



1 A bill to be entitled
2 An act relating to economic development; amending s.
3 17.61, F.S.; authorizing the Chief Financial Officer
4 to invest funds held in a specified account; amending
5 s. 20.60, F.S.; revising required elements of a report
6 prepared by the Department of Economic Opportunity;
7 amending s. 163.08, F.S.; revising the deadline for
8 property owners entering into financing agreements to
9 provide certain information to the holders or loan
10 servicers of existing mortgages; amending s. 163.3180,
11 F.S.; prohibiting a local government from applying
12 transportation concurrency within its jurisdiction
13 unless certain conditions are met; providing
14 exceptions; providing applicability; providing for
15 expiration of the prohibition; amending s. 163.31801,
16 F.S.; prohibiting a county, municipality, or special
17 district from applying certain impact fees or other
18 fees within its jurisdiction unless certain conditions
19 are met; providing exceptions; providing
20 applicability; providing for expiration of the
21 prohibition; amending ss. 212.20 and 220.03, F.S.;
22 conforming provisions to changes made by the act;
23 transferring, renumbering, and amending s. 287.05712,
24 F.S.; revising definitions; deleting provisions
25 creating the Public-Private Partnership Guidelines
26 Task Force; requiring a private entity that submits an



27 | unsolicited proposal to pay an initial application fee
28 | and additional amounts if the fee does not cover
29 | certain costs; specifying payment methods; authorizing
30 | a responsible public entity to alter the statutory
31 | timeframe for accepting proposals for a qualifying
32 | project under certain circumstances; requiring a
33 | responsible public entity issuing a solicitation to
34 | include a design criteria package; specifying
35 | requirements of a design criteria package; deleting a
36 | provision that requires approval of the local
37 | governing body before a school board enters into a
38 | comprehensive agreement; revising the conditions
39 | necessary for a responsible public entity to approve a
40 | comprehensive agreement; deleting provisions relating
41 | to notice to affected local jurisdictions; providing
42 | that fees imposed by a private entity must be applied
43 | as set forth in the comprehensive agreement;
44 | restricting provisions in financing agreements that
45 | could result in a responsible public entity's losing
46 | ownership of real or tangible personal property;
47 | deleting a provision that required a responsible
48 | public entity to comply with specific financial
49 | obligations; providing duties of the Department of
50 | Management Services; revising provisions relating to
51 | construction; amending s. 288.061, F.S.; requiring the
52 | Department of Economic Opportunity to prescribe a form



53 | regarding certain economic incentive applications;
54 | providing required elements of the form; revising
55 | evaluation and contract requirements of the economic
56 | development incentive application process; providing
57 | legislative reporting requirements for the department;
58 | amending s. 288.076, F.S.; conforming a cross-
59 | reference; amending s. 288.095, F.S.; removing a limit
60 | on the total amount of allowable payments from the
61 | Economic Development Trust Fund for certain purposes;
62 | providing for disbursements of such funds under
63 | specified circumstances; providing an appropriation
64 | from the State Economic Enhancement and Development
65 | Trust Fund and Economic Development Trust Fund for
66 | specified purposes; amending s. 288.1045, F.S.;
67 | revising provisions of the qualified defense
68 | contractor and space flight business tax refund
69 | program; revising definitions; revising, providing
70 | limitations on, and authorizing waivers from, local
71 | financial support requirements; authorizing specified
72 | tax refund payments to qualified applicants in a rural
73 | area of opportunity or certified enterprise zone;
74 | authorizing certain qualified applicants to receive a
75 | tax refund by providing certain information to the
76 | Department of Economic Opportunity; requiring the
77 | department to verify payment of taxes by applicants;
78 | delaying the expiration date of the qualified defense



79 contractor and space flight business tax refund
80 program; amending s. 288.106, F.S.; revising
81 provisions of the tax refund program for qualified
82 target industry businesses; revising definitions;
83 defining the term "certified enterprise zone";
84 revising, providing limitations on, and authorizing
85 waivers from, local financial support requirements;
86 revising provisions applicable to a rural area of
87 opportunity or certified enterprise zone; authorizing
88 a qualified target industry business to receive tax
89 refund payments if a project in a certified enterprise
90 zone meets specified requirements; providing
91 limitations; revising an extension of the filing date
92 for claims due on or after a specified date;
93 authorizing the department to waive certain wage
94 requirements for projects in a certified enterprise
95 zone; repealing provisions regarding economic recovery
96 extensions of certain tax refund agreements; amending
97 s. 288.107, F.S.; revising provisions relating to
98 brownfield redevelopment bonus refunds; restricting
99 the total amount of bonus refunds approved in a fiscal
100 year; amending s. 288.108, F.S.; defining the term
101 "local financial support"; restricting the total
102 amount of high-impact business performance grants
103 approved in a fiscal year; authorizing certain waivers
104 from local financial support requirements; revising



