florida, Inc., for~~  
 2064 ~~the administration of the purposes specified in this section.~~  
 2065 ~~Funds released to Enterprise Florida, Inc., for this purpose~~  
 2066 ~~shall be released quarterly and shall be calculated based on the~~  
 2067 ~~applications in process.~~

2068 Section 44. Section 288.046, Florida Statutes, is  
 2069 repealed.

2070 Section 45. Section 288.047, Florida Statutes, is  
 2071 repealed.

2072 Section 46. Subsections (1) and (4) of section 288.061,  
 2073 Florida Statutes, are amended to read:

2074 288.061 Economic development incentive application  
 2075 process.—

2076 (1) Upon receiving a submitted economic development  
 2077 incentive application, ~~the Division of Strategic Business~~  
 2078 ~~Development of the department of Economic Opportunity and~~  
 2079 ~~designated staff of Enterprise Florida, Inc.,~~ shall review the  
 2080 application to ensure that the application is complete, whether  
 2081 and what type of state and local permits may be necessary for  
 2082 the applicant's project, whether it is possible to waive such  
 2083 permits, and what state incentives and amounts of such  
 2084 incentives may be available to the applicant. The department  
 2085 shall recommend to the executive director to approve or  
 2086 disapprove an applicant business. If review of the application  
 2087 demonstrates that the application is incomplete, the executive  
 2088 director shall notify the applicant business within the first 5  
 2089 business days after receiving the application.

2090 (4) The department shall validate contractor performance  
 2091 and report such validation in the annual incentives report  
 2092 required under s. 288.0065 ~~288.907~~.

2093 Section 47. Subsection (5) of section 288.0655, Florida  
 2094 Statutes, is renumbered as subsection (4), and paragraph (e) of  
 2095 subsection (2) and subsections (3) and (4) of that section are  
 2096 amended to read:

2097 288.0655 Rural Infrastructure Fund.—

2098 (2)

2099 (e) To enable local governments to access the resources  
 2100 available pursuant to s. 403.973(17) ~~403.973(18)~~, the department



2101 may award grants for surveys, feasibility studies, and other  
 2102 activities related to the identification and preclearance review  
 2103 of land which is suitable for preclearance review. Authorized  
 2104 grants under this paragraph may not exceed \$75,000 each, except  
 2105 in the case of a project in a rural area of opportunity, in  
 2106 which case the grant may not exceed \$300,000. Any funds awarded  
 2107 under this paragraph must be matched at a level of 50 percent  
 2108 with local funds, except that any funds awarded for a project in  
 2109 a rural area of opportunity must be matched at a level of 33  
 2110 percent with local funds. If an application for funding is for a  
 2111 catalyst site, as defined in s. 288.0656, the requirement for  
 2112 local match may be waived pursuant to the process in s.  
 2113 288.06561. In evaluating applications under this paragraph, the  
 2114 department shall consider the extent to which the application  
 2115 seeks to minimize administrative and consultant expenses.

2116 (3) The department, in consultation with ~~Enterprise~~  
 2117 ~~Florida, Inc., the Florida Tourism Industry Marketing~~  
 2118 ~~Corporation,~~ the Department of Environmental Protection, and the  
 2119 Florida Fish and Wildlife Conservation Commission, as  
 2120 appropriate, shall review and certify applications pursuant to  
 2121 s. 288.061. The review shall include an evaluation of the  
 2122 economic benefit of the projects and their long-term viability.  
 2123 The department shall have final approval for any grant under  
 2124 this section.

2125 ~~(4) By September 1, 2012, the department shall, in~~

2126 ~~consultation with the organizations listed in subsection (3),~~  
 2127 ~~and other organizations, reevaluate existing guidelines and~~  
 2128 ~~criteria governing submission of applications for funding,~~  
 2129 ~~review and evaluation of such applications, and approval of~~  
 2130 ~~funding under this section. The department shall consider~~  
 2131 ~~factors including, but not limited to, the project's potential~~  
 2132 ~~for enhanced job creation or increased capital investment, the~~  
 2133 ~~demonstration and level of local public and private commitment,~~  
 2134 ~~whether the project is located in an enterprise zone, in a~~  
 2135 ~~community development corporation service area, or in an urban~~  
 2136 ~~high-crime area as designated under s. 212.097, the unemployment~~  
 2137 ~~rate of the county in which the project would be located, and~~  
 2138 ~~the poverty rate of the community.~~

2139 Section 48. Paragraph (a) of subsection (6) and paragraphs  
 2140 (a) and (c) of subsection (7) of section 288.0656, Florida  
 2141 Statutes, are amended to read:

2142 288.0656 Rural Economic Development Initiative.—

2143 (6)(a) By August 1 of each year, the head of each of the  
 2144 following agencies and organizations shall designate a deputy  
 2145 secretary or higher-level staff person from within the agency or  
 2146 organization to serve as the REDI representative for the agency  
 2147 or organization:

- 2148 1. The Department of Transportation.
- 2149 2. The Department of Environmental Protection.
- 2150 3. The Department of Agriculture and Consumer Services.

- 2151 4. The Department of State.
- 2152 5. The Department of Health.
- 2153 6. The Department of Children and Families.
- 2154 7. The Department of Corrections.
- 2155 8. The Department of Education.
- 2156 9. The Department of Juvenile Justice.
- 2157 10. The Fish and Wildlife Conservation Commission.
- 2158 11. Each water management district.
- 2159 ~~12. Enterprise Florida, Inc.~~
- 2160 12.13. CareerSource Florida, Inc.
- 2161 ~~14. VISIT Florida.~~
- 2162 13.15. The Florida Regional Planning Council Association.
- 2163 14.16. The Agency for Health Care Administration.
- 2164 15.17. The Institute of Food and Agricultural Sciences
- 2165 (IFAS).

2166

2167 An alternate for each designee shall also be chosen, and the

2168 names of the designees and alternates shall be sent to the

2169 executive director of the department.

2170 (7)

2171 (a) REDI may recommend to the Governor up to three rural

2172 areas of opportunity. The Governor may by executive order

2173 designate up to three rural areas of opportunity which will

2174 establish these areas as priority assignments for REDI as well

2175 as to allow the Governor, acting through REDI, to waive

2176 criteria, requirements, or similar provisions of any economic  
 2177 development incentive. Such incentives shall include, but are  
 2178 not limited to, ~~the Qualified Target Industry Tax Refund Program~~  
 2179 ~~under s. 288.106, the Quick Response Training Program under s.~~  
 2180 ~~288.047, the Quick Response Training Program for participants in~~  
 2181 ~~the welfare transition program under s. 288.047(8),~~  
 2182 ~~transportation projects under s. 339.2821, the brownfield~~  
 2183 ~~redevelopment bonus refund under s. 288.107, and the rural job~~  
 2184 tax credit program under ss. 212.098 and 220.1895.

2185 (c) Each rural area of opportunity may designate catalyst  
 2186 projects, provided that each catalyst project is specifically  
 2187 recommended by REDI, ~~identified as a catalyst project by~~  
 2188 ~~Enterprise Florida, Inc.,~~ and confirmed as a catalyst project by  
 2189 the department. All state agencies and departments shall use all  
 2190 available tools and resources to the extent permissible by law  
 2191 to promote the creation and development of each catalyst project  
 2192 and the development of catalyst sites.

2193 Section 49. Section 288.0658, Florida Statutes, is amended  
 2194 to read:

2195 288.0658 Nature-based recreation; promotion and other  
 2196 assistance by Fish and Wildlife Conservation Commission.—The  
 2197 Florida Fish and Wildlife Conservation Commission is directed to  
 2198 assist ~~Enterprise Florida, Inc.; the Florida Tourism Industry~~  
 2199 ~~Marketing Corporation, doing business as VISIT Florida;~~  
 2200 convention and visitor bureaus, + tourist development councils, +

2201 economic development organizations, + and local governments  
 2202 through the provision of marketing advice, technical expertise,  
 2203 promotional support, and product development related to nature-  
 2204 based recreation and sustainable use of natural resources. In  
 2205 carrying out this responsibility, the Florida Fish and Wildlife  
 2206 Conservation Commission shall focus its efforts on fostering  
 2207 nature-based recreation in rural communities and regions  
 2208 encompassing rural communities. As used in this section, the  
 2209 term "nature-based recreation" means leisure activities related  
 2210 to the state's lands, waters, and fish and wildlife resources,  
 2211 including, but not limited to, wildlife viewing, fishing,  
 2212 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
 2213 nature photography.

2214 Section 50. Subsection (6) of section 288.075, Florida  
 2215 Statutes, is amended to read:

2216 288.075 Confidentiality of records.—

2217 (6) ECONOMIC INCENTIVE PROGRAMS.—

2218 (a) The following information held by an economic  
 2219 development agency pursuant to the administration of an economic  
 2220 incentive program for qualified businesses is confidential and  
 2221 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 2222 Constitution for a period not to exceed the duration of the  
 2223 incentive agreement, including an agreement authorizing a tax  
 2224 refund or tax credit, or upon termination of the incentive  
 2225 agreement:

2226 1. The percentage of the business's sales occurring  
 2227 outside this state and, ~~for businesses applying under s.~~  
 2228 ~~288.1045, the percentage of the business's gross receipts~~  
 2229 ~~derived from Department of Defense contracts during the 5 years~~  
 2230 ~~immediately preceding the date the business's application is~~  
 2231 ~~submitted.~~

2232 2. An individual employee's personal identifying  
 2233 information that is held as evidence of the achievement or  
 2234 nonachievement of the wage requirements of the tax refund, tax  
 2235 credit, or incentive agreement programs or of the job creation  
 2236 requirements of such programs.

2237 3. The amount of:

- 2238 a. Taxes on sales, use, and other transactions paid
- 2239 pursuant to chapter 212;
- 2240 b. Corporate income taxes paid pursuant to chapter 220;
- 2241 c. Intangible personal property taxes paid pursuant to
- 2242 chapter 199;
- 2243 d. Insurance premium taxes paid pursuant to chapter 624;
- 2244 e. Excise taxes paid on documents pursuant to chapter 201;
- 2245 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 2246 g. State communications services taxes paid pursuant to
- 2247 chapter 202.

2248

2249 However, an economic development agency may disclose in the  
 2250 annual incentives report required under s. 288.0065 ~~288.907~~ the

2251 aggregate amount of each tax identified in this subparagraph and  
 2252 paid by all businesses participating in each economic incentive  
 2253 program.

2254 (b)~~1.~~ The following information held by an economic  
 2255 development agency relating to a specific business participating  
 2256 in an economic incentive program is no longer confidential or  
 2257 exempt 180 days after a final project order for an economic  
 2258 incentive agreement is issued, until a date specified in the  
 2259 final project order, or if the information is otherwise  
 2260 disclosed, whichever occurs first:

2261 1.a. The name of the qualified business.

2262 2.b. The total number of jobs the business committed to  
 2263 create or retain.

2264 3.e. The total number of jobs created or retained by the  
 2265 business.

2266 4.d. Notwithstanding s. 213.053(2), the amount of tax  
 2267 refunds, tax credits, or incentives awarded to, claimed by, or,  
 2268 if applicable, refunded to the state by the business.

2269 5.e. The anticipated total annual wages of employees the  
 2270 business committed to hire or retain.

2271 ~~2. For a business applying for certification under s.~~  
 2272 ~~288.1045 which is based on obtaining a new Department of Defense~~  
 2273 ~~contract, the total number of jobs expected and the amount of~~  
 2274 ~~tax refunds claimed may not be released until the new Department~~  
 2275 ~~of Defense contract is awarded.~~

2276 Section 51. Subsections (7) through (10) of section  
 2277 288.076, Florida Statutes, are renumbered as subsections (6)  
 2278 through (9), respectively, and paragraphs (a), (c), and (e) of  
 2279 subsection (1) and present subsections (6) and (7) of that  
 2280 section are amended to read:

2281 288.076 Return on investment reporting for economic  
 2282 development programs.-

2283 (1) As used in this section, the term:

2284 (a) "Jobs" means full-time equivalent positions,  
 2285 including, but not limited to, positions obtained from a  
 2286 temporary employment agency or employee leasing company or  
 2287 through a union agreement or coemployment under a professional  
 2288 employer organization agreement that result directly from a  
 2289 project in this state. The term does not include temporary  
 2290 construction jobs involved with the construction of facilities  
 2291 for the project or any jobs previously included in any  
 2292 application for tax refunds ~~has the same meaning as provided in~~  
 2293 ~~s. 288.106(2)(i).~~

2294 (c) "Project" means the creation of a new business or  
 2295 expansion of an existing business ~~has the same meaning as~~  
 2296 ~~provided in s. 288.106(2)(m).~~

2297 (e) "State investment" means any state grants, tax  
 2298 exemptions, tax refunds, tax credits, or other state incentives  
 2299 provided to a business under a program administered by the  
 2300 department, ~~including the capital investment tax credit under s.~~



2301 | ~~220.191.~~

2302 |       ~~(6) Annually, the department shall publish information~~  
 2303 | ~~relating to the progress of Quick Action Closing Fund projects,~~  
 2304 | ~~including the average number of days between the date the~~  
 2305 | ~~department receives a completed application and the date on~~  
 2306 | ~~which the application is approved.~~

2307 |       (6)(7)(a) Within 48 hours after expiration of the period  
 2308 | of confidentiality provided under s. 288.075, the department  
 2309 | shall publish the contract or agreement described in s. 288.061,  
 2310 | redacted to protect the participant business from disclosure of  
 2311 | information that remains confidential or exempt by law.

2312 |       ~~(b) Within 48 hours after submitting any report of~~  
 2313 | ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~  
 2314 | ~~concerning a business's failure to complete a tax refund~~  
 2315 | ~~agreement pursuant to the tax refund program for qualified~~  
 2316 | ~~target industry businesses, the department shall publish such~~  
 2317 | ~~report.~~

2318 |       Section 52. Section 288.095, Florida Statutes, is amended  
 2319 | to read:

2320 |       288.095 Economic Development Trust Fund.—

2321 |       (1) The Economic Development Trust Fund is created within  
 2322 | the department ~~of Economic Opportunity~~. Moneys deposited into  
 2323 | the fund must be used only to support the authorized activities  
 2324 | and operations of the department.

2325 |       (2) There is created, within the Economic Development

2326 Trust Fund, the Economic Development Incentives Account. The  
 2327 Economic Development Incentives Account consists of moneys  
 2328 appropriated to the account for purposes of the tax incentives  
 2329 programs formerly authorized under ss. 288.1045 and 288.106, and  
 2330 local financial support provided under former ss. 288.1045 and  
 2331 288.106. Moneys in the Economic Development Incentives Account  
 2332 shall be subject to the provisions of s. 216.301(1)(a).

2333 (3)(a) ~~The department may approve applications for~~  
 2334 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
 2335 The total state share of tax refund payments may not exceed \$35  
 2336 million.

2337 (b) The total amount of tax refund claims approved for  
 2338 payment by the department based on actual project performance  
 2339 may not exceed the amount appropriated to the Economic  
 2340 Development Incentives Account for such purposes for the fiscal  
 2341 year. Claims for tax refunds under former ss. 288.1045 and  
 2342 288.106 shall be paid in the order the claims are approved by  
 2343 the department. In the event the Legislature does not  
 2344 appropriate an amount sufficient to satisfy the tax refunds  
 2345 under former ss. 288.1045 and 288.106 in a fiscal year, the  
 2346 department shall pay the tax refunds from the appropriation for  
 2347 the following fiscal year. By March 1 of each year, the  
 2348 department shall notify the legislative appropriations  
 2349 committees of the Senate and House of Representatives of any  
 2350 anticipated shortfall in the amount of funds needed to satisfy

2351 claims for tax refunds from the appropriation for the current  
 2352 fiscal year.

2353 (c) Moneys in the Economic Development Incentives Account  
 2354 may be used only to pay tax refunds and make other payments on  
 2355 agreements executed prior to July 1, 2017, authorized under  
 2356 former s. 288.1045, s. 288.106, or s. 288.107.

2357 (d) The department may adopt rules necessary to carry out  
 2358 ~~the provisions of~~ this subsection, including rules providing for  
 2359 the use of moneys in the Economic Development Incentives Account  
 2360 and for the administration of the Economic Development  
 2361 Incentives Account.

2362 Section 53. Section 288.1045, Florida Statutes, is  
 2363 repealed.

2364 Section 54. Section 288.106, Florida Statutes, is  
 2365 repealed.

2366 Section 55. Section 288.107, Florida Statutes, is  
 2367 repealed.

2368 Section 56. Section 288.108, Florida Statutes, is  
 2369 repealed.

2370 Section 57. Section 288.1081, Florida Statutes, is  
 2371 repealed.

2372 Section 58. Section 288.1082, Florida Statutes, is  
 2373 repealed.

2374 Section 59. Section 288.1088, Florida Statutes, is  
 2375 repealed.

2376 Section 60. Section 288.1089, Florida Statutes, is  
 2377 repealed.

2378 Section 61. Section 288.111, Florida Statutes, is amended  
 2379 to read:

2380 288.111 Information concerning local manufacturing  
 2381 development programs.—The department shall develop materials  
 2382 that identify each local government that establishes a local  
 2383 manufacturing development program under s. 163.3252. The  
 2384 materials, which the department may elect to develop and  
 2385 maintain in electronic format or in any other format deemed by  
 2386 the department to provide public access, must be updated at  
 2387 least annually. ~~Enterprise Florida, Inc., shall, and other State~~  
 2388 ~~agencies may,~~ distribute the materials to prospective, new,  
 2389 expanding, and relocating businesses seeking to conduct business  
 2390 in this state.

2391 Section 62. Section 288.1162, Florida Statutes, is  
 2392 repealed.

2393 Section 63. Section 288.11621, Florida Statutes, is  
 2394 repealed.

2395 Section 64. Section 288.11625, Florida Statutes, is  
 2396 repealed.

2397 Section 65. Section 288.11631, Florida Statutes, is  
 2398 repealed.

2399 Section 66. Section 288.1169, Florida Statutes, is  
 2400 repealed.

2401           Section 67. Section 288.1201, Florida Statutes, is  
 2402 repealed.

2403           Section 68. (1) The State Economic Enhancement and  
 2404 Development Trust Fund, FLAIR number 40-2-041, within the  
 2405 Department of Economic Opportunity is terminated.

2406           (2) All current balances remaining in, and all revenues  
 2407 of, the trust fund shall be transferred to the General Revenue  
 2408 Fund.

2409           (3) The Department of Economic Opportunity shall pay any  
 2410 outstanding debts and obligations of the terminated fund as soon  
 2411 as practicable, and the Chief Financial Officer shall close out  
 2412 and remove the terminated fund from various state accounting  
 2413 systems using generally accepted accounting principles  
 2414 concerning warrants outstanding, assets, and liabilities.

2415           Section 69. Section 288.122, Florida Statutes, is  
 2416 repealed.

2417           Section 70. (1) The Tourism Promotional Trust Fund, FLAIR  
 2418 number 40-2-722, within the Department of Economic Opportunity  
 2419 is terminated.

2420           (2) All current balances remaining in, and all revenues  
 2421 of, the trust fund shall be transferred to the General Revenue  
 2422 Fund.

2423           (3) The Department of Economic Opportunity shall pay any  
 2424 outstanding debts and obligations of the terminated fund as soon  
 2425 as practicable, and the Chief Financial Officer shall close out

2426 and remove the terminated fund from various state accounting  
 2427 systems using generally accepted accounting principles  
 2428 concerning warrants outstanding, assets, and liabilities.

2429 Section 71. Section 288.1226, Florida Statutes, is  
 2430 repealed.

2431 Section 72. Section 288.12265, Florida Statutes, is  
 2432 amended to read:

2433 288.12265 Welcome centers.—

2434 (1) Responsibility for the welcome centers is assigned to  
 2435 the Department of Transportation Enterprise Florida, Inc., which  
 2436 ~~shall contract with the Florida Tourism Industry Marketing~~  
 2437 ~~Corporation to employ all welcome center staff.~~

2438 (2) The Department of Transportation Enterprise Florida,  
 2439 ~~Inc.,~~ shall administer and operate the welcome centers and  
 2440 ~~.Pursuant to a contract with the Department of Transportation,~~  
 2441 ~~Enterprise Florida, Inc.,~~ shall be responsible for routine  
 2442 repair, replacement, or improvement and the day-to-day  
 2443 management of ~~interior areas occupied by~~ the welcome centers.  
 2444 ~~All other repairs, replacements, or improvements to the welcome~~  
 2445 ~~centers shall be the responsibility of the Department of~~  
 2446 ~~Transportation. Enterprise Florida, Inc., may contract with the~~  
 2447 ~~Florida Tourism Industry Marketing Corporation for the~~  
 2448 ~~management and operation of the welcome centers.~~

2449 Section 73. Section 288.124, Florida Statutes, is  
 2450 repealed.

2451           Section 74. Section 288.125, Florida Statutes, is  
 2452 repealed.

2453           Section 75. Section 288.1251, Florida Statutes, is  
 2454 repealed.

2455           Section 76. Section 288.1252, Florida Statutes, is  
 2456 repealed.

2457           Section 77. Section 288.1253, Florida Statutes, is  
 2458 repealed.

2459           Section 78. Section 288.1258, Florida Statutes, is  
 2460 repealed.

2461           Section 79. Section 288.7015, Florida Statutes, is amended  
 2462 to read:

2463           288.7015 Appointment of rules ombudsman; duties.—The  
 2464 Governor shall appoint a rules ombudsman, as defined in s.  
 2465 288.703, in the Executive Office of the Governor, for  
 2466 considering the impact of agency rules on the state's citizens  
 2467 and businesses. ~~In carrying out duties as provided by law, the~~  
 2468 ~~ombudsman shall consult with Enterprise Florida, Inc., at which~~  
 2469 ~~point the department may recommend to improve the regulatory~~  
 2470 ~~environment of this state.~~ The duties of the rules ombudsman are  
 2471 to:

2472           (1) Carry out the responsibility provided in s.  
 2473 120.54(3)(b), with respect to small businesses.

2474           (2) Review state agency rules that adversely or  
 2475 disproportionately impact businesses, particularly those

2476 relating to small and minority businesses.

2477 (3) Make recommendations on any existing or proposed rules  
 2478 to alleviate unnecessary or disproportionate adverse effects to  
 2479 businesses.

2480 (4) Each state agency shall cooperate fully with the rules  
 2481 ombudsman in identifying such rules. Further, each agency shall  
 2482 take the necessary steps to waive, modify, or otherwise minimize  
 2483 such adverse effects of any such rules. However, nothing in this  
 2484 section authorizes any state agency to waive, modify, provide  
 2485 exceptions to, or otherwise alter any rule that is:

2486 (a) Expressly required to implement or enforce any  
 2487 statutory provision or the express legislative intent thereof;

2488 (b) Designed to protect persons against discrimination on  
 2489 the basis of race, color, national origin, religion, sex, age,  
 2490 handicap, or marital status; or

2491 (c) Likely to prevent a significant risk or danger to the  
 2492 public health, the public safety, or the environment of the  
 2493 state.

2494 (5) The modification or waiver of any such rule pursuant  
 2495 to this section must be accomplished in accordance with the  
 2496 provisions of chapter 120.

2497 Section 80. Subsection (11) of section 288.706, Florida  
 2498 Statutes, is amended to read:

2499 288.706 Florida Minority Business Loan Mobilization  
 2500 Program.—



2501 (11) The Department of Management Services shall  
 2502 collaborate with ~~Enterprise Florida, Inc.~~, and the department to  
 2503 assist in the development and enhancement of black business  
 2504 enterprises.

2505 Section 81. Subsection (1) of section 288.773, Florida  
 2506 Statutes, is amended to read:

2507 288.773 Florida Export Finance Corporation.—The Florida  
 2508 Export Finance Corporation is hereby created as a corporation  
 2509 not for profit, to be incorporated under the provisions of  
 2510 chapter 617 and approved by the Department of State. The  
 2511 corporation is organized on a nonstock basis. The purpose of the  
 2512 corporation is to expand employment and income opportunities for  
 2513 residents of this state through increased exports of goods and  
 2514 services, by providing businesses domiciled in this state  
 2515 information and technical assistance on export opportunities,  
 2516 exporting techniques, and financial assistance through  
 2517 guarantees and direct loan originations for sale in support of  
 2518 export transactions. The corporation shall have the power and  
 2519 authority to carry out the following functions:

2520 (1) To coordinate the efforts of the corporation with  
 2521 programs and goals of the United States Export-Import Bank, the  
 2522 International Trade Administration of the United States  
 2523 Department of Commerce, the Foreign Credit Insurance  
 2524 Association, the department ~~Enterprise Florida, Inc.~~, and other  
 2525 private and public programs and organizations, domestic and

2526 foreign, designed to provide export assistance and export-  
 2527 related financing.

2528 Section 82. Paragraph (a) of subsection (1) and paragraphs  
 2529 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
 2530 Statutes, are amended to read:

2531 288.776 Board of directors; powers and duties.—

2532 (1)(a) The corporation shall have a board of directors  
 2533 consisting of 15 members representing all geographic areas of  
 2534 the state. Minority and gender representation must be considered  
 2535 when making appointments to the board. The board membership must  
 2536 include:

2537 1. A representative of the following businesses, all of  
 2538 which must be registered to do business in this state: a foreign  
 2539 bank, a state bank, a federal bank, an insurance company  
 2540 involved in covering trade financing risks, and a small or  
 2541 medium-sized exporter.

2542 2. The following persons or their designee: the executive  
 2543 director of the department ~~President of Enterprise Florida,~~  
 2544 ~~Inc.~~, the Chief Financial Officer, the Secretary of State, and a  
 2545 senior official of the United States Department of Commerce.

2546 (3) The board shall:

2547 (a) Prior to the expenditure of funds from the export  
 2548 finance account, adopt bylaws, rules, and policies which are  
 2549 necessary to carry out the responsibilities under this part,  
 2550 particularly with respect to the implementation of the

2551 corporation's programs to insure, coinsure, lend, provide loan  
 2552 guarantees, and make direct, guaranteed, or collateralized loans  
 2553 by the corporation to support export transactions. The  
 2554 corporation's bylaws, rules, and policies shall be reviewed and  
 2555 approved by the department ~~Enterprise Florida, Inc.~~, prior to  
 2556 final adoption by the board.

2557 (c) Issue an annual report to the department ~~Enterprise~~  
 2558 ~~Florida, Inc.~~, on the activities of the corporation, including  
 2559 an evaluation of activities and recommendations for change. The  
 2560 evaluation shall include the corporation's impact on the  
 2561 following:

2562 1. Participation of private banks and other private  
 2563 organizations and individuals in the corporation's export  
 2564 financing programs.

2565 2. Access of small and medium-sized businesses in this  
 2566 state to federal export financing programs.

2567 3. Export volume of the small and medium-sized businesses  
 2568 in this state accessing the corporation's programs.

2569 4. Other economic and social benefits to international  
 2570 programs in this state.

2571 (g) Consult with the department ~~Enterprise Florida, Inc.~~,  
 2572 or any state or federal agency, to ensure that the respective  
 2573 loan guarantee or working capital loan origination programs are  
 2574 not duplicative and that each program makes full use of, to the  
 2575 extent practicable, the resources of the other.

2576 Section 83. Section 288.7771, Florida Statutes, is amended  
 2577 to read:

2578 288.7771 Annual report of Florida Export Finance  
 2579 Corporation.—The corporation shall annually prepare and submit  
 2580 to the department ~~Enterprise Florida, Inc., for inclusion in its~~  
 2581 ~~annual report required under s. 288.906,~~ a complete and detailed  
 2582 report setting forth:

- 2583 (1) The report required in s. 288.776(3).
- 2584 (2) Its assets and liabilities at the end of its most
- 2585 recent fiscal year.

2586 Section 84. Paragraph (d) and (i) of subsection (1) of  
 2587 section 288.8017, Florida Statutes, are amended to read:

2588 288.8017 Awards.—

- 2589 (1) Triumph Gulf Coast, Inc., shall make awards from
- 2590 available earnings and principal derived under s. 288.8013(2) to
- 2591 projects or programs that meet the priorities for economic
- 2592 recovery, diversification, and enhancement of the
- 2593 disproportionately affected counties, notwithstanding s. 377.43.
- 2594 Awards may be provided for:

- 2595 (d) Local match requirements of ss. 288.0655 and
- 2596 ~~288.0659, 288.1045, and 288.106~~ for projects in the
- 2597 disproportionately affected counties;

- 2598 ~~(i) Grants to the tourism entity created under s. 288.1226~~
- 2599 ~~for the purpose of advertising and promoting tourism, Fresh From~~
- 2600 ~~Florida, or related content on behalf of one or all of the~~

2601 ~~disproportionately affected counties.~~

2602 Section 85. Subsections (4) and (6) of section 288.816,  
2603 Florida Statutes, are amended to read:

2604 288.816 Intergovernmental relations.—

2605 (4) The state protocol officer shall serve as a contact  
2606 for the state with the Florida Washington Office, the Florida  
2607 Congressional Delegation, and United States Government agencies  
2608 with respect to laws or policies which may affect the interests  
2609 of the state in the area of international relations. All  
2610 inquiries received regarding international economic trade  
2611 development or reverse investment opportunities shall be  
2612 referred to the department ~~Enterprise Florida, Inc.~~ In addition,  
2613 the state protocol officer shall serve as liaison with other  
2614 states with respect to international programs of interest to  
2615 Florida. The state protocol officer shall also investigate and  
2616 make suggestions regarding possible areas of joint action or  
2617 regional cooperation with these states.

2618 (6) The department ~~and Enterprise Florida, Inc.,~~ shall  
2619 help to contribute an international perspective to the state's  
2620 development efforts.

2621 Section 86. Section 288.826, Florida Statutes, is  
2622 repealed.

2623 Section 87. (1) The Florida International Trade and  
2624 Promotion Trust Fund, FLAIR number 40-2-338, within the  
2625 Department of Economic Opportunity is terminated.

2626           (2) All current balances remaining in, and all revenues  
 2627 of, the trust fund shall be transferred to the General Revenue  
 2628 Fund.

2629           (3) The Department of Economic Opportunity shall pay any  
 2630 outstanding debts and obligations of the terminated trust fund  
 2631 as soon as practicable, and the Chief Financial Officer shall  
 2632 close out and remove the terminated trust fund from various  
 2633 state accounting systems using generally accepted accounting  
 2634 principles concerning warrants outstanding, assets, and  
 2635 liabilities.

2636           Section 88. Section 288.901, Florida Statutes, is  
 2637 repealed.

2638           Section 89. Section 288.9015, Florida Statutes, is  
 2639 repealed.

2640           Section 90. Section 288.903, Florida Statutes, is  
 2641 repealed.

2642           Section 91. Section 288.904, Florida Statutes, is  
 2643 repealed.

2644           Section 92. Section 288.905, Florida Statutes, is  
 2645 repealed.

2646           Section 93. Section 288.906, Florida Statutes, is  
 2647 repealed.

2648           Section 94. Section 288.907, Florida Statutes, is  
 2649 transferred, renumbered as section 288.0065, Florida Statutes,  
 2650 and amended to read:

2651            288.0065 ~~288.907~~ Annual incentives report.—By December 30  
 2652 of each year, ~~Enterprise Florida, Inc., in conjunction with the~~  
 2653 department, shall provide the Governor, the President of the  
 2654 Senate, and the Speaker of the House of Representatives a  
 2655 detailed incentives report quantifying the economic benefits for  
 2656 all of the economic development incentive programs offered by  
 2657 the state marketed by Enterprise Florida, Inc. The annual  
 2658 incentives report must include:

2659            (1) For each incentive program:

2660                    (a) A brief description of the incentive program.

2661                    (b) The amount of awards granted, by year, since inception  
 2662 and the annual amount actually transferred from the state  
 2663 treasury to businesses or for the benefit of businesses for each  
 2664 of the previous 3 years.

2665            ~~(c) The actual amount of private capital invested, actual~~  
 2666 ~~number of jobs created, and actual wages paid for incentive~~  
 2667 ~~agreements completed during the previous 3 years for each target~~  
 2668 ~~industry sector.~~

2669            (2) For projects completed during the previous state  
 2670 fiscal year:

2671                    (a) The number of economic development incentive  
 2672 applications received.

2673            ~~(b) The number of recommendations made to the department~~  
 2674 ~~by Enterprise Florida, Inc., including the number recommended~~  
 2675 ~~for approval and the number recommended for denial.~~

2676        (b)~~(e)~~ The number of final decisions issued by the  
 2677 department for approval and for denial.

2678        (c)~~(d)~~ The projects for which a tax refund, tax credit, or  
 2679 cash grant agreement was executed, identifying for each project:  
 2680            1. The number of jobs committed to be created.  
 2681            2. The amount of capital investments committed to be made.  
 2682            3. The annual average wage committed to be paid.  
 2683            4. The amount of state economic development incentives  
 2684 committed to the project from each incentive program under the  
 2685 project's terms of agreement with the Department of Economic  
 2686 Opportunity.

2687            5. The amount and type of local matching funds committed  
 2688 to the project.

2689        ~~(e) Tax refunds paid or other payments made funded out of~~  
 2690 ~~the Economic Development Incentives Account for each project.~~

2691        (d)~~(f)~~ The types of projects supported.

2692        (3) For economic development projects that received tax  
 2693 refunds, tax credits, or cash grants under the terms of an  
 2694 agreement for incentives:  
 2695            (a) The number of jobs actually created.  
 2696            (b) The amount of capital investments actually made.  
 2697            (c) The annual average wage paid.  
 2698            (4) For a project receiving economic development  
 2699 incentives approved by the department and receiving federal or  
 2700 local incentives, a description of the federal or local



2701 incentives, if available.

2702 (5) The number of withdrawn or terminated projects that  
 2703 did not fulfill the terms of their agreements with the  
 2704 department and, consequently, are not receiving incentives.

2705 ~~(6) For any agreements signed after July 1, 2010, findings~~  
 2706 ~~and recommendations on the efforts of the department to~~  
 2707 ~~ascertain the causes of any business's inability to complete its~~  
 2708 ~~agreement made under s. 288.106.~~

2709 (6)~~(7)~~ The amount of tax refunds, tax credits, or other  
 2710 payments made to projects locating or expanding in state  
 2711 enterprise zones, rural communities, brownfield areas, or  
 2712 distressed urban communities. The report must include a separate  
 2713 analysis of the impact of such tax refunds on state enterprise  
 2714 zones designated under s. 290.0065, rural communities,  
 2715 brownfield areas, and distressed urban communities.

2716 ~~(8) The name of and tax refund amount for each business~~  
 2717 ~~that has received a tax refund under s. 288.1045 or s. 288.106~~  
 2718 ~~during the preceding fiscal year.~~

2719 (7)~~(9)~~ An identification of the ~~target industry businesses~~  
 2720 ~~and~~ high-impact businesses.

2721 (8)~~(10)~~ A description of the trends relating to business  
 2722 interest in, and usage of, the various incentives, and the  
 2723 number of minority-owned or woman-owned businesses receiving  
 2724 incentives.

2725 (9)~~(11)~~ An identification of incentive programs not used

2726 and recommendations for program changes or program elimination.

2727 (10)~~(12)~~ Information related to the validation of  
 2728 contractor performance required under s. 288.061.

2729 (11)~~(13)~~ ~~Beginning in 2014,~~ A summation of the activities  
 2730 related to the Florida Space Business Incentives Act.

2731 Section 95. Section 288.911, Florida Statutes, is  
 2732 repealed.

2733 Section 96. Section 288.912, Florida Statutes, is  
 2734 transferred, renumbered as section 288.007, Florida Statutes,  
 2735 and amended to read:

2736 288.007 ~~288.912~~ Inventory of communities seeking to  
 2737 recruit businesses.—By September 30 of each year, a county or  
 2738 municipality that has a population of at least 25,000 or its  
 2739 local economic development organization must submit to the  
 2740 department ~~Enterprise Florida, Inc.,~~ a brief overview of the  
 2741 strengths, services, and economic development incentives that  
 2742 its community offers. The local government or its local economic  
 2743 development organization also must identify any industries that  
 2744 it is encouraging to locate or relocate to its area. A county or  
 2745 municipality having a population of 25,000 or fewer or its local  
 2746 economic development organization seeking to recruit businesses  
 2747 may submit information as required in this section and may  
 2748 participate in any activity or initiative resulting from the  
 2749 collection, analysis, and reporting of the information to the  
 2750 department ~~Enterprise Florida, Inc.,~~ pursuant to this section.

2751 Section 97. Section 288.92, Florida Statutes, is repealed.

2752 Section 98. Section 288.923, Florida Statutes, is  
 2753 repealed.

2754 Section 99. Section 288.95155, Florida Statutes, is  
 2755 repealed.

2756 Section 100. Section 288.9519, Florida Statutes, is  
 2757 repealed.

2758 Section 101. Section 288.9520, Florida Statutes, is  
 2759 amended to read:

2760 288.9520 Public records exemption.—Materials that relate  
 2761 to methods of manufacture or production, potential trade  
 2762 secrets, potentially patentable material, actual trade secrets,  
 2763 business transactions, financial and proprietary information,  
 2764 and agreements or proposals to receive funding that are  
 2765 received, generated, ascertained, or discovered by the  
 2766 department ~~Enterprise Florida, Inc.~~, including its affiliates or  
 2767 subsidiaries and partnership participants, such as private  
 2768 enterprises, educational institutions, and other organizations,  
 2769 are confidential and exempt from the provisions of s. 119.07(1)  
 2770 and s. 24(a), Art. I of the State Constitution, except that a  
 2771 recipient of department ~~Enterprise Florida, Inc.~~, research funds  
 2772 shall make available, upon request, the title and description of  
 2773 the research project, the name of the researcher, and the amount  
 2774 and source of funding provided for the project.

2775 Section 102. Subsection (10) of section 288.9603, Florida

2776 Statutes, is amended to read:

2777 288.9603 Definitions.—

2778 ~~(10) "Partnership" means Enterprise Florida, Inc.~~

2779 Section 103. Subsection (2) of section 288.9604, Florida  
2780 Statutes, is amended to read:

2781 288.9604 Creation of the authority.—

2782 (2) The Governor, subject to confirmation by the Senate,  
2783 shall appoint the board of directors of the corporation, who  
2784 shall be five in number. The terms of office for the directors  
2785 shall be for 4 years from the date of their appointment. A  
2786 vacancy occurring during a term shall be filled for the  
2787 unexpired term. A director shall be eligible for reappointment.  
2788 At least three of the directors of the corporation shall be  
2789 bankers who have been selected by the Governor ~~from a list of~~  
2790 ~~bankers who were nominated by Enterprise Florida, Inc.,~~ and one  
2791 of the directors shall be an economic development specialist.

2792 Section 104. Paragraph (v) of subsection (2) of section  
2793 288.9605, Florida Statutes, is amended to read:

2794 288.9605 Corporation powers.—

2795 (2) The corporation is authorized and empowered to:

2796 ~~(v) Enter into investment agreements with Enterprise~~  
2797 ~~Florida, Inc., concerning the issuance of bonds and other forms~~  
2798 ~~of indebtedness and capital.~~

2799 Section 105. Section 288.9614, Florida Statutes, is  
2800 repealed.

2801 Section 106. Section 288.9621, Florida Statutes, is  
 2802 repealed.

2803 Section 107. Section 288.9622, Florida Statutes, is  
 2804 repealed.

2805 Section 108. Section 288.9623, Florida Statutes, is  
 2806 repealed.

2807 Section 109. Section 288.9624, Florida Statutes, is  
 2808 repealed.

2809 Section 110. Section 288.9625, Florida Statutes, is  
 2810 repealed.

2811 Section 111. Section 288.96255, Florida Statutes, is  
 2812 repealed.

2813 Section 112. Section 288.9626, Florida Statutes, is  
 2814 repealed.

2815 Section 113. Section 288.9627, Florida Statutes, is  
 2816 repealed.

2817 Section 114. Paragraph (b) of subsection (1) of section  
 2818 288.980, Florida Statutes, is amended to read:

2819 288.980 Military base retention; legislative intent;  
 2820 grants program.—

2821 (1)

2822 ~~(b) The Florida Defense Alliance, an organization within~~  
 2823 ~~Enterprise Florida, Inc., is designated as the organization to~~  
 2824 ~~ensure that Florida, its resident military bases and missions,~~  
 2825 ~~and its military host communities are in competitive positions~~

2826 ~~as the United States continues its defense realignment and~~  
 2827 ~~downsizing. The defense alliance shall serve as an overall~~  
 2828 ~~advisory body for defense-related activity of Enterprise~~  
 2829 ~~Florida, Inc. The Florida Defense Alliance may receive funding~~  
 2830 ~~from appropriations made for that purpose administered by the~~  
 2831 ~~department.~~

2832           Section 115. Section 288.991, Florida Statutes, is  
 2833 repealed.

2834           Section 116. Section 288.9912, Florida Statutes, is  
 2835 repealed.

2836           Section 117. Section 288.9913, Florida Statutes, is  
 2837 repealed.

2838           Section 118. Section 288.9914, Florida Statutes, is  
 2839 repealed.

2840           Section 119. Section 288.9915, Florida Statutes, is  
 2841 repealed.

2842           Section 120. Section 288.9916, Florida Statutes, is  
 2843 repealed.

2844           Section 121. Section 288.9917, Florida Statutes, is  
 2845 repealed.

2846           Section 122. Section 288.9918, Florida Statutes, is  
 2847 repealed.

2848           Section 123. Section 288.9919, Florida Statutes, is  
 2849 repealed.

2850           Section 124. Section 288.9920, Florida Statutes, is

2851 repealed.

2852           Section 125. Section 288.9921, Florida Statutes, is  
 2853 repealed.

2854           Section 126. Section 288.9922, Florida Statutes, is  
 2855 repealed.

2856           Section 127. Subsection (4) of section 288.9932, Florida  
 2857 Statutes, is amended to read:

2858           288.9932 Definitions.—As used in this part, the term:

2859           ~~(4) "Network" means the Florida Small Business Development~~  
 2860 ~~Center Network.~~

2861           Section 128. Paragraphs (e) and (f) of subsection (4) and  
 2862 paragraph (b) of subsection (8) of section 288.9934, Florida  
 2863 Statutes, are amended to read:

2864           288.9934 Microfinance Loan Program.—

2865           (4) CONTRACT AND AWARD OF FUNDS.—

2866           ~~(c) Within 30 days of executing its contract with the~~  
 2867 ~~department, the loan administrator must enter into a memorandum~~  
 2868 ~~of understanding with the network:~~

2869           ~~1. For the provision of business management training,~~  
 2870 ~~business development training, and technical assistance to~~  
 2871 ~~entrepreneurs and small businesses that receive microloans under~~  
 2872 ~~this part; and~~

2873           ~~2. To promote the program to underserved entrepreneurs and~~  
 2874 ~~small businesses.~~

2875           ~~(f) By September 1, 2014, the department shall review~~

2876 ~~industry best practices and determine the minimum business~~  
 2877 ~~management training, business development training, and~~  
 2878 ~~technical assistance that must be provided by the network to~~  
 2879 ~~achieve the goals of this part.~~

2880 (8) AUDITS AND REPORTING.—

2881 (b) The loan administrator shall submit quarterly reports  
 2882 to the department as required by s. 288.9936(2) ~~288.9936(3)~~.

2883 Section 129. Section 288.9935, Florida Statutes, is  
 2884 repealed.

2885 Section 130. Paragraph (p) of subsection (1) and  
 2886 subsection (2) of section 288.9936, Florida Statutes, are  
 2887 amended to read:

2888 288.9936 Annual report of the Microfinance Loan Program.—

2889 (1) The department shall include in the report required by  
 2890 s. 20.60(10) a complete and detailed annual report on the  
 2891 Microfinance Loan Program. The report must include:

2892 ~~(p) A description and evaluation of the technical~~  
 2893 ~~assistance and business management and development training~~  
 2894 ~~provided by the network pursuant to its memorandum of~~  
 2895 ~~understanding with the loan administrator.~~

2896 ~~(2) The department shall submit the report provided to the~~  
 2897 ~~department from Enterprise Florida, Inc., pursuant to s.~~  
 2898 ~~288.9935(8) for inclusion in the department's annual report~~  
 2899 ~~required under s. 20.60(10).~~

2900 Section 131. Section 288.9937, Florida Statutes, is



2901 amended to read:

2902           288.9937 Evaluation of programs.—The Office of Economic  
 2903 and Demographic Research shall analyze, evaluate, and determine  
 2904 the economic benefits, as defined in s. 288.005, of the first 3  
 2905 years of the Microfinance Loan Program ~~and the Microfinance~~  
 2906 ~~Guarantee Program~~. The analysis must also evaluate the number of  
 2907 jobs created, the increase or decrease in personal income, and  
 2908 the impact on state gross domestic product from the direct,  
 2909 indirect, and induced effects of the state's investment. The  
 2910 analysis must also identify any inefficiencies in the program  
 2911 ~~programs~~ and provide recommendations for changes to the program  
 2912 ~~programs~~. The office shall submit a report to the President of  
 2913 the Senate and the Speaker of the House of Representatives by  
 2914 January 1, 2018. This section expires January 31, 2018.

2915           Section 132. Paragraph (h) of subsection (8) and paragraph  
 2916 (a) of subsection (9) of section 290.0056, Florida Statutes, are  
 2917 amended to read:

2918           290.0056 Enterprise zone development agency.—

2919           (8) The enterprise zone development agency shall have the  
 2920 following powers and responsibilities:

2921           (h) To work with the department ~~and Enterprise Florida,~~  
 2922 ~~Inc.~~, to ensure that the enterprise zone coordinator receives  
 2923 training on an annual basis.

2924           (9) The following powers and responsibilities shall be  
 2925 performed by the governing body creating the enterprise zone

2926 development agency acting as the managing agent of the  
 2927 enterprise zone development agency, or, contingent upon approval  
 2928 by such governing body, such powers and responsibilities shall  
 2929 be performed by the enterprise zone development agency:

2930 (a) To review, process, and certify applications for state  
 2931 enterprise zone tax incentives pursuant to ss. 212.08(5)(f) and  
 2932 (g) ~~212.08(5)(g), (h)~~, and (15); 212.096; 220.181; and 220.182.

2933 Section 133. Paragraph (b) of subsection (4) and  
 2934 subsection (7) of section 290.0065, Florida Statutes, are  
 2935 amended to read:

2936 290.0065 State designation of enterprise zones.—

2937 (4)

2938 (b) ~~In consultation with Enterprise Florida, Inc.,~~ The  
 2939 department shall, based on the enterprise zone profile and the  
 2940 grounds for redesignation expressed in the resolution, determine  
 2941 whether the enterprise zone merits redesignation. The department  
 2942 may also examine and consider the following:

2943 1. Progress made, if any, in the enterprise zone's  
 2944 strategic plan.

2945 2. Use of enterprise zone incentives during the life of  
 2946 the enterprise zone.

2947  
 2948 If the department determines that the enterprise zone merits  
 2949 redesignation, the department shall notify the governing body in  
 2950 writing of its approval of redesignation.

2951 (7) Upon approval by the department of a resolution  
 2952 authorizing an area to be an enterprise zone pursuant to this  
 2953 section, the department shall assign a unique identifying number  
 2954 to that resolution. ~~The department shall provide the Department~~  
 2955 ~~of Revenue and Enterprise Florida, Inc., with a copy of each~~  
 2956 ~~resolution approved, together with its identifying number.~~

2957 Section 134. Section 290.00677, Florida Statutes, is  
 2958 amended to read:

2959 290.00677 Rural enterprise zones; special qualifications.-

2960 (1) Notwithstanding the enterprise zone residency  
 2961 requirements set out in s. 212.096(1)(c), eligible businesses as  
 2962 defined in s. 212.096(1)(a) located in rural enterprise zones as  
 2963 defined in s. 290.004 may receive the basic minimum credit  
 2964 provided under s. 212.096 for creating a new job and hiring a  
 2965 person residing within the jurisdiction of a rural community ~~as~~  
 2966 ~~defined in s. 288.106(2)~~. All other provisions of s. 212.096,  
 2967 including, but not limited to, those relating to the award of  
 2968 enhanced credits, apply to such businesses.

2969 (2) Notwithstanding the enterprise zone residency  
 2970 requirements set out in s. 220.03(1)(q), businesses as defined  
 2971 in s. 220.03(1)(c) located in rural enterprise zones as defined  
 2972 in s. 290.004 may receive the basic minimum credit provided  
 2973 under s. 220.181 for creating a new job and hiring a person  
 2974 residing within the jurisdiction of a rural community ~~as defined~~  
 2975 ~~in s. 288.106(2)~~. All other provisions of s. 220.181, including,

2976 | but not limited to, those relating to the award of enhanced  
 2977 | credits, apply to such businesses.

2978 |       (3) As used in this section, the term "rural community"  
 2979 | means:

2980 |       (a) A county having a population of 75,000 or fewer.

2981 |       (b) A county having a population of 125,000 or fewer that  
 2982 | is contiguous to a county having a population of 75,000 or  
 2983 | fewer.

2984 |       (c) A municipality within a county described in paragraph  
 2985 | (a) or paragraph (b).

2986 |  
 2987 | For purposes of this subsection, population shall be determined  
 2988 | in accordance with the most recent official estimate pursuant to  
 2989 | s. 186.901.

2990 |       Section 135. Subsections (4), (5), and (6) of section  
 2991 | 290.007, Florida Statutes, are amended to read:

2992 |       290.007 State incentives available in enterprise zones.—  
 2993 | The following incentives are provided by the state to encourage  
 2994 | the revitalization of enterprise zones:

2995 |       (4) The sales tax exemption for building materials used in  
 2996 | the rehabilitation of real property in enterprise zones provided  
 2997 | in s. 212.08(5)(f) ~~212.08(5)(g)~~.

2998 |       (5) The sales tax exemption for business equipment used in  
 2999 | an enterprise zone provided in s. 212.08(5)(g) ~~212.08(5)(h)~~.

3000 |       (6) The sales tax exemption for electrical energy used in

3001 an enterprise zone provided in s. 212.08(14) ~~212.08(15)~~.

3002 Section 136. Subsections (3) and (4) of section 290.053,

3003 Florida Statutes, are amended to read:

3004 290.053 Response to economic emergencies in small

3005 communities.—

3006 (3) A local government entity shall notify the Governor

3007 and, the Department of Economic Opportunity, ~~and Enterprise~~

3008 ~~Florida, Inc.~~, when one or more of the conditions specified in

3009 subsection (2) have occurred or will occur if action is not

3010 taken to assist the local governmental entity or the affected

3011 community.

3012 (4) Upon notification that one or more of the conditions

3013 described in subsection (2) exist, the Governor or his or her

3014 designee shall contact the local governmental entity to

3015 determine what actions have been taken by the local governmental

3016 entity or the affected community to resolve the economic

3017 emergency. The Governor may waive the eligibility criteria of

3018 any program or activity administered by the Department of

3019 Economic Opportunity ~~or Enterprise Florida, Inc.~~, to provide

3020 economic relief to the affected community by granting

3021 participation in such programs or activities. The Governor shall

3022 consult with the President of the Senate and the Speaker of the

3023 House of Representatives and shall take other action, as

3024 necessary, to resolve the economic emergency in the most

3025 expedient manner possible. All actions taken pursuant to this

3026 section shall be within current appropriations and shall have no  
 3027 annualized impact beyond normal growth.

3028 Section 137. Paragraphs (a) and (b) of subsection (3) and  
 3029 paragraph (b) of subsection (8) of section 295.21, Florida  
 3030 Statutes, are amended to read:

3031 295.21 Florida Is For Veterans, Inc.—

3032 (3) DUTIES.—The corporation shall+

3033 ~~(a)~~ Conduct research to identify the target market and the  
 3034 educational and employment needs of those in the target market.  
 3035 The corporation shall contract with at least one entity pursuant  
 3036 to the competitive bidding requirements in s. 287.057 and the  
 3037 provisions of s. 295.187 to perform the research. Such entity  
 3038 must have experience conducting market research on the veteran  
 3039 demographic. ~~The corporation shall seek input from the Florida  
 3040 Tourism Industry Marketing Corporation on the scope, process,  
 3041 and focus of such research.~~

3042 ~~(b) Advise the Florida Tourism Industry Marketing  
 3043 Corporation, pursuant to s. 295.23, on:~~

- 3044 ~~1. The target market as identified in paragraph (a).~~
- 3045 ~~2. Development and implementation of a marketing campaign  
 3046 to encourage members of the target market to remain in the state  
 3047 or to make the state their permanent residence.~~
- 3048 ~~3. Methods for disseminating information to the target  
 3049 market that relates to the interests and needs of veterans of  
 3050 all ages and facilitates veterans' knowledge of and access to~~

3051 ~~benefits.~~

3052 (8) ANNUAL REPORT.—The corporation shall submit an annual  
 3053 progress report and work plan by December 1 to the Governor, the  
 3054 President of the Senate, and the Speaker of the House of  
 3055 Representatives. The report must include:

3056 (b) Status of ~~the marketing campaign, delivery systems of~~  
 3057 ~~the marketing campaign, and~~ outreach to the target market.

3058 Section 138. Paragraphs (a), (d), and (e) of subsection  
 3059 (3) and subsection (4) of section 295.22, Florida Statutes, are  
 3060 amended to read:

3061 295.22 Veterans Employment and Training Services Program.—

3062 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
 3063 administer the Veterans Employment and Training Services Program  
 3064 and perform all of the following functions:

3065 (a) Conduct marketing and recruiting efforts directed at  
 3066 veterans who reside in or who have an interest in relocating to  
 3067 this state and who are seeking employment. Marketing must  
 3068 include information related to how a veteran's military  
 3069 experience can be valuable to a business. Such efforts may  
 3070 include attending veteran job fairs and events, hosting events  
 3071 for veterans or the business community, and using digital and  
 3072 social media and direct mail campaigns. ~~The corporation shall~~  
 3073 ~~also include such marketing as part of its main marketing~~  
 3074 ~~campaign.~~

3075 (d) Create a grant program to provide funding to assist

3076 veterans in meeting the workforce-skill needs of businesses  
 3077 seeking to hire veterans, establish criteria for approval of  
 3078 requests for funding, and maximize the use of funding for this  
 3079 program. Grant funds may be used only in the absence of  
 3080 available veteran-specific federally funded programs. Grants may  
 3081 fund specialized training specific to a particular business.

3082 1. Grant funds may be allocated to any training provider  
 3083 selected by the business, including a career center, a Florida  
 3084 College System institution, a state university, or an in-house  
 3085 training provider of the business. If grant funds are used to  
 3086 provide a technical certificate, a licensure, or a degree, funds  
 3087 may be allocated only upon a review that includes, but is not  
 3088 limited to, documentation of accreditation and licensure.  
 3089 Instruction funded through the program terminates when  
 3090 participants demonstrate competence at the level specified in  
 3091 the request but may not exceed 48 months. Preference shall be  
 3092 given to ~~target industry businesses, as defined in s. 288.106,~~  
 3093 ~~and to~~ businesses in the defense supply, cloud virtualization,  
 3094 or commercial aviation manufacturing industries.

3095 2. Costs and expenditures for the grant program must be  
 3096 documented and separated from those incurred by the training  
 3097 provider. Costs and expenditures shall be limited to \$8,000 per  
 3098 veteran trainee. Eligible costs and expenditures include:

- 3099 a. Tuition and fees.
- 3100 b. Curriculum development.



- 3101 c. Books and classroom materials.
- 3102 d. Rental fees for facilities at public colleges and  
3103 universities, including virtual training labs.
- 3104 e. Overhead or indirect costs not to exceed 5 percent of  
3105 the grant amount.
- 3106 3. Before funds are allocated for a request pursuant to  
3107 this section, the corporation shall prepare a grant agreement  
3108 between the business requesting funds, the educational  
3109 institution or training provider receiving funding through the  
3110 program, and the corporation. Such agreement must include, but  
3111 need not be limited to:
- 3112 a. Identification of the personnel necessary to conduct  
3113 the instructional program, the qualifications of such personnel,  
3114 and the respective responsibilities of the parties for paying  
3115 costs associated with the employment of such personnel.
- 3116 b. Identification of the match provided by the business,  
3117 including cash and in-kind contributions, equal to at least 50  
3118 percent of the total grant amount.
- 3119 c. Identification of the estimated duration of the  
3120 instructional program.
- 3121 d. Identification of all direct, training-related costs.
- 3122 e. Identification of special program requirements that are  
3123 not otherwise addressed in the agreement.
- 3124 f. Permission to access aggregate information specific to  
3125 the wages and performance of participants upon the completion of

3126 instruction for evaluation purposes. The agreement must specify  
 3127 that any evaluation published subsequent to the instruction may  
 3128 not identify the employer or any individual participant.

3129 ~~4. A business may receive a grant under the Quick-Response~~  
 3130 ~~Training Program created under s. 288.047 and a grant under this~~  
 3131 ~~section for the same veteran trainee. If a business receives~~  
 3132 ~~funds under both programs, one grant agreement may be entered~~  
 3133 ~~into with CareerSource Florida, Inc., as the grant~~  
 3134 ~~administrator.~~

3135 (e) Contract with one or more entities to administer an  
 3136 entrepreneur initiative program for veterans in this state which  
 3137 connects business leaders in the state with veterans seeking to  
 3138 become entrepreneurs.

3139 1. The corporation shall award each contract in accordance  
 3140 with the competitive bidding requirements in s. 287.057 to one  
 3141 or more public or private universities that:

3142 a. Demonstrate the ability to implement the program and  
 3143 the commitment of university resources, including financial  
 3144 resources, to such programs.

3145 b. Have a military and veteran resource center.

3146 ~~e. Have a regional small business development center in~~  
 3147 ~~the Florida Small Business Development Center Network.~~

3148 ~~c.d.~~ As determined by the corporation, have been  
 3149 nationally recognized for commitment to the military and  
 3150 veterans.

3151           2. Each contract must include performance metrics,  
 3152 including a focus on employment and business creation. Each  
 3153 university must coordinate with any entrepreneurship center  
 3154 located at the university. The university may also work with an  
 3155 entity offering related programs to refer veterans or to provide  
 3156 services. The entrepreneur initiative program may include  
 3157 activities and assistance such as peer-to-peer learning  
 3158 sessions, mentoring, technical assistance, business roundtables,  
 3159 networking opportunities, support of student organizations,  
 3160 speaker series, or other tools within a virtual environment.

3161           ~~(4) DUTIES OF ENTERPRISE FLORIDA, INC. Enterprise Florida,~~  
 3162 ~~Inc., shall provide information about the corporation and its~~  
 3163 ~~services to prospective, new, expanding, and relocating~~  
 3164 ~~businesses seeking to conduct business in this state. Enterprise~~  
 3165 ~~Florida, Inc., shall, to the greatest extent possible,~~  
 3166 ~~collaborate with the corporation to meet the employment needs,~~  
 3167 ~~including meeting the job creation requirements, of any business~~  
 3168 ~~receiving assistance or services from Enterprise Florida, Inc.~~

3169           Section 139. Section 295.23, Florida Statutes, is  
 3170 repealed.

3171           Section 140. Paragraph (a) of subsection (6), paragraph  
 3172 (b) of subsection (9), paragraph (a) of subsection (35),  
 3173 subsection (60), and paragraph (b) of subsection (64) of section  
 3174 320.08058, Florida Statutes, are amended to read:

3175           320.08058 Specialty license plates.—

3176 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
 3177 PLATES.—

3178 (a) Because the United States Olympic Committee has  
 3179 selected this state to participate in a combined fundraising  
 3180 program that provides for one-half of all money raised through  
 3181 volunteer giving to stay in this state ~~and be administered by~~  
 3182 ~~Enterprise Florida, Inc.,~~ to support amateur sports, ~~and~~ because  
 3183 the United States Olympic Committee is a ~~and Enterprise Florida,~~  
 3184 ~~Inc.,~~ are nonprofit organization organizations dedicated to  
 3185 providing athletes with support and training and preparing  
 3186 athletes of all ages and skill levels for sports competition,  
 3187 and because ~~Enterprise Florida, Inc.,~~ ~~assists in the bidding for~~  
 3188 ~~sports competitions that provide significant impact to the~~  
 3189 ~~economy of this state,~~ and the Legislature supports the efforts  
 3190 of the United States Olympic Committee ~~and Enterprise Florida,~~  
 3191 ~~Inc.,~~ the Legislature establishes a Florida United States  
 3192 Olympic Committee license plate for the purpose of providing a  
 3193 continuous funding source to support this worthwhile effort.  
 3194 Florida United States Olympic Committee license plates must  
 3195 contain the official United States Olympic Committee logo and  
 3196 must bear a design and colors that are approved by the  
 3197 department. The word "Florida" must be centered at the top of  
 3198 the plate.

3199 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3200 (b) The license plate annual use fees are to be annually

3201 distributed as follows:

3202           1. Fifty-five percent of the proceeds from the Florida  
 3203 Professional Sports Team plate must be deposited into the  
 3204 Professional Sports Development Trust Fund within the Department  
 3205 of Economic Opportunity. These funds must be used  
 3206 solely to attract and support major sports events in this state.  
 3207 As used in this subparagraph, the term "major sports events"  
 3208 means, but is not limited to, championship or all-star contests  
 3209 of Major League Baseball, the National Basketball Association,  
 3210 the National Football League, the National Hockey League, Major  
 3211 League Soccer, the men's and women's National Collegiate  
 3212 Athletic Association Final Four basketball championship, or a  
 3213 horseracing or dogracing Breeders' Cup. All funds must be used  
 3214 to support and promote major sporting events, and the uses must  
 3215 be approved by the Department of Economic Opportunity.

3216           2. The remaining proceeds of the Florida Professional  
 3217 Sports Team license plate must be allocated to the Florida  
 3218 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
 3219 deposited into the Professional Sports Development Trust Fund  
 3220 within the Department of Economic Opportunity. These funds must  
 3221 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
 3222 ~~Inc.,~~ to promote the economic development of the sports  
 3223 industry; to distribute licensing and royalty fees to  
 3224 participating professional sports teams; to promote education  
 3225 programs in Florida schools that provide an awareness of the

3226 benefits of physical activity and nutrition standards; to  
 3227 partner with the Department of Education and the Department of  
 3228 Health to develop a program that recognizes schools whose  
 3229 students demonstrate excellent physical fitness or fitness  
 3230 improvement; to institute a grant program for communities  
 3231 bidding on minor sporting events that create an economic impact  
 3232 for the state; to distribute funds to Florida-based charities  
 3233 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
 3234 ~~Inc.~~, and the participating professional sports teams; and to  
 3235 fulfill the sports promotion responsibilities of the Department  
 3236 of Economic Opportunity.

3237 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
 3238 shall provide an annual financial audit in accordance with s.  
 3239 215.981 of its financial accounts and records by an independent  
 3240 certified public accountant pursuant to the contract established  
 3241 by the Department of Economic Opportunity. The auditor shall  
 3242 submit the audit report to the Department of Economic  
 3243 Opportunity for review and approval. If the audit report is  
 3244 approved, the Department of Economic Opportunity shall certify  
 3245 the audit report to the Auditor General for review.

3246 4. Notwithstanding the provisions of subparagraphs 1. and  
 3247 2., proceeds from the Professional Sports Development Trust Fund  
 3248 may also be used for operational expenses of the Florida Sports  
 3249 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
 3250 the Sunshine State Games.

3251 (35) FLORIDA GOLF LICENSE PLATES.—

3252 (a) The Department of Highway Safety and Motor Vehicles  
 3253 shall develop a Florida Golf license plate as provided in this  
 3254 section. The word "Florida" must appear at the bottom of the  
 3255 plate. The Dade Amateur Golf Association, following consultation  
 3256 with the Florida Sports Foundation and the PGA TOUR, ~~Enterprise~~  
 3257 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
 3258 revised sample plate for consideration by the department.

3259 (60) FLORIDA NASCAR LICENSE PLATES.—

3260 (a) The department shall develop a Florida NASCAR license  
 3261 plate as provided in this section. Florida NASCAR license plates  
 3262 must bear the colors and design approved by the department. The  
 3263 word "Florida" must appear at the top of the plate, and the term  
 3264 "NASCAR" must appear at the bottom of the plate. The National  
 3265 Association for Stock Car Auto Racing, following consultation  
 3266 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
 3267 submit a sample plate for consideration by the department.

3268 (b) The license plate annual use fees shall be distributed  
 3269 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The  
 3270 license plate annual use fees shall be annually allocated as  
 3271 follows:

3272 1. Up to 5 percent of the proceeds from the annual use  
 3273 fees may be used by the Department of Economic Opportunity  
 3274 ~~Enterprise Florida, Inc.~~ for the administration of the NASCAR  
 3275 license plate program.

3276           2. The National Association for Stock Car Auto Racing  
 3277 shall receive up to \$60,000 in proceeds from the annual use fees  
 3278 to be used to pay startup costs, including costs incurred in  
 3279 developing and issuing the plates. Thereafter, 10 percent of the  
 3280 proceeds from the annual use fees shall be provided to the  
 3281 association for the royalty rights for the use of its marks.

3282           3. The remaining proceeds from the annual use fees shall  
 3283 be distributed to the Florida Sports Foundation ~~Enterprise~~  
 3284 ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~  
 3285 ~~Inc.,~~ will retain 15 percent to support its regional grant  
 3286 program, attracting sporting events to Florida; 20 percent to  
 3287 support the marketing of motorsports-related tourism in the  
 3288 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
 3289 501(c)(3) charitable organization, to support Florida-based  
 3290 charitable organizations.

3291           (c) The Florida Sports Foundation ~~Enterprise Florida,~~  
 3292 ~~Inc.,~~ shall provide an annual financial audit in accordance with  
 3293 s. 215.981 of its financial accounts and records by an  
 3294 independent certified public accountant pursuant to the contract  
 3295 established by the Department of Economic Opportunity. The  
 3296 auditor shall submit the audit report to the Department of  
 3297 Economic Opportunity for review and approval. If the audit  
 3298 report is approved, the Department of Economic Opportunity shall  
 3299 certify the audit report to the Auditor General for review.

3300           (64) FLORIDA TENNIS LICENSE PLATES.—



3301 (b) The department shall distribute the annual use fees to  
 3302 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
 3303 license plate annual use fees shall be annually allocated as  
 3304 follows:

3305 1. Up to 5 percent of the proceeds from the annual use  
 3306 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
 3307 ~~Florida, Inc.,~~ to administer the license plate program.

3308 2. The United States Tennis Association Florida Section  
 3309 Foundation shall receive the first \$60,000 in proceeds from the  
 3310 annual use fees to reimburse it for startup costs,  
 3311 administrative costs, and other costs it incurs in the  
 3312 development and approval process.

3313 3. Up to 5 percent of the proceeds from the annual use  
 3314 fees may be used for promoting and marketing the license plates.  
 3315 The remaining proceeds shall be available for grants by the  
 3316 United States Tennis Association Florida Section Foundation to  
 3317 nonprofit organizations to operate youth tennis programs and  
 3318 adaptive tennis programs for special populations of all ages,  
 3319 and for building, renovating, and maintaining public tennis  
 3320 courts.

3321 Section 141. Subsections (2), (3), (5) and (6) of section  
 3322 331.3051, Florida Statutes, are amended to read:

3323 331.3051 Duties of Space Florida.—Space Florida shall:

3324 (2) Enter into agreement with the Department of Education,  
 3325 the Department of Transportation, ~~Enterprise Florida, Inc.,~~ and

3326 CareerSource Florida, Inc., for the purpose of implementing this  
 3327 act.

3328 (3) ~~In cooperation with Enterprise Florida, Inc.,~~ Develop  
 3329 a plan to retain, expand, attract, and create aerospace industry  
 3330 entities, public or private, which results in the creation of  
 3331 high-value-added businesses and jobs in this state.

3332 (5) Consult with the Department of Economic Opportunity  
 3333 ~~Florida Tourism Industry Marketing Corporation~~ in developing a  
 3334 space tourism marketing plan. ~~Space Florida and the Florida~~  
 3335 ~~Tourism Industry Marketing Corporation may enter into a mutually~~  
 3336 ~~beneficial agreement that provides funding to the corporation~~  
 3337 ~~for its services to implement this subsection.~~

3338 (6) ~~Develop, in cooperation with Enterprise Florida, Inc.,~~  
 3339 a plan to provide financing assistance to aerospace businesses.  
 3340 The plan may include the following activities:

3341 (a) Assembling, publishing, and disseminating information  
 3342 concerning financing opportunities and techniques for aerospace  
 3343 projects, programs, and activities; sources of public and  
 3344 private aerospace financing assistance; and sources of  
 3345 aerospace-related financing.

3346 (b) Organizing, hosting, and participating in seminars and  
 3347 other forums designed to disseminate information and technical  
 3348 assistance regarding aerospace-related financing.

3349 (c) Coordinating with programs and goals of the Department  
 3350 of Defense, the National Aeronautics and Space Administration,

3351 the Export-Import Bank of the United States, the International  
 3352 Trade Administration of the United States Department of  
 3353 Commerce, the Foreign Credit Insurance Association, and other  
 3354 private and public programs and organizations, domestic and  
 3355 foreign.

3356 (d) Establishing a network of contacts among those  
 3357 domestic and foreign public and private organizations that  
 3358 provide information, technical assistance, and financial support  
 3359 to the aerospace industry.

3360 (e) Financing aerospace business development projects or  
 3361 initiatives using funds provided by the Legislature.

3362 Section 142. Section 331.3081, Florida Statutes, is  
 3363 amended to read:

3364 331.3081 Board of directors.—Space Florida shall be  
 3365 governed by a 13-member independent board of directors. The  
 3366 Governor, or his or her designee, shall serve as an ex officio  
 3367 voting member and chair of the board. The other 12 members shall  
 3368 be appointed from the private sector, 6 of whom shall be  
 3369 appointed by the Governor, 3 of whom shall be appointed by the  
 3370 President of the Senate, and 3 of whom shall be appointed by the  
 3371 Speaker of the House of Representatives ~~that consists of the~~  
 3372 ~~members appointed to the board of directors of Enterprise~~  
 3373 ~~Florida, Inc., by the Governor, the President of the Senate, and~~  
 3374 ~~the Speaker of the House of Representatives pursuant to s.~~  
 3375 ~~288.901(5)(a)7. and the Governor, who shall serve ex officio, or~~

3376 ~~who may appoint a designee to serve, as the chair and a voting~~  
 3377 ~~member of the board.~~

3378 Section 143. Paragraph (f) of subsection (1) of section  
 3379 339.08, Florida Statutes, is amended to read:

3380 339.08 Use of moneys in State Transportation Trust Fund.—

3381 (1) The department shall expend moneys in the State  
 3382 Transportation Trust Fund accruing to the department, in  
 3383 accordance with its annual budget. The use of such moneys shall  
 3384 be restricted to the following purposes:

3385 ~~(f) To pay the cost of economic development transportation~~  
 3386 ~~projects in accordance with s. 339.2821.~~

3387 Section 144. Section 339.2821, Florida Statutes, is  
 3388 repealed.

3389 Section 145. Subsection (2) of section 364.0135, Florida  
 3390 Statutes, is amended to read:

3391 364.0135 Promotion of broadband adoption.—

3392 (2) The Department of Management Services is authorized to  
 3393 work collaboratively with, and to receive staffing support and  
 3394 other resources from, ~~Enterprise Florida, Inc.,~~ state agencies,  
 3395 local governments, private businesses, and community  
 3396 organizations to:

3397 (a) Monitor the adoption of broadband Internet service in  
 3398 collaboration with communications service providers, including,  
 3399 but not limited to, wireless and wireline Internet service  
 3400 providers, to develop geographical information system maps at

3401 the census tract level that will:

3402 1. Identify geographic gaps in broadband services,  
 3403 including areas unserved by any broadband provider and areas  
 3404 served by a single broadband provider;

3405 2. Identify the download and upload transmission speeds  
 3406 made available to businesses and individuals in the state, at  
 3407 the census tract level of detail, using data rate benchmarks for  
 3408 broadband service used by the Federal Communications Commission  
 3409 to reflect different speed tiers; and

3410 3. Provide a baseline assessment of statewide broadband  
 3411 deployment in terms of percentage of households with broadband  
 3412 availability.

3413 (b) Create a strategic plan that has goals and strategies  
 3414 for increasing the use of broadband Internet service in the  
 3415 state.

3416 (c) Build and facilitate local technology planning teams  
 3417 or partnerships with members representing cross-sections of the  
 3418 community, which may include, but are not limited to,  
 3419 representatives from the following organizations and industries:  
 3420 libraries, K-12 education, colleges and universities, local  
 3421 health care providers, private businesses, community  
 3422 organizations, economic development organizations, local  
 3423 governments, tourism, parks and recreation, and agriculture.

3424 (d) Encourage the use of broadband Internet service,  
 3425 especially in the rural, unserved, and underserved communities

3426 of the state through grant programs having effective strategies  
 3427 to facilitate the statewide deployment of broadband Internet  
 3428 service. For any grants to be awarded, priority must be given to  
 3429 projects that:

3430 1. Provide access to broadband education, awareness,  
 3431 training, access, equipment, and support to libraries, schools,  
 3432 colleges and universities, health care providers, and community  
 3433 support organizations.

3434 2. Encourage the sustainable adoption of broadband in  
 3435 primarily unserved areas by removing barriers to entry.

3436 3. Work toward encouraging investments in establishing  
 3437 affordable and sustainable broadband Internet service in  
 3438 unserved areas of the state.

3439 4. Facilitate the development of applications, programs,  
 3440 and services, including, but not limited to, telework,  
 3441 telemedicine, and e-learning to increase the usage of, and  
 3442 demand for, broadband Internet service in the state.

3443 Section 146. Paragraph (d) of subsection (1) of section  
 3444 376.82, Florida Statutes, is amended to read:

3445 376.82 Eligibility criteria and liability protection.—

3446 (1) ELIGIBILITY.—Any person who has not caused or  
 3447 contributed to the contamination of a brownfield site on or  
 3448 after July 1, 1997, is eligible to participate in the brownfield  
 3449 program established in ss. 376.77-376.85, subject to the  
 3450 following:

3451 (d) After July 1, 1997, petroleum and drycleaning  
 3452 contamination sites shall not receive both restoration funding  
 3453 assistance available for the discharge under this chapter ~~and~~  
 3454 ~~any state assistance available under s. 288.107.~~ Nothing in this  
 3455 act shall affect the cleanup criteria, priority ranking, and  
 3456 other rights and obligations inherent in petroleum contamination  
 3457 and drycleaning contamination site rehabilitation under ss.  
 3458 376.30-376.317, or the availability of economic incentives  
 3459 otherwise provided for by law.

3460 Section 147. Paragraph (h) of subsection (2) of section  
 3461 377.703, Florida Statutes, is amended to read:

3462 377.703 Additional functions of the Department of  
 3463 Agriculture and Consumer Services.—

3464 (2) DUTIES.—The department shall perform the following  
 3465 functions, unless as otherwise provided, consistent with the  
 3466 development of a state energy policy:

3467 (h) The department shall promote the development and use  
 3468 of renewable energy resources, in conformance with chapter 187  
 3469 and s. 377.601, by:

3470 1. Establishing goals and strategies for increasing the  
 3471 use of renewable energy in this state.

3472 2. Aiding and promoting the commercialization of renewable  
 3473 energy resources, in cooperation with the Florida Energy Systems  
 3474 Consortium, the Florida Solar Energy Center, ~~Enterprise Florida,~~  
 3475 ~~Inc.,~~ and any other federal, state, or local governmental agency

3476 that may seek to promote research, development, and the  
 3477 demonstration of renewable energy equipment and technology.

3478 3. Identifying barriers to greater use of renewable energy  
 3479 resources in this state, and developing specific recommendations  
 3480 for overcoming identified barriers, with findings and  
 3481 recommendations to be submitted annually in the report to the  
 3482 Governor and Legislature required under paragraph (f).

3483 4. In cooperation with the Department of Environmental  
 3484 Protection, the Department of Transportation, the Department of  
 3485 Economic Opportunity, ~~Enterprise Florida, Inc.~~, the Florida  
 3486 Energy Systems Consortium, the Florida Solar Energy Center, and  
 3487 the Florida Solar Energy Industries Association, investigating  
 3488 opportunities, pursuant to the national Energy Policy Act of  
 3489 1992, the Housing and Community Development Act of 1992, and any  
 3490 subsequent federal legislation, for renewable energy resources,  
 3491 electric vehicles, and other renewable energy manufacturing,  
 3492 distribution, installation, and financing efforts that enhance  
 3493 this state's position as the leader in renewable energy  
 3494 research, development, and use.

3495 5. Undertaking other initiatives to advance the  
 3496 development and use of renewable energy resources in this state.

3497  
 3498 In the exercise of its responsibilities under this paragraph,  
 3499 the department shall seek the assistance of the renewable energy  
 3500 industry in this state and other interested parties and may

CODING: Words ~~stricken~~ are deletions; words underlined are additions.



3501 enter into contracts, retain professional consulting services,  
 3502 and expend funds appropriated by the Legislature for such  
 3503 purposes.

3504 Section 148. Subsection (5) of section 377.804, Florida  
 3505 Statutes, is amended to read:

3506 377.804 Renewable Energy and Energy-Efficient Technologies  
 3507 Grants Program.—

3508 (5) The department shall solicit the expertise of state  
 3509 agencies, ~~Enterprise Florida, Inc.~~, and state universities, and  
 3510 may solicit the expertise of other public and private entities  
 3511 it deems appropriate, in evaluating project proposals. State  
 3512 agencies shall cooperate with the department and provide such  
 3513 assistance as requested.

3514 Section 149. Paragraph (a) of subsection (4) of section  
 3515 377.809, Florida Statutes, is amended to read:

3516 377.809 Energy Economic Zone Pilot Program.—

3517 (4)(a) Beginning July 1, 2012, all the incentives and  
 3518 benefits provided for enterprise zones pursuant to state law  
 3519 shall be available to the energy economic zones designated  
 3520 pursuant to this section on or before July 1, 2010. In order to  
 3521 provide incentives, by March 1, 2012, each local governing body  
 3522 that has jurisdiction over an energy economic zone must, by  
 3523 local ordinance, establish the boundary of the energy economic  
 3524 zone, specify applicable energy-efficiency standards, and  
 3525 determine eligibility criteria for the application of state and

3526 local incentives and benefits in the energy economic zone.  
 3527 ~~However, in order to receive benefits provided under s. 288.106,~~  
 3528 ~~a business must be a qualified target industry business under s.~~  
 3529 ~~288.106 for state purposes.~~ An energy economic zone's boundary  
 3530 may be revised by local ordinance. Such incentives and benefits  
 3531 include those in ss. ~~212.08,~~ 212.096, 220.181, 220.182, 220.183,  
 3532 ~~288.106,~~ and 624.5105 and the public utility discounts provided  
 3533 in s. 290.007(8). ~~The exemption provided in s. 212.08(5)(c)~~  
 3534 ~~shall be for renewable energy as defined in s. 377.803.~~ For  
 3535 purposes of this section, any applicable requirements for  
 3536 employee residency for higher refund or credit thresholds must  
 3537 be based on employee residency in the energy economic zone or an  
 3538 enterprise zone. A business in an energy economic zone may also  
 3539 be eligible for funding under s. ss. 288.047 and 445.003, ~~and a~~  
 3540 ~~transportation project in an energy economic zone shall be~~  
 3541 ~~provided priority in funding under s. 339.2821.~~ Other projects  
 3542 shall be given priority ranking to the extent practicable for  
 3543 grants administered under state energy programs.

3544 Section 150. Subsection (24) of section 380.06, Florida  
 3545 Statutes, is amended to read:

- 3546 380.06 Developments of regional impact.—
- 3547 (24) STATUTORY EXEMPTIONS.—
- 3548 (a) Any proposed hospital is exempt from this section.
- 3549 (b) Any proposed electrical transmission line or
- 3550 electrical power plant is exempt from this section.

3551 (c) Any proposed addition to an existing sports facility  
 3552 complex is exempt from this section if the addition meets the  
 3553 following characteristics:

3554 1. It would not operate concurrently with the scheduled  
 3555 hours of operation of the existing facility.

3556 2. Its seating capacity would be no more than 75 percent  
 3557 of the capacity of the existing facility.

3558 3. The sports facility complex property is owned by a  
 3559 public body before July 1, 1983.

3560

3561 This exemption does not apply to any pari-mutuel facility.

3562 (d) Any proposed addition or cumulative additions  
 3563 subsequent to July 1, 1988, to an existing sports facility  
 3564 complex owned by a state university is exempt if the increased  
 3565 seating capacity of the complex is no more than 30 percent of  
 3566 the capacity of the existing facility.

3567 (e) Any addition of permanent seats or parking spaces for  
 3568 an existing sports facility located on property owned by a  
 3569 public body before July 1, 1973, is exempt from this section if  
 3570 future additions do not expand existing permanent seating or  
 3571 parking capacity more than 15 percent annually in excess of the  
 3572 prior year's capacity.

3573 (f) Any increase in the seating capacity of an existing  
 3574 sports facility having a permanent seating capacity of at least  
 3575 50,000 spectators is exempt from this section, provided that

3576 such an increase does not increase permanent seating capacity by  
 3577 more than 5 percent per year and not to exceed a total of 10  
 3578 percent in any 5-year period, and provided that the sports  
 3579 facility notifies the appropriate local government within which  
 3580 the facility is located of the increase at least 6 months before  
 3581 the initial use of the increased seating, in order to permit the  
 3582 appropriate local government to develop a traffic management  
 3583 plan for the traffic generated by the increase. Any traffic  
 3584 management plan shall be consistent with the local comprehensive  
 3585 plan, the regional policy plan, and the state comprehensive  
 3586 plan.

3587 (g) Any expansion in the permanent seating capacity or  
 3588 additional improved parking facilities of an existing sports  
 3589 facility is exempt from this section, if the following  
 3590 conditions exist:

3591 1.a. The sports facility had a permanent seating capacity  
 3592 on January 1, 1991, of at least 41,000 spectator seats;

3593 b. The sum of such expansions in permanent seating  
 3594 capacity does not exceed a total of 10 percent in any 5-year  
 3595 period and does not exceed a cumulative total of 20 percent for  
 3596 any such expansions; or

3597 c. The increase in additional improved parking facilities  
 3598 is a one-time addition and does not exceed 3,500 parking spaces  
 3599 serving the sports facility; and

3600 2. The local government having jurisdiction of the sports

3601 facility includes in the development order or development permit  
 3602 approving such expansion under this paragraph a finding of fact  
 3603 that the proposed expansion is consistent with the  
 3604 transportation, water, sewer and stormwater drainage provisions  
 3605 of the approved local comprehensive plan and local land  
 3606 development regulations relating to those provisions.

3607  
 3608 Any owner or developer who intends to rely on this statutory  
 3609 exemption shall provide to the department a copy of the local  
 3610 government application for a development permit. Within 45 days  
 3611 after receipt of the application, the department shall render to  
 3612 the local government an advisory and nonbinding opinion, in  
 3613 writing, stating whether, in the department's opinion, the  
 3614 prescribed conditions exist for an exemption under this  
 3615 paragraph. The local government shall render the development  
 3616 order approving each such expansion to the department. The  
 3617 owner, developer, or department may appeal the local government  
 3618 development order pursuant to s. 380.07, within 45 days after  
 3619 the order is rendered. The scope of review shall be limited to  
 3620 the determination of whether the conditions prescribed in this  
 3621 paragraph exist. If any sports facility expansion undergoes  
 3622 development-of-regional-impact review, all previous expansions  
 3623 which were exempt under this paragraph shall be included in the  
 3624 development-of-regional-impact review.

3625 (h) Expansion to port harbors, spoil disposal sites,

3626 navigation channels, turning basins, harbor berths, and other  
 3627 related inwater harbor facilities of ports listed in s.  
 3628 403.021(9)(b), port transportation facilities and projects  
 3629 listed in s. 311.07(3)(b), and intermodal transportation  
 3630 facilities identified pursuant to s. 311.09(3) are exempt from  
 3631 this section when such expansions, projects, or facilities are  
 3632 consistent with comprehensive master plans that are in  
 3633 compliance with s. 163.3178.

3634 (i) Any proposed facility for the storage of any petroleum  
 3635 product or any expansion of an existing facility is exempt from  
 3636 this section.

3637 (j) Any renovation or redevelopment within the same land  
 3638 parcel which does not change land use or increase density or  
 3639 intensity of use.

3640 (k) Waterport and marina development, including dry  
 3641 storage facilities, are exempt from this section.

3642 (l) Any proposed development within an urban service  
 3643 boundary established under s. 163.3177(14), Florida Statutes  
 3644 (2010), which is not otherwise exempt pursuant to subsection  
 3645 (29), is exempt from this section if the local government having  
 3646 jurisdiction over the area where the development is proposed has  
 3647 adopted the urban service boundary and has entered into a  
 3648 binding agreement with jurisdictions that would be impacted and  
 3649 with the Department of Transportation regarding the mitigation  
 3650 of impacts on state and regional transportation facilities.

3651 (m) Any proposed development within a rural land  
 3652 stewardship area created under s. 163.3248.

3653 (n) The establishment, relocation, or expansion of any  
 3654 military installation as defined in s. 163.3175, is exempt from  
 3655 this section.

3656 (o) Any self-storage warehousing that does not allow  
 3657 retail or other services is exempt from this section.

3658 (p) Any proposed nursing home or assisted living facility  
 3659 is exempt from this section.

3660 (q) Any development identified in an airport master plan  
 3661 and adopted into the comprehensive plan pursuant to s.  
 3662 163.3177(6)(b)4. is exempt from this section.

3663 (r) Any development identified in a campus master plan and  
 3664 adopted pursuant to s. 1013.30 is exempt from this section.

3665 (s) Any development in a detailed specific area plan which  
 3666 is prepared and adopted pursuant to s. 163.3245 is exempt from  
 3667 this section.

3668 (t) Any proposed solid mineral mine and any proposed  
 3669 addition to, expansion of, or change to an existing solid  
 3670 mineral mine is exempt from this section. A mine owner will  
 3671 enter into a binding agreement with the Department of  
 3672 Transportation to mitigate impacts to strategic intermodal  
 3673 system facilities pursuant to the transportation thresholds in  
 3674 subsection (19) or rule 9J-2.045(6), Florida Administrative  
 3675 Code. Proposed changes to any previously approved solid mineral

3676 mine development-of-regional-impact development orders having  
 3677 vested rights are is not subject to further review or approval  
 3678 as a development-of-regional-impact or notice-of-proposed-change  
 3679 review or approval pursuant to subsection (19), except for those  
 3680 applications pending as of July 1, 2011, which shall be governed  
 3681 by s. 380.115(2). Notwithstanding the foregoing, however,  
 3682 pursuant to s. 380.115(1), previously approved solid mineral  
 3683 mine development-of-regional-impact development orders shall  
 3684 continue to enjoy vested rights and continue to be effective  
 3685 unless rescinded by the developer. All local government  
 3686 regulations of proposed solid mineral mines shall be applicable  
 3687 to any new solid mineral mine or to any proposed addition to,  
 3688 expansion of, or change to an existing solid mineral mine.

3689 (u) Notwithstanding any provisions in an agreement with or  
 3690 among a local government, regional agency, or the state land  
 3691 planning agency or in a local government's comprehensive plan to  
 3692 the contrary, a project no longer subject to development-of-  
 3693 regional-impact review under revised thresholds is not required  
 3694 to undergo such review.

3695 (v) Any development within a county with a research and  
 3696 education authority created by special act and that is also  
 3697 within a research and development park that is operated or  
 3698 managed by a research and development authority pursuant to part  
 3699 V of chapter 159 is exempt from this section.

3700 (w) Any development in an energy economic zone designated



3701 pursuant to s. 377.809 is exempt from this section upon approval  
 3702 by its local governing body.

3703 ~~(x) Any proposed development that is located in a local~~  
 3704 ~~government jurisdiction that does not qualify for an exemption~~  
 3705 ~~based on the population and density criteria in paragraph~~  
 3706 ~~(29)(a), that is approved as a comprehensive plan amendment~~  
 3707 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~  
 3708 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~  
 3709 ~~section. This exemption shall only be effective upon a written~~  
 3710 ~~agreement executed by the applicant, the local government, and~~  
 3711 ~~the state land planning agency. The state land planning agency~~  
 3712 ~~shall only be a party to the agreement upon a determination that~~  
 3713 ~~the development is the subject of an agreement pursuant to s.~~  
 3714 ~~288.106(5) and that the local government has the capacity to~~  
 3715 ~~adequately assess the impacts of the proposed development. The~~  
 3716 ~~local government shall only be a party to the agreement upon~~  
 3717 ~~approval by the governing body of the local government and upon~~  
 3718 ~~providing at least 21 days' notice to adjacent local governments~~  
 3719 ~~that includes, at a minimum, information regarding the location,~~  
 3720 ~~density and intensity of use, and timing of the proposed~~  
 3721 ~~development. This exemption does not apply to areas within the~~  
 3722 ~~boundary of any area of critical state concern designated~~  
 3723 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~  
 3724 ~~Area as described in s. 369.316, or within 2 miles of the~~  
 3725 ~~boundary of the Everglades Protection Area as defined in s.~~

3726 | ~~373.4592(2).~~

3727 |

3728 | If a use is exempt from review as a development of regional  
 3729 | impact under paragraphs (a)-(u), but will be part of a larger  
 3730 | project that is subject to review as a development of regional  
 3731 | impact, the impact of the exempt use must be included in the  
 3732 | review of the larger project, ~~unless such exempt use involves a~~  
 3733 | ~~development of regional impact that includes a landowner,~~  
 3734 | ~~tenant, or user that has entered into a funding agreement with~~  
 3735 | ~~the Department of Economic Opportunity under the Innovation~~  
 3736 | ~~Incentive Program and the agreement contemplates a state award~~  
 3737 | ~~of at least \$50 million.~~

3738 | Section 151. Subsections (1) and (5) of section 380.0657,  
 3739 | Florida Statutes, are amended to read:

3740 | 380.0657 Expedited permitting process for economic  
 3741 | development projects.—

3742 | (1) The Department of Environmental Protection and, as  
 3743 | appropriate, the water management districts created under  
 3744 | chapter 373 shall adopt programs to expedite the processing of  
 3745 | wetland resource and environmental resource permits for economic  
 3746 | ~~development projects that have been identified by a municipality~~  
 3747 | ~~or county as meeting the definition of target industry~~  
 3748 | ~~businesses under s. 288.106, or any intermodal logistics center~~  
 3749 | receiving or sending cargo to or from Florida ports, with the  
 3750 | exception of those projects requiring approval by the Board of

3751 Trustees of the Internal Improvement Trust Fund.

3752 (5) Notwithstanding the provisions of this section, permit  
 3753 applications for projects to be located in a charter county that  
 3754 has a population of 1.2 million or more and has entered into a  
 3755 delegation agreement with the Department of Environmental  
 3756 Protection or the applicable water management district to  
 3757 process environmental resource permits, wetland resource  
 3758 management permits, or surface water management permits pursuant  
 3759 to chapter 373 are eligible for expedited permitting under this  
 3760 section only upon designation by resolution of the charter  
 3761 county's governing board. ~~Before the governing board decides~~  
 3762 ~~that a project is eligible for expedited permitting, it may~~  
 3763 ~~require the county's economic development agency, or such other~~  
 3764 ~~agency that provides advice to the governing board on economic~~  
 3765 ~~matters, to review and recommend whether the project meets the~~  
 3766 ~~definition of a target industry business as defined in s.~~  
 3767 ~~288.106 and to identify the tangible benefits and impacts of the~~  
 3768 ~~project.~~ The governing board's decision shall be made without  
 3769 consideration of the project's geographic location within the  
 3770 charter county. ~~If the governing board designates the project as~~  
 3771 ~~a target industry business, the permit application for the~~  
 3772 ~~project shall be approved or denied within the timeframe~~  
 3773 ~~provided in subsection (4).~~

3774 Section 152. Paragraph (b) of subsection (3) of section  
 3775 403.42, Florida Statutes, is amended to read:

3776 403.42 Florida Clean Fuel Act.—  
 3777 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
 3778 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—  
 3779 (b)1. The advisory board shall consist of the Executive  
 3780 Director of the Department of Economic Opportunity, the  
 3781 Secretary of Environmental Protection, or a designee from that  
 3782 department, the Commissioner of Education, or a designee from  
 3783 that department, the Secretary of Transportation, or a designee  
 3784 from that department, the Commissioner of Agriculture, or a  
 3785 designee from that department, the Secretary of Management  
 3786 Services, or a designee from that department, and a  
 3787 representative of each of the following, who shall be appointed  
 3788 by the Secretary of Environmental Protection:  
 3789 a. The Florida biodiesel industry.  
 3790 b. The Florida electric utility industry.  
 3791 c. The Florida natural gas industry.  
 3792 d. The Florida propane gas industry.  
 3793 e. An automobile manufacturers' association.  
 3794 f. A Florida Clean Cities Coalition designated by the  
 3795 United States Department of Energy.  
 3796 ~~g. Enterprise Florida, Inc.~~  
 3797 g.h. EV Ready Broward.  
 3798 h.i. The Florida petroleum industry.  
 3799 i.j. The Florida League of Cities.  
 3800 j.k. The Florida Association of Counties.