105 application requirements and requiring the Department
106 of Economic Opportunity to certify high-impact
107 business grant applications; providing requirements
108 for the Governor relating to such applications;
109 providing contract and department validation
110 requirements for such applications; amending s.
111 288.1088, F.S.; revising provisions relating to the
112 Quick Action Closing Fund; revising project
113 eligibility requirements; providing limitations on and
114 authorizing waivers from local financial support
115 requirements; revising contract requirements for
116 certain projects eligible for funding through the
117 Quick Action Closing Fund; revising approval
118 requirements for amendments or modifications of
119 contract requirements for such projects; revising
120 requirements of the Governor relating to certain
121 projects eligible for funding through the Quick Action
122 Closing Fund; restricting the total annual amount of
123 funding for such projects; amending s. 288.1089, F.S.;
124 revising provisions relating to the Innovation
125 Incentive Program; revising definitions; defining the
126 term "certified enterprise zone"; revising provisions
127 applicable to a rural areas of opportunity;
128 authorizing the department to waive certain wage
129 requirements for projects in a rural area of
130 opportunity or certified enterprise zone; requiring an



131 innovation business project located in a certified
132 enterprise zone to meet specified requirements;
133 limiting wage requirement waivers under specified
134 circumstances; requiring certain innovation projects
135 located in a rural area of opportunity or certified
136 enterprise zone to meet specified requirements;
137 authorizing and providing limitations on waivers from
138 local financial support requirements relating to the
139 program; revising requirements of the Governor and the
140 Department of Economic Opportunity relating to certain
141 projects eligible for funding through the program;
142 revising contract requirements for such projects;
143 revising approval requirements for amendments or
144 modifications of contract requirements for such
145 projects; amending s. 288.1166, F.S.; requiring
146 certain professional golf hall of fame facilities to
147 be designated as shelter sites for the homeless during
148 specified periods; amending s. 288.1168, F.S.;
149 requiring the Department of Revenue to audit certain
150 distributions to professional golf hall of fame
151 facilities at specified intervals; requiring the
152 department to recertify such facilities at specified
153 intervals; requiring the PGA Tour Inc., to increase
154 certain funding under specified circumstances;
155 requiring the department to spend funds in a specified
156 manner in consultation with the Florida Tourism



157 Industry Marketing Corporation; requiring certain
158 applicants to provide a report to the department by a
159 specified period; providing requirements for the
160 report; providing for decertification of a facility
161 under specified circumstances; repealing s. 288.1169,
162 F.S., relating to state agency funding of the
163 International Game Fish Association World Center
164 facility; amending s. 288.1201, F.S.; providing that
165 moneys paid into the State Economic Enhancement and
166 Development Trust Fund include specified reversions;
167 amending s. 288.901, F.S.; providing that it is a
168 purpose of Enterprise Florida, Inc., to foster and
169 encourage high-technology startup and second-state
170 business development; revising expertise requirements
171 of members of the board of directors of Enterprise
172 Florida, Inc.; amending ss. 288.9602, 288.9605, and
173 288.9610, F.S.; revising provisions relating to the
174 Florida Development Finance Corporation to remove
175 references to interlocal agreements made pursuant to
176 the Florida Interlocal Cooperation Act and to remove
177 requirements that the corporation enter into such
178 agreements; amending s. 288.9604, F.S.; ratifying
179 certain actions taken by the board of directors of the
180 Florida Development Finance Corporation on a specified
181 date without regard to vacancies on the board;
182 amending s. 288.9606, F.S.; deleting a requirement



183 that the Florida Development Finance Corporation
184 receive authority to issue revenue bonds from a public
185 agency; specifying that bonds issued by the
186 corporation are not a debt, liability, or obligation
187 of the state or of any political subdivision thereof;
188 authorizing the corporation to issue certain revenue
189 bonds and to levy special assessments for a specific
190 purpose; providing and revising requirements for such
191 issuance and levy; requiring the corporation to submit
192 a report; conforming provisions to changes made by the
193 act; amending s. 288.991, F.S.; revising a cross-
194 reference; amending ss. 288.9914 and 288.9917, F.S.;
195 specifying that certain timeframes relating to
196 Department of Economic Opportunity qualified
197 investment applications are measured in calendar days;
198 amending s. 288.9937, F.S.; requiring the Office of
199 Program Policy Analysis and Government Accountability
200 to evaluate the Microfinance Loan Program; providing
201 requirements for such evaluation; providing timeframes
202 for reporting such evaluation to the Legislature;
203 creating s. 288.913, F.S.; creating the Startup
204 Florida Initiative; providing legislative findings;
205 providing definitions; requiring the Department of
206 Economic Opportunity to develop a statewide strategic
207 plan for high-technology startup and second-stage
208 business growth and development; providing