3801        ~~k.l.~~ Floridians for Better Transportation.  
 3802        ~~l.m.~~ A motor vehicle manufacturer.  
 3803        ~~m.n.~~ Florida Local Environment Resource Agencies.  
 3804        ~~n.o.~~ Project for an Energy Efficient Florida.  
 3805        ~~o.p.~~ Florida Transportation Builders Association.  
 3806        2. The purpose of the advisory board is to serve as a  
 3807 resource for the department and to provide the Governor, the  
 3808 Legislature, and the Secretary of Environmental Protection with  
 3809 private sector and other public agency perspectives on achieving  
 3810 the goal of increasing the use of alternative fuel vehicles in  
 3811 this state.  
 3812        3. Members shall be appointed to serve terms of 1 year  
 3813 each, with reappointment at the discretion of the Secretary of  
 3814 Environmental Protection. Vacancies shall be filled for the  
 3815 remainder of the unexpired term in the same manner as the  
 3816 original appointment.  
 3817        4. The board shall annually select a chairperson.  
 3818        5.a. The board shall meet at least once each quarter or  
 3819 more often at the call of the chairperson or the Secretary of  
 3820 Environmental Protection.  
 3821        b. Meetings are exempt from the notice requirements of  
 3822 chapter 120, and sufficient notice shall be given to afford  
 3823 interested persons reasonable notice under the circumstances.  
 3824        6. Members of the board are entitled to travel expenses  
 3825 while engaged in the performance of board duties.

3826 7. The board shall terminate 5 years after the effective  
 3827 date of this act.

3828 Section 153. Subsection (5) of section 403.7032, Florida  
 3829 Statutes, is amended to read:

3830 403.7032 Recycling.—

3831 (5) The Department of Environmental Protection shall  
 3832 create the Recycling Business Assistance Center by December 1,  
 3833 2010. In carrying out its duties under this subsection, the  
 3834 department shall consult with state agency personnel appointed  
 3835 to serve as economic development liaisons under s. 288.021 ~~and~~  
 3836 ~~seek technical assistance from Enterprise Florida, Inc., to~~  
 3837 ensure the Recycling Business Assistance Center is positioned to  
 3838 succeed. The purpose of the center shall be to serve as the  
 3839 mechanism for coordination among state agencies and the private  
 3840 sector in order to coordinate policy and overall strategic  
 3841 planning for developing new markets and expanding and enhancing  
 3842 existing markets for recyclable materials in this state, other  
 3843 states, and foreign countries. The duties of the center must  
 3844 include, at a minimum:

3845 (a) Identifying and developing new markets and expanding  
 3846 and enhancing existing markets for recyclable materials.

3847 (b) Pursuing expanded end uses for recycled materials.

3848 (c) Targeting materials for concentrated market  
 3849 development efforts.

3850 (d) Developing proposals for new incentives for market

3851 development, particularly focusing on targeted materials.

3852 (e) Providing guidance on issues such as permitting,  
 3853 finance options for recycling market development, site location,  
 3854 research and development, grant program criteria for recycled  
 3855 materials markets, recycling markets education and information,  
 3856 and minimum content.

3857 (f) Coordinating the efforts of various governmental  
 3858 entities having market development responsibilities in order to  
 3859 optimize supply and demand for recyclable materials.

3860 (g) Evaluating source-reduced products as they relate to  
 3861 state procurement policy. The evaluation shall include, but is  
 3862 not limited to, the environmental and economic impact of source-  
 3863 reduced product purchases to the state. For the purposes of this  
 3864 paragraph, the term "source-reduced" means any method, process,  
 3865 product, or technology that significantly or substantially  
 3866 reduces the volume or weight of a product while providing, at a  
 3867 minimum, equivalent or generally similar performance and service  
 3868 to and for the users of such materials.

3869 (h) Providing evaluation of solid waste management grants,  
 3870 pursuant to s. 403.7095, to reduce the flow of solid waste to  
 3871 disposal facilities and encourage the sustainable recovery of  
 3872 materials from Florida's waste stream.

3873 (i) Providing below-market financing for companies that  
 3874 manufacture products from recycled materials or convert  
 3875 recyclable materials into raw materials for use in manufacturing

3876 pursuant to the Florida Recycling Loan Program as administered  
 3877 by the Florida First Capital Finance Corporation.

3878 (j) Maintaining a continuously updated online directory  
 3879 listing the public and private entities that collect, transport,  
 3880 broker, process, or remanufacture recyclable materials in the  
 3881 state.

3882 (k) Providing information on the availability and benefits  
 3883 of using recycled materials to private entities and industries  
 3884 in the state.

3885 (l) Distributing any materials prepared in implementing  
 3886 this subsection to the public, private entities, industries,  
 3887 governmental entities, or other organizations upon request.

3888 (m) Coordinating with the Department of Economic  
 3889 Opportunity and its partners to provide job placement and job  
 3890 training services to job seekers through the state's workforce  
 3891 services programs.

3892 Section 154. Subsections (16) through (19) of section  
 3893 403.973, Florida Statutes, are renumbered as subsections (15)  
 3894 through (18), respectively, and present subsections (15) and  
 3895 (17) of that section are amended to read:

3896 403.973 Expedited permitting; amendments to comprehensive  
 3897 plans.—

3898 ~~(15) The Department of Economic Opportunity, working with~~  
 3899 ~~the agencies providing cooperative assistance and input~~  
 3900 ~~regarding the memoranda of agreement, shall review sites~~



3901 ~~proposed for the location of facilities that the Department of~~  
 3902 ~~Economic Opportunity has certified to be eligible for the~~  
 3903 ~~Innovation Incentive Program under s. 288.1089. Within 20 days~~  
 3904 ~~after the request for the review by the Department of Economic~~  
 3905 ~~Opportunity, the agencies shall provide to the Department of~~  
 3906 ~~Economic Opportunity a statement as to each site's necessary~~  
 3907 ~~permits under local, state, and federal law and an~~  
 3908 ~~identification of significant permitting issues, which if~~  
 3909 ~~unresolved, may result in the denial of an agency permit or~~  
 3910 ~~approval or any significant delay caused by the permitting~~  
 3911 ~~process.~~

3912 (16) ~~(17)~~ The Department of Economic Opportunity shall be  
 3913 responsible for certifying a business as eligible for undergoing  
 3914 expedited review under this section. ~~Enterprise Florida, Inc.,~~ A  
 3915 county or municipal government, or the Rural Economic  
 3916 Development Initiative may recommend to the Department of  
 3917 Economic Opportunity that a project meeting the minimum job  
 3918 creation threshold undergo expedited review.

3919 Section 155. Paragraph (b) of subsection (8) of section  
 3920 413.801, Florida Statutes, is amended to read:

3921 413.801 Florida Unique Abilities Partner Program.—

3922 (8) INTERAGENCY COLLABORATION.—

3923 ~~(b) On a quarterly basis, the department shall provide the~~  
 3924 ~~Florida Tourism Industry Marketing Corporation with a current~~  
 3925 ~~list of all businesses that are designated as Florida Unique~~

3926 ~~Abilities Partners. The Florida Tourism Industry Marketing~~  
 3927 ~~Corporation must consider the Florida Unique Abilities Partner~~  
 3928 ~~Program in the development of marketing campaigns, and~~  
 3929 ~~specifically in any targeted marketing campaign for individuals~~  
 3930 ~~who have a disability or their families.~~

3931 Section 156. Paragraph (c) of subsection (1) of section  
 3932 443.091, Florida Statutes, is amended to read:

3933 443.091 Benefit eligibility conditions.—

3934 (1) An unemployed individual is eligible to receive  
 3935 benefits for any week only if the Department of Economic  
 3936 Opportunity finds that:

3937 (c) To make continued claims for benefits, she or he is  
 3938 reporting to the department in accordance with this paragraph  
 3939 and department rules. Department rules may not conflict with s.  
 3940 443.111(1)(b), which requires that each claimant continue to  
 3941 report regardless of any pending appeal relating to her or his  
 3942 eligibility or disqualification for benefits.

3943 1. For each week of unemployment claimed, each report  
 3944 must, at a minimum, include the name, address, and telephone  
 3945 number of each prospective employer contacted, or the date the  
 3946 claimant reported to a one-stop career center, pursuant to  
 3947 paragraph (d).

3948 2. The department shall offer an online assessment aimed  
 3949 at identifying an individual's skills, abilities, and career  
 3950 aptitude. The skills assessment must be voluntary, and the

3951 department shall allow a claimant to choose whether to take the  
 3952 skills assessment. The online assessment shall be made available  
 3953 to any person seeking services from a local workforce  
 3954 development board or a one-stop career center.

3955 a. If the claimant chooses to take the online assessment,  
 3956 the outcome of the assessment shall be made available to the  
 3957 claimant, local workforce development board, and one-stop career  
 3958 center. The department, local workforce development board, or  
 3959 one-stop career center shall use the assessment to develop a  
 3960 plan for referring individuals to training and employment  
 3961 opportunities. Aggregate data on assessment outcomes may be made  
 3962 available to CareerSource Florida, Inc., ~~and Enterprise Florida,~~  
 3963 ~~Inc.,~~ for use in the development of policies related to  
 3964 education and training programs that will ensure that businesses  
 3965 in this state have access to a skilled and competent workforce.

3966 b. Individuals shall be informed of and offered services  
 3967 through the one-stop delivery system, including career  
 3968 counseling, the provision of skill match and job market  
 3969 information, and skills upgrade and other training  
 3970 opportunities, and shall be encouraged to participate in such  
 3971 services at no cost to the individuals. The department shall  
 3972 coordinate with CareerSource Florida, Inc., the local workforce  
 3973 development boards, and the one-stop career centers to identify,  
 3974 develop, and use best practices for improving the skills of  
 3975 individuals who choose to participate in skills upgrade and

3976 other training opportunities. The department may contract with  
 3977 an entity to create the online assessment in accordance with the  
 3978 competitive bidding requirements in s. 287.057. The online  
 3979 assessment must work seamlessly with the Reemployment Assistance  
 3980 Claims and Benefits Information System.

3981 Section 157. Paragraphs (b) through (g) of subsection (6)  
 3982 of section 445.004, Florida Statutes, are redesignated as  
 3983 paragraphs (a) through (f), respectively, and paragraph (d) of  
 3984 subsection (3), paragraphs (b) and (d) of subsection (5), and  
 3985 paragraph (a) of subsection (6) of that section are amended to  
 3986 read:

3987 445.004 CareerSource Florida, Inc.; creation; purpose;  
 3988 membership; duties and powers.—

3989 (3)

3990 (d) The board must include ~~the vice chairperson of the~~  
 3991 ~~board of directors of Enterprise Florida, Inc.,~~ and one member  
 3992 representing each of the Workforce Innovation and Opportunity  
 3993 Act partners, including the Division of Career and Adult  
 3994 Education, and other entities representing programs identified  
 3995 in the Workforce Innovation and Opportunity Act, as determined  
 3996 necessary.

3997 (5) CareerSource Florida, Inc., shall have all the powers  
 3998 and authority not explicitly prohibited by statute which are  
 3999 necessary or convenient to carry out and effectuate its purposes  
 4000 as determined by statute, Pub. L. No. 113-128, and the Governor,

4001 as well as its functions, duties, and responsibilities,  
 4002 including, but not limited to, the following:

4003 (b) Providing oversight and policy direction to ensure  
 4004 that the following programs are administered by the department  
 4005 in compliance with approved plans and under contract with  
 4006 CareerSource Florida, Inc.:

4007 1. Programs authorized under Title I of the Workforce  
 4008 Innovation and Opportunity Act, Pub. L. No. 113-128, with the  
 4009 exception of programs funded directly by the United States  
 4010 Department of Labor under Title I, s. 167.

4011 2. Programs authorized under the Wagner-Peyser Act of  
 4012 1933, as amended, 29 U.S.C. ss. 49 et seq.

4013 3. Activities authorized under Title II of the Trade Act  
 4014 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
 4015 Adjustment Assistance Program.

4016 4. Activities authorized under 38 U.S.C. chapter 41,  
 4017 including job counseling, training, and placement for veterans.

4018 5. Employment and training activities carried out under  
 4019 funds awarded to this state by the United States Department of  
 4020 Housing and Urban Development.

4021 6. Welfare transition services funded by the Temporary  
 4022 Assistance for Needy Families Program, created under the  
 4023 Personal Responsibility and Work Opportunity Reconciliation Act  
 4024 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 4025 of the Social Security Act, as amended.

4026 7. Displaced homemaker programs, provided under s. 446.50.

4027 8. The Florida Bonding Program, provided under Pub. L. No.  
4028 97-300, s. 164(a)(1).

4029 9. The Food Assistance Employment and Training Program,  
4030 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
4031 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
4032 and the Hunger Prevention Act, Pub. L. No. 100-435.

4033 ~~10. The Quick Response Training Program, provided under~~  
4034 ~~ss. 288.046-288.047. Matching funds and in-kind contributions~~  
4035 ~~that are provided by clients of the Quick Response Training~~  
4036 ~~Program shall count toward the requirements of s. 288.904,~~  
4037 ~~pertaining to the return on investment from activities of~~  
4038 ~~Enterprise Florida, Inc.~~

4039 10.11. The Work Opportunity Tax Credit, provided under the  
4040 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
4041 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

4042 11.12. Offender placement services, provided under ss.  
4043 944.707-944.708.

4044 (d) Contracting with public and private entities as  
4045 necessary to further the directives of this section. All  
4046 contracts executed by CareerSource Florida, Inc., must include  
4047 specific performance expectations and deliverables. All  
4048 CareerSource Florida, Inc., contracts, including those  
4049 solicited, managed, or paid by the department pursuant to s.  
4050 20.60(5)(b) ~~20.60(5)(e)~~ are exempt from s. 112.061, but shall be

4051 governed by subsection (1).

4052 (6) CareerSource Florida, Inc., may take action that it  
 4053 deems necessary to achieve the purposes of this section,  
 4054 including, but not limited to:

4055 (a) Creating a state employment, education, and training  
 4056 policy that ensures that programs to prepare workers are  
 4057 responsive to present and future business and industry needs ~~and~~  
 4058 ~~complement the initiatives of Enterprise Florida, Inc.~~

4059 Section 158. Subsection (5) of section 445.045, Florida  
 4060 Statutes, is amended to read:

4061 445.045 Development of an Internet-based system for  
 4062 information technology industry promotion and workforce  
 4063 recruitment.—

4064 (5) In furtherance of the requirements of this section  
 4065 that the website promote and market the information technology  
 4066 industry by communicating information on the scope of the  
 4067 industry in this state, CareerSource Florida, Inc., shall  
 4068 ~~coordinate its efforts with the high-technology industry~~  
 4069 ~~marketing efforts of Enterprise Florida, Inc., under s. 288.911.~~  
 4070 ~~Through links or actual content, the website developed under~~  
 4071 ~~this section shall serve as a forum for distributing the~~  
 4072 ~~marketing campaign developed by Enterprise Florida, Inc., under~~  
 4073 ~~s. 288.911. In addition, CareerSource Florida, Inc., shall~~  
 4074 solicit input from the not-for-profit corporation created to  
 4075 advocate on behalf of the information technology industry as an

4076 | outgrowth of the Information Service Technology Development Task  
 4077 | Force created under chapter 99-354, Laws of Florida.

4078 |       Section 159. Subsections (2) and (5) of section 446.44,  
 4079 | Florida Statutes, are amended to read:

4080 |       446.44 Duties of Rural Workforce Services Program.—It  
 4081 | shall be the direct responsibility of the Rural Workforce  
 4082 | Services Program to promote and deliver employment and workforce  
 4083 | services and resources to the rural undeveloped and  
 4084 | underdeveloped counties of the state in an effort to:

4085 |       ~~(2) Assist Enterprise Florida, Inc., in attracting light,~~  
 4086 | ~~pollution-free industry to the rural counties.~~

4087 |       (4)~~(5)~~ Develop rural workforce programs that will be  
 4088 | evaluated, planned, and implemented through communications and  
 4089 | planning with appropriate:

4090 |       (a) Departments of state and federal governments.

4091 |       ~~(b) Units of Enterprise Florida, Inc.~~

4092 |       (b)~~(c)~~ Agencies and organizations of the public and  
 4093 | private sectors at the state, regional, and local levels.

4094 |       Section 160. Subsection (5) of section 477.0135, Florida  
 4095 | Statutes, is amended to read:

4096 |       477.0135 Exemptions.—

4097 |       (5) A license is not required of any individual providing  
 4098 | makeup, special effects, or cosmetology services to an actor,  
 4099 | stunt person, musician, extra, or other talent during a  
 4100 | production recognized by the Office of Film and Entertainment as



4101 a qualified production ~~as defined in s. 288.1254(1)~~. Such  
 4102 services are not required to be performed in a licensed salon.  
 4103 Individuals exempt under this subsection may not provide such  
 4104 services to the general public.

4105 Section 161. Subsection (1) of section 570.81, Florida  
 4106 Statutes, is amended to read:

4107 570.81 Agricultural Economic Development Project Review  
 4108 Committee; powers and duties.—

4109 (1) There is created an Agricultural Economic Development  
 4110 Project Review Committee consisting of five members appointed by  
 4111 the commissioner. The members shall be appointed based upon the  
 4112 recommendations submitted by each entity represented on the  
 4113 committee and shall include:

4114 (a) The commissioner or the commissioner's designee.

4115 (b) One representative from the Farm Credit Service.

4116 (c) One representative from the Department of Economic  
 4117 Opportunity Enterprise Florida, Inc.

4118 (d) One representative from the Florida Farm Bureau  
 4119 Federation.

4120 (e) One agricultural economist from the Institute of Food  
 4121 and Agricultural Sciences or from Florida Agricultural and  
 4122 Mechanical University.

4123 Section 162. Subsection (2) of section 570.85, Florida  
 4124 Statutes, is amended to read:

4125 570.85 Agritourism.—

4126 (2) The Department of Agriculture and Consumer Services  
 4127 may provide marketing advice, technical expertise, promotional  
 4128 support, and product development related to agritourism to  
 4129 assist the following in their agritourism initiatives:  
 4130 ~~Enterprise Florida, Inc.,~~ convention and visitor bureaus,+  
 4131 tourist development councils,+ economic development  
 4132 organizations,+ and local governments. In carrying out this  
 4133 responsibility, the department shall focus its agritourism  
 4134 efforts on rural and urban communities.

4135 Section 163. Paragraph (c) of subsection (1) of section  
 4136 624.5105, Florida Statutes, is amended to read:

4137 624.5105 Community contribution tax credit; authorization;  
 4138 limitations; eligibility and application requirements;  
 4139 administration; definitions; expiration.-

4140 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.-

4141 (c) The total amount of tax credit which may be granted  
 4142 for all programs approved under this section and ss.  
 4143 212.08(5)(o) ~~212.08(5)(p)~~ and 220.183 is \$18.4 million in the  
 4144 2015-2016 fiscal year, \$21.4 million in the 2016-2017 fiscal  
 4145 year, and \$21.4 million in the 2017-2018 fiscal year for  
 4146 projects that provide housing opportunities for persons with  
 4147 special needs as defined in s. 420.0004 or homeownership  
 4148 opportunities for low-income or very-low-income households as  
 4149 defined in s. 420.9071 and \$3.5 million annually for all other  
 4150 projects.

4151 Section 164. Section 625.3255, Florida Statutes, is  
 4152 repealed.

4153 Section 165. Subsection (4) of section 657.042, Florida  
 4154 Statutes, is amended to read:

4155 657.042 Investment powers and limitations.—A credit union  
 4156 may invest its funds subject to the following definitions,  
 4157 restrictions, and limitations:

4158 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
 4159 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
 4160 the credit union may be invested in ~~any of the following:~~

4161 ~~(a) Corporate obligations of any one corporation which is~~  
 4162 ~~an affiliate or subsidiary of the credit union or a service~~  
 4163 ~~corporation, except that the total investment in all such~~  
 4164 ~~corporate obligations shall not exceed 10 percent of the capital~~  
 4165 ~~of the credit union.~~

4166 ~~(b) Any capital participation instrument or evidence of~~  
 4167 ~~indebtedness issued by Enterprise Florida, Inc., pursuant to the~~  
 4168 ~~Florida Small and Minority Business Assistance Act.~~

4169 Section 166. Paragraph (f) of subsection (4) of section  
 4170 658.67, Florida Statutes, is amended to read:

4171 658.67 Investment powers and limitations.—A bank may  
 4172 invest its funds, and a trust company may invest its corporate  
 4173 funds, subject to the following definitions, restrictions, and  
 4174 limitations:

4175 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR

4176 LESS OF CAPITAL ACCOUNTS.—

4177 ~~(f) Up to 10 percent of the capital accounts of a bank or~~  
 4178 ~~trust company may be invested in any capital participation~~  
 4179 ~~instrument or evidence of indebtedness issued by Enterprise~~  
 4180 ~~Florida, Inc., pursuant to the Florida Small and Minority~~  
 4181 ~~Business Assistance Act.~~

4182 Section 167. Paragraph (h) of subsection (2) of section  
 4183 1004.015, Florida Statutes, is amended to read:

4184 1004.015 Higher Education Coordinating Council.—

4185 (2) Members of the council shall include:

4186 (h) The secretary of the Department of Economic  
 4187 Opportunity, or his or her designee ~~president of Enterprise~~  
 4188 ~~Florida, Inc., or a designated member of the Stakeholders~~  
 4189 ~~Council appointed by the president.~~

4190 Section 168. Paragraph (d) of subsection (5) of section  
 4191 1004.65, Florida Statutes, is amended to read:

4192 1004.65 Florida College System institutions; governance,  
 4193 mission, and responsibilities.—

4194 (5) The primary mission and responsibility of Florida  
 4195 College System institutions is responding to community needs for  
 4196 postsecondary academic education and career degree education.  
 4197 This mission and responsibility includes being responsible for:

4198 (d) Promoting economic development for the state within  
 4199 each Florida College System institution district through the  
 4200 provision of special programs, including, but not limited to,

4201 the:

4202 ~~1. Enterprise Florida related programs.~~

4203 1.2. Technology transfer centers.

4204 2.3. Economic development centers.

4205 3.4. Workforce literacy programs.

4206 Section 169. Paragraph (b) of subsection (10) of section  
4207 1004.78, Florida Statutes, is amended to read:

4208 1004.78 Technology transfer centers at Florida College  
4209 System institutions.—

4210 (10) The State Board of Education may award grants to  
4211 Florida College System institutions, or consortia of public and  
4212 private colleges and universities and other public and private  
4213 entities, for the purpose of supporting the objectives of this  
4214 section. Grants awarded pursuant to this subsection shall be in  
4215 accordance with rules of the State Board of Education. Such  
4216 rules shall include the following provisions:

4217 (b) Grants to centers funded with state revenues  
4218 appropriated specifically for technology transfer activities  
4219 shall be reviewed and approved by the State Board of Education  
4220 using proposal solicitation, evaluation, and selection  
4221 procedures established by the state board in consultation with  
4222 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~  
4223 Such procedures may include designation of specific areas or  
4224 applications of technology as priorities for the receipt of  
4225 funding.

4226 Section 170. Subsection (4) of section 1011.76, Florida  
 4227 Statutes, is amended to read:

4228 1011.76 Small School District Stabilization Program.—

4229 (4) The Department of Education may award the school  
 4230 district a stabilization grant intended to protect the district  
 4231 from continued financial reductions. The amount of the grant  
 4232 will be determined by the Department of Education and may be  
 4233 equivalent to the amount of the decline in revenues projected  
 4234 for the next fiscal year. In addition, the Department of  
 4235 Economic Opportunity may implement a rural economic development  
 4236 initiative to identify the economic factors that are negatively  
 4237 impacting the community and ~~may consult with Enterprise Florida,~~  
 4238 ~~Inc., in developing a plan to assist the county with its~~  
 4239 ~~economic transition.~~ The grant will be available to the school  
 4240 district for a period of up to 5 years to the extent that  
 4241 funding is provided for such purpose in the General  
 4242 Appropriations Act.

4243 Section 171. Paragraph (c) of subsection (6) of section  
 4244 1011.80, Florida Statutes, is amended to read:

4245 1011.80 Funds for operation of workforce education  
 4246 programs.—

4247 (6)

4248 (c) A program is established to assist school districts  
 4249 and Florida College System institutions in responding to the  
 4250 needs of new and expanding businesses and thereby strengthening

4251 the state's workforce and economy. The program may be funded in  
 4252 the General Appropriations Act. The district or Florida College  
 4253 System institution shall use the program to provide customized  
 4254 training for businesses ~~which satisfies the requirements of s.~~  
 4255 ~~288.047~~. Business firms whose employees receive the customized  
 4256 training must provide 50 percent of the cost of the training.  
 4257 Balances remaining in the program at the end of the fiscal year  
 4258 shall not revert to the general fund, but shall be carried over  
 4259 for 1 additional year and used for the purpose of serving  
 4260 incumbent worker training needs of area businesses with fewer  
 4261 than 100 employees. Priority shall be given to businesses that  
 4262 must increase or upgrade their use of technology to remain  
 4263 competitive.

4264 Section 172. Subsection (1) of section 1011.94, Florida  
 4265 Statutes, is amended to read:

4266 1011.94 University Major Gifts Program.—

4267 (1) There is established a University Major Gifts Program.  
 4268 The purpose of the program is to enable each university to  
 4269 provide donors with an incentive in the form of matching grants  
 4270 for donations for the establishment of permanent endowments and  
 4271 sales tax exemption matching funds received pursuant to s.  
 4272 212.08(5)(i) ~~212.08(5)(j)~~, which must be invested, with the  
 4273 proceeds of the investment used to support libraries and  
 4274 instruction and research programs, as defined by the Board of  
 4275 Governors.

HB 7005

2017

4276

Section 173. This act shall take effect July 1, 2017.



Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Appropriations Committee  
 2 Representative Renner offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (i) of subsection (3) of section  
 7 11.45, Florida Statutes, is amended to read:

8 11.45 Definitions; duties; authorities; reports; rules.-

9 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.-The  
 10 Auditor General may, pursuant to his or her own authority, or at  
 11 the direction of the Legislative Auditing Committee, conduct  
 12 audits or other engagements as determined appropriate by the  
 13 Auditor General of:

14 ~~(i) Enterprise Florida, Inc., including any of its boards,~~  
 15 ~~advisory committees, or similar groups created by Enterprise~~  
 16 ~~Florida, Inc., and programs. The audit report may not reveal the~~

## Amendment No. 1

17 ~~identity of any person who has anonymously made a donation to~~  
18 ~~Enterprise Florida, Inc., pursuant to this paragraph. The~~  
19 ~~identity of a donor or prospective donor to Enterprise Florida,~~  
20 ~~Inc., who desires to remain anonymous and all information~~  
21 ~~identifying such donor or prospective donor are confidential and~~  
22 ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I~~  
23 ~~of the State Constitution. Such anonymity shall be maintained in~~  
24 ~~the auditor's report.~~

25 Section 2. Paragraph (a) of subsection (3) of section  
26 14.32, Florida Statutes, is amended to read:

27 14.32 Office of Chief Inspector General.—

28 (3) Related to public-private partnerships, the Chief  
29 Inspector General:

30 (a) Shall advise public-private partnerships, ~~including~~  
31 ~~Enterprise Florida, Inc.,~~ in their development, utilization, and  
32 improvement of internal control measures necessary to ensure  
33 fiscal accountability.

34 Section 3. Section 15.18, Florida Statutes, is amended to  
35 read:

36 15.18 International and cultural relations.—The Divisions  
37 of Cultural Affairs, Historical Resources, and Library and  
38 Information Services of the Department of State promote programs  
39 having substantial cultural, artistic, and indirect economic  
40 significance that emphasize American creativity. The Secretary  
41 of State, as the head administrator of these divisions, shall

## Amendment No. 1

42 hereafter be known as "Florida's Chief Cultural Officer." As  
43 this officer, the Secretary of State is encouraged to initiate  
44 and develop relationships between the state and foreign cultural  
45 officers, their representatives, and other foreign governmental  
46 officials in order to promote Florida as the center of American  
47 creativity. The Secretary of State shall coordinate  
48 international activities pursuant to this section with  
49 ~~Enterprise Florida, Inc.,~~ and any other organization the  
50 secretary deems appropriate. For the accomplishment of this  
51 purpose, the Secretary of State shall have the power and  
52 authority to:

53 (1) Disseminate any information pertaining to the State of  
54 Florida which promotes the state's cultural assets.

55 (2) Plan and carry out activities designed to cause  
56 improved cultural and governmental programs and exchanges with  
57 foreign countries.

58 (3) Plan and implement cultural and social activities for  
59 visiting foreign heads of state, diplomats, dignitaries, and  
60 exchange groups.

61 (4) Encourage and cooperate with other public and private  
62 organizations or groups in their efforts to promote the cultural  
63 advantages of Florida.

64 (5) Serve as the liaison with all foreign consular and  
65 ambassadorial corps, as well as international organizations,  
66 that are consistent with the purposes of this section.

Amendment No. 1

67 (6) Provide, arrange, and make expenditures for the  
68 achievement of any or all of the purposes specified in this  
69 section.

70 Section 4. Subsection (2) of section 15.182, Florida  
71 Statutes, is amended to read:

72 15.182 International travel by state-funded musical,  
73 cultural, or artistic organizations; notification to the  
74 Department of Economic Opportunity.—

75 (2) The Department of Economic Opportunity, ~~in conjunction~~  
76 ~~with Enterprise Florida, Inc.~~, shall act as an intermediary  
77 between performing musical, cultural, and artistic organizations  
78 and Florida businesses to encourage and coordinate joint  
79 undertakings. Such coordination may include, but is not limited  
80 to, encouraging business and industry to sponsor cultural  
81 events, assistance with travel of such organizations, and  
82 coordinating travel schedules of cultural performance groups and  
83 international trade missions.

84 Section 5. Subsections (4) and (5), paragraph (b) of  
85 subsection (9), and subsections (10) and (11) of section 20.60,  
86 Florida Statutes, are amended to read:

87 20.60 Department of Economic Opportunity; creation; powers  
88 and duties.—

89 (4) The purpose of the department is to assist the  
90 Governor in working with the Legislature, state agencies,  
91 business leaders, and economic development professionals to

Amendment No. 1

92 formulate and implement coherent and consistent policies and  
93 strategies designed to promote economic opportunities for all  
94 Floridians. To accomplish such purposes, the department shall:

95 (a) Facilitate the direct involvement of the Governor and  
96 the Lieutenant Governor in economic development and workforce  
97 development projects designed to create, expand, and retain  
98 businesses in this state, to recruit business from around the  
99 world, and to facilitate other job-creating efforts.

100 (b) Recruit new businesses to this state and promote the  
101 expansion of existing businesses by expediting permitting and  
102 location decisions, worker placement and training, and incentive  
103 awards.

104 (c) Promote viable, sustainable communities by providing  
105 technical assistance and guidance on growth and development  
106 issues, grants, and other assistance to local communities.

107 (d) Ensure that the state's goals and policies relating to  
108 economic development, workforce development, community planning  
109 and development, and affordable housing are fully integrated  
110 with appropriate implementation strategies.

111 (e) Manage the activities of public-private partnerships  
112 and state agencies in order to avoid duplication and promote  
113 coordinated and consistent implementation of programs in areas  
114 including, but not limited to, tourism; international trade and  
115 investment; business recruitment, creation, retention, and  
116 expansion; minority and small business development; rural

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 5 of 190

## Amendment No. 1

117 community development; commercialization of products, services,  
118 or ideas developed in public universities or other public  
119 institutions; and the development and promotion of professional  
120 and amateur sporting events.

121 (f) Coordinate with state agencies on the processing of  
122 state development approvals or permits to minimize the  
123 duplication of information provided by the applicant and the  
124 time before approval or disapproval.

125 ~~(5) The divisions within the department have specific~~  
126 ~~responsibilities to achieve the duties, responsibilities, and~~  
127 ~~goals of the department. Specifically:~~

128 ~~(a) The Division of Strategic Business Development shall:~~

129 (g)1. Analyze and evaluate business prospects identified  
130 by the Governor and, the executive director of the department,  
131 ~~and Enterprise Florida, Inc.~~

132 (h)2. Administer certain tax refund, tax credit, and grant  
133 programs created in law. Notwithstanding any other provision of  
134 law, the department may expend interest earned from the  
135 investment of program funds deposited in the Grants and  
136 Donations Trust Fund to contract for the administration of those  
137 programs, or portions of the programs, assigned to the  
138 department by law, by the appropriations process, or by the  
139 Governor. Such expenditures shall be subject to review under  
140 chapter 216.

Amendment No. 1

141        (i)~~3.~~ Develop measurement protocols for the state  
142 incentive programs and for the contracted entities which will be  
143 used to determine their performance and competitive value to the  
144 state. Performance measures, benchmarks, and sanctions must be  
145 developed in consultation with the legislative appropriations  
146 committees and the appropriate substantive committees, and are  
147 subject to the review and approval process provided in s.  
148 216.177. The approved performance measures, standards, and  
149 sanctions shall be included and made a part of the strategic  
150 plan for contracts entered into for delivery of programs  
151 authorized by this section.

152        (j)~~4.~~ Develop a 5-year statewide strategic plan. The  
153 strategic plan must include, but need not be limited to:

154        1.a. Strategies for the promotion of business formation,  
155 expansion, recruitment, and retention through aggressive  
156 marketing, international development, and export assistance,  
157 which lead to more and better jobs and higher wages for all  
158 geographic regions, disadvantaged communities, and populations  
159 of the state, including rural areas, minority businesses, and  
160 urban core areas.

161        2.b. The development of realistic policies and programs to  
162 further the economic diversity of the state, its regions, and  
163 their associated industrial clusters.

164        3.e. Specific provisions for the stimulation of economic  
165 development and job creation in rural areas and midsize cities

## Amendment No. 1

166 and counties of the state, including strategies for rural  
167 marketing and the development of infrastructure in rural areas.

168 ~~4.d.~~ Provisions for the promotion of the successful long-  
169 term economic development of the state with increased emphasis  
170 in market research and information.

171 ~~5.e.~~ Plans for the generation of foreign investment in the  
172 state which create jobs paying above-average wages and which  
173 result in reverse investment in the state, including programs  
174 that establish viable overseas markets, assist in meeting the  
175 financing requirements of export-ready firms, broaden  
176 opportunities for international joint venture relationships, use  
177 the resources of academic and other institutions, coordinate  
178 trade assistance and facilitation services, and facilitate  
179 availability of and access to education and training programs  
180 that assure requisite skills and competencies necessary to  
181 compete successfully in the global marketplace.

182 ~~6.f.~~ The identification of business sectors that are of  
183 current or future importance to the state's economy and to the  
184 state's global business image, and development of specific  
185 strategies to promote the development of such sectors.

186 ~~7.g.~~ Strategies for talent development necessary in the  
187 state to encourage economic development growth, taking into  
188 account factors such as the state's talent supply chain,  
189 education and training opportunities, and available workforce.

190 ~~(k)5.~~ Update the strategic plan every 5 years.



Amendment No. 1

191        (1)6. Involve ~~Enterprise Florida, Inc.~~, CareerSource  
192 Florida, Inc.; local governments; the general public; local and  
193 regional economic development organizations; other local, state,  
194 and federal economic, international, and workforce development  
195 entities; the business community; and educational institutions  
196 to assist with the strategic plan.

197        (5) The divisions within the department have specific  
198 responsibilities to achieve the duties, responsibilities, and  
199 goals of the department. Specifically:

200        (a) ~~(b)~~ The Division of Community Development shall:

201            1. Assist local governments and their communities in  
202 finding creative planning solutions to help them foster vibrant,  
203 healthy communities, while protecting the functions of important  
204 state resources and facilities.

205            2. Administer state and federal grant programs as provided  
206 by law to provide community development and project planning  
207 activities to maintain viable communities, revitalize existing  
208 communities, and expand economic development and employment  
209 opportunities, including:

210            a. The Community Services Block Grant Program.

211            b. The Community Development Block Grant Program in  
212 chapter 290.

213            c. The Low-Income Home Energy Assistance Program in  
214 chapter 409.

215            d. The Weatherization Assistance Program in chapter 409.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

## Amendment No. 1

216 e. The Neighborhood Stabilization Program.

217 f. The local comprehensive planning process and the  
218 development of regional impact process.

219 g. The Front Porch Florida Initiative through the Office  
220 of Urban Opportunity, which is created within the division. The  
221 purpose of the office is to administer the Front Porch Florida  
222 initiative, a comprehensive, community-based urban core  
223 redevelopment program that enables urban core residents to craft  
224 solutions to the unique challenges of each designated community.

225 3. Assist in developing the 5-year statewide strategic  
226 plan required by this section.

227 ~~(b)(e)~~ The Division of Workforce Services shall:

228 1. Prepare and submit a unified budget request for  
229 workforce development in accordance with chapter 216 for, and in  
230 conjunction with, CareerSource Florida, Inc., and its board.

231 2. Ensure that the state appropriately administers federal  
232 and state workforce funding by administering plans and policies  
233 of CareerSource Florida, Inc., under contract with CareerSource  
234 Florida, Inc. The operating budget and midyear amendments  
235 thereto must be part of such contract.

236 a. All program and fiscal instructions to local workforce  
237 development boards shall emanate from the Department of Economic  
238 Opportunity pursuant to plans and policies of CareerSource  
239 Florida, Inc., which shall be responsible for all policy  
240 directions to the local workforce development boards.

Amendment No. 1

241 b. Unless otherwise provided by agreement with  
242 CareerSource Florida, Inc., administrative and personnel  
243 policies of the Department of Economic Opportunity apply.

244 3. Implement the state's reemployment assistance program.  
245 The Department of Economic Opportunity shall ensure that the  
246 state appropriately administers the reemployment assistance  
247 program pursuant to state and federal law.

248 4. Assist in developing the 5-year statewide strategic  
249 plan required by this section.

250 (9) The executive director shall:

251 (b) Serve as the manager for the state with respect to  
252 contracts with the Florida Tourism Industry Marketing  
253 Corporation Enterprise Florida, Inc., the Institute for the  
254 Commercialization of Public Research, and all applicable direct  
255 support organizations. To accomplish the provisions of this  
256 section and applicable provisions of chapter 288, and  
257 notwithstanding the provisions of part I of chapter 287, the  
258 director shall enter into specific contracts with the Florida  
259 Tourism Industry Marketing Corporation Enterprise Florida, Inc.,  
260 the Institute for the Commercialization of Public Research, and  
261 other appropriate direct support organizations. Such contracts  
262 may be for multiyear terms and shall include specific  
263 performance measures for each year. ~~For purposes of this~~  
264 ~~section, the Florida Tourism Industry Marketing Corporation is~~  
265 ~~not an appropriate direct support organization.~~

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

## Amendment No. 1

266 (10) The department, ~~with assistance from Enterprise~~  
267 ~~Florida, Inc.~~, shall, by November 1 of each year, submit an  
268 annual report to the Governor, the President of the Senate, and  
269 the Speaker of the House of Representatives on the condition of  
270 the business climate and economic development in the state.

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

273 (b) The report must incorporate annual reports of other  
274 programs, including:

275 1. The displaced homemaker program established under s.  
276 446.50.

277 2. Information provided by the Department of Revenue under  
278 s. 290.014.

279 3. Information provided by enterprise zone development  
280 agencies under s. 290.0056 and an analysis of the activities and  
281 accomplishments of each enterprise zone.

282 ~~4. The Economic Gardening Business Loan Pilot Program~~  
283 ~~established under s. 288.1081 and the Economic Gardening~~  
284 ~~Technical Assistance Pilot Program established under s.~~  
285 ~~288.1082.~~

286 ~~4.5.~~ A detailed report of the performance of the Black  
287 Business Loan Program and a cumulative summary of quarterly  
288 report data required under s. 288.714.

289 ~~5.6.~~ The Rural Economic Development Initiative established  
290 under s. 288.0656.

Amendment No. 1

291 ~~6.7.~~ The Florida Unique Abilities Partner Program.

292 (11) The department shall establish annual performance  
293 standards for ~~Enterprise Florida, Inc.~~, CareerSource Florida,  
294 Inc., the Florida Tourism Industry Marketing Corporation, and  
295 Space Florida and report annually on how these performance  
296 measures are being met in the annual report required under  
297 subsection (10).

298 Section 6. Section 20.601, Florida Statutes, is repealed.

299 Section 7. (1) All duties, functions, records, pending  
300 issues, existing contracts, administrative authority,  
301 administrative rules, and unexpended balances of appropriations,  
302 allocations, and other public funds relating to the programs in  
303 Enterprise Florida, Inc., are transferred by a type two transfer  
304 to the Department of Economic Opportunity.

305 (2) (a) The Florida Sports Foundation, incorporated under  
306 chapter 617, Florida Statutes, which was previously merged into  
307 and transferred to Enterprise Florida, Inc., may enter into an  
308 agreement with the Department of Economic Opportunity to  
309 continue any existing program, activity, duty, or function  
310 necessary for the operation of the foundation.

311 (b) Any funds held in trust which were donated to or  
312 earned by the Florida Sports Foundation may be used by the  
313 foundation for the original purposes for which the funds were  
314 received.

Amendment No. 1

315 (3) (a) The Florida Tourism Industry Marketing Corporation  
316 may enter into an agreement with the Department of Economic  
317 Opportunity to continue any existing program, activity, duty, or  
318 function necessary for the operation of the corporation.

319 (b) Any funds held in trust which were donated to or  
320 earned by the Florida Tourism Industry Marketing Corporation may  
321 be used by the corporation for the original purposes for which  
322 the funds were received.

323 (4) It is the intent of the Legislature that the changes  
324 made by this act be accomplished with minimal disruption of  
325 services provided to the public and with minimal disruption to  
326 employees of any organization.

327 Section 8. For programs established pursuant to ss.  
328 212.08(5)q), 212.097, 220.1899, 220.191, 288.047, 288.1045,  
329 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1088,  
330 288.1089, 288.1162, 288.11621, 288.11625, 288.11631,  
331 288.1254(11), 288.9916, and 339.2821, Florida Statutes, no new  
332 or additional applications or certifications shall be approved,  
333 no new letters of certification may be issued, no new contracts  
334 or agreements may be executed, and no new awards may be made.  
335 All certifications are rescinded except for those certified  
336 applicants or projects that continue to meet the criteria in  
337 effect before July 1, 2017. Any existing contracts or agreements  
338 authorized under any of these programs shall continue in full  
339 force and effect in accordance with the statutory requirements

Amendment No. 1

340 in effect when the contract or agreement was executed or last  
341 modified. However, no further modifications, extensions, or  
342 waivers may be made or granted relating to such contracts or  
343 agreements except computations by the Department of Revenue of  
344 the income generated by or arising out of the qualifying  
345 project.

346 Section 9. Paragraph (n) of subsection (3) of section  
347 125.0104, Florida Statutes, is amended to read:

348 125.0104 Tourist development tax; procedure for levying;  
349 authorized uses; referendum; enforcement.-

350 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.-

351 (n) In addition to any other tax that is imposed under  
352 this section, a county that has imposed the tax under paragraph  
353 (1) may impose an additional tax that is no greater than 1  
354 percent on the exercise of the privilege described in paragraph  
355 (a) by a majority plus one vote of the membership of the board  
356 of county commissioners in order to:

357 1. Pay the debt service on bonds issued to finance:

358 a. The construction, reconstruction, or renovation of a  
359 facility either publicly owned and operated, or publicly owned  
360 and operated by the owner of a professional sports franchise or  
361 other lessee with sufficient expertise or financial capability  
362 to operate such facility, and to pay the planning and design  
363 costs incurred prior to the issuance of such bonds for a new  
364 professional sports franchise ~~as defined in s. 288.1162.~~ As used

Amendment No. 1

365 in this sub-subparagraph, the term "new professional sports  
366 franchise" means a professional sports franchise that was not  
367 based in this state before April 1, 1987.

368 b. The acquisition, construction, reconstruction, or  
369 renovation of a facility either publicly owned and operated, or  
370 publicly owned and operated by the owner of a professional  
371 sports franchise or other lessee with sufficient expertise or  
372 financial capability to operate such facility, and to pay the  
373 planning and design costs incurred prior to the issuance of such  
374 bonds for a retained spring training franchise.

375 2. Promote and advertise tourism in the State of Florida  
376 and nationally and internationally; however, if tax revenues are  
377 expended for an activity, service, venue, or event, the  
378 activity, service, venue, or event shall have as one of its main  
379 purposes the attraction of tourists as evidenced by the  
380 promotion of the activity, service, venue, or event to tourists.

381  
382 A county that imposes the tax authorized in this paragraph may  
383 not expend any ad valorem tax revenues for the acquisition,  
384 construction, reconstruction, or renovation of a facility for  
385 which tax revenues are used pursuant to subparagraph 1. The  
386 provision of paragraph (b) which prohibits any county authorized  
387 to levy a convention development tax pursuant to s. 212.0305  
388 from levying more than the 2-percent tax authorized by this  
389 section shall not apply to the additional tax authorized by this

431689 - h7005-strike1.docx

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Amendment No. 1

390 paragraph in counties which levy convention development taxes  
391 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to  
392 the adoption of the additional tax authorized in this paragraph.  
393 The effective date of the levy and imposition of the tax  
394 authorized under this paragraph is the first day of the second  
395 month following approval of the ordinance by the board of county  
396 commissioners or the first day of any subsequent month specified  
397 in the ordinance. A certified copy of such ordinance shall be  
398 furnished by the county to the Department of Revenue within 10  
399 days after approval of the ordinance.

400 Section 10. Subsection (11) of section 159.803, Florida  
401 Statutes, is amended to read:

402 159.803 Definitions.—As used in this part, the term:

403 (11) "Florida First Business project" means any project  
404 which is certified by the Department of Economic Opportunity as  
405 eligible to receive an allocation from the Florida First  
406 Business allocation pool established pursuant to s. 159.8083.  
407 The Department of Economic Opportunity may certify these  
408 ~~projects meeting the criteria set forth in s. 288.106(4)(b) or~~  
409 any project providing a substantial economic benefit to this  
410 state.

411 Section 11. Paragraph (a) of subsection (8) of section  
412 166.231, Florida Statutes, is amended to read:

413 166.231 Municipalities; public service tax.—

Amendment No. 1

414 (8)(a) Beginning July 1, 1995, a municipality may by  
415 ordinance exempt not less than 50 percent of the tax imposed  
416 under this section on purchasers of electrical energy who are  
417 determined to be eligible for the exemption provided by s.  
418 212.08(14) ~~212.08(15)~~ by the Department of Revenue. The  
419 exemption shall be administered as provided in that section. A  
420 copy of any ordinance adopted pursuant to this subsection shall  
421 be provided to the Department of Revenue not less than 14 days  
422 prior to its effective date.

423 Section 12. Section 189.033, Florida Statutes, is amended  
424 to read:

425 189.033 Independent special district services in  
426 disproportionally affected county; rate reduction for providers  
427 providing economic benefits.—If the governing body of an  
428 independent special district that provides water, wastewater,  
429 and sanitation services in a disproportionally affected county,  
430 ~~as defined in s. 288.106(8)~~, determines that a new user or the  
431 expansion of an existing user of one or more of its utility  
432 systems will provide a significant benefit to the community in  
433 terms of increased job opportunities, economies of scale, or  
434 economic development in the area, the governing body may  
435 authorize a reduction of its rates, fees, or charges for that  
436 user for a specified period of time. A governing body that  
437 exercises this power must do so by resolution that states the  
438 anticipated economic benefit justifying the reduction as well as

431689 - h7005-strike1.docx

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Amendment No. 1

439 the period of time that the reduction will remain in place. As  
440 used in this section, the term "disproportionally affected  
441 county" means Bay County, Escambia County, Franklin County, Gulf  
442 County, Okaloosa County, Santa Rosa County, Walton County, or  
443 Wakulla County.

444 Section 13. Subsections (11) through (19) of section  
445 196.012, Florida Statutes, are renumbered as subsections (12)  
446 through (20), respectively, a new subsection (11) is added to  
447 that section, and paragraph (a) of present subsection (14),  
448 paragraph (a) of present subsection (15), and present subsection  
449 (16) of that section are amended to read:

450 196.012 Definitions.—For the purpose of this chapter, the  
451 following terms are defined as follows, except where the context  
452 clearly indicates otherwise:

453 (11) "Target industry business" means a corporate  
454 headquarters business or any business that is engaged in one of  
455 the target industries identified pursuant to the following  
456 criteria developed by the Department of Economic Opportunity:

457 (a) Future growth.—The industry forecast indicates strong  
458 expectation for future growth in employment and output,  
459 according to the most recent available data. Special  
460 consideration should be given to businesses that export goods  
461 to, or provide services in, international markets and businesses  
462 that replace domestic and international imports of goods or  
463 services.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

## Amendment No. 1

464       (b) Stability.—The industry is not subject to periodic  
465 layoffs, whether due to seasonality or sensitivity to volatile  
466 economic variables such as weather. The industry is also  
467 relatively resistant to recession, so that the demand for  
468 products of this industry is not typically subject to decline  
469 during an economic downturn.

470       (c) High wage.—The industry pays relatively high wages  
471 compared to statewide or area averages.

472       (d) Market and resource independent.—The industry business  
473 location is not dependent on markets or resources in the state  
474 as indicated by industry analysis, except for businesses in the  
475 renewable energy industry.

476       (e) Industrial base diversification and strengthening.—The  
477 industry contributes toward expanding or diversifying the  
478 state's or area's economic base, as indicated by analysis of  
479 employment and output shares compared to national and regional  
480 trends. Special consideration should be given to industries that  
481 strengthen regional economies by adding value to basic products  
482 or building regional industrial clusters as indicated by  
483 industry analysis. Special consideration should also be given to  
484 the development of strong industrial clusters that include  
485 defense and homeland security businesses.

486       (f) Positive economic impact.—The industry has strong  
487 positive economic impacts on or benefits to the state or  
488 regional economies. Special consideration should be given to

Amendment No. 1

489 industries that facilitate the development of the state as a hub  
490 for domestic and global trade and logistics.

491

492 The term does not include any business engaged in retail  
493 industry activities; any electrical utility company as defined  
494 in s. 366.02(2); any phosphate or other solid minerals  
495 severance, mining, or processing operation; any oil or gas  
496 exploration or production operation; or any business subject to  
497 regulation by the Division of Hotels and Restaurants of the  
498 Department of Business and Professional Regulation. Any business  
499 within NAICS code 5611 or 5614, office administrative services  
500 and business support services, respectively, may be considered a  
501 target industry business only after the local governing body and  
502 the Department of Economic Opportunity determine that the  
503 community in which the business may locate has conditions  
504 affecting the fiscal and economic viability of the local  
505 community or area, including, but not limited to, low per capita  
506 income, high unemployment, high underemployment, and a lack of  
507 year-round stable employment opportunities, and such conditions  
508 may be improved by the business locating in such community. By  
509 January 1 of every 3rd year, beginning January 1, 2011, the  
510 Department of Economic Opportunity, in consultation with  
511 economic development organizations, the State University System,  
512 local governments, employee and employer organizations, market  
513 analysts, and economists, shall review and, as appropriate,

431689 - h7005-strike1.docx

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Amendment No. 1

514 revise the list of target industries and submit the list to the  
515 Governor, the President of the Senate, and the Speaker of the  
516 House of Representatives.

517 (15)~~(14)~~ "New business" means:

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

523 a. manufactures, processes, compounds, fabricates, or  
524 produces for sale items of tangible personal property at a fixed  
525 location and which comprises an industrial or manufacturing  
526 plant; or

527 b. Is a target industry business as defined in subsection  
528 (11) ~~s. 288.106(2)(g)~~;

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

535 3. An office space in this state owned and used by a  
536 business or organization newly domiciled in this state; provided  
537 such office space houses 50 or more full-time employees of such  
538 business or organization; provided that such business or

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 22 of 190

## Amendment No. 1

539 organization office first begins operation on a site clearly  
540 separate from any other commercial or industrial operation owned  
541 by the same business or organization.

542 (16)~~(15)~~ "Expansion of an existing business" means:

543 (a)1. A business or organization establishing 10 or more  
544 new jobs to employ 10 or more full-time employees in this state,  
545 paying an average wage for such new jobs that is above the  
546 average wage in the area, which principally engages in any of  
547 the operations referred to in subparagraph (15) (a)1. ~~(14)(a)1.~~;  
548 or

549 2. A business or organization establishing 25 or more new  
550 jobs to employ 25 or more full-time employees in this state, the  
551 sales factor of which, as defined by s. 220.15(5), for the  
552 facility with respect to which it requests an economic  
553 development ad valorem tax exemption is less than 0.50 for each  
554 year the exemption is claimed; provided that such business  
555 increases operations on a site located within the same county,  
556 municipality, or both colocated with a commercial or industrial  
557 operation owned by the same business or organization under  
558 common control with the same business or organization, resulting  
559 in a net increase in employment of not less than 10 percent or  
560 an increase in productive output or sales of not less than 10  
561 percent.

## Amendment No. 1

562           ~~(17)~~~~(16)~~ "Permanent resident" means a person who has  
563 established a permanent residence as defined in subsection (18)  
564 ~~(17)~~.

565           Section 14. Subsection (2) of section 196.101, Florida  
566 Statutes, is amended to read:

567           196.101 Exemption for totally and permanently disabled  
568 persons.—

569           (2) Any real estate used and owned as a homestead by a  
570 paraplegic, hemiplegic, or other totally and permanently  
571 disabled person, as defined in s. 196.012(12) ~~196.012(11)~~, who  
572 must use a wheelchair for mobility or who is legally blind, is  
573 exempt from taxation.

574           Section 15. Subsection (2) of section 196.121, Florida  
575 Statutes, is amended to read:

576           196.121 Homestead exemptions; forms.—

577           (2) The forms shall require the taxpayer to furnish  
578 certain information to the property appraiser for the purpose of  
579 determining that the taxpayer is a permanent resident as defined  
580 in s. 196.012(17) ~~196.012(16)~~. Such information may include, but  
581 need not be limited to, the factors enumerated in s. 196.015.

582           Section 16. Subsections (6) and (11) of section 196.1995,  
583 Florida Statutes, are amended to read:

584           196.1995 Economic development ad valorem tax exemption.—

585           (6) With respect to a new business as defined in ~~by~~ s.  
586 196.012(15)(c) ~~196.012(14)(e)~~, the municipality annexing the



Amendment No. 1

587 property on which the business is situated may grant an economic  
588 development ad valorem tax exemption under this section to that  
589 business for a period that will expire upon the expiration of  
590 the exemption granted by the county. If the county renews the  
591 exemption under subsection (7), the municipality may also extend  
592 its exemption. A municipal economic development ad valorem tax  
593 exemption granted under this subsection may not extend beyond  
594 the duration of the county exemption.

595 (11) An ordinance granting an exemption under this section  
596 shall be adopted in the same manner as any other ordinance of  
597 the county or municipality and shall include the following:

598 (a) The name and address of the new business or expansion  
599 of an existing business to which the exemption is granted;

600 (b) The total amount of revenue available to the county or  
601 municipality from ad valorem tax sources for the current fiscal  
602 year, the total amount of revenue lost to the county or  
603 municipality for the current fiscal year by virtue of economic  
604 development ad valorem tax exemptions currently in effect, and  
605 the estimated revenue loss to the county or municipality for the  
606 current fiscal year attributable to the exemption of the  
607 business named in the ordinance;

608 (c) The period of time for which the exemption will remain  
609 in effect and the expiration date of the exemption, which may be  
610 any period of time up to 10 years, or up to 20 years for a data  
611 center; and

Amendment No. 1

612 (d) A finding that the business named in the ordinance  
613 meets the requirements of s. 196.012(15) or (16) ~~196.012(14) or~~  
614 ~~(15)~~.

615 Section 17. Paragraphs (a), (c), and (d) of subsection (4)  
616 of section 201.15, Florida Statutes, are amended to read:

617 201.15 Distribution of taxes collected.—All taxes  
618 collected under this chapter are hereby pledged and shall be  
619 first made available to make payments when due on bonds issued  
620 pursuant to s. 215.618 or s. 215.619, or any other bonds  
621 authorized to be issued on a parity basis with such bonds. Such  
622 pledge and availability for the payment of these bonds shall  
623 have priority over any requirement for the payment of service  
624 charges or costs of collection and enforcement under this  
625 section. All taxes collected under this chapter, except taxes  
626 distributed to the Land Acquisition Trust Fund pursuant to  
627 subsections (1) and (2), are subject to the service charge  
628 imposed in s. 215.20(1). Before distribution pursuant to this  
629 section, the Department of Revenue shall deduct amounts  
630 necessary to pay the costs of the collection and enforcement of  
631 the tax levied by this chapter. The costs and service charge may  
632 not be levied against any portion of taxes pledged to debt  
633 service on bonds to the extent that the costs and service charge  
634 are required to pay any amounts relating to the bonds. All of  
635 the costs of the collection and enforcement of the tax levied by  
636 this chapter and the service charge shall be available and

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Amendment No. 1

637 transferred to the extent necessary to pay debt service and any  
638 other amounts payable with respect to bonds authorized before  
639 January 1, 2017, secured by revenues distributed pursuant to  
640 this section. All taxes remaining after deduction of costs shall  
641 be distributed as follows:

642 (4) After the required distributions to the Land  
643 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
644 deduction of the service charge imposed pursuant to s.  
645 215.20(1), the remainder shall be distributed as follows:

646 (a) The lesser of 24.18442 percent of the remainder or  
647 \$541.75 million in each fiscal year shall be paid into the State  
648 Treasury to the credit of the State Transportation Trust Fund.  
649 Of such funds, \$75 million for each fiscal year shall be  
650 transferred to the General Revenue Fund ~~State Economic~~  
651 ~~Enhancement and Development Trust Fund within the Department of~~  
652 ~~Economic Opportunity~~. Notwithstanding any other law, the  
653 remaining amount credited to the State Transportation Trust Fund  
654 shall be used for:

655 1. Capital funding for the New Starts Transit Program,  
656 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
657 341.051, in the amount of 10 percent of the funds;

658 2. The Small County Outreach Program specified in s.  
659 339.2818, in the amount of 10 percent of the funds;

660 3. The Strategic Intermodal System specified in ss.  
661 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent

Amendment No. 1

662 of the funds after deduction of the payments required pursuant  
663 to subparagraphs 1. and 2.; and

664 4. The Transportation Regional Incentive Program specified  
665 in s. 339.2819, in the amount of 25 percent of the funds after  
666 deduction of the payments required pursuant to subparagraphs 1.  
667 and 2. The first \$60 million of the funds allocated pursuant to  
668 this subparagraph shall be allocated annually to the Florida  
669 Rail Enterprise for the purposes established in s. 341.303(5).

670 (c) Eleven and twenty-four hundredths percent of the  
671 remainder in each fiscal year shall be paid into the State  
672 Treasury to the credit of the State Housing Trust Fund. Of such  
673 funds, the first \$35 million shall be transferred annually,  
674 subject to any distribution required under subsection (5), to  
675 the General Revenue Fund ~~State Economic Enhancement and~~  
676 ~~Development Trust Fund within the Department of Economic~~  
677 ~~Opportunity~~. The remainder shall be used as follows:

678 1. Half of that amount shall be used for the purposes for  
679 which the State Housing Trust Fund was created and exists by  
680 law.

681 2. Half of that amount shall be paid into the State  
682 Treasury to the credit of the Local Government Housing Trust  
683 Fund and used for the purposes for which the Local Government  
684 Housing Trust Fund was created and exists by law.

685 (d) Twelve and ninety-three hundredths percent of the  
686 remainder in each fiscal year shall be paid into the State

## Amendment No. 1

687 Treasury to the credit of the State Housing Trust Fund. Of such  
688 funds, the first \$40 million shall be transferred annually,  
689 subject to any distribution required under subsection (5), to  
690 the General Revenue Fund ~~State Economic Enhancement and~~  
691 ~~Development Trust Fund within the Department of Economic~~  
692 ~~Opportunity~~. The remainder shall be used as follows:

693 1. Twelve and one-half percent of that amount shall be  
694 deposited into the State Housing Trust Fund and expended by the  
695 Department of Economic Opportunity and the Florida Housing  
696 Finance Corporation for the purposes for which the State Housing  
697 Trust Fund was created and exists by law.

698 2. Eighty-seven and one-half percent of that amount shall  
699 be distributed to the Local Government Housing Trust Fund and  
700 used for the purposes for which the Local Government Housing  
701 Trust Fund was created and exists by law. Funds from this  
702 category may also be used to provide for state and local  
703 services to assist the homeless.

704 Section 18. Paragraph (a) of subsection (1) of section  
705 212.031, Florida Statutes, is amended to read:

706 212.031 Tax on rental or license fee for use of real  
707 property.—

708 (1) (a) It is declared to be the legislative intent that  
709 every person is exercising a taxable privilege who engages in  
710 the business of renting, leasing, letting, or granting a license  
711 for the use of any real property unless such property is:

Amendment No. 1

- 712 1. Assessed as agricultural property under s. 193.461.
- 713 2. Used exclusively as dwelling units.
- 714 3. Property subject to tax on parking, docking, or storage
- 715 spaces under s. 212.03(6).
- 716 4. Recreational property or the common elements of a
- 717 condominium when subject to a lease between the developer or
- 718 owner thereof and the condominium association in its own right
- 719 or as agent for the owners of individual condominium units or
- 720 the owners of individual condominium units. However, only the
- 721 lease payments on such property shall be exempt from the tax
- 722 imposed by this chapter, and any other use made by the owner or
- 723 the condominium association shall be fully taxable under this
- 724 chapter.
- 725 5. A public or private street or right-of-way and poles,
- 726 conduits, fixtures, and similar improvements located on such
- 727 streets or rights-of-way, occupied or used by a utility or
- 728 provider of communications services, as defined by s. 202.11,
- 729 for utility or communications or television purposes. For
- 730 purposes of this subparagraph, the term "utility" means any
- 731 person providing utility services as defined in s. 203.012. This
- 732 exception also applies to property, wherever located, on which
- 733 the following are placed: towers, antennas, cables, accessory
- 734 structures, or equipment, not including switching equipment,
- 735 used in the provision of mobile communications services as
- 736 defined in s. 202.11. For purposes of this chapter, towers used

## Amendment No. 1

737 in the provision of mobile communications services, as defined  
738 in s. 202.11, are considered to be fixtures.

739 6. A public street or road which is used for  
740 transportation purposes.

741 7. Property used at an airport exclusively for the purpose  
742 of aircraft landing or aircraft taxiing or property used by an  
743 airline for the purpose of loading or unloading passengers or  
744 property onto or from aircraft or for fueling aircraft.

745 8.a. Property used at a port authority, as defined in s.  
746 315.02(2), exclusively for the purpose of oceangoing vessels or  
747 tugs docking, or such vessels mooring on property used by a port  
748 authority for the purpose of loading or unloading passengers or  
749 cargo onto or from such a vessel, or property used at a port  
750 authority for fueling such vessels, or to the extent that the  
751 amount paid for the use of any property at the port is based on  
752 the charge for the amount of tonnage actually imported or  
753 exported through the port by a tenant.

754 b. The amount charged for the use of any property at the  
755 port in excess of the amount charged for tonnage actually  
756 imported or exported shall remain subject to tax except as  
757 provided in sub-subparagraph a.

758 ~~9. Property used as an integral part of the performance of~~  
759 ~~qualified production services. As used in this subparagraph, the~~  
760 ~~term "qualified production services" means any activity or~~  
761 ~~service performed directly in connection with the production of~~

## Amendment No. 1

762 ~~a qualified motion picture, as defined in s. 212.06(1)(b), and~~  
763 ~~includes:~~

764 ~~a. Photography, sound and recording, casting, location~~  
765 ~~managing and scouting, shooting, creation of special and optical~~  
766 ~~effects, animation, adaptation (language, media, electronic, or~~  
767 ~~otherwise), technological modifications, computer graphics, set~~  
768 ~~and stage support (such as electricians, lighting designers and~~  
769 ~~operators, greensmen, prop managers and assistants, and grips),~~  
770 ~~wardrobe (design, preparation, and management), hair and makeup~~  
771 ~~(design, production, and application), performing (such as~~  
772 ~~acting, dancing, and playing), designing and executing stunts,~~  
773 ~~coaching, consulting, writing, scoring, composing,~~  
774 ~~choreographing, script supervising, directing, producing,~~  
775 ~~transmitting dailies, dubbing, mixing, editing, cutting,~~  
776 ~~looping, printing, processing, duplicating, storing, and~~  
777 ~~distributing;~~

778 ~~b. The design, planning, engineering, construction,~~  
779 ~~alteration, repair, and maintenance of real or personal property~~  
780 ~~including stages, sets, props, models, paintings, and facilities~~  
781 ~~principally required for the performance of those services~~  
782 ~~listed in sub-subparagraph a.; and~~

783 ~~c. Property management services directly related to~~  
784 ~~property used in connection with the services described in sub-~~  
785 ~~paragraphs a. and b.~~

786



Amendment No. 1

787 ~~This exemption will inure to the taxpayer upon presentation of~~  
788 ~~the certificate of exemption issued to the taxpayer under the~~  
789 ~~provisions of s. 288.1258.~~

790 9.10. Leased, subleased, licensed, or rented to a person  
791 providing food and drink concessionaire services within the  
792 premises of a convention hall, exhibition hall, auditorium,  
793 stadium, theater, arena, civic center, performing arts center,  
794 publicly owned recreational facility, or any business operated  
795 under a permit issued pursuant to chapter 550. A person  
796 providing retail concessionaire services involving the sale of  
797 food and drink or other tangible personal property within the  
798 premises of an airport shall be subject to tax on the rental of  
799 real property used for that purpose, but shall not be subject to  
800 the tax on any license to use the property. For purposes of this  
801 subparagraph, the term "sale" shall not include the leasing of  
802 tangible personal property.

803 10.11. Property occupied pursuant to an instrument calling  
804 for payments which the department has declared, in a Technical  
805 Assistance Advisement issued on or before March 15, 1993, to be  
806 nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
807 Administrative Code; provided that this subparagraph shall only  
808 apply to property occupied by the same person before and after  
809 the execution of the subject instrument and only to those  
810 payments made pursuant to such instrument, exclusive of renewals  
811 and extensions thereof occurring after March 15, 1993.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 33 of 190

Amendment No. 1

812        ~~11.12-~~ Property used or occupied predominantly for space  
813 flight business purposes. As used in this subparagraph, "space  
814 flight business" means the manufacturing, processing, or  
815 assembly of a space facility, space propulsion system, space  
816 vehicle, satellite, or station of any kind possessing the  
817 capacity for space flight, as defined by s. 212.02(23), or  
818 components thereof, and also means the following activities  
819 supporting space flight: vehicle launch activities, flight  
820 operations, ground control or ground support, and all  
821 administrative activities directly related thereto. Property  
822 shall be deemed to be used or occupied predominantly for space  
823 flight business purposes if more than 50 percent of the  
824 property, or improvements thereon, is used for one or more space  
825 flight business purposes. Possession by a landlord, lessor, or  
826 licensor of a signed written statement from the tenant, lessee,  
827 or licensee claiming the exemption shall relieve the landlord,  
828 lessor, or licensor from the responsibility of collecting the  
829 tax, and the department shall look solely to the tenant, lessee,  
830 or licensee for recovery of such tax if it determines that the  
831 exemption was not applicable.

832        ~~12.13-~~ Rented, leased, subleased, or licensed to a person  
833 providing telecommunications, data systems management, or  
834 Internet services at a publicly or privately owned convention  
835 hall, civic center, or meeting space at a public lodging  
836 establishment as defined in s. 509.013. This subparagraph

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 34 of 190

Amendment No. 1

837 applies only to that portion of the rental, lease, or license  
838 payment that is based upon a percentage of sales, revenue  
839 sharing, or royalty payments and not based upon a fixed price.  
840 This subparagraph is intended to be clarifying and remedial in  
841 nature and shall apply retroactively. This subparagraph does not  
842 provide a basis for an assessment of any tax not paid, or create  
843 a right to a refund of any tax paid, pursuant to this section  
844 before July 1, 2010.

845 Section 19. Paragraph (b) of subsection (1) of section  
846 212.06, Florida Statutes, is amended to read:

847 212.06 Sales, storage, use tax; collectible from dealers;  
848 "dealer" defined; dealers to collect from purchasers;  
849 legislative intent as to scope of tax.—

850 (1)

851 (b) Except as otherwise provided, any person who  
852 manufactures, produces, compounds, processes, or fabricates in  
853 any manner tangible personal property for his or her own use  
854 shall pay a tax upon the cost of the product manufactured,  
855 produced, compounded, processed, or fabricated without any  
856 deduction therefrom on account of the cost of material used,  
857 labor or service costs, or transportation charges,  
858 notwithstanding the provisions of s. 212.02 defining "cost  
859 price." However, the tax levied under this paragraph shall not  
860 be imposed upon any person who manufactures or produces  
861 electrical power or energy, steam energy, or other energy at a

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

## Amendment No. 1

862 single location, when such power or energy is used directly and  
863 exclusively at such location, or at other locations if the  
864 energy is transferred through facilities of the owner in the  
865 operation of machinery or equipment that is used to manufacture,  
866 process, compound, produce, fabricate, or prepare for shipment  
867 tangible personal property for sale or to operate pollution  
868 control equipment, maintenance equipment, or monitoring or  
869 control equipment used in such operations. The manufacture or  
870 production of electrical power or energy that is used for space  
871 heating, lighting, office equipment, or air-conditioning or any  
872 other, nonprocessing, noncompounding, nonproducing,  
873 nonfabricating, or nonshipping activity is taxable. Electrical  
874 power or energy consumed or dissipated in the transmission or  
875 distribution of electrical power or energy for resale is also  
876 not taxable. ~~Fabrication labor shall not be taxable when a  
877 person is using his or her own equipment and personnel, for his  
878 or her own account, as a producer, subproducer, or coproducer of  
879 a qualified motion picture. For purposes of this chapter, the  
880 term "qualified motion picture" means all or any part of a  
881 series of related images, either on film, tape, or other  
882 embodiment, including, but not limited to, all items comprising  
883 part of the original work and film related products derived  
884 therefrom as well as duplicates and prints thereof and all sound  
885 recordings created to accompany a motion picture, which is  
886 produced, adapted, or altered for exploitation in, on, or~~

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 36 of 190

## Amendment No. 1

887 ~~through any medium or device and at any location, primarily for~~  
888 ~~entertainment, commercial, industrial, or educational purposes.~~  
889 ~~This exemption for fabrication labor associated with production~~  
890 ~~of a qualified motion picture will inure to the taxpayer upon~~  
891 ~~presentation of the certificate of exemption issued to the~~  
892 ~~taxpayer under the provisions of s. 288.1258. A person who~~  
893 manufactures factory-built buildings for his or her own use in  
894 the performance of contracts for the construction or improvement  
895 of real property shall pay a tax only upon the person's cost  
896 price of items used in the manufacture of such buildings.

897 Section 20. Section 212.0602, Florida Statutes, is  
898 repealed.

899 Section 21. Paragraph (a) of subsection (3) of section  
900 212.0606, Florida Statutes, is amended to read:

901 212.0606 Rental car surcharge.—

902 (3)(a) Notwithstanding s. 212.20, and less the costs of  
903 administration, 80 percent of the proceeds of this surcharge  
904 shall be deposited in the State Transportation Trust Fund, ~~15.75~~  
905 ~~percent of the proceeds of this surcharge shall be deposited in~~  
906 ~~the Tourism Promotional Trust Fund created in s. 288.122, and 20~~  
907 4.25 percent of the proceeds of this surcharge shall be  
908 deposited in the General Revenue Fund Florida International  
909 Trade and Promotion Trust Fund. For the purposes of this  
910 subsection, "proceeds" of the surcharge means all funds  
911 collected and received by the department under this section,

## Amendment No. 1

912 including interest and penalties on delinquent surcharges. The  
913 department shall provide the Department of Transportation rental  
914 car surcharge revenue information for the previous state fiscal  
915 year by September 1 of each year.

916 Section 22. Paragraphs (g) through (q) of subsection (5)  
917 of section 212.08, Florida Statutes, are redesignated as  
918 paragraphs (f) through (p), respectively, subsections (12)  
919 through (18) are renumbered as subsections (11) through (17),  
920 respectively, and paragraph (f) and present paragraphs (h) and  
921 (j) of subsection (5), subsection (12), and paragraph (f) of  
922 present subsection (15) of that section are amended to read:

923 212.08 Sales, rental, use, consumption, distribution, and  
924 storage tax; specified exemptions.—The sale at retail, the  
925 rental, the use, the consumption, the distribution, and the  
926 storage to be used or consumed in this state of the following  
927 are hereby specifically exempt from the tax imposed by this  
928 chapter.

929 (5) EXEMPTIONS; ACCOUNT OF USE.—

930 ~~(f) Motion picture or video equipment used in motion~~  
931 ~~picture or television production activities and sound recording~~  
932 ~~equipment used in the production of master tapes and master~~  
933 ~~records.—~~

934 1. ~~Motion picture or video equipment and sound recording~~  
935 ~~equipment purchased or leased for use in this state in~~  
936 ~~production activities is exempt from the tax imposed by this~~

## Amendment No. 1

937 ~~chapter. The exemption provided by this paragraph shall inure to~~  
938 ~~the taxpayer upon presentation of the certificate of exemption~~  
939 ~~issued to the taxpayer under the provisions of s. 288.1258.~~

940 ~~2. For the purpose of the exemption provided in~~  
941 ~~subparagraph 1.:~~

942 ~~a. "Motion picture or video equipment" and "sound~~  
943 ~~recording equipment" includes only tangible personal property or~~  
944 ~~other property that has a depreciable life of 3 years or more~~  
945 ~~and that is used by the lessee or purchaser exclusively as an~~  
946 ~~integral part of production activities; however, motion picture~~  
947 ~~or video equipment and sound recording equipment does not~~  
948 ~~include supplies, tape, records, film, or video tape used in~~  
949 ~~productions or other similar items; vehicles or vessels; or~~  
950 ~~general office equipment not specifically suited to production~~  
951 ~~activities. In addition, the term does not include equipment~~  
952 ~~purchased or leased by television or radio broadcasting or cable~~  
953 ~~companies licensed by the Federal Communications Commission.~~  
954 ~~Furthermore, a building and its structural components are not~~  
955 ~~motion picture or video equipment and sound recording equipment~~  
956 ~~unless the building or structural component is so closely~~  
957 ~~related to the motion picture or video equipment and sound~~  
958 ~~recording equipment that it houses or supports that the building~~  
959 ~~or structural component can be expected to be replaced when the~~  
960 ~~motion picture or video equipment and sound recording equipment~~  
961 ~~are replaced. Heating and air conditioning systems are not~~

## Amendment No. 1

962 ~~motion picture or video equipment and sound recording equipment~~  
963 ~~unless the sole justification for their installation is to meet~~  
964 ~~the requirements of the production activities, even though the~~  
965 ~~system may provide incidental comfort to employees or serve, to~~  
966 ~~an insubstantial degree, nonproduction activities.~~

967 ~~b. "Production activities" means activities directed~~  
968 ~~toward the preparation of a:~~

969 ~~(I) Master tape or master record embodying sound; or~~

970 ~~(II) Motion picture or television production which is~~  
971 ~~produced for theatrical, commercial, advertising, or educational~~  
972 ~~purposes and utilizes live or animated actions or a combination~~  
973 ~~of live and animated actions. The motion picture or television~~  
974 ~~production shall be commercially produced for sale or for~~  
975 ~~showing on screens or broadcasting on television and may be on~~  
976 ~~film or video tape.~~

977 ~~(g)(h) Business property used in an enterprise zone.—~~

978 1. Business property purchased for use by businesses  
979 located in an enterprise zone which is subsequently used in an  
980 enterprise zone shall be exempt from the tax imposed by this  
981 chapter. This exemption inures to the business only through a  
982 refund of previously paid taxes. A refund shall be authorized  
983 upon an affirmative showing by the taxpayer to the satisfaction  
984 of the department that the requirements of this paragraph have  
985 been met.



Amendment No. 1

- 986           2. To receive a refund, the business must file under oath  
987 with the governing body or enterprise zone development agency  
988 having jurisdiction over the enterprise zone where the business  
989 is located, as applicable, an application which includes:
- 990           a. The name and address of the business claiming the  
991 refund.
- 992           b. The identifying number assigned pursuant to s. 290.0065  
993 to the enterprise zone in which the business is located.
- 994           c. A specific description of the property for which a  
995 refund is sought, including its serial number or other permanent  
996 identification number.
- 997           d. The location of the property.
- 998           e. The sales invoice or other proof of purchase of the  
999 property, showing the amount of sales tax paid, the date of  
1000 purchase, and the name and address of the sales tax dealer from  
1001 whom the property was purchased.
- 1002           f. Whether the business is a small business as defined by  
1003 s. 288.703.
- 1004           g. If applicable, the name and address of each permanent  
1005 employee of the business, including, for each employee who is a  
1006 resident of an enterprise zone, the identifying number assigned  
1007 pursuant to s. 290.0065 to the enterprise zone in which the  
1008 employee resides.
- 1009           3. Within 10 working days after receipt of an application,  
1010 the governing body or enterprise zone development agency shall

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 41 of 190

Amendment No. 1

1011 review the application to determine if it contains all the  
1012 information required pursuant to subparagraph 2. and meets the  
1013 criteria set out in this paragraph. The governing body or agency  
1014 shall certify all applications that contain the information  
1015 required pursuant to subparagraph 2. and meet the criteria set  
1016 out in this paragraph as eligible to receive a refund. If  
1017 applicable, the governing body or agency shall also certify if  
1018 20 percent of the employees of the business are residents of an  
1019 enterprise zone, excluding temporary and part-time employees.  
1020 The certification shall be in writing, and a copy of the  
1021 certification shall be transmitted to the executive director of  
1022 the Department of Revenue. The business shall be responsible for  
1023 forwarding a certified application to the department within the  
1024 time specified in subparagraph 4.

1025 4. An application for a refund pursuant to this paragraph  
1026 must be submitted to the department within 6 months after the  
1027 tax is due on the business property that is purchased.

1028 5. The amount refunded on purchases of business property  
1029 under this paragraph shall be the lesser of 97 percent of the  
1030 sales tax paid on such business property or \$5,000, or, if no  
1031 less than 20 percent of the employees of the business are  
1032 residents of an enterprise zone, excluding temporary and part-  
1033 time employees, the amount refunded on purchases of business  
1034 property under this paragraph shall be the lesser of 97 percent  
1035 of the sales tax paid on such business property or \$10,000. A

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 42 of 190

Amendment No. 1

1036 refund approved pursuant to this paragraph shall be made within  
1037 30 days after formal approval by the department of the  
1038 application for the refund. A refund may not be granted under  
1039 this paragraph unless the amount to be refunded exceeds \$100 in  
1040 sales tax paid on purchases made within a 60-day time period.

1041 6. The department shall adopt rules governing the manner  
1042 and form of refund applications and may establish guidelines as  
1043 to the requisites for an affirmative showing of qualification  
1044 for exemption under this paragraph.

1045 7. If the department determines that the business property  
1046 is used outside an enterprise zone within 3 years from the date  
1047 of purchase, the amount of taxes refunded to the business  
1048 purchasing such business property shall immediately be due and  
1049 payable to the department by the business, together with the  
1050 appropriate interest and penalty, computed from the date of  
1051 purchase, in the manner provided by this chapter.

1052 Notwithstanding this subparagraph, business property used  
1053 exclusively in:

- 1054 a. Licensed commercial fishing vessels,
- 1055 b. Fishing guide boats, or
- 1056 c. Ecotourism guide boats

1057  
1058 that leave and return to a fixed location within an area  
1059 designated under s. 379.2353, Florida Statutes 2010, are  
1060 eligible for the exemption provided under this paragraph if all

## Amendment No. 1

1061 requirements of this paragraph are met. Such vessels and boats  
1062 must be owned by a business that is eligible to receive the  
1063 exemption provided under this paragraph. This exemption does not  
1064 apply to the purchase of a vessel or boat.

1065 8. The department shall deduct an amount equal to 10  
1066 percent of each refund granted under this paragraph from the  
1067 amount transferred into the Local Government Half-cent Sales Tax  
1068 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
1069 which the business property is located and shall transfer that  
1070 amount to the General Revenue Fund.

1071 9. For the purposes of this exemption, "business property"  
1072 means new or used property defined as "recovery property" in s.  
1073 168(c) of the Internal Revenue Code of 1954, as amended, except:

1074 a. Property classified as 3-year property under s.

1075 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

1076 b. Industrial machinery and equipment as defined in sub-  
1077 subparagraph (b)6.a. and eligible for exemption under paragraph  
1078 (b);

1079 c. Building materials as defined in sub-subparagraph

1080 (f)8.a. ~~(g)8.a.~~; and

1081 d. Business property having a sales price of under \$5,000  
1082 per unit.

1083 10. This paragraph expires on the date specified in s.  
1084 290.016 for the expiration of the Florida Enterprise Zone Act.

## Amendment No. 1

1085            ~~(i)-(j)~~ Machinery and equipment used in semiconductor,  
1086 defense, or space technology production.-

1087            1.a. Industrial machinery and equipment used in  
1088 semiconductor technology facilities certified under subparagraph  
1089 5. to manufacture, process, compound, or produce semiconductor  
1090 technology products for sale or for use by these facilities are  
1091 exempt from the tax imposed by this chapter. For purposes of  
1092 this paragraph, industrial machinery and equipment includes  
1093 molds, dies, machine tooling, other appurtenances or accessories  
1094 to machinery and equipment, testing equipment, test beds,  
1095 computers, and software, whether purchased or self-fabricated,  
1096 and, if self-fabricated, includes materials and labor for  
1097 design, fabrication, and assembly.

1098            b. Industrial machinery and equipment used in defense or  
1099 space technology facilities certified under subparagraph 5. to  
1100 design, manufacture, assemble, process, compound, or produce  
1101 defense technology products or space technology products for  
1102 sale or for use by these facilities are exempt from the tax  
1103 imposed by this chapter.

1104            2. Building materials purchased for use in manufacturing  
1105 or expanding clean rooms in semiconductor-manufacturing  
1106 facilities are exempt from the tax imposed by this chapter.

1107            3. In addition to meeting the criteria mandated by  
1108 subparagraph 1. or subparagraph 2., a business must be certified

## Amendment No. 1

1109 by the Department of Economic Opportunity in order to qualify  
1110 for exemption under this paragraph.

1111 4. For items purchased tax-exempt pursuant to this  
1112 paragraph, possession of a written certification from the  
1113 purchaser, certifying the purchaser's entitlement to the  
1114 exemption, relieves the seller of the responsibility of  
1115 collecting the tax on the sale of such items, and the department  
1116 shall look solely to the purchaser for recovery of the tax if it  
1117 determines that the purchaser was not entitled to the exemption.

1118 5.a. To be eligible to receive the exemption provided by  
1119 subparagraph 1. or subparagraph 2., a qualifying business entity  
1120 shall initially apply to the Department of Economic Opportunity  
1121 ~~Enterprise Florida, Inc.~~ The original certification is valid for  
1122 a period of 2 years. In lieu of submitting a new application,  
1123 the original certification may be renewed biennially by  
1124 submitting to the Department of Economic Opportunity a  
1125 statement, certified under oath, that there has not been a  
1126 material change in the conditions or circumstances entitling the  
1127 business entity to the original certification. The initial  
1128 application and the certification renewal statement shall be  
1129 developed by the Department of Economic Opportunity.

1130 b. ~~The Division of Strategic Business Development of the~~  
1131 Department of Economic Opportunity shall review each submitted  
1132 initial application and determine whether or not the application  
1133 is complete within 5 working days. Once complete, the division

Amendment No. 1

1134 shall, within 10 working days, evaluate the application and  
1135 recommend approval or disapproval to the Department of Economic  
1136 Opportunity.

1137 c. Upon receipt of the initial application and  
1138 recommendation from the division or upon receipt of a  
1139 certification renewal statement, the Department of Economic  
1140 Opportunity shall certify within 5 working days those applicants  
1141 who are found to meet the requirements of this section and  
1142 notify the applicant of the original certification or  
1143 certification renewal. If the Department of Economic Opportunity  
1144 finds that the applicant does not meet the requirements, it  
1145 shall notify the applicant ~~and Enterprise Florida, Inc.~~, within  
1146 10 working days that the application for certification has been  
1147 denied and the reasons for denial. The Department of Economic  
1148 Opportunity has final approval authority for certification under  
1149 this section.

1150 d. The initial application and certification renewal  
1151 statement must indicate, for program evaluation purposes only,  
1152 the average number of full-time equivalent employees at the  
1153 facility over the preceding calendar year, the average wage and  
1154 benefits paid to those employees over the preceding calendar  
1155 year, the total investment made in real and tangible personal  
1156 property over the preceding calendar year, and the total value  
1157 of tax-exempt purchases and taxes exempted during the previous  
1158 year. The department shall assist the Department of Economic

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 47 of 190

Amendment No. 1

1159 Opportunity in evaluating and verifying information provided in  
1160 the application for exemption.

1161 e. The Department of Economic Opportunity may use the  
1162 information reported on the initial application and  
1163 certification renewal statement for evaluation purposes only.

1164 6. A business certified to receive this exemption may  
1165 elect to designate one or more state universities or community  
1166 colleges as recipients of up to 100 percent of the amount of the  
1167 exemption. To receive these funds, the institution must agree to  
1168 match the funds with equivalent cash, programs, services, or  
1169 other in-kind support on a one-to-one basis for research and  
1170 development projects requested by the certified business. The  
1171 rights to any patents, royalties, or real or intellectual  
1172 property must be vested in the business unless otherwise agreed  
1173 to by the business and the university or community college.

1174 7. As used in this paragraph, the term:

1175 a. "Semiconductor technology products" means raw  
1176 semiconductor wafers or semiconductor thin films that are  
1177 transformed into semiconductor memory or logic wafers, including  
1178 wafers containing mixed memory and logic circuits; related  
1179 assembly and test operations; active-matrix flat panel displays;  
1180 semiconductor chips; semiconductor lasers; optoelectronic  
1181 elements; and related semiconductor technology products as  
1182 determined by the Department of Economic Opportunity.



## Amendment No. 1

1183           b. "Clean rooms" means manufacturing facilities enclosed  
1184 in a manner that meets the clean manufacturing requirements  
1185 necessary for high-technology semiconductor-manufacturing  
1186 environments.

1187           c. "Defense technology products" means products that have  
1188 a military application, including, but not limited to, weapons,  
1189 weapons systems, guidance systems, surveillance systems,  
1190 communications or information systems, munitions, aircraft,  
1191 vessels, or boats, or components thereof, which are intended for  
1192 military use and manufactured in performance of a contract with  
1193 the United States Department of Defense or the military branch  
1194 of a recognized foreign government or a subcontract thereunder  
1195 which relates to matters of national defense.

1196           d. "Space technology products" means products that are  
1197 specifically designed or manufactured for application in space  
1198 activities, including, but not limited to, space launch  
1199 vehicles, space flight vehicles, missiles, satellites or  
1200 research payloads, avionics, and associated control systems and  
1201 processing systems and components of any of the foregoing. The  
1202 term does not include products that are designed or manufactured  
1203 for general commercial aviation or other uses even though those  
1204 products may also serve an incidental use in space applications.

1205           ~~(12) PARTIAL EXEMPTION; MASTER TAPES, RECORDS, FILMS, OR~~  
1206 ~~VIDEO TAPES.~~

## Amendment No. 1

1207 ~~(a) There are exempt from the taxes imposed by this~~  
1208 ~~chapter the gross receipts from the sale or lease of, and the~~  
1209 ~~storage, use, or other consumption in this state of, master~~  
1210 ~~tapes or master records embodying sound, or master films or~~  
1211 ~~master video tapes; except that amounts paid to recording~~  
1212 ~~studios or motion picture or television studios for the tangible~~  
1213 ~~elements of such master tapes, records, films, or video tapes~~  
1214 ~~are taxable as otherwise provided in this chapter. This~~  
1215 ~~exemption will inure to the taxpayer upon presentation of the~~  
1216 ~~certificate of exemption issued to the taxpayer under the~~  
1217 ~~provisions of s. 288.1258.~~

1218 ~~(b) For the purposes of this subsection, the term:~~

1219 ~~1. "Amounts paid for the tangible elements" does not~~  
1220 ~~include any amounts paid for the copyrightable, artistic, or~~  
1221 ~~other intangible elements of such master tapes, records, films,~~  
1222 ~~or video tapes, whether designated as royalties or otherwise,~~  
1223 ~~including, but not limited to, services rendered in producing,~~  
1224 ~~fabricating, processing, or imprinting tangible personal~~  
1225 ~~property or any other services or production expenses in~~  
1226 ~~connection therewith which may otherwise be construed as~~  
1227 ~~constituting a "sale" under s. 212.02.~~

1228 ~~2. "Master films or master video tapes" means films or~~  
1229 ~~video tapes utilized by the motion picture and television~~  
1230 ~~production industries in making visual images for reproduction.~~

## Amendment No. 1

1231           3. ~~"Master tapes or master records embodying sound" means~~  
1232 ~~tapes, records, and other devices utilized by the recording~~  
1233 ~~industry in making recordings embodying sound.~~

1234           4. ~~"Motion picture or television studio" means a facility~~  
1235 ~~in which film or video tape productions or parts of productions~~  
1236 ~~are made and which contains the necessary equipment and~~  
1237 ~~personnel for this purpose and includes a mobile unit or vehicle~~  
1238 ~~that is equipped in much the same manner as a stationary studio~~  
1239 ~~and used in the making of film or video tape productions.~~

1240           5. ~~"Recording studio" means a place where, by means of~~  
1241 ~~mechanical or electronic devices, voices, music, or other sounds~~  
1242 ~~are transmitted to tapes, records, or other devices capable of~~  
1243 ~~reproducing sound.~~

1244           6. ~~"Recording industry" means any person engaged in an~~  
1245 ~~occupation or business of making recordings embodying sound for~~  
1246 ~~a livelihood or for a profit.~~

1247           7. ~~"Motion picture or television production industry"~~  
1248 ~~means any person engaged in an occupation or business for a~~  
1249 ~~livelihood or for profit of making visual motion picture or~~  
1250 ~~television visual images for showing on screen or television for~~  
1251 ~~theatrical, commercial, advertising, or educational purposes.~~

1252           (14)-(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.-

1253           (f) For the purpose of the exemption provided in this  
1254 subsection, the term "qualified business" means a business which  
1255 is:

## Amendment No. 1

1256 1. First occupying a new structure to which electrical  
1257 service, other than that used for construction purposes, has not  
1258 been previously provided or furnished;

1259 2. Newly occupying an existing, remodeled, renovated, or  
1260 rehabilitated structure to which electrical service, other than  
1261 that used for remodeling, renovation, or rehabilitation of the  
1262 structure, has not been provided or furnished in the three  
1263 preceding billing periods; or

1264 3. Occupying a new, remodeled, rebuilt, renovated, or  
1265 rehabilitated structure for which a refund has been granted  
1266 pursuant to paragraph (5)(f) ~~(5)(g)~~.

1267 Section 23. Section 212.097, Florida Statutes, is  
1268 repealed.

1269 Section 24. Paragraph (a) of subsection (1) of section  
1270 212.098, Florida Statutes, is amended to read:

1271 212.098 Rural Job Tax Credit Program.—

1272 (1) As used in this section, the term:

1273 (a) "Eligible business" means any sole proprietorship,  
1274 firm, partnership, or corporation that is located in a qualified  
1275 county and is predominantly engaged in, or is headquarters for a  
1276 business predominantly engaged in, activities usually provided  
1277 for consideration by firms classified within the following  
1278 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
1279 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
1280 (public warehousing and storage); SIC 70 (hotels and other

## Amendment No. 1

1281 lodging places); SIC 7391 (research and development); SIC 781  
1282 (motion picture production and allied services); SIC 7992  
1283 (public golf courses); and SIC 7996 (amusement parks), ~~and a~~  
1284 ~~targeted industry eligible for the qualified target industry~~  
1285 ~~business tax refund under s. 288.106.~~ A call center or similar  
1286 customer service operation that services a multistate market or  
1287 an international market is also an eligible business. In  
1288 addition, the Department of Economic Opportunity may, as part of  
1289 its final budget request submitted pursuant to s. 216.023,  
1290 recommend additions to or deletions from the list of standard  
1291 industrial classifications used to determine an eligible  
1292 business, and the Legislature may implement such  
1293 recommendations. Excluded from eligible receipts are receipts  
1294 from retail sales, except such receipts for hotels and other  
1295 lodging places classified in SIC 70, public golf courses in SIC  
1296 7992, and amusement parks in SIC 7996. For purposes of this  
1297 paragraph, the term "predominantly" means that more than 50  
1298 percent of the business's gross receipts from all sources is  
1299 generated by those activities usually provided for consideration  
1300 by firms in the specified standard industrial classification.  
1301 The determination of whether the business is located in a  
1302 qualified county and the tier ranking of that county must be  
1303 based on the date of application for the credit under this  
1304 section. Commonly owned and controlled entities are to be  
1305 considered a single business entity.

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Amendment No. 1

1306 Section 25. Paragraph (d) of subsection (6) of section  
1307 212.20, Florida Statutes, is amended to read:

1308 212.20 Funds collected, disposition; additional powers of  
1309 department; operational expense; refund of taxes adjudicated  
1310 unconstitutionally collected.-

1311 (6) Distribution of all proceeds under this chapter and  
1312 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1313 (d) The proceeds of all other taxes and fees imposed  
1314 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
1315 and (2)(b) shall be distributed as follows:

1316 1. In any fiscal year, the greater of \$500 million, minus  
1317 an amount equal to 4.6 percent of the proceeds of the taxes  
1318 collected pursuant to chapter 201, or 5.2 percent of all other  
1319 taxes and fees imposed pursuant to this chapter or remitted  
1320 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
1321 monthly installments into the General Revenue Fund.

1322 2. After the distribution under subparagraph 1., 8.9744  
1323 percent of the amount remitted by a sales tax dealer located  
1324 within a participating county pursuant to s. 218.61 shall be  
1325 transferred into the Local Government Half-cent Sales Tax  
1326 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
1327 transferred shall be reduced by 0.1 percent, and the department  
1328 shall distribute this amount to the Public Employees Relations  
1329 Commission Trust Fund less \$5,000 each month, which shall be

## Amendment No. 1

1330 added to the amount calculated in subparagraph 3. and  
1331 distributed accordingly.

1332 3. After the distribution under subparagraphs 1. and 2.,  
1333 0.0966 percent shall be transferred to the Local Government  
1334 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
1335 to s. 218.65.

1336 4. After the distributions under subparagraphs 1., 2., and  
1337 3., 2.0810 percent of the available proceeds shall be  
1338 transferred monthly to the Revenue Sharing Trust Fund for  
1339 Counties pursuant to s. 218.215.

1340 5. After the distributions under subparagraphs 1., 2., and  
1341 3., 1.3653 percent of the available proceeds shall be  
1342 transferred monthly to the Revenue Sharing Trust Fund for  
1343 Municipalities pursuant to s. 218.215. If the total revenue to  
1344 be distributed pursuant to this subparagraph is at least as  
1345 great as the amount due from the Revenue Sharing Trust Fund for  
1346 Municipalities and the former Municipal Financial Assistance  
1347 Trust Fund in state fiscal year 1999-2000, no municipality shall  
1348 receive less than the amount due from the Revenue Sharing Trust  
1349 Fund for Municipalities and the former Municipal Financial  
1350 Assistance Trust Fund in state fiscal year 1999-2000. If the  
1351 total proceeds to be distributed are less than the amount  
1352 received in combination from the Revenue Sharing Trust Fund for  
1353 Municipalities and the former Municipal Financial Assistance  
1354 Trust Fund in state fiscal year 1999-2000, each municipality

Amendment No. 1

1355 shall receive an amount proportionate to the amount it was due  
1356 in state fiscal year 1999-2000.

1357 6. Of the remaining proceeds:

1358 a. In each fiscal year, the sum of \$29,915,500 shall be  
1359 divided into as many equal parts as there are counties in the  
1360 state, and one part shall be distributed to each county. The  
1361 distribution among the several counties must begin each fiscal  
1362 year on or before January 5th and continue monthly for a total  
1363 of 4 months. If a local or special law required that any moneys  
1364 accruing to a county in fiscal year 1999-2000 under the then-  
1365 existing provisions of s. 550.135 be paid directly to the  
1366 district school board, special district, or a municipal  
1367 government, such payment must continue until the local or  
1368 special law is amended or repealed. The state covenants with  
1369 holders of bonds or other instruments of indebtedness issued by  
1370 local governments, special districts, or district school boards  
1371 before July 1, 2000, that it is not the intent of this  
1372 subparagraph to adversely affect the rights of those holders or  
1373 relieve local governments, special districts, or district school  
1374 boards of the duty to meet their obligations as a result of  
1375 previous pledges or assignments or trusts entered into which  
1376 obligated funds received from the distribution to county  
1377 governments under then-existing s. 550.135. This distribution  
1378 specifically is in lieu of funds distributed under s. 550.135  
1379 before July 1, 2000.

431689 - h7005-strike1.docx

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## Amendment No. 1

1380           b. The department shall distribute \$166,667 monthly to  
1381 each applicant certified as a facility for a new or retained  
1382 professional sports franchise pursuant to former s. 288.1162. Up  
1383 to \$41,667 shall be distributed monthly by the department to  
1384 each certified applicant as defined in former s. 288.11621 for a  
1385 facility for a spring training franchise. However, not more than  
1386 \$416,670 may be distributed monthly in the aggregate to all  
1387 certified applicants for facilities for spring training  
1388 franchises. Distributions begin 60 days after such certification  
1389 and continue for not more than 30 years, except as otherwise  
1390 provided in former s. 288.11621. A certified applicant  
1391 identified in this sub-subparagraph may not receive more in  
1392 distributions than expended by the applicant for the public  
1393 purposes provided in former s. 288.1162(5) or former s.  
1394 288.11621(3).

1395           c. Beginning 30 days after notice by the Department of  
1396 Economic Opportunity to the Department of Revenue that an  
1397 applicant has been certified as the professional golf hall of  
1398 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
1399 shall be distributed monthly, for up to 300 months, to the  
1400 applicant.

1401           ~~d. Beginning 30 days after notice by the Department of~~  
1402 ~~Economic Opportunity to the Department of Revenue that the~~  
1403 ~~applicant has been certified as the International Game Fish~~  
1404 ~~Association World Center facility pursuant to s. 288.1169, and~~

Amendment No. 1

1405 ~~the facility is open to the public, \$83,333 shall be distributed~~  
1406 ~~monthly, for up to 168 months, to the applicant. This~~  
1407 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
1408 ~~lump sum payment of \$999,996 shall be made after certification~~  
1409 ~~and before July 1, 2000.~~

1410 d.e. The department shall distribute up to \$83,333 monthly  
1411 to each certified applicant as defined in former s. 288.11631  
1412 for a facility used by a single spring training franchise, or up  
1413 to \$166,667 monthly to each certified applicant as defined in  
1414 former s. 288.11631 for a facility used by more than one spring  
1415 training franchise. Monthly distributions begin 60 days after  
1416 such certification or July 1, 2016, whichever is later, and  
1417 continue for not more than 20 years to each certified applicant  
1418 as defined in former s. 288.11631 for a facility used by a  
1419 single spring training franchise or not more than 25 years to  
1420 each certified applicant as defined in former s. 288.11631 for a  
1421 facility used by more than one spring training franchise. A  
1422 certified applicant identified in this sub-subparagraph may not  
1423 receive more in distributions than expended by the applicant for  
1424 the public purposes provided in former s. 288.11631(3).

1425 ~~f. Beginning 45 days after notice by the Department of~~  
1426 ~~Economic Opportunity to the Department of Revenue that an~~  
1427 ~~applicant has been approved by the Legislature and certified by~~  
1428 ~~the Department of Economic Opportunity under s. 288.11625 or~~  
1429 ~~upon a date specified by the Department of Economic Opportunity~~

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 58 of 190

Amendment No. 1

1430 ~~as provided under s. 288.11625(6)(d), the department shall~~  
1431 ~~distribute each month an amount equal to one twelfth of the~~  
1432 ~~annual distribution amount certified by the Department of~~  
1433 ~~Economic Opportunity for the applicant. The department may not~~  
1434 ~~distribute more than \$7 million in the 2014-2015 fiscal year or~~  
1435 ~~more than \$13 million annually thereafter under this sub-~~  
1436 ~~subparagraph.~~

1437 ~~e.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
1438 the department shall distribute \$26,286 monthly to the State  
1439 Transportation Trust Fund. Beginning July 1, 2016, the  
1440 department shall distribute \$15,333 monthly to the State  
1441 Transportation Trust Fund.

1442 7. All other proceeds must remain in the General Revenue  
1443 Fund.

1444 Section 26. Subsection (2) of section 218.61, Florida  
1445 Statutes, is amended to read:

1446 218.61 Local government half-cent sales tax; designated  
1447 proceeds; trust fund.—

1448 (2) Money remitted by a sales tax dealer located within  
1449 the county and transferred into the Local Government Half-cent  
1450 Sales Tax Clearing Trust Fund shall be earmarked for  
1451 distribution to the governing body of that county and of each  
1452 municipality within that county. ~~Such distributions shall be~~  
1453 ~~made after funding is provided pursuant to s. 218.64(3), if~~

## Amendment No. 1

1454 ~~applicable.~~ Such moneys shall be known as the "local government  
1455 half-cent sales tax."

1456 Section 27. Subsection (4) of section 218.64, Florida  
1457 Statutes, is renumbered as subsection (3), and present  
1458 subsections (2) and (3) of that section are amended to read:

1459 218.64 Local government half-cent sales tax; uses;  
1460 limitations.—

1461 (2) Municipalities shall expend their portions of the  
1462 local government half-cent sales tax only for municipality-wide  
1463 programs, ~~for reimbursing the state as required pursuant to s.~~  
1464 ~~288.11625,~~ or for municipality-wide property tax or municipal  
1465 utility tax relief. All utility tax rate reductions afforded by  
1466 participation in the local government half-cent sales tax shall  
1467 be applied uniformly across all types of taxed utility services.

1468 (3) Subject to ordinances enacted by the majority of the  
1469 members of the county governing authority and by the majority of  
1470 the members of the governing authorities of municipalities  
1471 representing at least 50 percent of the municipal population of  
1472 such county, counties may use up to \$3 million annually of the  
1473 local government half-cent sales tax allocated to that county  
1474 for ~~any of the following purposes:~~

1475 ~~(a) Funding a certified applicant as a facility for a new~~  
1476 ~~or retained professional sports franchise under s. 288.1162 or a~~  
1477 ~~certified applicant as defined in s. 288.11621 for a facility~~  
1478 ~~for a spring training franchise. It is the Legislature's intent~~

Amendment No. 1

1479 ~~that the provisions of s. 288.1162, including, but not limited~~  
1480 ~~to, the evaluation process by the Department of Economic~~  
1481 ~~Opportunity except for the limitation on the number of certified~~  
1482 ~~applicants or facilities as provided in that section and the~~  
1483 ~~restrictions set forth in s. 288.1162(8), shall apply to an~~  
1484 ~~applicant's facility to be funded by local government as~~  
1485 ~~provided in this subsection.~~

1486 ~~(b)~~ funding a certified applicant as a "motorsport  
1487 entertainment complex," as provided for in s. 288.1171. Funding  
1488 for each franchise or motorsport complex shall begin 60 days  
1489 after certification and shall continue for not more than 30  
1490 years.

1491 ~~(c) Reimbursing the state as required under s. 288.11625.~~  
1492 Section 28. Subsection (8) of section 220.02, Florida  
1493 Statutes, is amended to read:

1494 220.02 Legislative intent.—

1495 (8) It is the intent of the Legislature that credits  
1496 against either the corporate income tax or the franchise tax be  
1497 applied in the following order: those enumerated in s. 631.828,  
1498 those enumerated in former s. 220.191, those enumerated in s.  
1499 220.181, those enumerated in s. 220.183, those enumerated in s.  
1500 220.182, those enumerated in s. 220.1895, those enumerated in s.  
1501 220.195, those enumerated in s. 220.184, those enumerated in s.  
1502 220.186, those enumerated in s. 220.1845, those enumerated in s.  
1503 220.19, those enumerated in s. 220.185, those enumerated in s.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Amendment No. 1

1504 220.1875, those enumerated in s. 220.192, those enumerated in s.  
1505 220.193, those enumerated in former s. 288.9916, those  
1506 enumerated in former s. 220.1899, those enumerated in s.  
1507 220.194, and those enumerated in s. 220.196.

1508 Section 29. Paragraph (a) of subsection (1) of section  
1509 220.13, Florida Statutes, is amended to read:

1510 220.13 "Adjusted federal income" defined.—

1511 (1) The term "adjusted federal income" means an amount  
1512 equal to the taxpayer's taxable income as defined in subsection  
1513 (2), or such taxable income of more than one taxpayer as  
1514 provided in s. 220.131, for the taxable year, adjusted as  
1515 follows:

1516 (a) Additions.—There shall be added to such taxable  
1517 income:

1518 1. The amount of any tax upon or measured by income,  
1519 excluding taxes based on gross receipts or revenues, paid or  
1520 accrued as a liability to the District of Columbia or any state  
1521 of the United States which is deductible from gross income in  
1522 the computation of taxable income for the taxable year.

1523 2. The amount of interest which is excluded from taxable  
1524 income under s. 103(a) of the Internal Revenue Code or any other  
1525 federal law, less the associated expenses disallowed in the  
1526 computation of taxable income under s. 265 of the Internal  
1527 Revenue Code or any other law, excluding 60 percent of any  
1528 amounts included in alternative minimum taxable income, as

## Amendment No. 1

1529 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
1530 taxpayer pays tax under s. 220.11(3).

1531 3. In the case of a regulated investment company or real  
1532 estate investment trust, an amount equal to the excess of the  
1533 net long-term capital gain for the taxable year over the amount  
1534 of the capital gain dividends attributable to the taxable year.

1535 4. That portion of the wages or salaries paid or incurred  
1536 for the taxable year which is equal to the amount of the credit  
1537 allowable for the taxable year under s. 220.181. This  
1538 subparagraph shall expire on the date specified in s. 290.016  
1539 for the expiration of the Florida Enterprise Zone Act.

1540 5. That portion of the ad valorem school taxes paid or  
1541 incurred for the taxable year which is equal to the amount of  
1542 the credit allowable for the taxable year under s. 220.182. This  
1543 subparagraph shall expire on the date specified in s. 290.016  
1544 for the expiration of the Florida Enterprise Zone Act.

1545 6. The amount taken as a credit under s. 220.195 which is  
1546 deductible from gross income in the computation of taxable  
1547 income for the taxable year.

1548 7. That portion of assessments to fund a guaranty  
1549 association incurred for the taxable year which is equal to the  
1550 amount of the credit allowable for the taxable year.

1551 8. In the case of a nonprofit corporation which holds a  
1552 pari-mutuel permit and which is exempt from federal income tax  
1553 as a farmers' cooperative, an amount equal to the excess of the

Amendment No. 1

1554 gross income attributable to the pari-mutuel operations over the  
1555 attributable expenses for the taxable year.

1556 9. The amount taken as a credit for the taxable year under  
1557 s. 220.1895.

1558 10. Up to nine percent of the eligible basis of any  
1559 designated project which is equal to the credit allowable for  
1560 the taxable year under s. 220.185.

1561 11. The amount taken as a credit for the taxable year  
1562 under s. 220.1875. The addition in this subparagraph is intended  
1563 to ensure that the same amount is not allowed for the tax  
1564 purposes of this state as both a deduction from income and a  
1565 credit against the tax. This addition is not intended to result  
1566 in adding the same expense back to income more than once.

1567 12. The amount taken as a credit for the taxable year  
1568 under s. 220.192.

1569 13. The amount taken as a credit for the taxable year  
1570 under s. 220.193.

1571 ~~14. Any portion of a qualified investment, as defined in~~  
1572 ~~s. 288.9913, which is claimed as a deduction by the taxpayer and~~  
1573 ~~taken as a credit against income tax pursuant to s. 288.9916.~~

1574 ~~14.15.~~ The costs to acquire a tax credit pursuant to s.  
1575 288.1254(5) that are deducted from or otherwise reduce federal  
1576 taxable income for the taxable year.

1577 ~~15.16.~~ The amount taken as a credit for the taxable year  
1578 pursuant to s. 220.194.

431689 - h7005-strike1.docx

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Amendment No. 1

1579        ~~16.17.~~ The amount taken as a credit for the taxable year  
1580 under s. 220.196. The addition in this subparagraph is intended  
1581 to ensure that the same amount is not allowed for the tax  
1582 purposes of this state as both a deduction from income and a  
1583 credit against the tax. The addition is not intended to result  
1584 in adding the same expense back to income more than once.

1585        Section 30. Section 220.1895, Florida Statutes, is amended  
1586 to read:

1587        220.1895 Rural Job Tax Credit ~~and Urban High Crime Area~~  
1588 ~~Job Tax Credit.~~—There shall be allowed a credit against the tax  
1589 imposed by this chapter amounts approved by the Department of  
1590 Economic Opportunity pursuant to the Rural Job Tax Credit  
1591 Program in s. 212.098 ~~and the Urban High Crime Area Job Tax~~  
1592 ~~Credit Program in s. 212.097.~~ A corporation that uses its credit  
1593 against the tax imposed by this chapter may not take the credit  
1594 against the tax imposed by chapter 212. If any credit granted  
1595 under this section is not fully used in the first year for which  
1596 it becomes available, the unused amount may be carried forward  
1597 for a period not to exceed 5 years. The carryover may be used in  
1598 a subsequent year when the tax imposed by this chapter for such  
1599 year exceeds the credit for such year under this section after  
1600 applying the other credits and unused credit carryovers in the  
1601 order provided in s. 220.02(8).

1602        Section 31. Section 220.1899, Florida Statutes, is  
1603 repealed.

Amendment No. 1

1604 Section 32. Section 220.191, Florida Statutes, is  
1605 repealed.

1606 Section 33. Subsection (9) of section 220.194, Florida  
1607 Statutes, is amended to read:

1608 220.194 Corporate income tax credits for spaceflight  
1609 projects.—

1610 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
1611 Economic Opportunity, in cooperation with Space Florida and the  
1612 department, shall include in the annual incentives report  
1613 required under s. 288.0065 ~~288.907~~ a summary of activities  
1614 relating to the Florida Space Business Incentives Act  
1615 established under this section.

1616 Section 34. Subsection (1) and paragraph (a) of subsection  
1617 (2) of section 220.196, Florida Statutes, are amended to read:

1618 220.196 Research and development tax credit.—

1619 (1) DEFINITIONS.—As used in this section, the term:

1620 (a) "Base amount" means the average of the business  
1621 enterprise's qualified research expenses in this state allowed  
1622 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
1623 taxable year for which the credit is determined. The qualified  
1624 research expenses taken into account in computing the base  
1625 amount shall be determined on a basis consistent with the  
1626 determination of qualified research expenses for the taxable  
1627 year.

## Amendment No. 1

1628 (b) "Business enterprise" means any corporation as defined  
1629 in s. 220.03 which meets the definition of a target industry  
1630 business as defined in paragraph (c) s. 288.106.

1631 (c) "Target industry business" means a corporate  
1632 headquarters business or any business that is engaged in one of  
1633 the target industries identified pursuant to the following  
1634 criteria developed by the Department of Economic Opportunity:

1635 1. Future growth.—The industry forecast indicates strong  
1636 expectation for future growth in employment and output,  
1637 according to the most recent available data. Special  
1638 consideration shall be given to businesses that export goods to,  
1639 or provide services in, international markets and businesses  
1640 that replace domestic and international imports of goods or  
1641 services.

1642 2. Stability.—The industry is not subject to periodic  
1643 layoffs, whether due to seasonality or sensitivity to volatile  
1644 economic variables such as weather. The industry is also  
1645 relatively resistant to recession, so that the demand for  
1646 products of this industry is not typically subject to decline  
1647 during an economic downturn.

1648 3. High wage.—The industry pays relatively high wages  
1649 compared to statewide or area averages.

1650 4. Market and resource independent.—The industry business  
1651 location is not dependent on markets or resources in the state

Amendment No. 1

1652 as indicated by industry analysis, except for businesses in the  
1653 renewable energy industry.

1654 5. Industrial base diversification and strengthening.—The  
1655 industry contributes toward expanding or diversifying the  
1656 state's or area's economic base, as indicated by analysis of  
1657 employment and output shares compared to national and regional  
1658 trends. Special consideration shall be given to industries that  
1659 strengthen regional economies by adding value to basic products  
1660 or building regional industrial clusters as indicated by  
1661 industry analysis. Special consideration shall also be given to  
1662 the development of strong industrial clusters that include  
1663 defense and homeland security businesses.

1664 6. Positive economic impact.—The industry has strong  
1665 positive economic impacts on or benefits to the state or  
1666 regional economies. Special consideration shall be given to  
1667 industries that facilitate the development of the state as a hub  
1668 for domestic and global trade and logistics.

1669  
1670 The term does not include any business engaged in retail  
1671 industry activities; any electrical utility company as defined  
1672 in s. 366.02(2); any phosphate or other solid minerals  
1673 severance, mining, or processing operation; any oil or gas  
1674 exploration or production operation; or any business subject to  
1675 regulation by the Division of Hotels and Restaurants of the  
1676 Department of Business and Professional Regulation. Any business

## Amendment No. 1

1677 within NAICS code 5611 or 5614, office administrative services  
1678 and business support services, respectively, may be considered a  
1679 target industry business only after the local governing body and  
1680 the Department of Economic Opportunity determine that the  
1681 community in which the business may locate has conditions  
1682 affecting the fiscal and economic viability of the local  
1683 community or area, including, but not limited to, low per capita  
1684 income, high unemployment, high underemployment, and a lack of  
1685 year-round stable employment opportunities, and such conditions  
1686 may be improved by the business locating in such community. By  
1687 January 1 of every 3rd year, beginning January 1, 2011, the  
1688 Department of Economic Opportunity, in consultation with  
1689 economic development organizations, the State University System,  
1690 local governments, employee and employer organizations, market  
1691 analysts, and economists, shall review and, as appropriate,  
1692 revise the list of target industries and submit the list to the  
1693 Governor, the President of the Senate, and the Speaker of the  
1694 House of Representatives.

1695 (d)-(e) "Qualified research expenses" means research  
1696 expenses qualifying for the credit under 26 U.S.C. s. 41 for in-  
1697 house research expenses incurred in this state or contract  
1698 research expenses incurred in this state. The term does not  
1699 include research conducted outside this state or research  
1700 expenses that do not qualify for a credit under 26 U.S.C. s. 41.

1701 (2) TAX CREDIT.-

## Amendment No. 1

1702 (a) As provided in this section, a business enterprise is  
1703 eligible for a credit against the tax imposed by this chapter if  
1704 it:

1705 1. Has qualified research expenses in this state in the  
1706 taxable year exceeding the base amount;

1707 2. Claims and is allowed a research credit for such  
1708 qualified research expenses under 26 U.S.C. s. 41 for the same  
1709 taxable year as subparagraph 1.; and

1710 3. Is a ~~qualified~~ target industry business as defined in  
1711 paragraph (c) s. ~~288.106(2)(n)~~. Only ~~qualified~~ target industry  
1712 businesses in the manufacturing, life sciences, information  
1713 technology, aviation and aerospace, homeland security and  
1714 defense, cloud information technology, marine sciences,  
1715 materials science, and nanotechnology industries may qualify for  
1716 a tax credit under this section. A business applying for a  
1717 credit pursuant to this section shall include a letter from the  
1718 Department of Economic Opportunity certifying whether the  
1719 business meets the requirements of this subparagraph with its  
1720 application for credit. The Department of Economic Opportunity  
1721 shall provide such a letter upon receiving a request.

1722 Section 35. Section 272.11, Florida Statutes, is amended  
1723 to read:

1724 272.11 Capitol information center. The Department of  
1725 Economic Opportunity Enterprise Florida, Inc., shall establish,  
1726 maintain, and operate a Capitol information center somewhere

## Amendment No. 1

1727 within the area of the Capitol Center and employ personnel or  
1728 enter into contracts to maintain same.

1729 Section 36. Paragraph (f) of subsection (1) of section  
1730 287.0947, Florida Statutes, is amended to read:

1731 287.0947 Florida Advisory Council on Small and Minority  
1732 Business Development; creation; membership; duties.—

1733 (1) The Secretary of Management Services may create the  
1734 Florida Advisory Council on Small and Minority Business  
1735 Development with the purpose of advising and assisting the  
1736 secretary in carrying out the secretary's duties with respect to  
1737 minority businesses and economic and business development. It is  
1738 the intent of the Legislature that the membership of such  
1739 council include practitioners, laypersons, financiers, and  
1740 others with business development experience who can provide  
1741 invaluable insight and expertise for this state in the  
1742 diversification of its markets and networking of business  
1743 opportunities. The council shall initially consist of 19  
1744 persons, each of whom is or has been actively engaged in small  
1745 and minority business development, either in private industry,  
1746 in governmental service, or as a scholar of recognized  
1747 achievement in the study of such matters. Initially, the council  
1748 shall consist of members representing all regions of the state  
1749 and shall include at least one member from each group identified  
1750 within the definition of "minority person" in s. 288.703(4),

Amendment No. 1

1751 considering also gender and nationality subgroups, and shall  
1752 consist of the following:

1753 (f) A member from the Department of Economic Opportunity  
1754 ~~board of directors of Enterprise Florida, Inc.~~

1755

1756 A candidate for appointment may be considered if eligible to be  
1757 certified as an owner of a minority business enterprise, or if  
1758 otherwise qualified under the criteria above. Vacancies may be  
1759 filled by appointment of the secretary, in the manner of the  
1760 original appointment.

1761 Section 37. Subsections (2) and (4) of section 288.0001,  
1762 Florida Statutes, are amended to read:

1763 288.0001 Economic Development Programs Evaluation.—The  
1764 Office of Economic and Demographic Research and the Office of  
1765 Program Policy Analysis and Government Accountability (OPPAGA)  
1766 shall develop and present to the Governor, the President of the  
1767 Senate, the Speaker of the House of Representatives, and the  
1768 chairs of the legislative appropriations committees the Economic  
1769 Development Programs Evaluation.

1770 (2) The Office of Economic and Demographic Research and  
1771 OPPAGA shall provide a detailed analysis of economic development  
1772 programs as provided in the following schedule:

1773 (a) By January 1, 2014, and every 3 years thereafter, an  
1774 analysis of the following:



## Amendment No. 1

- 1775           1. ~~The capital investment tax credit established under s.~~  
1776   220.191.
- 1777           2. ~~The qualified target industry tax refund established~~  
1778   under s. 288.106.
- 1779           3. ~~The brownfield redevelopment bonus refund established~~  
1780   under s. 288.107.
- 1781           4. ~~High impact business performance grants established~~  
1782   under s. 288.108.
- 1783           5. ~~The Quick Action Closing Fund established under s.~~  
1784   288.1088.
- 1785           6. ~~The Innovation Incentive Program established under s.~~  
1786   288.1089.
- 1787           1.7. Enterprise Zone Program incentives established under  
1788   ss. 212.08(5) and (14)~~(15)~~, 212.096, 220.181, and 220.182.
- 1789           2.8. The New Markets Development Program established under  
1790   ss. 288.991-288.9922.
- 1791           (b) By January 1, 2015, and every 3 years thereafter, an  
1792   analysis of ~~the following~~:
- 1793           1. The entertainment industry financial incentive program  
1794   established under s. 288.1254.
- 1795           2. ~~The entertainment industry sales tax exemption program~~  
1796   established under s. 288.1258.
- 1797           2.3. VISIT Florida and its programs established or funded  
1798   under ss. ~~288.122~~, 288.1226, 288.12265, and 288.124.

## Amendment No. 1

1799           ~~3.4.~~ The Florida Sports Foundation and related programs  
1800 established under ss. ~~288.1162, 288.11621,~~ 288.1166, 288.1167,  
1801 288.1168, ~~288.1169,~~ and 288.1171.

1802           (c) By January 1, 2016, and every 3 years thereafter, an  
1803 analysis of the following:

1804           ~~1.~~ ~~The qualified defense contractor and space flight~~  
1805 ~~business tax refund program established under s. 288.1045.~~

1806           ~~1.2.~~ The tax exemption for semiconductor, defense, or  
1807 space technology sales established under s. 212.08(5)(i)  
1808 ~~212.08(5)(j).~~

1809           ~~2.3.~~ The Military Base Protection Program established  
1810 under s. 288.980.

1811           ~~3.4.~~ The Manufacturing and Spaceport Investment Incentive  
1812 Program formerly established under s. 288.1083.

1813           ~~5.~~ ~~The Quick Response Training Program established under~~  
1814 ~~s. 288.047.~~

1815           ~~4.6.~~ The Incumbent Worker Training Program established  
1816 under s. 445.003.

1817           ~~7.~~ ~~International trade and business development programs~~  
1818 ~~established or funded under s. 288.826.~~

1819           (d) By January 1, 2019, and every 3 years thereafter, an  
1820 analysis of the grant and entrepreneur initiative programs  
1821 established under s. 295.22(3)(d) and (e).

Amendment No. 1

1822 ~~(e) Beginning January 1, 2018, and every 3 years~~  
1823 ~~thereafter, an analysis of the Sports Development Program~~  
1824 ~~established under s. 288.11625.~~

1825 (4) Pursuant to the schedule established in subsection  
1826 (2), OPPAGA shall evaluate each program over the previous 3  
1827 years for its effectiveness and value to the taxpayers of this  
1828 state and include recommendations on each program for  
1829 consideration by the Legislature. The analysis may include  
1830 relevant economic development reports or analyses prepared by  
1831 the department of ~~Economic Opportunity, Enterprise Florida,~~  
1832 ~~Inc.~~, or local or regional economic development organizations,  
1833 interviews with the parties involved,  
1834 data.

1835 Section 38. Section 288.001, Florida Statutes, is  
1836 repealed.

1837 Section 39. Section 288.012, Florida Statutes, is  
1838 repealed.

1839 Section 40. Section 288.017, Florida Statutes, is  
1840 repealed.

1841 Section 41. Subsection (4) of section 288.018, Florida  
1842 Statutes, is amended to read:

1843 288.018 Regional Rural Development Grants Program.—

1844 (4) The department may expend up to \$750,000 each fiscal  
1845 year from funds appropriated to the Rural Community Development  
1846 Revolving Loan Fund for the purposes outlined in this section.

## Amendment No. 1

1847 ~~The department may contract with Enterprise Florida, Inc., for~~  
1848 ~~the administration of the purposes specified in this section.~~  
1849 ~~Funds released to Enterprise Florida, Inc., for this purpose~~  
1850 ~~shall be released quarterly and shall be calculated based on the~~  
1851 ~~applications in process.~~

1852 Section 42. Section 288.046, Florida Statutes, is  
1853 repealed.

1854 Section 43. Section 288.047, Florida Statutes, is  
1855 repealed.

1856 Section 44. Subsections (1) and (4) of section 288.061,  
1857 Florida Statutes, are amended to read:

1858 288.061 Economic development incentive application  
1859 process.—

1860 (1) Upon receiving a submitted economic development  
1861 incentive application, ~~the Division of Strategic Business~~  
1862 ~~Development of the department of Economic Opportunity and~~  
1863 ~~designated staff of Enterprise Florida, Inc.,~~ shall review the  
1864 application to ensure that the application is complete, whether  
1865 and what type of state and local permits may be necessary for  
1866 the applicant's project, whether it is possible to waive such  
1867 permits, and what state incentives and amounts of such  
1868 incentives may be available to the applicant. The department  
1869 shall recommend to the executive director to approve or  
1870 disapprove an applicant business. If review of the application  
1871 demonstrates that the application is incomplete, the executive

Amendment No. 1

1872 director shall notify the applicant business within the first 5  
1873 business days after receiving the application.

1874 (4) The department shall validate contractor performance  
1875 and report such validation in the annual incentives report  
1876 required under s. 288.0065 ~~288.907~~.

1877 Section 45. Subsection (5) of section 288.0655, Florida  
1878 Statutes, is renumbered as subsection (4), and paragraph (e) of  
1879 subsection (2) and subsections (3) and (4) of that section are  
1880 amended to read:

1881 288.0655 Rural Infrastructure Fund.—

1882 (2)

1883 (e) To enable local governments to access the resources  
1884 available pursuant to s. 403.973(17) ~~403.973(18)~~, the department  
1885 may award grants for surveys, feasibility studies, and other  
1886 activities related to the identification and preclearance review  
1887 of land which is suitable for preclearance review. Authorized  
1888 grants under this paragraph may not exceed \$75,000 each, except  
1889 in the case of a project in a rural area of opportunity, in  
1890 which case the grant may not exceed \$300,000. Any funds awarded  
1891 under this paragraph must be matched at a level of 50 percent  
1892 with local funds, except that any funds awarded for a project in  
1893 a rural area of opportunity must be matched at a level of 33  
1894 percent with local funds. If an application for funding is for a  
1895 catalyst site, as defined in s. 288.0656, the requirement for  
1896 local match may be waived pursuant to the process in s.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 77 of 190

## Amendment No. 1

1897 288.06561. In evaluating applications under this paragraph, the  
1898 department shall consider the extent to which the application  
1899 seeks to minimize administrative and consultant expenses.

1900 (3) The department, in consultation with Enterprise  
1901 Florida, Inc., the Florida Tourism Industry Marketing  
1902 Corporation, the Department of Environmental Protection, and the  
1903 Florida Fish and Wildlife Conservation Commission, as  
1904 appropriate, shall review and certify applications pursuant to  
1905 s. 288.061. The review shall include an evaluation of the  
1906 economic benefit of the projects and their long-term viability.  
1907 The department shall have final approval for any grant under  
1908 this section.

1909 ~~(4) By September 1, 2012, the department shall, in~~  
1910 ~~consultation with the organizations listed in subsection (3),~~  
1911 ~~and other organizations, reevaluate existing guidelines and~~  
1912 ~~criteria governing submission of applications for funding,~~  
1913 ~~review and evaluation of such applications, and approval of~~  
1914 ~~funding under this section. The department shall consider~~  
1915 ~~factors including, but not limited to, the project's potential~~  
1916 ~~for enhanced job creation or increased capital investment, the~~  
1917 ~~demonstration and level of local public and private commitment,~~  
1918 ~~whether the project is located in an enterprise zone, in a~~  
1919 ~~community development corporation service area, or in an urban~~  
1920 ~~high crime area as designated under s. 212.097, the unemployment~~

Amendment No. 1

1921 ~~rate of the county in which the project would be located, and~~  
1922 ~~the poverty rate of the community.~~

1923 Section 46. Paragraph (a) of subsection (6) and paragraphs  
1924 (a) and (c) of subsection (7) of section 288.0656, Florida  
1925 Statutes, are amended to read:

1926 288.0656 Rural Economic Development Initiative.—

1927 (6) (a) By August 1 of each year, the head of each of the  
1928 following agencies and organizations shall designate a deputy  
1929 secretary or higher-level staff person from within the agency or  
1930 organization to serve as the REDI representative for the agency  
1931 or organization:

- 1932 1. The Department of Transportation.
- 1933 2. The Department of Environmental Protection.
- 1934 3. The Department of Agriculture and Consumer Services.
- 1935 4. The Department of State.
- 1936 5. The Department of Health.
- 1937 6. The Department of Children and Families.
- 1938 7. The Department of Corrections.
- 1939 8. The Department of Education.
- 1940 9. The Department of Juvenile Justice.
- 1941 10. The Fish and Wildlife Conservation Commission.
- 1942 11. Each water management district.
- 1943 ~~12. Enterprise Florida, Inc.~~
- 1944 12.13. CareerSource Florida, Inc.
- 1945 13.14. VISIT Florida.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 79 of 190

Amendment No. 1

1946        ~~14.15.~~ The Florida Regional Planning Council Association.

1947        ~~15.16.~~ The Agency for Health Care Administration.

1948        ~~16.17.~~ The Institute of Food and Agricultural Sciences

1949 (IFAS).

1950

1951 An alternate for each designee shall also be chosen, and the  
1952 names of the designees and alternates shall be sent to the  
1953 executive director of the department.

1954        (7)

1955        (a) REDI may recommend to the Governor up to three rural

1956 areas of opportunity. The Governor may by executive order

1957 designate up to three rural areas of opportunity which will

1958 establish these areas as priority assignments for REDI as well

1959 as to allow the Governor, acting through REDI, to waive

1960 criteria, requirements, or similar provisions of any economic

1961 development incentive. Such incentives shall include, but are

1962 not limited to, ~~the Qualified Target Industry Tax Refund Program~~

1963 ~~under s. 288.106, the Quick Response Training Program under s.~~

1964 ~~288.047, the Quick Response Training Program for participants in~~

1965 ~~the welfare transition program under s. 288.047(8),~~

1966 ~~transportation projects under s. 339.2821, the brownfield~~

1967 ~~redevelopment bonus refund under s. 288.107, and the rural job~~

1968 tax credit program under ss. 212.098 and 220.1895.

1969        (c) Each rural area of opportunity may designate catalyst

1970 projects, provided that each catalyst project is specifically

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## Amendment No. 1

1971 recommended by REDI, ~~identified as a catalyst project by~~  
1972 ~~Enterprise Florida, Inc.~~, and confirmed as a catalyst project by  
1973 the department. All state agencies and departments shall use all  
1974 available tools and resources to the extent permissible by law  
1975 to promote the creation and development of each catalyst project  
1976 and the development of catalyst sites.

1977 Section 47. Section 288.0658, Florida Statutes, is amended  
1978 to read:

1979 288.0658 Nature-based recreation; promotion and other  
1980 assistance by Fish and Wildlife Conservation Commission.—The  
1981 Florida Fish and Wildlife Conservation Commission is directed to  
1982 assist ~~Enterprise Florida, Inc.~~, the Florida Tourism Industry  
1983 Marketing Corporation, doing business as VISIT Florida;  
1984 convention and visitor bureaus; tourist development councils;  
1985 economic development organizations; and local governments  
1986 through the provision of marketing advice, technical expertise,  
1987 promotional support, and product development related to nature-  
1988 based recreation and sustainable use of natural resources. In  
1989 carrying out this responsibility, the Florida Fish and Wildlife  
1990 Conservation Commission shall focus its efforts on fostering  
1991 nature-based recreation in rural communities and regions  
1992 encompassing rural communities. As used in this section, the  
1993 term "nature-based recreation" means leisure activities related  
1994 to the state's lands, waters, and fish and wildlife resources,  
1995 including, but not limited to, wildlife viewing, fishing,

## Amendment No. 1

1996 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
1997 nature photography.

1998 Section 48. Subsection (6) of section 288.075, Florida  
1999 Statutes, is amended to read:

2000 288.075 Confidentiality of records.—

2001 (6) ECONOMIC INCENTIVE PROGRAMS.—

2002 (a) The following information held by an economic  
2003 development agency pursuant to the administration of an economic  
2004 incentive program for qualified businesses is confidential and  
2005 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2006 Constitution for a period not to exceed the duration of the  
2007 incentive agreement, including an agreement authorizing a tax  
2008 refund or tax credit, or upon termination of the incentive  
2009 agreement:

2010 1. The percentage of the business's sales occurring  
2011 outside this state and, ~~for businesses applying under s.~~  
2012 ~~288.1045, the percentage of the business's gross receipts~~  
2013 ~~derived from Department of Defense contracts during the 5 years~~  
2014 ~~immediately preceding the date the business's application is~~  
2015 ~~submitted.~~

2016 2. An individual employee's personal identifying  
2017 information that is held as evidence of the achievement or  
2018 nonachievement of the wage requirements of the tax refund, tax  
2019 credit, or incentive agreement programs or of the job creation  
2020 requirements of such programs.

## Amendment No. 1

- 2021 3. The amount of:
- 2022 a. Taxes on sales, use, and other transactions paid
- 2023 pursuant to chapter 212;
- 2024 b. Corporate income taxes paid pursuant to chapter 220;
- 2025 c. Intangible personal property taxes paid pursuant to
- 2026 chapter 199;
- 2027 d. Insurance premium taxes paid pursuant to chapter 624;
- 2028 e. Excise taxes paid on documents pursuant to chapter 201;
- 2029 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 2030 g. State communications services taxes paid pursuant to
- 2031 chapter 202.

2032

2033 However, an economic development agency may disclose in the

2034 annual incentives report required under s. 288.0065 ~~288.907~~ the

2035 aggregate amount of each tax identified in this subparagraph and

2036 paid by all businesses participating in each economic incentive

2037 program.

2038 (b)~~1~~. The following information held by an economic

2039 development agency relating to a specific business participating

2040 in an economic incentive program is no longer confidential or

2041 exempt 180 days after a final project order for an economic

2042 incentive agreement is issued, until a date specified in the

2043 final project order, or if the information is otherwise

2044 disclosed, whichever occurs first:

2045 1.a. The name of the qualified business.

## Amendment No. 1

2046        2.b. The total number of jobs the business committed to  
2047 create or retain.

2048        3.e. The total number of jobs created or retained by the  
2049 business.

2050        4.d. Notwithstanding s. 213.053(2), the amount of tax  
2051 refunds, tax credits, or incentives awarded to, claimed by, or,  
2052 if applicable, refunded to the state by the business.

2053        5.e. The anticipated total annual wages of employees the  
2054 business committed to hire or retain.

2055        ~~2. For a business applying for certification under s.  
2056 288.1045 which is based on obtaining a new Department of Defense  
2057 contract, the total number of jobs expected and the amount of  
2058 tax refunds claimed may not be released until the new Department  
2059 of Defense contract is awarded.~~

2060        Section 49. Subsections (7) through (10) of section  
2061 288.076, Florida Statutes, are renumbered as subsections (6)  
2062 through (9), respectively, and paragraphs (a), (c), and (e) of  
2063 subsection (1) and present subsections (6) and (7) of that  
2064 section are amended to read:

2065        288.076 Return on investment reporting for economic  
2066 development programs.—

2067        (1) As used in this section, the term:

2068        (a) "Jobs" means full-time equivalent positions,  
2069 including, but not limited to, positions obtained from a  
2070 temporary employment agency or employee leasing company or

Amendment No. 1

2071 through a union agreement or coemployment under a professional  
2072 employer organization agreement that result directly from a  
2073 project in this state. The term does not include temporary  
2074 construction jobs involved with the construction of facilities  
2075 for the project or any jobs previously included in any  
2076 application for tax refunds ~~has the same meaning as provided in~~  
2077 ~~s. 288.106(2)(i).~~

2078 (c) "Project" means the creation of a new business or  
2079 expansion of an existing business ~~has the same meaning as~~  
2080 ~~provided in s. 288.106(2)(m).~~

2081 (e) "State investment" means any state grants, tax  
2082 exemptions, tax refunds, tax credits, or other state incentives  
2083 provided to a business under a program administered by the  
2084 department, ~~including the capital investment tax credit under s.~~  
2085 ~~220.191.~~

2086 ~~(6) Annually, the department shall publish information~~  
2087 ~~relating to the progress of Quick Action Closing Fund projects,~~  
2088 ~~including the average number of days between the date the~~  
2089 ~~department receives a completed application and the date on~~  
2090 ~~which the application is approved.~~

2091 ~~(6)(7)(a)~~ Within 48 hours after expiration of the period  
2092 of confidentiality provided under s. 288.075, the department  
2093 shall publish the contract or agreement described in s. 288.061,  
2094 redacted to protect the participant business from disclosure of  
2095 information that remains confidential or exempt by law.

Amendment No. 1

2096 ~~(b) Within 48 hours after submitting any report of~~  
2097 ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~  
2098 ~~concerning a business's failure to complete a tax refund~~  
2099 ~~agreement pursuant to the tax refund program for qualified~~  
2100 ~~target industry businesses, the department shall publish such~~  
2101 ~~report.~~

2102 Section 50. Section 288.095, Florida Statutes, is amended  
2103 to read:

2104 288.095 Economic Development Trust Fund.-

2105 (1) The Economic Development Trust Fund is created within  
2106 the department of ~~Economic Opportunity~~. Moneys deposited into  
2107 the fund must be used only to support the authorized activities  
2108 and operations of the department.

2109 (2) There is created, within the Economic Development  
2110 Trust Fund, the Economic Development Incentives Account. The  
2111 Economic Development Incentives Account consists of moneys  
2112 appropriated to the account for purposes of the tax incentives  
2113 programs formerly authorized under ss. 288.1045 and 288.106, and  
2114 local financial support provided under former ss. 288.1045 and  
2115 288.106. Moneys in the Economic Development Incentives Account  
2116 shall be subject to the provisions of s. 216.301(1)(a).

2117 (3)(a) ~~The department may approve applications for~~  
2118 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
2119 The total state share of tax refund payments may not exceed \$35  
2120 million.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 86 of 190

Amendment No. 1

2121 (b) The total amount of tax refund claims approved for  
2122 payment by the department based on actual project performance  
2123 may not exceed the amount appropriated to the Economic  
2124 Development Incentives Account for such purposes for the fiscal  
2125 year. Claims for tax refunds under former ss. 288.1045 and  
2126 288.106 shall be paid in the order the claims are approved by  
2127 the department. In the event the Legislature does not  
2128 appropriate an amount sufficient to satisfy the tax refunds  
2129 under former ss. 288.1045 and 288.106 in a fiscal year, the  
2130 department shall pay the tax refunds from the appropriation for  
2131 the following fiscal year. By March 1 of each year, the  
2132 department shall notify the legislative appropriations  
2133 committees of the Senate and House of Representatives of any  
2134 anticipated shortfall in the amount of funds needed to satisfy  
2135 claims for tax refunds from the appropriation for the current  
2136 fiscal year.

2137 (c) Moneys in the Economic Development Incentives Account  
2138 may be used only to pay tax refunds and make other payments on  
2139 agreements executed prior to July 1, 2017, authorized under  
2140 former s. 288.1045, s. 288.106, or s. 288.107.

2141 (d) The department may adopt rules necessary to carry out  
2142 ~~the provisions of~~ this subsection, including rules providing for  
2143 the use of moneys in the Economic Development Incentives Account  
2144 and for the administration of the Economic Development  
2145 Incentives Account.

## Amendment No. 1

2146 Section 51. Section 288.1045, Florida Statutes, is  
2147 repealed.

2148 Section 52. Section 288.106, Florida Statutes, is  
2149 repealed.

2150 Section 53. Section 288.107, Florida Statutes, is  
2151 repealed.

2152 Section 54. Section 288.108, Florida Statutes, is  
2153 repealed.

2154 Section 55. Section 288.1081, Florida Statutes, is  
2155 repealed.

2156 Section 56. Section 288.1082, Florida Statutes, is  
2157 repealed.

2158 Section 57. Section 288.1088, Florida Statutes, is  
2159 repealed.

2160 Section 58. Section 288.1089, Florida Statutes, is  
2161 repealed.

2162 Section 59. Section 288.111, Florida Statutes, is amended  
2163 to read:

2164 288.111 Information concerning local manufacturing  
2165 development programs.—The department shall develop materials  
2166 that identify each local government that establishes a local  
2167 manufacturing development program under s. 163.3252. The  
2168 materials, which the department may elect to develop and  
2169 maintain in electronic format or in any other format deemed by  
2170 the department to provide public access, must be updated at



Amendment No. 1

2171 least annually. ~~Enterprise Florida, Inc., shall, and other~~ State  
2172 agencies may, distribute the materials to prospective, new,  
2173 expanding, and relocating businesses seeking to conduct business  
2174 in this state.

2175 Section 60. Section 288.1162, Florida Statutes, is  
2176 repealed.

2177 Section 61. Section 288.11621, Florida Statutes, is  
2178 repealed.

2179 Section 62. Section 288.11625, Florida Statutes, is  
2180 repealed.

2181 Section 63. Section 288.11631, Florida Statutes, is  
2182 repealed.

2183 Section 64. Section 288.1169, Florida Statutes, is  
2184 repealed.

2185 Section 65. Section 288.1201, Florida Statutes, is  
2186 repealed.

2187 Section 66. (1) The State Economic Enhancement and  
2188 Development Trust Fund, FLAIR number 40-2-041, within the  
2189 Department of Economic Opportunity is terminated.

2190 (2) All current balances remaining in, and all revenues  
2191 of, the trust fund shall be transferred to the General Revenue  
2192 Fund.

2193 (3) The Department of Economic Opportunity shall pay any  
2194 outstanding debts and obligations of the terminated fund as soon  
2195 as practicable, and the Chief Financial Officer shall close out

Amendment No. 1

2196 and remove the terminated fund from various state accounting  
2197 systems using generally accepted accounting principles  
2198 concerning warrants outstanding, assets, and liabilities.

2199 Section 67. Section 288.122, Florida Statutes, is  
2200 repealed.

2201 Section 68. (1) The Tourism Promotional Trust Fund, FLAIR  
2202 number 40-2-722, within the Department of Economic Opportunity  
2203 is terminated.

2204 (2) All current balances remaining in, and all revenues  
2205 of, the trust fund shall be transferred to the General Revenue  
2206 Fund.

2207 (3) The Department of Economic Opportunity shall pay any  
2208 outstanding debts and obligations of the terminated fund as soon  
2209 as practicable, and the Chief Financial Officer shall close out  
2210 and remove the terminated fund from various state accounting  
2211 systems using generally accepted accounting principles  
2212 concerning warrants outstanding, assets, and liabilities.

2213 Section 69. Section 288.1226, Florida Statutes, is amended  
2214 to read:

2215 288.1226 Florida Tourism Industry Marketing Corporation;  
2216 use of property; board of directors; duties; audit.-

2217 (1) DEFINITIONS.-For the purposes of this section, the  
2218 term "corporation" means the Florida Tourism Industry Marketing  
2219 Corporation.

Amendment No. 1

2220 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
2221 Corporation is a direct-support organization of the Department  
2222 of Economic Opportunity Enterprise Florida, Inc.

2223 (a) The Florida Tourism Industry Marketing Corporation is  
2224 a corporation not for profit, as defined in s. 501(c)(6) of the  
2225 Internal Revenue Code of 1986, as amended, that is incorporated  
2226 under the provisions of chapter 617 and approved by the  
2227 Department of State.

2228 (b) The corporation is organized and operated exclusively  
2229 to request, receive, hold, invest, and administer property and  
2230 to manage and make expenditures for the operation of the  
2231 activities, services, functions, and programs of this state  
2232 which relate to the statewide, national, and international  
2233 promotion and marketing of tourism.

2234 (c) 1. The corporation is not an agency for the purposes of  
2235 chapters 120 and, 216, and 287; ~~ss. 255.21, 255.25, and 255.254,~~  
2236 ~~relating to leasing of buildings; ss. 283.33 and 283.35,~~  
2237 ~~relating to bids for printing; s. 215.31; and parts I, II, and~~  
2238 ~~IV-VIII of chapter 112. However, the corporation shall comply~~  
2239 ~~with the per diem and travel expense provisions of s. 112.061.~~

2240 2. The corporation is an agency for the purposes of  
2241 chapter 287.

2242 (d) The corporation is subject to the provisions of  
2243 chapter 119, relating to public meetings, and those provisions  
2244 of chapter 286 relating to public meetings and records.

Amendment No. 1

2245 (3) USE OF PROPERTY.—The Department of Economic  
2246 Opportunity Enterprise Florida, Inc.:

2247 (a) Is authorized to permit the use of property and  
2248 facilities of the department Enterprise Florida, Inc., by the  
2249 corporation, subject to the provisions of this section.

2250 (b) Shall prescribe conditions with which the corporation  
2251 must comply in order to use property and facilities of the  
2252 department Enterprise Florida, Inc. Such conditions shall  
2253 provide for budget and audit review and for oversight by the  
2254 department Enterprise Florida, Inc.

2255 (c) May not permit the use of property and facilities of  
2256 the department Enterprise Florida, Inc., if the corporation does  
2257 not provide equal employment opportunities to all persons,  
2258 regardless of race, color, national origin, sex, age, or  
2259 religion.

2260 (4) BOARD OF DIRECTORS.—The board of directors of the  
2261 corporation shall be composed of 31 tourism-industry-related  
2262 members, appointed by the corporation Enterprise Florida, Inc.,  
2263 in conjunction with the department. Board members shall serve  
2264 without compensation, but are entitled to receive reimbursement  
2265 for per diem and travel expenses pursuant to s. 112.061. Such  
2266 expenses must be paid out of funds of the corporation.

2267 (a) The board shall consist of 16 members, appointed in  
2268 such a manner as to equitably represent all geographic areas of

## Amendment No. 1

2269 the state, with no fewer than two members from any of the  
2270 following regions:

2271 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
2272 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,  
2273 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2274 2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
2275 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
2276 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
2277 Taylor, and Union Counties.

2278 3. Region 3, composed of Brevard, Indian River, Lake,  
2279 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
2280 Volusia Counties.

2281 4. Region 4, composed of Citrus, Hernando, Hillsborough,  
2282 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

2283 5. Region 5, composed of Charlotte, Collier, DeSoto,  
2284 Glades, Hardee, Hendry, Highlands, and Lee Counties.

2285 6. Region 6, composed of Broward, Martin, Miami-Dade,  
2286 Monroe, and Palm Beach Counties.

2287 (b) The 15 additional tourism-industry-related members  
2288 shall include 1 representative from the statewide rental car  
2289 industry; 7 representatives from tourist-related statewide  
2290 associations, including those that represent hotels,  
2291 campgrounds, county destination marketing organizations,  
2292 museums, restaurants, retail, and attractions; 3 representatives  
2293 from county destination marketing organizations; 1

Amendment No. 1

2294 representative from the cruise industry; 1 representative from  
2295 an automobile and travel services membership organization that  
2296 has at least 2.8 million members in Florida; 1 representative  
2297 from the airline industry; and 1 representative from the space  
2298 tourism industry, who will each serve for a term of 2 years.

2299 (5) POWERS AND DUTIES.—The corporation, in the performance  
2300 of its duties:

2301 (a) May make and enter into contracts and assume such  
2302 other functions as are necessary to carry out the provisions of  
2303 the 4-year marketing plan required by s. 288.923, and the  
2304 corporation's contract with the department that Enterprise  
2305 Florida, Inc., which are not inconsistent with this or any other  
2306 provision of law. A proposed contract with a total cost of  
2307 \$750,000 or more is subject to the notice and review procedures  
2308 in s. 216.177. If the chair or vice chair of the Legislative  
2309 Budget Commission, the President of the Senate, or the Speaker  
2310 of the House of Representatives timely advise the corporation in  
2311 writing that such proposed contract is contrary to legislative  
2312 policy and intent, the corporation may not execute such proposed  
2313 contract. The corporation may not enter into multiple related  
2314 contracts to avoid the requirements of this paragraph.

2315 (b) May develop a program to provide incentives and to  
2316 attract and recognize those entities which make significant  
2317 financial and promotional contributions towards the expanded  
2318 tourism promotion activities of the corporation.

Amendment No. 1

2319 (c) May establish a cooperative marketing program with  
2320 other public and private entities which allows the use of the  
2321 VISIT Florida logo in tourism promotion campaigns which meet the  
2322 standards of the department ~~Enterprise Florida, Inc.~~, for which  
2323 the corporation may charge a reasonable fee.

2324 (d) May sue and be sued and appear and defend in all  
2325 actions and proceedings in its corporate name to the same extent  
2326 as a natural person.

2327 (e) May adopt, use, and alter a common corporate seal.  
2328 However, such seal must always contain the words "corporation  
2329 not for profit."

2330 (f) Shall elect or appoint such officers and agents as its  
2331 affairs shall require and allow them reasonable compensation.  
2332 However, each officer or agent, including the President and CEO,  
2333 may not receive compensation, public or private, that exceeds  
2334 \$130,000 per year.

2335 (g) Shall hire and establish salaries and personnel and  
2336 employee benefit programs for such permanent and temporary  
2337 employees as are necessary to carry out the provisions of the 4-  
2338 year marketing plan and the corporation's contract with the  
2339 department that ~~Enterprise Florida, Inc.~~, which are not  
2340 inconsistent with this or any other provision of law. However,  
2341 an employee may not receive compensation, public or private,  
2342 that exceeds \$130,000 per year. Any retirement, life insurance,  
2343 or health insurance benefits provided to employees of the

Amendment No. 1

2344 corporation may not exceed the value of such benefits provided  
2345 to employees of the corporation as of January 1, 2017. Any  
2346 public or private payments of performance bonuses or severance  
2347 pay to employees of the corporation are prohibited unless  
2348 specifically authorized by law. The Governor shall review and  
2349 approve or deny requests for out-of-state or international  
2350 travel by employees and board members of the corporation and  
2351 individuals whose travel will be paid for by the corporation,  
2352 regardless of the source of the funds used for such travel.

2353 (h) Shall appoint a president and chief executive officer  
2354 of the corporation who shall serve subject to confirmation by  
2355 the Senate ~~provide staff support to the Division of Tourism~~  
2356 ~~Promotion of Enterprise Florida, Inc. The president and chief~~  
2357 ~~executive officer of the Florida Tourism Industry Marketing~~  
2358 ~~Corporation shall serve without compensation as the director of~~  
2359 ~~the division.~~

2360 (i) May adopt, change, amend, and repeal bylaws, not  
2361 inconsistent with law or its articles of incorporation, for the  
2362 administration of the provisions of the 4-year marketing plan  
2363 and the corporation's contract with the department ~~Enterprise~~  
2364 ~~Florida, Inc.~~

2365 (j) May conduct its affairs, carry on its operations, and  
2366 have offices and exercise the powers granted by this act in any  
2367 state, territory, district, or possession of the United States  
2368 or any foreign country. When ~~Where~~ feasible, appropriate, and



## Amendment No. 1

2369 recommended by the 4-year marketing plan developed by the  
2370 Division of Tourism Promotion of ~~Enterprise Florida, Inc.~~, the  
2371 corporation may collocate the programs of foreign tourism  
2372 offices in cooperation with any foreign office operated by any  
2373 agency of this state.

2374 (k) May appear on its own behalf before boards,  
2375 commissions, departments, or other agencies of municipal,  
2376 county, state, or federal government.

2377 (l) May request or accept any grant, payment, or gift, of  
2378 funds or property made by this state or by the United States or  
2379 any department or agency thereof or by any individual, firm,  
2380 corporation, municipality, county, or organization for any or  
2381 all of the purposes of the 4-year marketing plan and the  
2382 corporation's contract with the department ~~Enterprise Florida,~~  
2383 ~~Inc.~~, that are not inconsistent with this or any other provision  
2384 of law. Such funds shall be deposited in a bank account  
2385 established by the corporation's board of directors. The  
2386 corporation may expend such funds in accordance with the terms  
2387 and conditions of any such grant, payment, or gift, in the  
2388 pursuit of its administration or in support of the programs it  
2389 administers. The corporation shall separately account for the  
2390 public funds and the private funds deposited into the  
2391 corporation's bank account.

## Amendment No. 1

2392 (m) Shall establish a plan for participation in the  
2393 corporation which will provide additional funding for the  
2394 administration and duties of the corporation.

2395 (n) In the performance of its duties, may undertake, or  
2396 contract for, marketing projects and advertising research  
2397 projects.

2398 (o) In addition to any indemnification available under  
2399 chapter 617, the corporation may indemnify, and purchase and  
2400 maintain insurance on behalf of, directors, officers, and  
2401 employees of the corporation against any personal liability or  
2402 accountability by reason of actions taken while acting within  
2403 the scope of their authority.

2404 (p) Shall not create or establish any other entity,  
2405 corporation, or direct-support organization.

2406 (q) Shall not expend funds, public or private, that  
2407 directly or indirectly, benefit only one company, corporation or  
2408 business entity.

2409 (6) ANNUAL AUDIT.—The corporation shall provide for an  
2410 annual financial audit in accordance with s. 215.981. The annual  
2411 audit report shall be submitted to the Auditor General; the  
2412 Office of Program Policy Analysis and Government Accountability;  
2413 ~~Enterprise Florida, Inc.;~~ and the department for review. The  
2414 Office of Program Policy Analysis and Government Accountability;  
2415 ~~Enterprise Florida, Inc.;~~ the department; and the Auditor  
2416 General have the authority to require and receive from the

Amendment No. 1

2417 corporation or from its independent auditor any detail or  
2418 supplemental data relative to the operation of the corporation.  
2419 The department shall annually certify whether the corporation is  
2420 operating in a manner and achieving the objectives that are  
2421 consistent with the policies and goals of the department  
2422 ~~Enterprise Florida, Inc.~~, and its long-range marketing plan. The  
2423 identity of a donor or prospective donor to the corporation who  
2424 desires to remain anonymous and all information identifying such  
2425 donor or prospective donor are confidential and exempt from the  
2426 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
2427 Constitution. Such anonymity shall be maintained in the  
2428 auditor's report.

2429 (7) REPORT.—The corporation shall provide a quarterly  
2430 report to the department ~~Enterprise Florida, Inc.~~, which shall:

2431 (a) Measure the current vitality of the visitor industry  
2432 of this state as compared to the vitality of such industry for  
2433 the year to date and for comparable quarters of past years.  
2434 Indicators of vitality shall be determined by the department  
2435 ~~Enterprise Florida, Inc.~~, and shall include, but not be limited  
2436 to, estimated visitor count and party size, length of stay,  
2437 average expenditure per party, and visitor origin and  
2438 destination.

2439 (b) Provide detailed, unaudited financial statements of  
2440 sources and uses of public and private funds.

Amendment No. 1

2441 (c) Measure progress towards annual goals and objectives  
2442 set forth in the 4-year marketing plan.

2443 (d) Review all pertinent research findings.

2444 (e) Provide other measures of accountability as requested  
2445 by the department ~~Enterprise Florida, Inc.~~

2446

2447 The corporation must take all steps necessary to provide all  
2448 data that is used to develop the report, including source data,  
2449 to the Office of Economic and Demographic Research.

2450 (8) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Notwithstanding  
2451 per diem and travel expenses authorized pursuant s. 112.061,  
2452 funds of the corporation may not be expended for food,  
2453 beverages, lodging, entertainment, or gifts for employees of the  
2454 corporation, board members of the corporation, or employees of a  
2455 tourist or economic development entity that receives revenue  
2456 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
2457 212.0305. An employee or board member of the corporation may not  
2458 accept or receive food, beverages, lodging, entertainment, or  
2459 gifts from a tourist or economic development entity that  
2460 receives revenue from a tax imposed pursuant to s. 125.0104, s.  
2461 125.0108, or s. 212.0305 ~~PUBLIC RECORDS EXEMPTION. The identity~~  
2462 ~~of any person who responds to a marketing project or advertising~~  
2463 ~~research project conducted by the corporation in the performance~~  
2464 ~~of its duties on behalf of Enterprise Florida, Inc., or trade~~  
2465 ~~secrets as defined by s. 812.081 obtained pursuant to such~~

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## Amendment No. 1

2466 ~~activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of~~  
2467 ~~the State Constitution. This subsection is subject to the Open~~  
2468 ~~Government Sunset Review Act in accordance with s. 119.15 and~~  
2469 ~~shall stand repealed on October 2, 2021, unless reviewed and~~  
2470 ~~saved from repeal through reenactment by the Legislature.~~

2471       (9) LODGING EXPENSES.—Lodging expenses for an employee of  
2472 the corporation may not exceed \$150 per day, excluding taxes.  
2473 However, an employee of the corporation may expend his or her  
2474 own funds for any lodging expenses in excess of \$150 per day.

2475       (10) RELEASE OF APPROPRIATIONS.—Notwithstanding s.  
2476 216.192, and in accordance with s. 216.351, the annual plan for  
2477 release of appropriations for the Department of Economic  
2478 Opportunity shall be quarterly. On July 1 of each fiscal year,  
2479 25 percent of the original operating budget of the corporation  
2480 shall be released. The balance of the appropriation shall be  
2481 held in reserve. By August 15 of each fiscal year, the  
2482 Department of Economic Opportunity shall submit a proposed  
2483 operating budget for the corporation including amounts to be  
2484 expended on advertising, events, other operating capital outlay,  
2485 and salaries and benefits for each employee to the Legislative  
2486 Budget Commission. Upon approval of the plan by the Legislative  
2487 Budget Commission, the remainder of the operating budget for the  
2488 corporation shall be released pursuant to this subsection.

2489       (11) TRANSPARENCY.—

Amendment No. 1

2490 (a) The corporation is a governmental entity as defined in  
2491 s. 215.985 and, therefore, is subject to the Transparency  
2492 Florida Act.

2493 (b) A contract entered into between the corporation and  
2494 any other entity, including a local government, private, or  
2495 nonprofit entity, that receives public funds from the state or  
2496 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
2497 212.0305 shall include:

- 2498 1. The purpose of the contract.
- 2499 2. Specific performance standards and responsibilities for  
2500 each entity.
- 2501 3. A detailed project or contract budget, if applicable.
- 2502 4. The value of any services provided.
- 2503 5. The salaries of all employees and board members of the  
2504 entity and the projected travel and entertainment expenses for  
2505 such employees and board members.

2506 (c)1. If a marketing partner receives public funds from  
2507 the state or from a tax imposed pursuant to s. 125.0104, s.  
2508 125.0108, or s. 212.0305, the marketing partner shall annually  
2509 report all public and private financial data to the corporation.

2510 2. The financial data shall include:

2511 a. The total amount of revenue received from public and  
2512 private sources.

2513 b. The operating budget.

2514 c. Employee and board member salary and benefit details.

Amendment No. 1

2515 d. An itemized account of all funds spent by a third party  
2516 on behalf of the corporation or a board member or an employee of  
2517 the corporation.

2518 e. Itemized travel and entertainment expenditures.

2519 (d) The following information must be posted on the  
2520 corporation's website:

2521 1. A plain language version of each proposed and executed  
2522 contract exceeding \$35,000 with a private entity, municipality,  
2523 city, town, or vendor of services, supplies, or programs,  
2524 including marketing, or for the purchase or lease or use of  
2525 lands, facilities, or properties.

2526 2. Any agreement entered into between the corporation and  
2527 any other entity, including a local government, private, or  
2528 nonprofit entity, that receives public funds or funds from a tax  
2529 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305.

2530 3. Video recordings of each board meeting.

2531 4. A detailed report of expenditures following each  
2532 marketing event paid for with the corporation's funds. Such  
2533 report must be posted within 10 business days after the event.

2534 5. An annual itemized accounting of the total amount of  
2535 funds spent by any third party on behalf of the corporation or  
2536 any board member or employee of the corporation.

2537 6. An annual itemized accounting of the total amount of  
2538 travel and entertainment expenditures by the corporation.

2539 (e) The corporation's website must:

Amendment No. 1

2540 1. Allow users to navigate to related sites to view  
2541 supporting details.

2542 2. Enable a taxpayer to email questions to the corporation  
2543 and make such questions and the corporation's responses publicly  
2544 viewable.

2545 (12) REPEAL.—This section is repealed October 1, 2019,  
2546 unless reviewed and saved from repeal by the Legislature.

2547 Section 70. For the 2017-2018 fiscal year, the sum of \$25  
2548 million in recurring funds is appropriated from the General  
2549 Revenue Fund to the Department of Economic Opportunity for the  
2550 operation of VISIT Florida.

2551 Section 71. Section 288.12265, Florida Statutes, is  
2552 amended to read:

2553 288.12265 Welcome centers.—

2554 (1) Responsibility for the welcome centers is assigned to  
2555 the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~  
2556 which shall contract with the Florida Tourism Industry Marketing  
2557 Corporation to employ all welcome center staff.

2558 (2) The Department of Economic Opportunity ~~Enterprise~~  
2559 ~~Florida, Inc.,~~ shall administer and operate the welcome centers.  
2560 Pursuant to a contract with the Department of Transportation,  
2561 the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~  
2562 shall be responsible for routine repair, replacement, or  
2563 improvement and the day-to-day management of interior areas  
2564 occupied by the welcome centers. All other repairs,



Amendment No. 1

2565 replacements, or improvements to the welcome centers shall be  
2566 the responsibility of the Department of Transportation. The  
2567 Department of Economic Opportunity Enterprise Florida, Inc., may  
2568 contract with the Florida Tourism Industry Marketing Corporation  
2569 for the management and operation of the welcome centers.

2570 Section 72. Section 288.125, Florida Statutes, is  
2571 repealed.

2572 Section 73. Section 288.1251, Florida Statutes, is  
2573 repealed.

2574 Section 74. Section 288.1252, Florida Statutes, is  
2575 repealed.

2576 Section 75. Section 288.1253, Florida Statutes, is  
2577 repealed.

2578 Section 76. Section 288.1258, Florida Statutes, is  
2579 repealed.

2580 Section 77. Section 288.7015, Florida Statutes, is amended  
2581 to read:

2582 288.7015 Appointment of rules ombudsman; duties.—The  
2583 Governor shall appoint a rules ombudsman, as defined in s.  
2584 288.703, in the Executive Office of the Governor, for  
2585 considering the impact of agency rules on the state's citizens  
2586 and businesses. ~~In carrying out duties as provided by law, the~~  
2587 ~~ombudsman shall consult with Enterprise Florida, Inc., at which~~  
2588 ~~point the department may recommend to improve the regulatory~~

## Amendment No. 1

2589 ~~environment of this state.~~ The duties of the rules ombudsman are  
2590 to:

2591 (1) Carry out the responsibility provided in s.  
2592 120.54(3)(b), with respect to small businesses.

2593 (2) Review state agency rules that adversely or  
2594 disproportionately impact businesses, particularly those  
2595 relating to small and minority businesses.

2596 (3) Make recommendations on any existing or proposed rules  
2597 to alleviate unnecessary or disproportionate adverse effects to  
2598 businesses.

2599 (4) Each state agency shall cooperate fully with the rules  
2600 ombudsman in identifying such rules. Further, each agency shall  
2601 take the necessary steps to waive, modify, or otherwise minimize  
2602 such adverse effects of any such rules. However, nothing in this  
2603 section authorizes any state agency to waive, modify, provide  
2604 exceptions to, or otherwise alter any rule that is:

2605 (a) Expressly required to implement or enforce any  
2606 statutory provision or the express legislative intent thereof;

2607 (b) Designed to protect persons against discrimination on  
2608 the basis of race, color, national origin, religion, sex, age,  
2609 handicap, or marital status; or

2610 (c) Likely to prevent a significant risk or danger to the  
2611 public health, the public safety, or the environment of the  
2612 state.

Amendment No. 1

2613 (5) The modification or waiver of any such rule pursuant  
2614 to this section must be accomplished in accordance with the  
2615 provisions of chapter 120.

2616 Section 78. Subsection (11) of section 288.706, Florida  
2617 Statutes, is amended to read:

2618 288.706 Florida Minority Business Loan Mobilization  
2619 Program.—

2620 (11) The Department of Management Services shall  
2621 collaborate with ~~Enterprise Florida, Inc.~~, and the department to  
2622 assist in the development and enhancement of black business  
2623 enterprises.

2624 Section 79. Subsection (1) of section 288.773, Florida  
2625 Statutes, is amended to read:

2626 288.773 Florida Export Finance Corporation.—The Florida  
2627 Export Finance Corporation is hereby created as a corporation  
2628 not for profit, to be incorporated under the provisions of  
2629 chapter 617 and approved by the Department of State. The  
2630 corporation is organized on a nonstock basis. The purpose of the  
2631 corporation is to expand employment and income opportunities for  
2632 residents of this state through increased exports of goods and  
2633 services, by providing businesses domiciled in this state  
2634 information and technical assistance on export opportunities,  
2635 exporting techniques, and financial assistance through  
2636 guarantees and direct loan originations for sale in support of

Amendment No. 1

2637 export transactions. The corporation shall have the power and  
2638 authority to carry out the following functions:

2639 (1) To coordinate the efforts of the corporation with  
2640 programs and goals of the United States Export-Import Bank, the  
2641 International Trade Administration of the United States  
2642 Department of Commerce, the Foreign Credit Insurance  
2643 Association, the department ~~Enterprise Florida, Inc.~~, and other  
2644 private and public programs and organizations, domestic and  
2645 foreign, designed to provide export assistance and export-  
2646 related financing.

2647 Section 80. Paragraph (a) of subsection (1) and paragraphs  
2648 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
2649 Statutes, are amended to read:

2650 288.776 Board of directors; powers and duties.—

2651 (1) (a) The corporation shall have a board of directors  
2652 consisting of 15 members representing all geographic areas of  
2653 the state. Minority and gender representation must be considered  
2654 when making appointments to the board. The board membership must  
2655 include:

2656 1. A representative of the following businesses, all of  
2657 which must be registered to do business in this state: a foreign  
2658 bank, a state bank, a federal bank, an insurance company  
2659 involved in covering trade financing risks, and a small or  
2660 medium-sized exporter.

## Amendment No. 1

2661           2. The following persons or their designee: the executive  
2662 director of the department ~~President of Enterprise Florida,~~  
2663 ~~Inc.~~, the Chief Financial Officer, the Secretary of State, and a  
2664 senior official of the United States Department of Commerce.

2665           (3) The board shall:

2666           (a) Prior to the expenditure of funds from the export  
2667 finance account, adopt bylaws, rules, and policies which are  
2668 necessary to carry out the responsibilities under this part,  
2669 particularly with respect to the implementation of the  
2670 corporation's programs to insure, coinsure, lend, provide loan  
2671 guarantees, and make direct, guaranteed, or collateralized loans  
2672 by the corporation to support export transactions. The  
2673 corporation's bylaws, rules, and policies shall be reviewed and  
2674 approved by the department ~~Enterprise Florida, Inc.~~, prior to  
2675 final adoption by the board.

2676           (c) Issue an annual report to the department ~~Enterprise~~  
2677 ~~Florida, Inc.~~, on the activities of the corporation, including  
2678 an evaluation of activities and recommendations for change. The  
2679 evaluation shall include the corporation's impact on the  
2680 following:

2681           1. Participation of private banks and other private  
2682 organizations and individuals in the corporation's export  
2683 financing programs.

2684           2. Access of small and medium-sized businesses in this  
2685 state to federal export financing programs.

Amendment No. 1

2686 3. Export volume of the small and medium-sized businesses  
2687 in this state accessing the corporation's programs.

2688 4. Other economic and social benefits to international  
2689 programs in this state.

2690 (g) Consult with the department ~~Enterprise Florida, Inc.,~~  
2691 or any state or federal agency, to ensure that the respective  
2692 loan guarantee or working capital loan origination programs are  
2693 not duplicative and that each program makes full use of, to the  
2694 extent practicable, the resources of the other.

2695 Section 81. Section 288.7771, Florida Statutes, is amended  
2696 to read:

2697 288.7771 Annual report of Florida Export Finance  
2698 Corporation.—The corporation shall annually prepare and submit  
2699 to the department ~~Enterprise Florida, Inc., for inclusion in its~~  
2700 ~~annual report required under s. 288.906,~~ a complete and detailed  
2701 report setting forth:

2702 (1) The report required in s. 288.776(3).

2703 (2) Its assets and liabilities at the end of its most  
2704 recent fiscal year.

2705 Section 82. Paragraph (d) of subsection (1) of section  
2706 288.8017, Florida Statutes, is amended to read:

2707 288.8017 Awards.—

2708 (1) Triumph Gulf Coast, Inc., shall make awards from  
2709 available earnings and principal derived under s. 288.8013(2) to  
2710 projects or programs that meet the priorities for economic

## Amendment No. 1

2711 recovery, diversification, and enhancement of the  
2712 disproportionately affected counties, notwithstanding s. 377.43.

2713 Awards may be provided for:

2714 (d) Local match requirements of ss. 288.0655 and,  
2715 288.0659, ~~288.1045~~, and ~~288.106~~ for projects in the  
2716 disproportionately affected counties;

2717 Section 83. Subsections (4) and (6) of section 288.816,  
2718 Florida Statutes, are amended to read:

2719 288.816 Intergovernmental relations.—

2720 (4) The state protocol officer shall serve as a contact  
2721 for the state with the Florida Washington Office, the Florida  
2722 Congressional Delegation, and United States Government agencies  
2723 with respect to laws or policies which may affect the interests  
2724 of the state in the area of international relations. All  
2725 inquiries received regarding international economic trade  
2726 development or reverse investment opportunities shall be  
2727 referred to the department ~~Enterprise Florida, Inc.~~ In addition,  
2728 the state protocol officer shall serve as liaison with other  
2729 states with respect to international programs of interest to  
2730 Florida. The state protocol officer shall also investigate and  
2731 make suggestions regarding possible areas of joint action or  
2732 regional cooperation with these states.

2733 (6) The department ~~and Enterprise Florida, Inc.~~, shall  
2734 help to contribute an international perspective to the state's  
2735 development efforts.

Amendment No. 1

2736 Section 84. Section 288.826, Florida Statutes, is  
2737 repealed.

2738 Section 85. (1) The Florida International Trade and  
2739 Promotion Trust Fund, FLAIR number 40-2-338, within the  
2740 Department of Economic Opportunity is terminated.

2741 (2) All current balances remaining in, and all revenues  
2742 of, the trust fund shall be transferred to the General Revenue  
2743 Fund.

2744 (3) The Department of Economic Opportunity shall pay any  
2745 outstanding debts and obligations of the terminated trust fund  
2746 as soon as practicable, and the Chief Financial Officer shall  
2747 close out and remove the terminated trust fund from various  
2748 state accounting systems using generally accepted accounting  
2749 principles concerning warrants outstanding, assets, and  
2750 liabilities.

2751 Section 86. Section 288.901, Florida Statutes, is  
2752 repealed.

2753 Section 87. Section 288.9015, Florida Statutes, is  
2754 repealed.

2755 Section 88. Section 288.903, Florida Statutes, is  
2756 repealed.

2757 Section 89. Section 288.904, Florida Statutes, is  
2758 repealed.

2759 Section 90. Section 288.905, Florida Statutes, is  
2760 repealed.

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Published On: 2/20/2017 6:33:28 PM

Page 112 of 190



Amendment No. 1

2761 Section 91. Section 288.906, Florida Statutes, is  
2762 repealed.

2763 Section 92. Section 288.907, Florida Statutes, is  
2764 transferred, renumbered as section 288.0065, Florida Statutes,  
2765 and amended to read:

2766 288.0065 ~~288.907~~ Annual incentives report.—By December 30  
2767 of each year, ~~Enterprise Florida, Inc., in conjunction with the~~  
2768 ~~department,~~ shall provide the Governor, the President of the  
2769 Senate, and the Speaker of the House of Representatives a  
2770 detailed incentives report quantifying the economic benefits for  
2771 all of the economic development incentive programs offered by  
2772 the state ~~marketed by Enterprise Florida, Inc.~~ The annual  
2773 incentives report must include:

2774 (1) For each incentive program:

2775 (a) A brief description of the incentive program.

2776 (b) The amount of awards granted, by year, since inception  
2777 and the annual amount actually transferred from the state  
2778 treasury to businesses or for the benefit of businesses for each  
2779 of the previous 3 years.

2780 ~~(c) The actual amount of private capital invested, actual~~  
2781 ~~number of jobs created, and actual wages paid for incentive~~  
2782 ~~agreements completed during the previous 3 years for each target~~  
2783 ~~industry sector.~~

2784 (2) For projects completed during the previous state  
2785 fiscal year:

Amendment No. 1

2786 (a) The number of economic development incentive  
2787 applications received.

2788 ~~(b) The number of recommendations made to the department~~  
2789 ~~by Enterprise Florida, Inc., including the number recommended~~  
2790 ~~for approval and the number recommended for denial.~~

2791 (b) ~~(e)~~ The number of final decisions issued by the  
2792 department for approval and for denial.

2793 (c) ~~(d)~~ The projects for which a tax refund, tax credit, or  
2794 cash grant agreement was executed, identifying for each project:

- 2795 1. The number of jobs committed to be created.  
2796 2. The amount of capital investments committed to be made.  
2797 3. The annual average wage committed to be paid.  
2798 4. The amount of state economic development incentives  
2799 committed to the project from each incentive program under the  
2800 project's terms of agreement with the Department of Economic  
2801 Opportunity.

2802 5. The amount and type of local matching funds committed  
2803 to the project.

2804 ~~(e) Tax refunds paid or other payments made funded out of~~  
2805 ~~the Economic Development Incentives Account for each project.~~

2806 (d) ~~(f)~~ The types of projects supported.

2807 (3) For economic development projects that received tax  
2808 refunds, tax credits, or cash grants under the terms of an  
2809 agreement for incentives:

2810 (a) The number of jobs actually created.

## Amendment No. 1

2811 (b) The amount of capital investments actually made.

2812 (c) The annual average wage paid.

2813 (4) For a project receiving economic development  
2814 incentives approved by the department and receiving federal or  
2815 local incentives, a description of the federal or local  
2816 incentives, if available.

2817 (5) The number of withdrawn or terminated projects that  
2818 did not fulfill the terms of their agreements with the  
2819 department and, consequently, are not receiving incentives.

2820 ~~(6) For any agreements signed after July 1, 2010, findings~~  
2821 ~~and recommendations on the efforts of the department to~~  
2822 ~~ascertain the causes of any business's inability to complete its~~  
2823 ~~agreement made under s. 288.106.~~

2824 ~~(6)~~(7) The amount of tax refunds, tax credits, or other  
2825 payments made to projects locating or expanding in state  
2826 enterprise zones, rural communities, brownfield areas, or  
2827 distressed urban communities. The report must include a separate  
2828 analysis of the impact of such tax refunds on state enterprise  
2829 zones designated under s. 290.0065, rural communities,  
2830 brownfield areas, and distressed urban communities.

2831 ~~(8) The name of and tax refund amount for each business~~  
2832 ~~that has received a tax refund under s. 288.1045 or s. 288.106~~  
2833 ~~during the preceding fiscal year.~~

2834 ~~(7)~~(9) An identification of the ~~target industry businesses~~  
2835 ~~and high-impact businesses.~~

Amendment No. 1

2836        (8)~~(10)~~ A description of the trends relating to business  
2837 interest in, and usage of, the various incentives, and the  
2838 number of minority-owned or woman-owned businesses receiving  
2839 incentives.

2840        (9)~~(11)~~ An identification of incentive programs not used  
2841 and recommendations for program changes or program elimination.

2842        (10)~~(12)~~ Information related to the validation of  
2843 contractor performance required under s. 288.061.

2844        (11)~~(13)~~ ~~Beginning in 2014,~~ A summation of the activities  
2845 related to the Florida Space Business Incentives Act.

2846        Section 93. Section 288.911, Florida Statutes, is  
2847 repealed.

2848        Section 94. Section 288.912, Florida Statutes, is  
2849 transferred, renumbered as section 288.007, Florida Statutes,  
2850 and amended to read:

2851        288.007 ~~288.912~~ Inventory of communities seeking to  
2852 recruit businesses.—By September 30 of each year, a county or  
2853 municipality that has a population of at least 25,000 or its  
2854 local economic development organization must submit to the  
2855 department ~~Enterprise Florida, Inc.,~~ a brief overview of the  
2856 strengths, services, and economic development incentives that  
2857 its community offers. The local government or its local economic  
2858 development organization also must identify any industries that  
2859 it is encouraging to locate or relocate to its area. A county or  
2860 municipality having a population of 25,000 or fewer or its local

Amendment No. 1

2861 economic development organization seeking to recruit businesses  
2862 may submit information as required in this section and may  
2863 participate in any activity or initiative resulting from the  
2864 collection, analysis, and reporting of the information to the  
2865 department Enterprise Florida, Inc., pursuant to this section.

2866 Section 95. Section 288.92, Florida Statutes, is repealed.

2867 Section 96. Section 288.923, Florida Statutes, is amended  
2868 to read:

2869 288.923 ~~Division of~~ Tourism marketing; definitions;  
2870 responsibilities.-

2871 (1) ~~There is created within Enterprise Florida, Inc., the~~  
2872 ~~Division of Tourism Marketing.~~

2873 (2) As used in this section, the term:

2874 (a) "Tourism marketing" means any effort exercised to  
2875 attract domestic and international visitors from outside the  
2876 state to destinations in this state and to stimulate Florida  
2877 resident tourism to areas within the state.

2878 (b) "Tourist" means any person who participates in trade  
2879 or recreation activities outside the county of his or her  
2880 permanent residence or who rents or leases transient living  
2881 quarters or accommodations as described in s. 125.0104(3)(a).

2882 (c) "County destination marketing organization" means a  
2883 public or private agency that is funded by local option tourist  
2884 development tax revenues under s. 125.0104, or local option  
2885 convention development tax revenues under s. 212.0305, and is

Amendment No. 1

2886 officially designated by a county commission to market and  
2887 promote the area for tourism or convention business or, in any  
2888 county that has not levied such taxes, a public or private  
2889 agency that is officially designated by the county commission to  
2890 market and promote the area for tourism or convention business.

2891 (d) "Direct-support organization" means the Florida  
2892 Tourism Industry Marketing Corporation.

2893 ~~(2)(3)~~ The Department of Economic Opportunity Enterprise  
2894 Florida, Inc., shall contract with the Florida Tourism Industry  
2895 Marketing Corporation, a direct-support organization established  
2896 in s. 288.1226, to execute tourism promotion and marketing  
2897 services, functions, and programs for the state, including, but  
2898 not limited to, the activities prescribed by the 4-year  
2899 marketing plan. ~~The division shall assist to maintain and~~  
2900 ~~implement the contract.~~

2901 ~~(3)(4)~~ The department's division's responsibilities and  
2902 duties include, but are not limited to:

2903 (a) Maintaining and implementing the contract with the  
2904 Florida Tourism Industry Marketing Corporation.

2905 ~~(b) Advising the department and Enterprise Florida, Inc.,~~  
2906 ~~on~~ Ensuring the development of domestic and international  
2907 tourism marketing campaigns featuring Florida by the  
2908 corporation.

2909 (c) Developing a 4-year marketing plan with the  
2910 corporation.

## Amendment No. 1

- 2911 1. At a minimum, the marketing plan shall discuss the  
2912 following:
- 2913 a. Continuation of overall tourism growth in this state.
  - 2914 b. Expansion to new or under-represented tourist markets.
  - 2915 c. Maintenance of traditional and loyal tourist markets.
  - 2916 d. Coordination of efforts with county destination  
2917 marketing organizations, other local government marketing  
2918 groups, privately owned attractions and destinations, and other  
2919 private sector partners to create a seamless, four-season  
2920 advertising campaign for the state and its regions.
  - 2921 e. Development of innovative techniques or promotions to  
2922 build repeat visitation by targeted segments of the tourist  
2923 population.
  - 2924 f. Consideration of innovative sources of state funding  
2925 for tourism marketing.
  - 2926 g. Promotion of nature-based tourism and heritage tourism.
  - 2927 h. Development of a component to address emergency  
2928 response to natural and manmade disasters from a marketing  
2929 standpoint.
- 2930 2. The plan shall be annual in construction and ongoing in  
2931 nature. Any annual revisions of the plan shall carry forward the  
2932 concepts of the remaining 3-year portion of the plan and  
2933 consider a continuum portion to preserve the 4-year timeframe of  
2934 the plan. The plan also shall include recommendations for  
2935 specific performance standards and measurable outcomes for the

Amendment No. 1

2936 ~~division and~~ direct-support organization. The department, ~~in~~  
2937 ~~consultation with the board of directors of Enterprise Florida,~~  
2938 ~~Inc.,~~ shall base the actual performance metrics on these  
2939 recommendations.

2940 3. The 4-year marketing plan shall be developed in  
2941 collaboration with the Florida Tourism Industry Marketing  
2942 Corporation. The plan shall be annually reviewed and approved by  
2943 the department ~~board of directors of Enterprise Florida, Inc.~~

2944 (d) Drafting and submitting an annual report ~~required by~~  
2945 ~~s. 288.92.~~ The annual report shall set forth for the department  
2946 ~~division~~ and the direct-support organization:

2947 1. Operations and accomplishments during the fiscal year,  
2948 including the economic benefit of the state's investment and  
2949 effectiveness of the marketing plan.

2950 2. The 4-year marketing plan, including recommendations on  
2951 methods for implementing and funding the plan.

2952 3. The assets and liabilities of the direct-support  
2953 organization at the end of its most recent fiscal year.

2954 4. A copy of the annual financial and compliance audit  
2955 conducted under s. 288.1226(6).

2956 ~~(5) Notwithstanding s. 288.92, the division shall be~~  
2957 ~~staffed by the Florida Tourism Industry Marketing Corporation.~~  
2958 ~~Such staff shall not be considered to be employees of the~~  
2959 ~~division and shall remain employees of the Florida Tourism~~



Amendment No. 1

2960 ~~Industry Marketing Corporation. Section 288.905 does not apply~~  
2961 ~~to the Florida Tourism Industry Marketing Corporation.~~

2962 (4) (6) This section is repealed October 1, 2019, unless  
2963 reviewed and saved from repeal by the Legislature.

2964 Section 97. Section 288.95155, Florida Statutes, is  
2965 repealed.

2966 Section 98. Section 288.9519, Florida Statutes, is  
2967 repealed.

2968 Section 99. Section 288.9520, Florida Statutes, is amended  
2969 to read:

2970 288.9520 Public records exemption.—Materials that relate  
2971 to methods of manufacture or production, potential trade  
2972 secrets, potentially patentable material, actual trade secrets,  
2973 business transactions, financial and proprietary information,  
2974 and agreements or proposals to receive funding that are  
2975 received, generated, ascertained, or discovered by the  
2976 department Enterprise Florida, Inc., including its affiliates or  
2977 subsidiaries and partnership participants, such as private  
2978 enterprises, educational institutions, and other organizations,  
2979 are confidential and exempt from the provisions of s. 119.07(1)  
2980 and s. 24(a), Art. I of the State Constitution, except that a  
2981 recipient of department Enterprise Florida, Inc., research funds  
2982 shall make available, upon request, the title and description of  
2983 the research project, the name of the researcher, and the amount  
2984 and source of funding provided for the project.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 121 of 190

## Amendment No. 1

2985 Section 100. Subsection (10) of section 288.9603, Florida  
2986 Statutes, is amended to read:

2987 288.9603 Definitions.—

2988 ~~(10) "Partnership" means Enterprise Florida, Inc.~~

2989 Section 101. Subsection (2) of section 288.9604, Florida  
2990 Statutes, is amended to read:

2991 288.9604 Creation of the authority.—

2992 (2) The Governor, subject to confirmation by the Senate,  
2993 shall appoint the board of directors of the corporation, who  
2994 shall be five in number. The terms of office for the directors  
2995 shall be for 4 years from the date of their appointment. A  
2996 vacancy occurring during a term shall be filled for the  
2997 unexpired term. A director shall be eligible for reappointment.  
2998 At least three of the directors of the corporation shall be  
2999 bankers who have been selected by the Governor ~~from a list of~~  
3000 ~~bankers who were nominated by Enterprise Florida, Inc.,~~ and one  
3001 of the directors shall be an economic development specialist.

3002 Section 102. Paragraph (v) of subsection (2) of section  
3003 288.9605, Florida Statutes, is amended to read:

3004 288.9605 Corporation powers.—

3005 (2) The corporation is authorized and empowered to:

3006 ~~(v) Enter into investment agreements with Enterprise~~  
3007 ~~Florida, Inc., concerning the issuance of bonds and other forms~~  
3008 ~~of indebtedness and capital.~~

## Amendment No. 1

3009 Section 103. Section 288.9614, Florida Statutes, is  
3010 repealed.

3011 Section 104. Section 288.9621, Florida Statutes, is  
3012 repealed.

3013 Section 105. Section 288.9622, Florida Statutes, is  
3014 repealed.

3015 Section 106. Section 288.9623, Florida Statutes, is  
3016 repealed.

3017 Section 107. Section 288.9624, Florida Statutes, is  
3018 repealed.

3019 Section 108. Section 288.9625, Florida Statutes, is  
3020 repealed.

3021 Section 109. Section 288.96255, Florida Statutes, is  
3022 repealed.

3023 Section 110. Section 288.9626, Florida Statutes, is  
3024 repealed.

3025 Section 111. Section 288.9627, Florida Statutes, is  
3026 repealed.

3027 Section 112. Paragraph (b) of subsection (1) of section  
3028 288.980, Florida Statutes, is amended to read:

3029 288.980 Military base retention; legislative intent;  
3030 grants program.—

3031 (1)

3032 ~~(b) The Florida Defense Alliance, an organization within~~  
3033 ~~Enterprise Florida, Inc., is designated as the organization to~~

## Amendment No. 1

3034 ~~ensure that Florida, its resident military bases and missions,~~  
3035 ~~and its military host communities are in competitive positions~~  
3036 ~~as the United States continues its defense realignment and~~  
3037 ~~downsizing. The defense alliance shall serve as an overall~~  
3038 ~~advisory body for defense related activity of Enterprise~~  
3039 ~~Florida, Inc. The Florida Defense Alliance may receive funding~~  
3040 ~~from appropriations made for that purpose administered by the~~  
3041 ~~department.~~

3042       Section 113. Section 288.991, Florida Statutes, is  
3043 repealed.

3044       Section 114. Section 288.9912, Florida Statutes, is  
3045 repealed.

3046       Section 115. Section 288.9913, Florida Statutes, is  
3047 repealed.

3048       Section 116. Section 288.9914, Florida Statutes, is  
3049 repealed.

3050       Section 117. Section 288.9915, Florida Statutes, is  
3051 repealed.

3052       Section 118. Section 288.9916, Florida Statutes, is  
3053 repealed.

3054       Section 119. Section 288.9917, Florida Statutes, is  
3055 repealed.

3056       Section 120. Section 288.9918, Florida Statutes, is  
3057 repealed.

## Amendment No. 1

3058 Section 121. Section 288.9919, Florida Statutes, is  
3059 repealed.

3060 Section 122. Section 288.9920, Florida Statutes, is  
3061 repealed.

3062 Section 123. Section 288.9921, Florida Statutes, is  
3063 repealed.

3064 Section 124. Section 288.9922, Florida Statutes, is  
3065 repealed.

3066 Section 125. Subsection (4) of section 288.9932, Florida  
3067 Statutes, is amended to read:

3068 288.9932 Definitions.—As used in this part, the term:

3069 ~~(4) "Network" means the Florida Small Business Development~~  
3070 ~~Center Network.~~

3071 Section 126. Paragraphs (e) and (f) of subsection (4) and  
3072 paragraph (b) of subsection (8) of section 288.9934, Florida  
3073 Statutes, are amended to read:

3074 288.9934 Microfinance Loan Program.—

3075 (4) CONTRACT AND AWARD OF FUNDS.—

3076 ~~(e) Within 30 days of executing its contract with the~~  
3077 ~~department, the loan administrator must enter into a memorandum~~  
3078 ~~of understanding with the network:~~

3079 ~~1. For the provision of business management training,~~  
3080 ~~business development training, and technical assistance to~~  
3081 ~~entrepreneurs and small businesses that receive microloans under~~  
3082 ~~this part; and~~

Amendment No. 1

3083           2. ~~To promote the program to underserved entrepreneurs and~~  
3084 ~~small businesses.~~

3085           ~~(f) By September 1, 2014, the department shall review~~  
3086 ~~industry best practices and determine the minimum business~~  
3087 ~~management training, business development training, and~~  
3088 ~~technical assistance that must be provided by the network to~~  
3089 ~~achieve the goals of this part.~~

3090           (8) AUDITS AND REPORTING.—

3091           (b) The loan administrator shall submit quarterly reports  
3092 to the department as required by s. 288.9936(2) ~~288.9936(3)~~.

3093           Section 127. Section 288.9935, Florida Statutes, is  
3094 repealed.

3095           Section 128. Paragraph (p) of subsection (1) and  
3096 subsection (2) of section 288.9936, Florida Statutes, are  
3097 amended to read:

3098           288.9936 Annual report of the Microfinance Loan Program.—

3099           (1) The department shall include in the report required by  
3100 s. 20.60(10) a complete and detailed annual report on the  
3101 Microfinance Loan Program. The report must include:

3102           ~~(p) A description and evaluation of the technical~~  
3103 ~~assistance and business management and development training~~  
3104 ~~provided by the network pursuant to its memorandum of~~  
3105 ~~understanding with the loan administrator.~~

3106           ~~(2) The department shall submit the report provided to the~~  
3107 ~~department from Enterprise Florida, Inc., pursuant to s.~~

Amendment No. 1

3108 ~~288.9935(8) for inclusion in the department's annual report~~  
3109 ~~required under s. 20.60(10).~~

3110 Section 129. Section 288.9937, Florida Statutes, is  
3111 amended to read:

3112 288.9937 Evaluation of programs.—The Office of Economic  
3113 and Demographic Research shall analyze, evaluate, and determine  
3114 the economic benefits, as defined in s. 288.005, of the first 3  
3115 years of the Microfinance Loan Program ~~and the Microfinance~~  
3116 ~~Guarantee Program~~. The analysis must also evaluate the number of  
3117 jobs created, the increase or decrease in personal income, and  
3118 the impact on state gross domestic product from the direct,  
3119 indirect, and induced effects of the state's investment. The  
3120 analysis must also identify any inefficiencies in the program  
3121 ~~programs~~ and provide recommendations for changes to the program  
3122 ~~programs~~. The office shall submit a report to the President of  
3123 the Senate and the Speaker of the House of Representatives by  
3124 January 1, 2018. This section expires January 31, 2018.

3125 Section 130. Paragraph (h) of subsection (8) and paragraph  
3126 (a) of subsection (9) of section 290.0056, Florida Statutes, are  
3127 amended to read:

3128 290.0056 Enterprise zone development agency.—

3129 (8) The enterprise zone development agency shall have the  
3130 following powers and responsibilities:

## Amendment No. 1

3131 (h) To work with the department and ~~Enterprise Florida,~~  
3132 ~~Inc.~~, to ensure that the enterprise zone coordinator receives  
3133 training on an annual basis.

3134 (9) The following powers and responsibilities shall be  
3135 performed by the governing body creating the enterprise zone  
3136 development agency acting as the managing agent of the  
3137 enterprise zone development agency, or, contingent upon approval  
3138 by such governing body, such powers and responsibilities shall  
3139 be performed by the enterprise zone development agency:

3140 (a) To review, process, and certify applications for state  
3141 enterprise zone tax incentives pursuant to ss. 212.08(5)(f) and  
3142 (g) ~~212.08(5)(g)~~, ~~(h)~~, and (15); 212.096; 220.181; and 220.182.

3143 Section 131. Paragraph (b) of subsection (4) and  
3144 subsection (7) of section 290.0065, Florida Statutes, are  
3145 amended to read:

3146 290.0065 State designation of enterprise zones.—

3147 (4)

3148 (b) ~~In consultation with Enterprise Florida, Inc.~~, The  
3149 department shall, based on the enterprise zone profile and the  
3150 grounds for redesignation expressed in the resolution, determine  
3151 whether the enterprise zone merits redesignation. The department  
3152 may also examine and consider the following:

3153 1. Progress made, if any, in the enterprise zone's  
3154 strategic plan.



## Amendment No. 1

3155           2. Use of enterprise zone incentives during the life of  
3156 the enterprise zone.

3157

3158 If the department determines that the enterprise zone merits  
3159 redesignation, the department shall notify the governing body in  
3160 writing of its approval of redesignation.

3161           (7) Upon approval by the department of a resolution  
3162 authorizing an area to be an enterprise zone pursuant to this  
3163 section, the department shall assign a unique identifying number  
3164 to that resolution. ~~The department shall provide the Department~~  
3165 ~~of Revenue and Enterprise Florida, Inc., with a copy of each~~  
3166 ~~resolution approved, together with its identifying number.~~

3167           Section 132. Section 290.00677, Florida Statutes, is  
3168 amended to read:

3169           290.00677 Rural enterprise zones; special qualifications.-

3170           (1) Notwithstanding the enterprise zone residency  
3171 requirements set out in s. 212.096(1)(c), eligible businesses as  
3172 defined in s. 212.096(1)(a) located in rural enterprise zones as  
3173 defined in s. 290.004 may receive the basic minimum credit  
3174 provided under s. 212.096 for creating a new job and hiring a  
3175 person residing within the jurisdiction of a rural community as  
3176 ~~defined in s. 288.106(2)~~. All other provisions of s. 212.096,  
3177 including, but not limited to, those relating to the award of  
3178 enhanced credits, apply to such businesses.

## Amendment No. 1

3179 (2) Notwithstanding the enterprise zone residency  
3180 requirements set out in s. 220.03(1)(q), businesses as defined  
3181 in s. 220.03(1)(c) located in rural enterprise zones as defined  
3182 in s. 290.004 may receive the basic minimum credit provided  
3183 under s. 220.181 for creating a new job and hiring a person  
3184 residing within the jurisdiction of a rural community ~~as defined~~  
3185 ~~in s. 288.106(2)~~. All other provisions of s. 220.181, including,  
3186 but not limited to, those relating to the award of enhanced  
3187 credits, apply to such businesses.

3188 (3) As used in this section, the term "rural community"  
3189 means:

3190 (a) A county having a population of 75,000 or fewer.

3191 (b) A county having a population of 125,000 or fewer that  
3192 is contiguous to a county having a population of 75,000 or  
3193 fewer.

3194 (c) A municipality within a county described in paragraph  
3195 (a) or paragraph (b).

3196

3197 For purposes of this subsection, population shall be determined  
3198 in accordance with the most recent official estimate pursuant to  
3199 s. 186.901.

3200 Section 133. Subsections (4), (5), and (6) of section  
3201 290.007, Florida Statutes, are amended to read:

## Amendment No. 1

3202 290.007 State incentives available in enterprise zones.—  
3203 The following incentives are provided by the state to encourage  
3204 the revitalization of enterprise zones:

3205 (4) The sales tax exemption for building materials used in  
3206 the rehabilitation of real property in enterprise zones provided  
3207 in s. 212.08(5)(f) ~~212.08(5)(g)~~.

3208 (5) The sales tax exemption for business equipment used in  
3209 an enterprise zone provided in s. 212.08(5)(g) ~~212.08(5)(h)~~.

3210 (6) The sales tax exemption for electrical energy used in  
3211 an enterprise zone provided in s. 212.08(14) ~~212.08(15)~~.

3212 Section 134. Subsections (3) and (4) of section 290.053,  
3213 Florida Statutes, are amended to read:

3214 290.053 Response to economic emergencies in small  
3215 communities.—

3216 (3) A local government entity shall notify the Governor  
3217 ~~and, the Department of Economic Opportunity, and Enterprise~~  
3218 ~~Florida, Inc.,~~ when one or more of the conditions specified in  
3219 subsection (2) have occurred or will occur if action is not  
3220 taken to assist the local governmental entity or the affected  
3221 community.

3222 (4) Upon notification that one or more of the conditions  
3223 described in subsection (2) exist, the Governor or his or her  
3224 designee shall contact the local governmental entity to  
3225 determine what actions have been taken by the local governmental  
3226 entity or the affected community to resolve the economic

Amendment No. 1

3227 emergency. The Governor may waive the eligibility criteria of  
3228 any program or activity administered by the Department of  
3229 Economic Opportunity ~~or Enterprise Florida, Inc.~~, to provide  
3230 economic relief to the affected community by granting  
3231 participation in such programs or activities. The Governor shall  
3232 consult with the President of the Senate and the Speaker of the  
3233 House of Representatives and shall take other action, as  
3234 necessary, to resolve the economic emergency in the most  
3235 expedient manner possible. All actions taken pursuant to this  
3236 section shall be within current appropriations and shall have no  
3237 annualized impact beyond normal growth.

3238 Section 135. Paragraphs (a), (d), and (e) of subsection  
3239 (3) and subsection (4) of section 295.22, Florida Statutes, are  
3240 amended to read:

3241 295.22 Veterans Employment and Training Services Program.—

3242 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
3243 administer the Veterans Employment and Training Services Program  
3244 and perform all of the following functions:

3245 (a) Conduct marketing and recruiting efforts directed at  
3246 veterans who reside in or who have an interest in relocating to  
3247 this state and who are seeking employment. Marketing must  
3248 include information related to how a veteran's military  
3249 experience can be valuable to a business. Such efforts may  
3250 include attending veteran job fairs and events, hosting events  
3251 for veterans or the business community, and using digital and

Amendment No. 1

3252 social media and direct mail campaigns. ~~The corporation shall~~  
 3253 ~~also include such marketing as part of its main marketing~~  
 3254 ~~campaign.~~

3255 (d) Create a grant program to provide funding to assist  
 3256 veterans in meeting the workforce-skill needs of businesses  
 3257 seeking to hire veterans, establish criteria for approval of  
 3258 requests for funding, and maximize the use of funding for this  
 3259 program. Grant funds may be used only in the absence of  
 3260 available veteran-specific federally funded programs. Grants may  
 3261 fund specialized training specific to a particular business.

3262 1. Grant funds may be allocated to any training provider  
 3263 selected by the business, including a career center, a Florida  
 3264 College System institution, a state university, or an in-house  
 3265 training provider of the business. If grant funds are used to  
 3266 provide a technical certificate, a licensure, or a degree, funds  
 3267 may be allocated only upon a review that includes, but is not  
 3268 limited to, documentation of accreditation and licensure.

3269 Instruction funded through the program terminates when  
 3270 participants demonstrate competence at the level specified in  
 3271 the request but may not exceed 48 months. Preference shall be  
 3272 given to ~~target industry businesses, as defined in s. 288.106,~~  
 3273 ~~and to~~ businesses in the defense supply, cloud virtualization,  
 3274 or commercial aviation manufacturing industries.

3275 2. Costs and expenditures for the grant program must be  
 3276 documented and separated from those incurred by the training

Amendment No. 1

- 3277 provider. Costs and expenditures shall be limited to \$8,000 per  
3278 veteran trainee. Eligible costs and expenditures include:
- 3279 a. Tuition and fees.
  - 3280 b. Curriculum development.
  - 3281 c. Books and classroom materials.
  - 3282 d. Rental fees for facilities at public colleges and  
3283 universities, including virtual training labs.
  - 3284 e. Overhead or indirect costs not to exceed 5 percent of  
3285 the grant amount.
- 3286 3. Before funds are allocated for a request pursuant to  
3287 this section, the corporation shall prepare a grant agreement  
3288 between the business requesting funds, the educational  
3289 institution or training provider receiving funding through the  
3290 program, and the corporation. Such agreement must include, but  
3291 need not be limited to:
- 3292 a. Identification of the personnel necessary to conduct  
3293 the instructional program, the qualifications of such personnel,  
3294 and the respective responsibilities of the parties for paying  
3295 costs associated with the employment of such personnel.
  - 3296 b. Identification of the match provided by the business,  
3297 including cash and in-kind contributions, equal to at least 50  
3298 percent of the total grant amount.
  - 3299 c. Identification of the estimated duration of the  
3300 instructional program.
  - 3301 d. Identification of all direct, training-related costs.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 134 of 190

Amendment No. 1

3302 e. Identification of special program requirements that are  
3303 not otherwise addressed in the agreement.

3304 f. Permission to access aggregate information specific to  
3305 the wages and performance of participants upon the completion of  
3306 instruction for evaluation purposes. The agreement must specify  
3307 that any evaluation published subsequent to the instruction may  
3308 not identify the employer or any individual participant.

3309 ~~4. A business may receive a grant under the Quick Response~~  
3310 ~~Training Program created under s. 288.047 and a grant under this~~  
3311 ~~section for the same veteran trainee. If a business receives~~  
3312 ~~funds under both programs, one grant agreement may be entered~~  
3313 ~~into with CareerSource Florida, Inc., as the grant~~  
3314 ~~administrator.~~

3315 (e) Contract with one or more entities to administer an  
3316 entrepreneur initiative program for veterans in this state which  
3317 connects business leaders in the state with veterans seeking to  
3318 become entrepreneurs.

3319 1. The corporation shall award each contract in accordance  
3320 with the competitive bidding requirements in s. 287.057 to one  
3321 or more public or private universities that:

3322 a. Demonstrate the ability to implement the program and  
3323 the commitment of university resources, including financial  
3324 resources, to such programs.

3325 b. Have a military and veteran resource center.

Amendment No. 1

3326 ~~e. Have a regional small business development center in~~  
3327 ~~the Florida Small Business Development Center Network.~~

3328 ~~c.d.~~ As determined by the corporation, have been  
3329 nationally recognized for commitment to the military and  
3330 veterans.

3331 2. Each contract must include performance metrics,  
3332 including a focus on employment and business creation. Each  
3333 university must coordinate with any entrepreneurship center  
3334 located at the university. The university may also work with an  
3335 entity offering related programs to refer veterans or to provide  
3336 services. The entrepreneur initiative program may include  
3337 activities and assistance such as peer-to-peer learning  
3338 sessions, mentoring, technical assistance, business roundtables,  
3339 networking opportunities, support of student organizations,  
3340 speaker series, or other tools within a virtual environment.

3341 ~~(4) DUTIES OF ENTERPRISE FLORIDA, INC. Enterprise Florida,~~  
3342 ~~Inc., shall provide information about the corporation and its~~  
3343 ~~services to prospective, new, expanding, and relocating~~  
3344 ~~businesses seeking to conduct business in this state. Enterprise~~  
3345 ~~Florida, Inc., shall, to the greatest extent possible,~~  
3346 ~~collaborate with the corporation to meet the employment needs,~~  
3347 ~~including meeting the job creation requirements, of any business~~  
3348 ~~receiving assistance or services from Enterprise Florida, Inc.~~

3349 Section 136. Section 295.23, Florida Statutes, is  
3350 repealed.



Amendment No. 1

3351 Section 137. Paragraph (a) of subsection (6), paragraph  
3352 (b) of subsection (9), paragraph (a) of subsection (35),  
3353 subsection (60), and paragraph (b) of subsection (64) of section  
3354 320.08058, Florida Statutes, are amended to read:

3355 320.08058 Specialty license plates.—

3356 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
3357 PLATES.—

3358 (a) Because the United States Olympic Committee has  
3359 selected this state to participate in a combined fundraising  
3360 program that provides for one-half of all money raised through  
3361 volunteer giving to stay in this state ~~and be administered by~~  
3362 ~~Enterprise Florida, Inc.,~~ to support amateur sports, ~~and because~~  
3363 the United States Olympic Committee is a ~~and Enterprise Florida,~~  
3364 ~~Inc.,~~ are nonprofit organization ~~organizations~~ dedicated to  
3365 providing athletes with support and training and preparing  
3366 athletes of all ages and skill levels for sports competition,  
3367 and because ~~Enterprise Florida, Inc., assists in the bidding for~~  
3368 ~~sports competitions that provide significant impact to the~~  
3369 ~~economy of this state,~~ and the Legislature supports the efforts  
3370 of the United States Olympic Committee ~~and Enterprise Florida,~~  
3371 ~~Inc.,~~ the Legislature establishes a Florida United States  
3372 Olympic Committee license plate for the purpose of providing a  
3373 continuous funding source to support this worthwhile effort.  
3374 Florida United States Olympic Committee license plates must  
3375 contain the official United States Olympic Committee logo and

Amendment No. 1

3376 must bear a design and colors that are approved by the  
3377 department. The word "Florida" must be centered at the top of  
3378 the plate.

3379 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3380 (b) The license plate annual use fees are to be annually  
3381 distributed as follows:

3382 1. Fifty-five percent of the proceeds from the Florida  
3383 Professional Sports Team plate must be deposited into the  
3384 Professional Sports Development Trust Fund within the Department  
3385 of Economic Opportunity. These funds must be used  
3386 solely to attract and support major sports events in this state.  
3387 As used in this subparagraph, the term "major sports events"  
3388 means, but is not limited to, championship or all-star contests  
3389 of Major League Baseball, the National Basketball Association,  
3390 the National Football League, the National Hockey League, Major  
3391 League Soccer, the men's and women's National Collegiate  
3392 Athletic Association Final Four basketball championship, or a  
3393 horseracing or dogracing Breeders' Cup. All funds must be used  
3394 to support and promote major sporting events, and the uses must  
3395 be approved by the Department of Economic Opportunity.

3396 2. The remaining proceeds of the Florida Professional  
3397 Sports Team license plate must be allocated to the Florida  
3398 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
3399 deposited into the Professional Sports Development Trust Fund  
3400 within the Department of Economic Opportunity. These funds must

Amendment No. 1

3401 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
3402 ~~Inc.~~, to promote the economic development of the sports  
3403 industry; to distribute licensing and royalty fees to  
3404 participating professional sports teams; to promote education  
3405 programs in Florida schools that provide an awareness of the  
3406 benefits of physical activity and nutrition standards; to  
3407 partner with the Department of Education and the Department of  
3408 Health to develop a program that recognizes schools whose  
3409 students demonstrate excellent physical fitness or fitness  
3410 improvement; to institute a grant program for communities  
3411 bidding on minor sporting events that create an economic impact  
3412 for the state; to distribute funds to Florida-based charities  
3413 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
3414 ~~Inc.~~, and the participating professional sports teams; and to  
3415 fulfill the sports promotion responsibilities of the Department  
3416 of Economic Opportunity.

3417 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
3418 shall provide an annual financial audit in accordance with s.  
3419 215.981 of its financial accounts and records by an independent  
3420 certified public accountant pursuant to the contract established  
3421 by the Department of Economic Opportunity. The auditor shall  
3422 submit the audit report to the Department of Economic  
3423 Opportunity for review and approval. If the audit report is  
3424 approved, the Department of Economic Opportunity shall certify  
3425 the audit report to the Auditor General for review.

## Amendment No. 1

3426 4. Notwithstanding the provisions of subparagraphs 1. and  
3427 2., proceeds from the Professional Sports Development Trust Fund  
3428 may also be used for operational expenses of the Florida Sports  
3429 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
3430 the Sunshine State Games.

3431 (35) FLORIDA GOLF LICENSE PLATES.—

3432 (a) The Department of Highway Safety and Motor Vehicles  
3433 shall develop a Florida Golf license plate as provided in this  
3434 section. The word "Florida" must appear at the bottom of the  
3435 plate. The Dade Amateur Golf Association, following consultation  
3436 with the Florida Sports Foundation and the PGA TOUR, ~~Enterprise~~  
3437 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
3438 revised sample plate for consideration by the department.

3439 (60) FLORIDA NASCAR LICENSE PLATES.—

3440 (a) The department shall develop a Florida NASCAR license  
3441 plate as provided in this section. Florida NASCAR license plates  
3442 must bear the colors and design approved by the department. The  
3443 word "Florida" must appear at the top of the plate, and the term  
3444 "NASCAR" must appear at the bottom of the plate. The National  
3445 Association for Stock Car Auto Racing, following consultation  
3446 with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
3447 submit a sample plate for consideration by the department.

3448 (b) The license plate annual use fees shall be distributed  
3449 to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The

## Amendment No. 1

3450 license plate annual use fees shall be annually allocated as  
3451 follows:

3452 1. Up to 5 percent of the proceeds from the annual use  
3453 fees may be used by the Department of Economic Opportunity  
3454 ~~Enterprise Florida, Inc.~~, for the administration of the NASCAR  
3455 license plate program.

3456 2. The National Association for Stock Car Auto Racing  
3457 shall receive up to \$60,000 in proceeds from the annual use fees  
3458 to be used to pay startup costs, including costs incurred in  
3459 developing and issuing the plates. Thereafter, 10 percent of the  
3460 proceeds from the annual use fees shall be provided to the  
3461 association for the royalty rights for the use of its marks.

3462 3. The remaining proceeds from the annual use fees shall  
3463 be distributed to the Florida Sports Foundation ~~Enterprise~~  
3464 ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~  
3465 ~~Inc.~~, will retain 15 percent to support its regional grant  
3466 program, attracting sporting events to Florida; 20 percent to  
3467 support the marketing of motorsports-related tourism in the  
3468 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
3469 501(c)(3) charitable organization, to support Florida-based  
3470 charitable organizations.

3471 (c) The Florida Sports Foundation ~~Enterprise Florida,~~  
3472 ~~Inc.~~, shall provide an annual financial audit in accordance with  
3473 s. 215.981 of its financial accounts and records by an  
3474 independent certified public accountant pursuant to the contract

Amendment No. 1

3475 established by the Department of Economic Opportunity. The  
3476 auditor shall submit the audit report to the Department of  
3477 Economic Opportunity for review and approval. If the audit  
3478 report is approved, the Department of Economic Opportunity shall  
3479 certify the audit report to the Auditor General for review.

3480 (64) FLORIDA TENNIS LICENSE PLATES.—

3481 (b) The department shall distribute the annual use fees to  
3482 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
3483 license plate annual use fees shall be annually allocated as  
3484 follows:

3485 1. Up to 5 percent of the proceeds from the annual use  
3486 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
3487 ~~Florida, Inc.~~, to administer the license plate program.

3488 2. The United States Tennis Association Florida Section  
3489 Foundation shall receive the first \$60,000 in proceeds from the  
3490 annual use fees to reimburse it for startup costs,  
3491 administrative costs, and other costs it incurs in the  
3492 development and approval process.

3493 3. Up to 5 percent of the proceeds from the annual use  
3494 fees may be used for promoting and marketing the license plates.  
3495 The remaining proceeds shall be available for grants by the  
3496 United States Tennis Association Florida Section Foundation to  
3497 nonprofit organizations to operate youth tennis programs and  
3498 adaptive tennis programs for special populations of all ages,

## Amendment No. 1

3499 and for building, renovating, and maintaining public tennis  
3500 courts.

3501 Section 138. Subsections (2), (3), and (6) of section  
3502 331.3051, Florida Statutes, are amended to read:

3503 331.3051 Duties of Space Florida.—Space Florida shall:

3504 (2) Enter into agreement with the Department of Education,  
3505 the Department of Transportation, ~~Enterprise Florida, Inc.,~~ and  
3506 CareerSource Florida, Inc., for the purpose of implementing this  
3507 act.

3508 (3) ~~In cooperation with Enterprise Florida, Inc.,~~ Develop  
3509 a plan to retain, expand, attract, and create aerospace industry  
3510 entities, public or private, which results in the creation of  
3511 high-value-added businesses and jobs in this state.

3512 (6) ~~Develop, in cooperation with Enterprise Florida, Inc.,~~  
3513 a plan to provide financing assistance to aerospace businesses.  
3514 The plan may include the following activities:

3515 (a) Assembling, publishing, and disseminating information  
3516 concerning financing opportunities and techniques for aerospace  
3517 projects, programs, and activities; sources of public and  
3518 private aerospace financing assistance; and sources of  
3519 aerospace-related financing.

3520 (b) Organizing, hosting, and participating in seminars and  
3521 other forums designed to disseminate information and technical  
3522 assistance regarding aerospace-related financing.

Amendment No. 1

3523 (c) Coordinating with programs and goals of the Department  
3524 of Defense, the National Aeronautics and Space Administration,  
3525 the Export-Import Bank of the United States, the International  
3526 Trade Administration of the United States Department of  
3527 Commerce, the Foreign Credit Insurance Association, and other  
3528 private and public programs and organizations, domestic and  
3529 foreign.

3530 (d) Establishing a network of contacts among those  
3531 domestic and foreign public and private organizations that  
3532 provide information, technical assistance, and financial support  
3533 to the aerospace industry.

3534 (e) Financing aerospace business development projects or  
3535 initiatives using funds provided by the Legislature.

3536 Section 139. Section 331.3081, Florida Statutes, is  
3537 amended to read:

3538 331.3081 Board of directors.—Space Florida shall be  
3539 governed by a 13-member independent board of directors. The  
3540 Governor, or his or her designee, shall serve as an ex officio  
3541 voting member and chair of the board. The other 12 members shall  
3542 be appointed from the private sector, 6 of whom shall be  
3543 appointed by the Governor, 3 of whom shall be appointed by the  
3544 President of the Senate, and 3 of whom shall be appointed by the  
3545 Speaker of the House of Representatives ~~that consists of the~~  
3546 ~~members appointed to the board of directors of Enterprise~~  
3547 ~~Florida, Inc., by the Governor, the President of the Senate, and~~



## Amendment No. 1

3548 ~~the Speaker of the House of Representatives pursuant to s.~~  
3549 ~~288.901(5)(a)7. and the Governor, who shall serve ex officio, or~~  
3550 ~~who may appoint a designee to serve, as the chair and a voting~~  
3551 ~~member of the board.~~

3552 Section 140. Paragraph (f) of subsection (1) of section  
3553 339.08, Florida Statutes, is amended to read:

3554 339.08 Use of moneys in State Transportation Trust Fund.—

3555 (1) The department shall expend moneys in the State  
3556 Transportation Trust Fund accruing to the department, in  
3557 accordance with its annual budget. The use of such moneys shall  
3558 be restricted to the following purposes:

3559 ~~(f) To pay the cost of economic development transportation~~  
3560 ~~projects in accordance with s. 339.2821.~~

3561 Section 141. Section 339.2821, Florida Statutes, is  
3562 repealed.

3563 Section 142. Subsection (2) of section 364.0135, Florida  
3564 Statutes, is amended to read:

3565 364.0135 Promotion of broadband adoption.—

3566 (2) The Department of Management Services is authorized to  
3567 work collaboratively with, and to receive staffing support and  
3568 other resources from, ~~Enterprise Florida, Inc.~~, state agencies,  
3569 local governments, private businesses, and community  
3570 organizations to:

3571 (a) Monitor the adoption of broadband Internet service in  
3572 collaboration with communications service providers, including,

## Amendment No. 1

3573 but not limited to, wireless and wireline Internet service  
3574 providers, to develop geographical information system maps at  
3575 the census tract level that will:

3576 1. Identify geographic gaps in broadband services,  
3577 including areas unserved by any broadband provider and areas  
3578 served by a single broadband provider;

3579 2. Identify the download and upload transmission speeds  
3580 made available to businesses and individuals in the state, at  
3581 the census tract level of detail, using data rate benchmarks for  
3582 broadband service used by the Federal Communications Commission  
3583 to reflect different speed tiers; and

3584 3. Provide a baseline assessment of statewide broadband  
3585 deployment in terms of percentage of households with broadband  
3586 availability.

3587 (b) Create a strategic plan that has goals and strategies  
3588 for increasing the use of broadband Internet service in the  
3589 state.

3590 (c) Build and facilitate local technology planning teams  
3591 or partnerships with members representing cross-sections of the  
3592 community, which may include, but are not limited to,  
3593 representatives from the following organizations and industries:  
3594 libraries, K-12 education, colleges and universities, local  
3595 health care providers, private businesses, community  
3596 organizations, economic development organizations, local  
3597 governments, tourism, parks and recreation, and agriculture.

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## Amendment No. 1

3598 (d) Encourage the use of broadband Internet service,  
3599 especially in the rural, unserved, and underserved communities  
3600 of the state through grant programs having effective strategies  
3601 to facilitate the statewide deployment of broadband Internet  
3602 service. For any grants to be awarded, priority must be given to  
3603 projects that:

3604 1. Provide access to broadband education, awareness,  
3605 training, access, equipment, and support to libraries, schools,  
3606 colleges and universities, health care providers, and community  
3607 support organizations.

3608 2. Encourage the sustainable adoption of broadband in  
3609 primarily unserved areas by removing barriers to entry.

3610 3. Work toward encouraging investments in establishing  
3611 affordable and sustainable broadband Internet service in  
3612 unserved areas of the state.

3613 4. Facilitate the development of applications, programs,  
3614 and services, including, but not limited to, telework,  
3615 telemedicine, and e-learning to increase the usage of, and  
3616 demand for, broadband Internet service in the state.

3617 Section 143. Paragraph (d) of subsection (1) of section  
3618 376.82, Florida Statutes, is amended to read:

3619 376.82 Eligibility criteria and liability protection.—

3620 (1) ELIGIBILITY.—Any person who has not caused or  
3621 contributed to the contamination of a brownfield site on or  
3622 after July 1, 1997, is eligible to participate in the brownfield

Amendment No. 1

3623 program established in ss. 376.77-376.85, subject to the  
3624 following:

3625 (d) After July 1, 1997, petroleum and drycleaning  
3626 contamination sites shall not receive both restoration funding  
3627 assistance available for the discharge under this chapter ~~and~~  
3628 ~~any state assistance available under s. 288.107.~~ Nothing in this  
3629 act shall affect the cleanup criteria, priority ranking, and  
3630 other rights and obligations inherent in petroleum contamination  
3631 and drycleaning contamination site rehabilitation under ss.  
3632 376.30-376.317, or the availability of economic incentives  
3633 otherwise provided for by law.

3634 Section 144. Paragraph (h) of subsection (2) of section  
3635 377.703, Florida Statutes, is amended to read:

3636 377.703 Additional functions of the Department of  
3637 Agriculture and Consumer Services.—

3638 (2) DUTIES.—The department shall perform the following  
3639 functions, unless as otherwise provided, consistent with the  
3640 development of a state energy policy:

3641 (h) The department shall promote the development and use  
3642 of renewable energy resources, in conformance with chapter 187  
3643 and s. 377.601, by:

3644 1. Establishing goals and strategies for increasing the  
3645 use of renewable energy in this state.

3646 2. Aiding and promoting the commercialization of renewable  
3647 energy resources, in cooperation with the Florida Energy Systems

## Amendment No. 1

3648 Consortium, the Florida Solar Energy Center, ~~Enterprise Florida,~~  
3649 ~~Inc.~~, and any other federal, state, or local governmental agency  
3650 that may seek to promote research, development, and the  
3651 demonstration of renewable energy equipment and technology.

3652 3. Identifying barriers to greater use of renewable energy  
3653 resources in this state, and developing specific recommendations  
3654 for overcoming identified barriers, with findings and  
3655 recommendations to be submitted annually in the report to the  
3656 Governor and Legislature required under paragraph (f).

3657 4. In cooperation with the Department of Environmental  
3658 Protection, the Department of Transportation, the Department of  
3659 Economic Opportunity, ~~Enterprise Florida, Inc.~~, the Florida  
3660 Energy Systems Consortium, the Florida Solar Energy Center, and  
3661 the Florida Solar Energy Industries Association, investigating  
3662 opportunities, pursuant to the national Energy Policy Act of  
3663 1992, the Housing and Community Development Act of 1992, and any  
3664 subsequent federal legislation, for renewable energy resources,  
3665 electric vehicles, and other renewable energy manufacturing,  
3666 distribution, installation, and financing efforts that enhance  
3667 this state's position as the leader in renewable energy  
3668 research, development, and use.

3669 5. Undertaking other initiatives to advance the  
3670 development and use of renewable energy resources in this state.

3671

Amendment No. 1

3672 In the exercise of its responsibilities under this paragraph,  
3673 the department shall seek the assistance of the renewable energy  
3674 industry in this state and other interested parties and may  
3675 enter into contracts, retain professional consulting services,  
3676 and expend funds appropriated by the Legislature for such  
3677 purposes.

3678 Section 145. Subsection (5) of section 377.804, Florida  
3679 Statutes, is amended to read:

3680 377.804 Renewable Energy and Energy-Efficient Technologies  
3681 Grants Program.—

3682 (5) The department shall solicit the expertise of state  
3683 agencies, ~~Enterprise Florida, Inc.~~, and state universities, and  
3684 may solicit the expertise of other public and private entities  
3685 it deems appropriate, in evaluating project proposals. State  
3686 agencies shall cooperate with the department and provide such  
3687 assistance as requested.

3688 Section 146. Paragraph (a) of subsection (4) of section  
3689 377.809, Florida Statutes, is amended to read:

3690 377.809 Energy Economic Zone Pilot Program.—

3691 (4)(a) Beginning July 1, 2012, all the incentives and  
3692 benefits provided for enterprise zones pursuant to state law  
3693 shall be available to the energy economic zones designated  
3694 pursuant to this section on or before July 1, 2010. In order to  
3695 provide incentives, by March 1, 2012, each local governing body  
3696 that has jurisdiction over an energy economic zone must, by

## Amendment No. 1

3697 local ordinance, establish the boundary of the energy economic  
3698 zone, specify applicable energy-efficiency standards, and  
3699 determine eligibility criteria for the application of state and  
3700 local incentives and benefits in the energy economic zone.  
3701 ~~However, in order to receive benefits provided under s. 288.106,~~  
3702 ~~a business must be a qualified target industry business under s.~~  
3703 ~~288.106 for state purposes.~~ An energy economic zone's boundary  
3704 may be revised by local ordinance. Such incentives and benefits  
3705 include those in ss. ~~212.08,~~ 212.096, 220.181, 220.182, 220.183,  
3706 ~~288.106,~~ and 624.5105 and the public utility discounts provided  
3707 in s. 290.007(8). ~~The exemption provided in s. 212.08(5)(e)~~  
3708 ~~shall be for renewable energy as defined in s. 377.803.~~ For  
3709 purposes of this section, any applicable requirements for  
3710 employee residency for higher refund or credit thresholds must  
3711 be based on employee residency in the energy economic zone or an  
3712 enterprise zone. A business in an energy economic zone may also  
3713 be eligible for funding under s. ss. 288.047 and 445.003, ~~and a~~  
3714 ~~transportation project in an energy economic zone shall be~~  
3715 ~~provided priority in funding under s. 339.2821.~~ Other projects  
3716 shall be given priority ranking to the extent practicable for  
3717 grants administered under state energy programs.

3718 Section 147. Subsection (24) of section 380.06, Florida  
3719 Statutes, is amended to read:

3720 380.06 Developments of regional impact.—

3721 (24) STATUTORY EXEMPTIONS.—

## Amendment No. 1

3722 (a) Any proposed hospital is exempt from this section.

3723 (b) Any proposed electrical transmission line or  
3724 electrical power plant is exempt from this section.

3725 (c) Any proposed addition to an existing sports facility  
3726 complex is exempt from this section if the addition meets the  
3727 following characteristics:

3728 1. It would not operate concurrently with the scheduled  
3729 hours of operation of the existing facility.

3730 2. Its seating capacity would be no more than 75 percent  
3731 of the capacity of the existing facility.

3732 3. The sports facility complex property is owned by a  
3733 public body before July 1, 1983.

3734

3735 This exemption does not apply to any pari-mutuel facility.

3736 (d) Any proposed addition or cumulative additions  
3737 subsequent to July 1, 1988, to an existing sports facility  
3738 complex owned by a state university is exempt if the increased  
3739 seating capacity of the complex is no more than 30 percent of  
3740 the capacity of the existing facility.

3741 (e) Any addition of permanent seats or parking spaces for  
3742 an existing sports facility located on property owned by a  
3743 public body before July 1, 1973, is exempt from this section if  
3744 future additions do not expand existing permanent seating or  
3745 parking capacity more than 15 percent annually in excess of the  
3746 prior year's capacity.



## Amendment No. 1

3747 (f) Any increase in the seating capacity of an existing  
3748 sports facility having a permanent seating capacity of at least  
3749 50,000 spectators is exempt from this section, provided that  
3750 such an increase does not increase permanent seating capacity by  
3751 more than 5 percent per year and not to exceed a total of 10  
3752 percent in any 5-year period, and provided that the sports  
3753 facility notifies the appropriate local government within which  
3754 the facility is located of the increase at least 6 months before  
3755 the initial use of the increased seating, in order to permit the  
3756 appropriate local government to develop a traffic management  
3757 plan for the traffic generated by the increase. Any traffic  
3758 management plan shall be consistent with the local comprehensive  
3759 plan, the regional policy plan, and the state comprehensive  
3760 plan.

3761 (g) Any expansion in the permanent seating capacity or  
3762 additional improved parking facilities of an existing sports  
3763 facility is exempt from this section, if the following  
3764 conditions exist:

3765 1.a. The sports facility had a permanent seating capacity  
3766 on January 1, 1991, of at least 41,000 spectator seats;

3767 b. The sum of such expansions in permanent seating  
3768 capacity does not exceed a total of 10 percent in any 5-year  
3769 period and does not exceed a cumulative total of 20 percent for  
3770 any such expansions; or

Amendment No. 1

3771 c. The increase in additional improved parking facilities  
3772 is a one-time addition and does not exceed 3,500 parking spaces  
3773 serving the sports facility; and

3774 2. The local government having jurisdiction of the sports  
3775 facility includes in the development order or development permit  
3776 approving such expansion under this paragraph a finding of fact  
3777 that the proposed expansion is consistent with the  
3778 transportation, water, sewer and stormwater drainage provisions  
3779 of the approved local comprehensive plan and local land  
3780 development regulations relating to those provisions.

3781

3782 Any owner or developer who intends to rely on this statutory  
3783 exemption shall provide to the department a copy of the local  
3784 government application for a development permit. Within 45 days  
3785 after receipt of the application, the department shall render to  
3786 the local government an advisory and nonbinding opinion, in  
3787 writing, stating whether, in the department's opinion, the  
3788 prescribed conditions exist for an exemption under this  
3789 paragraph. The local government shall render the development  
3790 order approving each such expansion to the department. The  
3791 owner, developer, or department may appeal the local government  
3792 development order pursuant to s. 380.07, within 45 days after  
3793 the order is rendered. The scope of review shall be limited to  
3794 the determination of whether the conditions prescribed in this  
3795 paragraph exist. If any sports facility expansion undergoes

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Published On: 2/20/2017 6:33:28 PM

Page 154 of 190

## Amendment No. 1

3796 development-of-regional-impact review, all previous expansions  
3797 which were exempt under this paragraph shall be included in the  
3798 development-of-regional-impact review.

3799 (h) Expansion to port harbors, spoil disposal sites,  
3800 navigation channels, turning basins, harbor berths, and other  
3801 related inwater harbor facilities of ports listed in s.  
3802 403.021(9)(b), port transportation facilities and projects  
3803 listed in s. 311.07(3)(b), and intermodal transportation  
3804 facilities identified pursuant to s. 311.09(3) are exempt from  
3805 this section when such expansions, projects, or facilities are  
3806 consistent with comprehensive master plans that are in  
3807 compliance with s. 163.3178.

3808 (i) Any proposed facility for the storage of any petroleum  
3809 product or any expansion of an existing facility is exempt from  
3810 this section.

3811 (j) Any renovation or redevelopment within the same land  
3812 parcel which does not change land use or increase density or  
3813 intensity of use.

3814 (k) Waterport and marina development, including dry  
3815 storage facilities, are exempt from this section.

3816 (l) Any proposed development within an urban service  
3817 boundary established under s. 163.3177(14), Florida Statutes  
3818 (2010), which is not otherwise exempt pursuant to subsection  
3819 (29), is exempt from this section if the local government having  
3820 jurisdiction over the area where the development is proposed has

## Amendment No. 1

3821 adopted the urban service boundary and has entered into a  
3822 binding agreement with jurisdictions that would be impacted and  
3823 with the Department of Transportation regarding the mitigation  
3824 of impacts on state and regional transportation facilities.

3825 (m) Any proposed development within a rural land  
3826 stewardship area created under s. 163.3248.

3827 (n) The establishment, relocation, or expansion of any  
3828 military installation as defined in s. 163.3175, is exempt from  
3829 this section.

3830 (o) Any self-storage warehousing that does not allow  
3831 retail or other services is exempt from this section.

3832 (p) Any proposed nursing home or assisted living facility  
3833 is exempt from this section.

3834 (q) Any development identified in an airport master plan  
3835 and adopted into the comprehensive plan pursuant to s.  
3836 163.3177(6)(b)4. is exempt from this section.

3837 (r) Any development identified in a campus master plan and  
3838 adopted pursuant to s. 1013.30 is exempt from this section.

3839 (s) Any development in a detailed specific area plan which  
3840 is prepared and adopted pursuant to s. 163.3245 is exempt from  
3841 this section.

3842 (t) Any proposed solid mineral mine and any proposed  
3843 addition to, expansion of, or change to an existing solid  
3844 mineral mine is exempt from this section. A mine owner will  
3845 enter into a binding agreement with the Department of

Amendment No. 1

3846 Transportation to mitigate impacts to strategic intermodal  
3847 system facilities pursuant to the transportation thresholds in  
3848 subsection (19) or rule 9J-2.045(6), Florida Administrative  
3849 Code. Proposed changes to any previously approved solid mineral  
3850 mine development-of-regional-impact development orders having  
3851 vested rights are is not subject to further review or approval  
3852 as a development-of-regional-impact or notice-of-proposed-change  
3853 review or approval pursuant to subsection (19), except for those  
3854 applications pending as of July 1, 2011, which shall be governed  
3855 by s. 380.115(2). Notwithstanding the foregoing, however,  
3856 pursuant to s. 380.115(1), previously approved solid mineral  
3857 mine development-of-regional-impact development orders shall  
3858 continue to enjoy vested rights and continue to be effective  
3859 unless rescinded by the developer. All local government  
3860 regulations of proposed solid mineral mines shall be applicable  
3861 to any new solid mineral mine or to any proposed addition to,  
3862 expansion of, or change to an existing solid mineral mine.

3863 (u) Notwithstanding any provisions in an agreement with or  
3864 among a local government, regional agency, or the state land  
3865 planning agency or in a local government's comprehensive plan to  
3866 the contrary, a project no longer subject to development-of-  
3867 regional-impact review under revised thresholds is not required  
3868 to undergo such review.

3869 (v) Any development within a county with a research and  
3870 education authority created by special act and that is also

## Amendment No. 1

3871 within a research and development park that is operated or  
3872 managed by a research and development authority pursuant to part  
3873 V of chapter 159 is exempt from this section.

3874 (w) Any development in an energy economic zone designated  
3875 pursuant to s. 377.809 is exempt from this section upon approval  
3876 by its local governing body.

3877 ~~(x) Any proposed development that is located in a local~~  
3878 ~~government jurisdiction that does not qualify for an exemption~~  
3879 ~~based on the population and density criteria in paragraph~~  
3880 ~~(29) (a), that is approved as a comprehensive plan amendment~~  
3881 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~  
3882 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~  
3883 ~~section. This exemption shall only be effective upon a written~~  
3884 ~~agreement executed by the applicant, the local government, and~~  
3885 ~~the state land planning agency. The state land planning agency~~  
3886 ~~shall only be a party to the agreement upon a determination that~~  
3887 ~~the development is the subject of an agreement pursuant to s.~~  
3888 ~~288.106(5) and that the local government has the capacity to~~  
3889 ~~adequately assess the impacts of the proposed development. The~~  
3890 ~~local government shall only be a party to the agreement upon~~  
3891 ~~approval by the governing body of the local government and upon~~  
3892 ~~providing at least 21 days' notice to adjacent local governments~~  
3893 ~~that includes, at a minimum, information regarding the location,~~  
3894 ~~density and intensity of use, and timing of the proposed~~  
3895 ~~development. This exemption does not apply to areas within the~~

Amendment No. 1

3896 ~~boundary of any area of critical state concern designated~~  
3897 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~  
3898 ~~Area as described in s. 369.316, or within 2 miles of the~~  
3899 ~~boundary of the Everglades Protection Area as defined in s.~~  
3900 ~~373.4592(2).~~

3901

3902 If a use is exempt from review as a development of regional  
3903 impact under paragraphs (a)-(u), but will be part of a larger  
3904 project that is subject to review as a development of regional  
3905 impact, the impact of the exempt use must be included in the  
3906 review of the larger project, ~~unless such exempt use involves a~~  
3907 ~~development of regional impact that includes a landowner,~~  
3908 ~~tenant, or user that has entered into a funding agreement with~~  
3909 ~~the Department of Economic Opportunity under the Innovation~~  
3910 ~~Incentive Program and the agreement contemplates a state award~~  
3911 ~~of at least \$50 million.~~

3912 Section 148. Subsections (1) and (5) of section 380.0657,  
3913 Florida Statutes, are amended to read:

3914 380.0657 Expedited permitting process for economic  
3915 development projects.—

3916 (1) The Department of Environmental Protection and, as  
3917 appropriate, the water management districts created under  
3918 chapter 373 shall adopt programs to expedite the processing of  
3919 wetland resource and environmental resource permits for ~~economic~~  
3920 ~~development projects that have been identified by a municipality~~

Amendment No. 1

3921 ~~or county as meeting the definition of target industry~~  
3922 ~~businesses under s. 288.106, or any intermodal logistics center~~  
3923 ~~receiving or sending cargo to or from Florida ports, with the~~  
3924 ~~exception of those projects requiring approval by the Board of~~  
3925 ~~Trustees of the Internal Improvement Trust Fund.~~

3926 (5) Notwithstanding the provisions of this section, permit  
3927 applications for projects to be located in a charter county that  
3928 has a population of 1.2 million or more and has entered into a  
3929 delegation agreement with the Department of Environmental  
3930 Protection or the applicable water management district to  
3931 process environmental resource permits, wetland resource  
3932 management permits, or surface water management permits pursuant  
3933 to chapter 373 are eligible for expedited permitting under this  
3934 section only upon designation by resolution of the charter  
3935 county's governing board. ~~Before the governing board decides~~  
3936 ~~that a project is eligible for expedited permitting, it may~~  
3937 ~~require the county's economic development agency, or such other~~  
3938 ~~agency that provides advice to the governing board on economic~~  
3939 ~~matters, to review and recommend whether the project meets the~~  
3940 ~~definition of a target industry business as defined in s.~~  
3941 ~~288.106 and to identify the tangible benefits and impacts of the~~  
3942 ~~project.~~ The governing board's decision shall be made without  
3943 consideration of the project's geographic location within the  
3944 charter county. ~~If the governing board designates the project as~~  
3945 ~~a target industry business, the permit application for the~~

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 160 of 190



Amendment No. 1

3946 ~~project shall be approved or denied within the timeframe~~  
3947 ~~provided in subsection (4).~~

3948 Section 149. Paragraph (b) of subsection (3) of section  
3949 403.42, Florida Statutes, is amended to read:

3950 403.42 Florida Clean Fuel Act.—

3951 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
3952 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

3953 (b)1. The advisory board shall consist of the Executive  
3954 Director of the Department of Economic Opportunity, the  
3955 Secretary of Environmental Protection, or a designee from that  
3956 department, the Commissioner of Education, or a designee from  
3957 that department, the Secretary of Transportation, or a designee  
3958 from that department, the Commissioner of Agriculture, or a  
3959 designee from that department, the Secretary of Management  
3960 Services, or a designee from that department, and a  
3961 representative of each of the following, who shall be appointed  
3962 by the Secretary of Environmental Protection:

- 3963 a. The Florida biodiesel industry.  
3964 b. The Florida electric utility industry.  
3965 c. The Florida natural gas industry.  
3966 d. The Florida propane gas industry.  
3967 e. An automobile manufacturers' association.  
3968 f. A Florida Clean Cities Coalition designated by the  
3969 United States Department of Energy.  
3970 ~~g. Enterprise Florida, Inc.~~

## Amendment No. 1

- 3971        ~~g.h.~~ EV Ready Broward.
- 3972        ~~h.i.~~ The Florida petroleum industry.
- 3973        ~~i.j.~~ The Florida League of Cities.
- 3974        ~~j.k.~~ The Florida Association of Counties.
- 3975        ~~k.l.~~ Floridians for Better Transportation.
- 3976        ~~l.m.~~ A motor vehicle manufacturer.
- 3977        ~~m.n.~~ Florida Local Environment Resource Agencies.
- 3978        ~~n.o.~~ Project for an Energy Efficient Florida.
- 3979        ~~o.p.~~ Florida Transportation Builders Association.
- 3980        2. The purpose of the advisory board is to serve as a
- 3981 resource for the department and to provide the Governor, the
- 3982 Legislature, and the Secretary of Environmental Protection with
- 3983 private sector and other public agency perspectives on achieving
- 3984 the goal of increasing the use of alternative fuel vehicles in
- 3985 this state.
- 3986        3. Members shall be appointed to serve terms of 1 year
- 3987 each, with reappointment at the discretion of the Secretary of
- 3988 Environmental Protection. Vacancies shall be filled for the
- 3989 remainder of the unexpired term in the same manner as the
- 3990 original appointment.
- 3991        4. The board shall annually select a chairperson.
- 3992        5.a. The board shall meet at least once each quarter or
- 3993 more often at the call of the chairperson or the Secretary of
- 3994 Environmental Protection.

Amendment No. 1

3995           b. Meetings are exempt from the notice requirements of  
3996 chapter 120, and sufficient notice shall be given to afford  
3997 interested persons reasonable notice under the circumstances.

3998           6. Members of the board are entitled to travel expenses  
3999 while engaged in the performance of board duties.

4000           7. The board shall terminate 5 years after the effective  
4001 date of this act.

4002           Section 150. Subsection (5) of section 403.7032, Florida  
4003 Statutes, is amended to read:

4004           403.7032 Recycling.—

4005           (5) The Department of Environmental Protection shall  
4006 create the Recycling Business Assistance Center by December 1,  
4007 2010. In carrying out its duties under this subsection, the  
4008 department shall consult with state agency personnel appointed  
4009 to serve as economic development liaisons under s. 288.021 and  
4010 ~~seek technical assistance from Enterprise Florida, Inc., to~~  
4011 ensure the Recycling Business Assistance Center is positioned to  
4012 succeed. The purpose of the center shall be to serve as the  
4013 mechanism for coordination among state agencies and the private  
4014 sector in order to coordinate policy and overall strategic  
4015 planning for developing new markets and expanding and enhancing  
4016 existing markets for recyclable materials in this state, other  
4017 states, and foreign countries. The duties of the center must  
4018 include, at a minimum:

## Amendment No. 1

- 4019 (a) Identifying and developing new markets and expanding  
4020 and enhancing existing markets for recyclable materials.
- 4021 (b) Pursuing expanded end uses for recycled materials.
- 4022 (c) Targeting materials for concentrated market  
4023 development efforts.
- 4024 (d) Developing proposals for new incentives for market  
4025 development, particularly focusing on targeted materials.
- 4026 (e) Providing guidance on issues such as permitting,  
4027 finance options for recycling market development, site location,  
4028 research and development, grant program criteria for recycled  
4029 materials markets, recycling markets education and information,  
4030 and minimum content.
- 4031 (f) Coordinating the efforts of various governmental  
4032 entities having market development responsibilities in order to  
4033 optimize supply and demand for recyclable materials.
- 4034 (g) Evaluating source-reduced products as they relate to  
4035 state procurement policy. The evaluation shall include, but is  
4036 not limited to, the environmental and economic impact of source-  
4037 reduced product purchases to the state. For the purposes of this  
4038 paragraph, the term "source-reduced" means any method, process,  
4039 product, or technology that significantly or substantially  
4040 reduces the volume or weight of a product while providing, at a  
4041 minimum, equivalent or generally similar performance and service  
4042 to and for the users of such materials.

## Amendment No. 1

4043 (h) Providing evaluation of solid waste management grants,  
4044 pursuant to s. 403.7095, to reduce the flow of solid waste to  
4045 disposal facilities and encourage the sustainable recovery of  
4046 materials from Florida's waste stream.

4047 (i) Providing below-market financing for companies that  
4048 manufacture products from recycled materials or convert  
4049 recyclable materials into raw materials for use in manufacturing  
4050 pursuant to the Florida Recycling Loan Program as administered  
4051 by the Florida First Capital Finance Corporation.

4052 (j) Maintaining a continuously updated online directory  
4053 listing the public and private entities that collect, transport,  
4054 broker, process, or remanufacture recyclable materials in the  
4055 state.

4056 (k) Providing information on the availability and benefits  
4057 of using recycled materials to private entities and industries  
4058 in the state.

4059 (l) Distributing any materials prepared in implementing  
4060 this subsection to the public, private entities, industries,  
4061 governmental entities, or other organizations upon request.

4062 (m) Coordinating with the Department of Economic  
4063 Opportunity and its partners to provide job placement and job  
4064 training services to job seekers through the state's workforce  
4065 services programs.

4066 Section 151. Subsections (16) through (19) of section  
4067 403.973, Florida Statutes, are renumbered as subsections (15)

## Amendment No. 1

4068 through (18), respectively, and present subsections (15) and  
4069 (17) of that section are amended to read:

4070 403.973 Expedited permitting; amendments to comprehensive  
4071 plans.-

4072 ~~(15) The Department of Economic Opportunity, working with~~  
4073 ~~the agencies providing cooperative assistance and input~~  
4074 ~~regarding the memoranda of agreement, shall review sites~~  
4075 ~~proposed for the location of facilities that the Department of~~  
4076 ~~Economic Opportunity has certified to be eligible for the~~  
4077 ~~Innovation Incentive Program under s. 288.1089. Within 20 days~~  
4078 ~~after the request for the review by the Department of Economic~~  
4079 ~~Opportunity, the agencies shall provide to the Department of~~  
4080 ~~Economic Opportunity a statement as to each site's necessary~~  
4081 ~~permits under local, state, and federal law and an~~  
4082 ~~identification of significant permitting issues, which if~~  
4083 ~~unresolved, may result in the denial of an agency permit or~~  
4084 ~~approval or any significant delay caused by the permitting~~  
4085 ~~process.~~

4086 (16)~~(17)~~ The Department of Economic Opportunity shall be  
4087 responsible for certifying a business as eligible for undergoing  
4088 expedited review under this section. ~~Enterprise Florida, Inc., A~~  
4089 ~~county or municipal government,~~ or the Rural Economic  
4090 Development Initiative may recommend to the Department of  
4091 Economic Opportunity that a project meeting the minimum job  
4092 creation threshold undergo expedited review.

## Amendment No. 1

4093 Section 152. Paragraph (c) of subsection (1) of section  
4094 443.091, Florida Statutes, is amended to read:

4095 443.091 Benefit eligibility conditions.—

4096 (1) An unemployed individual is eligible to receive  
4097 benefits for any week only if the Department of Economic  
4098 Opportunity finds that:

4099 (c) To make continued claims for benefits, she or he is  
4100 reporting to the department in accordance with this paragraph  
4101 and department rules. Department rules may not conflict with s.  
4102 443.111(1)(b), which requires that each claimant continue to  
4103 report regardless of any pending appeal relating to her or his  
4104 eligibility or disqualification for benefits.

4105 1. For each week of unemployment claimed, each report  
4106 must, at a minimum, include the name, address, and telephone  
4107 number of each prospective employer contacted, or the date the  
4108 claimant reported to a one-stop career center, pursuant to  
4109 paragraph (d).

4110 2. The department shall offer an online assessment aimed  
4111 at identifying an individual's skills, abilities, and career  
4112 aptitude. The skills assessment must be voluntary, and the  
4113 department shall allow a claimant to choose whether to take the  
4114 skills assessment. The online assessment shall be made available  
4115 to any person seeking services from a local workforce  
4116 development board or a one-stop career center.

## Amendment No. 1

4117 a. If the claimant chooses to take the online assessment,  
4118 the outcome of the assessment shall be made available to the  
4119 claimant, local workforce development board, and one-stop career  
4120 center. The department, local workforce development board, or  
4121 one-stop career center shall use the assessment to develop a  
4122 plan for referring individuals to training and employment  
4123 opportunities. Aggregate data on assessment outcomes may be made  
4124 available to CareerSource Florida, Inc., and ~~Enterprise Florida,~~  
4125 ~~Inc.~~, for use in the development of policies related to  
4126 education and training programs that will ensure that businesses  
4127 in this state have access to a skilled and competent workforce.

4128 b. Individuals shall be informed of and offered services  
4129 through the one-stop delivery system, including career  
4130 counseling, the provision of skill match and job market  
4131 information, and skills upgrade and other training  
4132 opportunities, and shall be encouraged to participate in such  
4133 services at no cost to the individuals. The department shall  
4134 coordinate with CareerSource Florida, Inc., the local workforce  
4135 development boards, and the one-stop career centers to identify,  
4136 develop, and use best practices for improving the skills of  
4137 individuals who choose to participate in skills upgrade and  
4138 other training opportunities. The department may contract with  
4139 an entity to create the online assessment in accordance with the  
4140 competitive bidding requirements in s. 287.057. The online



Amendment No. 1

4141 assessment must work seamlessly with the Reemployment Assistance  
4142 Claims and Benefits Information System.

4143 Section 153. Paragraphs (b) through (g) of subsection (6)  
4144 of section 445.004, Florida Statutes, are redesignated as  
4145 paragraphs (a) through (f), respectively, and paragraph (d) of  
4146 subsection (3), paragraphs (b) and (d) of subsection (5), and  
4147 paragraph (a) of subsection (6) of that section are amended to  
4148 read:

4149 445.004 CareerSource Florida, Inc.; creation; purpose;  
4150 membership; duties and powers.—

4151 (3)

4152 (d) The board must include ~~the vice chairperson of the~~  
4153 ~~board of directors of Enterprise Florida, Inc.,~~ and one member  
4154 representing each of the Workforce Innovation and Opportunity  
4155 Act partners, including the Division of Career and Adult  
4156 Education, and other entities representing programs identified  
4157 in the Workforce Innovation and Opportunity Act, as determined  
4158 necessary.

4159 (5) CareerSource Florida, Inc., shall have all the powers  
4160 and authority not explicitly prohibited by statute which are  
4161 necessary or convenient to carry out and effectuate its purposes  
4162 as determined by statute, Pub. L. No. 113-128, and the Governor,  
4163 as well as its functions, duties, and responsibilities,  
4164 including, but not limited to, the following:

## Amendment No. 1

4165 (b) Providing oversight and policy direction to ensure  
4166 that the following programs are administered by the department  
4167 in compliance with approved plans and under contract with  
4168 CareerSource Florida, Inc.:

4169 1. Programs authorized under Title I of the Workforce  
4170 Innovation and Opportunity Act, Pub. L. No. 113-128, with the  
4171 exception of programs funded directly by the United States  
4172 Department of Labor under Title I, s. 167.

4173 2. Programs authorized under the Wagner-Peyser Act of  
4174 1933, as amended, 29 U.S.C. ss. 49 et seq.

4175 3. Activities authorized under Title II of the Trade Act  
4176 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
4177 Adjustment Assistance Program.

4178 4. Activities authorized under 38 U.S.C. chapter 41,  
4179 including job counseling, training, and placement for veterans.

4180 5. Employment and training activities carried out under  
4181 funds awarded to this state by the United States Department of  
4182 Housing and Urban Development.

4183 6. Welfare transition services funded by the Temporary  
4184 Assistance for Needy Families Program, created under the  
4185 Personal Responsibility and Work Opportunity Reconciliation Act  
4186 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
4187 of the Social Security Act, as amended.

4188 7. Displaced homemaker programs, provided under s. 446.50.

## Amendment No. 1

4189 8. The Florida Bonding Program, provided under Pub. L. No.  
4190 97-300, s. 164(a)(1).

4191 9. The Food Assistance Employment and Training Program,  
4192 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
4193 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
4194 and the Hunger Prevention Act, Pub. L. No. 100-435.

4195 ~~10. The Quick Response Training Program, provided under~~  
4196 ~~ss. 288.046-288.047. Matching funds and in kind contributions~~  
4197 ~~that are provided by clients of the Quick Response Training~~  
4198 ~~Program shall count toward the requirements of s. 288.904,~~  
4199 ~~pertaining to the return on investment from activities of~~  
4200 ~~Enterprise Florida, Inc.~~

4201 ~~10.11.~~ The Work Opportunity Tax Credit, provided under the  
4202 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
4203 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

4204 ~~11.12.~~ Offender placement services, provided under ss.  
4205 944.707-944.708.

4206 (d) Contracting with public and private entities as  
4207 necessary to further the directives of this section. All  
4208 contracts executed by CareerSource Florida, Inc., must include  
4209 specific performance expectations and deliverables. All  
4210 CareerSource Florida, Inc., contracts, including those  
4211 solicited, managed, or paid by the department pursuant to s.  
4212 20.60(5)(b) ~~20.60(5)(e)~~ are exempt from s. 112.061, but shall be  
4213 governed by subsection (1).

Amendment No. 1

4214 (6) CareerSource Florida, Inc., may take action that it  
4215 deems necessary to achieve the purposes of this section,  
4216 including, but not limited to:

4217 (a) Creating a state employment, education, and training  
4218 policy that ensures that programs to prepare workers are  
4219 responsive to present and future business and industry needs and  
4220 ~~complement the initiatives of Enterprise Florida, Inc.~~

4221 Section 154. Subsection (5) of section 445.045, Florida  
4222 Statutes, is amended to read:

4223 445.045 Development of an Internet-based system for  
4224 information technology industry promotion and workforce  
4225 recruitment.—

4226 (5) In furtherance of the requirements of this section  
4227 that the website promote and market the information technology  
4228 industry by communicating information on the scope of the  
4229 industry in this state, CareerSource Florida, Inc., shall  
4230 ~~coordinate its efforts with the high technology industry~~  
4231 ~~marketing efforts of Enterprise Florida, Inc., under s. 288.911.~~  
4232 ~~Through links or actual content, the website developed under~~  
4233 ~~this section shall serve as a forum for distributing the~~  
4234 ~~marketing campaign developed by Enterprise Florida, Inc., under~~  
4235 ~~s. 288.911. In addition, CareerSource Florida, Inc., shall~~  
4236 solicit input from the not-for-profit corporation created to  
4237 advocate on behalf of the information technology industry as an

## Amendment No. 1

4238 outgrowth of the Information Service Technology Development Task  
4239 Force created under chapter 99-354, Laws of Florida.

4240 Section 155. Subsections (2) and (5) of section 446.44,  
4241 Florida Statutes, are amended to read:

4242 446.44 Duties of Rural Workforce Services Program.—It  
4243 shall be the direct responsibility of the Rural Workforce  
4244 Services Program to promote and deliver employment and workforce  
4245 services and resources to the rural undeveloped and  
4246 underdeveloped counties of the state in an effort to:

4247 ~~(2) Assist Enterprise Florida, Inc., in attracting light,~~  
4248 ~~pollution free industry to the rural counties.~~

4249 (4) ~~(5)~~ Develop rural workforce programs that will be  
4250 evaluated, planned, and implemented through communications and  
4251 planning with appropriate:

4252 (a) Departments of state and federal governments.

4253 ~~(b) Units of Enterprise Florida, Inc.~~

4254 (b) ~~(e)~~ Agencies and organizations of the public and  
4255 private sectors at the state, regional, and local levels.

4256 Section 156. Subsection (5) of section 477.0135, Florida  
4257 Statutes, is amended to read:

4258 477.0135 Exemptions.—

4259 (5) A license is not required of any individual providing  
4260 makeup, special effects, or cosmetology services to an actor,  
4261 stunt person, musician, extra, or other talent during a  
4262 production recognized by the Office of Film and Entertainment as

## Amendment No. 1

4263 a qualified production ~~as defined in s. 288.1254(1)~~. Such  
4264 services are not required to be performed in a licensed salon.  
4265 Individuals exempt under this subsection may not provide such  
4266 services to the general public.

4267 Section 157. Subsection (1) of section 570.81, Florida  
4268 Statutes, is amended to read:

4269 570.81 Agricultural Economic Development Project Review  
4270 Committee; powers and duties.—

4271 (1) There is created an Agricultural Economic Development  
4272 Project Review Committee consisting of five members appointed by  
4273 the commissioner. The members shall be appointed based upon the  
4274 recommendations submitted by each entity represented on the  
4275 committee and shall include:

4276 (a) The commissioner or the commissioner's designee.

4277 (b) One representative from the Farm Credit Service.

4278 (c) One representative from the Department of Economic  
4279 Opportunity Enterprise Florida, Inc.

4280 (d) One representative from the Florida Farm Bureau  
4281 Federation.

4282 (e) One agricultural economist from the Institute of Food  
4283 and Agricultural Sciences or from Florida Agricultural and  
4284 Mechanical University.

4285 Section 158. Subsection (2) of section 570.85, Florida  
4286 Statutes, is amended to read:

4287 570.85 Agritourism.—

Amendment No. 1

4288 (2) The Department of Agriculture and Consumer Services  
4289 may provide marketing advice, technical expertise, promotional  
4290 support, and product development related to agritourism to  
4291 assist the following in their agritourism initiatives:  
4292 ~~Enterprise Florida, Inc.,~~ convention and visitor bureaus,  
4293 tourist development councils,  
4294 organizations, and local governments. In carrying out this  
4295 responsibility, the department shall focus its agritourism  
4296 efforts on rural and urban communities.

4297 Section 159. Paragraph (c) of subsection (1) of section  
4298 624.5105, Florida Statutes, is amended to read:

4299 624.5105 Community contribution tax credit; authorization;  
4300 limitations; eligibility and application requirements;  
4301 administration; definitions; expiration.-

4302 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.-

4303 (c) The total amount of tax credit which may be granted  
4304 for all programs approved under this section and ss.  
4305 212.08(5)(o) ~~212.08(5)(p)~~ and 220.183 is \$18.4 million in the  
4306 2015-2016 fiscal year, \$21.4 million in the 2016-2017 fiscal  
4307 year, and \$21.4 million in the 2017-2018 fiscal year for  
4308 projects that provide housing opportunities for persons with  
4309 special needs as defined in s. 420.0004 or homeownership  
4310 opportunities for low-income or very-low-income households as  
4311 defined in s. 420.9071 and \$3.5 million annually for all other  
4312 projects.

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 175 of 190

## Amendment No. 1

4313 Section 160. Section 625.3255, Florida Statutes, is  
4314 repealed.

4315 Section 161. Subsection (4) of section 657.042, Florida  
4316 Statutes, is amended to read:

4317 657.042 Investment powers and limitations.—A credit union  
4318 may invest its funds subject to the following definitions,  
4319 restrictions, and limitations:

4320 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
4321 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
4322 the credit union may be invested in ~~any of the following:~~

4323 ~~(a) Corporate obligations of any one corporation which is~~  
4324 ~~an affiliate or subsidiary of the credit union or a service~~  
4325 ~~corporation, except that the total investment in all such~~  
4326 ~~corporate obligations shall not exceed 10 percent of the capital~~  
4327 ~~of the credit union.~~

4328 ~~(b) Any capital participation instrument or evidence of~~  
4329 ~~indebtedness issued by Enterprise Florida, Inc., pursuant to the~~  
4330 ~~Florida Small and Minority Business Assistance Act.~~

4331 Section 162. Paragraph (f) of subsection (4) of section  
4332 658.67, Florida Statutes, is amended to read:

4333 658.67 Investment powers and limitations.—A bank may  
4334 invest its funds, and a trust company may invest its corporate  
4335 funds, subject to the following definitions, restrictions, and  
4336 limitations:



## Amendment No. 1

4337 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
4338 LESS OF CAPITAL ACCOUNTS.—

4339 ~~(f) Up to 10 percent of the capital accounts of a bank or~~  
4340 ~~trust company may be invested in any capital participation~~  
4341 ~~instrument or evidence of indebtedness issued by Enterprise~~  
4342 ~~Florida, Inc., pursuant to the Florida Small and Minority~~  
4343 ~~Business Assistance Act.~~

4344 Section 163. Paragraph (h) of subsection (2) of section  
4345 1004.015, Florida Statutes, is amended to read:

4346 1004.015 Higher Education Coordinating Council.—

4347 (2) Members of the council shall include:

4348 (h) The secretary of the Department of Economic  
4349 Opportunity, or his or her designee ~~president of Enterprise~~  
4350 ~~Florida, Inc., or a designated member of the Stakeholders~~  
4351 ~~Council appointed by the president.~~

4352 Section 164. Paragraph (d) of subsection (5) of section  
4353 1004.65, Florida Statutes, is amended to read:

4354 1004.65 Florida College System institutions; governance,  
4355 mission, and responsibilities.—

4356 (5) The primary mission and responsibility of Florida  
4357 College System institutions is responding to community needs for  
4358 postsecondary academic education and career degree education.

4359 This mission and responsibility includes being responsible for:

4360 (d) Promoting economic development for the state within  
4361 each Florida College System institution district through the

## Amendment No. 1

4362 provision of special programs, including, but not limited to,  
4363 the:

4364 ~~1. Enterprise Florida related programs.~~

4365 ~~1.2.~~ Technology transfer centers.

4366 ~~2.3.~~ Economic development centers.

4367 ~~3.4.~~ Workforce literacy programs.

4368 Section 165. Paragraph (b) of subsection (10) of section  
4369 1004.78, Florida Statutes, is amended to read:

4370 1004.78 Technology transfer centers at Florida College  
4371 System institutions.-

4372 (10) The State Board of Education may award grants to  
4373 Florida College System institutions, or consortia of public and  
4374 private colleges and universities and other public and private  
4375 entities, for the purpose of supporting the objectives of this  
4376 section. Grants awarded pursuant to this subsection shall be in  
4377 accordance with rules of the State Board of Education. Such  
4378 rules shall include the following provisions:

4379 (b) Grants to centers funded with state revenues  
4380 appropriated specifically for technology transfer activities  
4381 shall be reviewed and approved by the State Board of Education  
4382 using proposal solicitation, evaluation, and selection  
4383 procedures established by the state board in consultation with  
4384 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~  
4385 Such procedures may include designation of specific areas or

## Amendment No. 1

4386 applications of technology as priorities for the receipt of  
4387 funding.

4388 Section 166. Subsection (4) of section 1011.76, Florida  
4389 Statutes, is amended to read:

4390 1011.76 Small School District Stabilization Program.—

4391 (4) The Department of Education may award the school  
4392 district a stabilization grant intended to protect the district  
4393 from continued financial reductions. The amount of the grant  
4394 will be determined by the Department of Education and may be  
4395 equivalent to the amount of the decline in revenues projected  
4396 for the next fiscal year. In addition, the Department of  
4397 Economic Opportunity may implement a rural economic development  
4398 initiative to identify the economic factors that are negatively  
4399 impacting the community ~~and may consult with Enterprise Florida,~~  
4400 ~~Inc., in developing a plan to assist the county with its~~  
4401 ~~economic transition.~~ The grant will be available to the school  
4402 district for a period of up to 5 years to the extent that  
4403 funding is provided for such purpose in the General  
4404 Appropriations Act.

4405 Section 167. Paragraph (c) of subsection (6) of section  
4406 1011.80, Florida Statutes, is amended to read:

4407 1011.80 Funds for operation of workforce education  
4408 programs.—

4409 (6)

## Amendment No. 1

4410 (c) A program is established to assist school districts  
4411 and Florida College System institutions in responding to the  
4412 needs of new and expanding businesses and thereby strengthening  
4413 the state's workforce and economy. The program may be funded in  
4414 the General Appropriations Act. The district or Florida College  
4415 System institution shall use the program to provide customized  
4416 training for businesses ~~which satisfies the requirements of s.~~  
4417 ~~288.047.~~ Business firms whose employees receive the customized  
4418 training must provide 50 percent of the cost of the training.  
4419 Balances remaining in the program at the end of the fiscal year  
4420 shall not revert to the general fund, but shall be carried over  
4421 for 1 additional year and used for the purpose of serving  
4422 incumbent worker training needs of area businesses with fewer  
4423 than 100 employees. Priority shall be given to businesses that  
4424 must increase or upgrade their use of technology to remain  
4425 competitive.

4426 Section 168. Subsection (1) of section 1011.94, Florida  
4427 Statutes, is amended to read:

4428 1011.94 University Major Gifts Program.—

4429 (1) There is established a University Major Gifts Program.  
4430 The purpose of the program is to enable each university to  
4431 provide donors with an incentive in the form of matching grants  
4432 for donations for the establishment of permanent endowments and  
4433 sales tax exemption matching funds received pursuant to s.  
4434 212.08(5)(i) ~~212.08(5)(j)~~, which must be invested, with the

Amendment No. 1

4435 proceeds of the investment used to support libraries and  
4436 instruction and research programs, as defined by the Board of  
4437 Governors.

4438 Section 169. This act shall take effect July 1, 2017.

4439

4440 -----

4441 T I T L E A M E N D M E N T

4442 Remove everything before the enacting clause and insert:

4443

4444 A bill to be entitled

4445 An act relating to economic programs; amending ss.  
4446 11.45, 14.32, 15.18, and 15.182, F.S.; conforming  
4447 provisions to changes made by the act; amending s.  
4448 20.60, F.S.; providing that the executive director of  
4449 the Department of Economic Opportunity shall have  
4450 certain duties relating to contracts with the Florida  
4451 Tourism Industry Marketing Corporation; conforming  
4452 provisions to changes made by the act; repealing s.  
4453 20.601, F.S., relating to review of the Department of  
4454 Economic Opportunity; transferring all duties,  
4455 records, pending issues, rules, and unexpended  
4456 balances of appropriations, allocations, and other  
4457 public funds relating to programs in Enterprise  
4458 Florida, Inc., to the Department of Economic  
4459 Opportunity by a type two transfer; authorizing the

## Amendment No. 1

4460 Florida Sports Foundation to enter into an agreement  
4461 with the Department of Economic Opportunity for  
4462 certain purposes and use certain funds; authorizing  
4463 the Florida Tourism Industry Marketing Corporation to  
4464 enter into an agreement with the Department of  
4465 Economic Opportunity for certain purposes and to use  
4466 certain funds; providing legislative intent; providing  
4467 transitional provisions for terminated programs  
4468 established pursuant to certain statutes; amending ss.  
4469 125.0104, 159.803, 166.231, 189.033, 196.012, 196.101,  
4470 196.121, and 196.1995, F.S.; conforming provisions to  
4471 changes made by the act; conforming cross-references;  
4472 amending s. 201.15, F.S.; providing that certain funds  
4473 shall be transferred to the General Revenue Fund;  
4474 conforming provisions to changes made by the act;  
4475 amending ss. 212.031 and 212.06, F.S.; conforming  
4476 provisions to changes made by the act; repealing s.  
4477 212.0602, F.S., relating to an exemption from sales  
4478 and use taxes for certain education-related purchases  
4479 or leases; amending ss. 212.0606 and 212.08, F.S.;  
4480 conforming provisions to changes made by the act;  
4481 repealing s. 212.097, F.S., relating to the Urban  
4482 High-Crime Area Job Tax Credit Program; amending ss.  
4483 212.098, 212.20, 218.61, 218.64, 220.02, 220.13, and  
4484 220.1895, F.S.; conforming provisions to changes made

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 182 of 190

## Amendment No. 1

4485 by the act; repealing ss. 220.1899 and 220.191, F.S.,  
4486 relating to an entertainment industry tax credit and a  
4487 capital investment tax credit, respectively; amending  
4488 s. 220.194, F.S.; conforming a cross-reference;  
4489 amending ss. 220.196, 272.11, 287.0947, and 288.0001,  
4490 F.S.; conforming provisions to changes made by the  
4491 act; repealing ss. 288.001, 288.012, and 288.017,  
4492 F.S., relating to the Florida Small Business  
4493 Development Center Network, the State of Florida  
4494 international offices, and a cooperative advertising  
4495 matching grants program, respectively; amending s.  
4496 288.018, F.S.; conforming provisions to changes made  
4497 by the act; repealing ss. 288.046 and 288.047, F.S.,  
4498 relating to quick-response training for economic  
4499 development; amending s. 288.061, F.S.; conforming  
4500 provisions to changes made by the act; amending s.  
4501 288.0655, F.S.; conforming a cross-reference;  
4502 conforming provisions to changes made by the act;  
4503 amending ss. 288.0656, 288.0658, 288.075, 288.076, and  
4504 288.095, F.S.; conforming provisions to changes made  
4505 by the act; repealing ss. 288.1045, 288.106, 288.107,  
4506 288.108, 288.1081, 288.1082, 288.1088, and 288.1089,  
4507 F.S., relating to the qualified defense contractor and  
4508 space flight business tax refund program, a tax refund  
4509 program for qualified target industry businesses,

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 183 of 190

## Amendment No. 1

4510 brownfield redevelopment bonus refunds, high-impact  
4511 business, the Economic Gardening Business Loan Pilot  
4512 Program, the Economic Gardening Technical Assistance  
4513 Pilot Program, the Quick Action Closing Fund, and the  
4514 Innovation Incentive Program, respectively; amending  
4515 s. 288.111, F.S.; conforming a provision to changes  
4516 made by the act; repealing ss. 288.1162, 288.11621,  
4517 288.11625, and 288.11631, F.S., relating to  
4518 professional sports franchises, spring training  
4519 baseball franchises, sports development, and retention  
4520 of Major League Baseball spring training baseball  
4521 franchises, respectively; repealing ss. 288.1169,  
4522 288.1201, and 288.122, F.S., relating to the  
4523 International Game Fish Association World Center  
4524 facility, the State Economic Enhancement and  
4525 Development Trust Fund, and the Tourism Promotional  
4526 Trust Fund, respectively; terminating such trust  
4527 funds; transferring the balances and revenues of such  
4528 trust funds to the General Revenue Fund; requiring the  
4529 department to pay outstanding debts and obligations of  
4530 such trust funds; requiring the Chief Financial  
4531 Officer to close out and remove such trust funds from  
4532 state accounting systems; amending s. 288.1226, F.S.;  
4533 providing that the Florida Tourism Industry Marketing  
4534 Corporation is a direct-support organization of the

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 184 of 190



## Amendment No. 1

4535 Department of Economic Opportunity; revising purposes  
4536 for which the corporation is an agency; requiring the  
4537 corporation to comply with certain per diem and travel  
4538 expense provisions; providing that the corporation is  
4539 an agency for certain purposes; authorizing  
4540 reimbursement for per diem and travel expenses for  
4541 board members of the corporation; requiring such  
4542 expenses to be paid out of corporation funds;  
4543 providing that certain contracts are subject to  
4544 specified notice and review procedures; limiting  
4545 compensation paid and benefits provided by the  
4546 corporation; requiring the approval of the Governor  
4547 for certain out-of-state or international travel;  
4548 requiring Senate confirmation of the president and  
4549 chief executive officer of the corporation;  
4550 prohibiting the corporation from creating or  
4551 establishing any other entity, corporation, or direct-  
4552 support organization; requiring a report to the  
4553 department; removing a public records exemption;  
4554 prohibiting the expenditure of corporation funds for  
4555 certain purposes; prohibiting the acceptance or  
4556 receipt of certain items or services from certain  
4557 entities; specifying a procedure for the release of  
4558 appropriated funds; providing that the corporation is  
4559 subject to the Transparency Florida Act; requiring the

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 185 of 190

## Amendment No. 1

4560 inclusion of specified information in certain  
4561 contracts and on the corporation's website; requiring  
4562 specified website functionality; requiring annual  
4563 reports containing specified financial data to be  
4564 provided by marketing partners to the corporation;  
4565 conforming provisions to changes made by the act;  
4566 providing an appropriation; amending s. 288.12265,  
4567 F.S.; transferring responsibility for administering  
4568 and operating welcome centers from Enterprise Florida,  
4569 Inc., to the Department of Economic Opportunity;  
4570 repealing ss. 288.125, 288.1251, 288.1252, 288.1253,  
4571 and 288.1258, F.S., relating to a definition of the  
4572 term "entertainment industry," the promotion and  
4573 development of the entertainment industry by the  
4574 Office of Film and Entertainment, the Florida Film and  
4575 Entertainment Advisory Council, and certain travel and  
4576 entertainment expenses, and entertainment industry  
4577 qualified production companies, respectively; amending  
4578 ss. 288.7015 and 288.706, F.S.; conforming provisions  
4579 to changes made by the act; amending ss. 288.773,  
4580 288.776, 288.7771, 288.8017, and 288.816, F.S.;  
4581 conforming provisions to changes made by the act;  
4582 repealing s. 288.826, F.S., relating to the Florida  
4583 International Trade and Promotion Trust Fund;  
4584 terminating such trust fund; transferring the balances

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 186 of 190

## Amendment No. 1

4585 and revenues of such trust fund to the General Revenue  
4586 Fund; requiring the department to pay outstanding  
4587 debts and obligations of such trust fund; requiring  
4588 the Chief Financial Officer to close out and remove  
4589 such trust fund from state accounting systems;  
4590 repealing ss. 288.901, 288.9015, 288.903, 288.904,  
4591 288.905, and 288.906, F.S., relating to Enterprise  
4592 Florida, Inc., powers of board of directors of  
4593 Enterprise Florida, Inc., duties of Enterprise  
4594 Florida, Inc., funding for Enterprise Florida, Inc.,  
4595 the president and employees of Enterprise Florida,  
4596 Inc., and the annual report and audits of Enterprise  
4597 Florida, Inc., and its divisions, respectively;  
4598 transferring, renumbering, and amending s. 288.907,  
4599 F.S.; conforming provisions to changes made by the  
4600 act; repealing s. 288.911, F.S., relating to the  
4601 creation and implementation of a marketing and image  
4602 campaign; transferring, renumbering, and amending s.  
4603 288.912, F.S.; conforming provisions to changes made  
4604 by the act; repealing s. 288.92, F.S., relating to the  
4605 divisions of Enterprise Florida, Inc.; amending s.  
4606 288.923, F.S.; conforming provisions to changes made  
4607 by the act; repealing ss. 288.95155 and 288.9519,  
4608 F.S., relating to the Florida Small Business  
4609 Technology Growth Program and a not-for-profit

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

Page 187 of 190

## Amendment No. 1

4610 corporation intended to promote the competitiveness  
4611 and profitability of high-technology business and  
4612 industry, respectively; amending ss. 288.9520,  
4613 288.9603, 288.9604, and 288.9605, F.S.; conforming  
4614 provisions to changes made by the act; repealing ss.  
4615 288.9614, 288.9621, 288.9622, 288.9623, 288.9624,  
4616 288.9625, 288.96255, 288.9626, and 288.9627, F.S.,  
4617 relating to the Florida Capital Formation Act and  
4618 findings and intent and definitions relating thereto,  
4619 the Florida Opportunity Fund, the Institute for the  
4620 Commercialization of Public Research, the Florida  
4621 Technology Seed Capital Fund, and exemptions from  
4622 public records and public meetings requirements for  
4623 such fund and institute, respectively; amending s.  
4624 288.980, F.S.; conforming a provision to changes made  
4625 by the act; repealing ss. 288.991, 288.9912, 288.9913,  
4626 288.9914, 288.9915, 288.9916, 288.9917, 288.9918,  
4627 288.9919, 288.9920, 288.9921, and 288.9922, F.S.,  
4628 relating to the New Markets Development Program;  
4629 amending ss. 288.9932 and 288.9934, F.S.; conforming  
4630 provisions to changes made by the act; repealing s.  
4631 288.9935, F.S., relating to the Microfinance Guarantee  
4632 Program; amending ss. 288.9936, 288.9937, 290.0056,  
4633 290.0065, 290.00677, 290.007, 290.053, and 295.22,  
4634 F.S.; conforming provisions to changes made by the

431689 - h7005-strike1.docx

Published On: 2/20/2017 6:33:28 PM

## Amendment No. 1

4635 act; conforming cross-references; repealing s. 295.23,  
4636 F.S., relating to the veterans research and marketing  
4637 campaign; amending ss. 320.08058, 331.3051, 331.3081,  
4638 and 339.08, F.S.; conforming provisions to changes  
4639 made by the act; repealing s. 339.2821, F.S., relating  
4640 to economic development transportation projects;  
4641 amending ss. 364.0135, 376.82, 377.703, 377.804,  
4642 377.809, 380.06, 380.0657, 403.42, 403.7032, 403.973,  
4643 443.091, 445.004, 445.045, 446.44, 477.0135, 570.81,  
4644 570.85, and 624.5105, F.S.; conforming provisions to  
4645 changes made by the act; conforming a cross-reference;  
4646 repealing s. 625.3255, F.S., relating to a capital  
4647 participation instrument; amending ss. 657.042,  
4648 658.67, 1004.015, 1004.65, 1004.78, 1011.76, 1011.80,  
4649 and 1011.94, F.S.; conforming provisions to changes  
4650 made by the act; conforming a cross-reference;  
4651 providing an effective date.

4652

4653 WHEREAS, economic development incentives foster unfair  
4654 competition by benefitting select firms and industries, and

4655 WHEREAS, economic development incentives often subsidize  
4656 private companies and their shareholders for economic actions  
4657 they would have taken regardless of such incentives, and

## Amendment No. 1

4658           WHEREAS, economic development incentives cause market  
4659 distortions which result in inefficiencies and inequities in the  
4660 marketplace, and

4661           WHEREAS, business incentives divert the attention of  
4662 policymakers from other issues that could lead to additional job  
4663 creation and a more robust business climate, and

4664           WHEREAS, the true costs of economic development incentives  
4665 are an unnecessary shift of private business expenses to the  
4666 taxpaying public and a reduction in available funding for other  
4667 public services which could promote economic growth, and

4668           WHEREAS, economic development scholars and professionals  
4669 lack consensus on how influential economic development and  
4670 business incentives are on the economy, generally, or on a  
4671 business when choosing its location, NOW, THEREFORE,