209 requirements for the plan; requiring the department to
210 market the plan inside and outside the state;
211 requiring the department to provide information about
212 the plan in its annual report; amending ss. 189.033,
213 288.11625, and 288.11631, F.S.; conforming cross-
214 references; extending and renewing certain permits
215 subject to certain expiration dates; providing
216 applicability of the extension to certain related
217 activities; providing for extension of commencement
218 and completion dates; requiring permitholders to
219 notify authorizing agencies of intent to use the
220 extension and anticipated time of the extension;
221 specifying nonapplicability to certain permits;
222 providing applicability of certain rules to extended
223 permits; preserving the authority of counties and
224 municipalities to impose certain security and sanitary
225 requirements on property owners under certain
226 circumstances; requiring permitholders to notify
227 permitting agencies of intent to use the extension;
228 creating s. 290.50, F.S.; providing definitions;
229 providing requirements for the creation and operation
230 of a designated local enterprise zone program;
231 creating s. 290.60, F.S.; providing requirements for
232 the Department of Economic Opportunity to certify and
233 decertify a local enterprise zone; authorizing the
234 department to adopt rules; requiring the department to



235 | develop certain marketing information; requiring the
236 | department's annual report to contain certain
237 | information; amending s. 159.27, F.S.; revising
238 | definition of the term "project" to include a
239 | commercial project in a certified enterprise zone for
240 | purposes of certain bond financing provisions;
241 | defining the term "commercial project in a certified
242 | enterprise zone"; amending s. 159.803, F.S.; revising
243 | definition of the term "priority project" to include
244 | any project to be located in a certified enterprise
245 | zone for purposes of certain bond financing
246 | provisions; amending s. 163.2517, F.S.; authorizing a
247 | local government to designate a certified enterprise
248 | zone as an urban infill and redevelopment area using
249 | specified factors; amending s. 163.503, F.S.; defining
250 | the term "certified enterprise zone" for purposes of
251 | the Safe Neighborhoods Act; amending s. 163.521, F.S.;
252 | authorizing certain local governments to request
253 | funding for capital improvements in a neighborhood
254 | improvement district located in a certified enterprise
255 | zone; amending s. 163.522, F.S.; directing a county or
256 | municipality having a certified enterprise zone to
257 | consider creating a neighborhood improvement district
258 | within such zone; amending s. 166.231, F.S.;
259 | authorizing a municipality to enact ordinances
260 | relating to public service tax exemptions for



261 certified enterprise zones; conditioning applicability
262 of such ordinance upon state certification of such
263 zones; deleting the future expiration of the
264 authorization; amending s. 196.012, F.S.; conforming a
265 cross-reference; revising definitions of the terms
266 "new business" and "expansion of an existing business"
267 to include a business or organization located within a
268 certified enterprise zone; defining the term
269 "certified enterprise zone" for purposes of certain
270 property tax exemptions; amending s. 196.095, F.S.;
271 providing an exemption from certain property tax for a
272 licensed child care facility operating in a certified
273 enterprise zone; providing application and review
274 requirements for such exemption; amending s. 196.1995,
275 F.S.; authorizing a board of county commissioners or
276 other governing body to call a referendum regarding
277 certain ad valorem tax exemptions for new and
278 expanding businesses in a certified enterprise zone;
279 providing requirements for such referendum;
280 conditioning applicability of an approved referendum
281 upon state certification of a certified enterprise
282 zone; providing limitations; amending s. 205.022,
283 F.S.; defining the term "certified enterprise zone"
284 for purposes of local business taxes; amending s.
285 205.054, F.S.; authorizing an exemption of 50 percent
286 of business taxes for certain businesses located in a



287 certified enterprise zone; providing applicability;
288 conditioning exemption upon state certification of a
289 certified enterprise zone; deleting the future
290 expiration of the authorization; amending s. 212.02,
291 F.S.; defining the term "certified enterprise zone"
292 for purposes of the Florida Revenue Act of 1949;
293 deleting the future expiration of the definition;
294 amending s. 212.08, F.S.; revising exemptions relating
295 to building materials used in redevelopment projects
296 to include housing projects and mixed-use projects
297 located in a certified enterprise zone; revising
298 eligibility criteria for community contribution tax
299 credits to include certain projects located within a
300 certified enterprise zone; amending s. 220.191, F.S.;
301 revising definition of the term "qualifying project"
302 to include a new or expanded headquarters facility
303 that locates in a certified enterprise zone, for
304 purposes of the capital investment tax credit;
305 amending s. 220.183, F.S.; revising eligibility
306 criteria for community contribution tax credit
307 projects to include projects located within a
308 certified enterprise zone; amending s. 288.0001, F.S.;
309 revising required elements of an analysis prepared by
310 the Office of Economic and Demographic Research and
311 the Office of Program Policy Analysis and Government
312 Accountability to include the enterprise zone



313 certification program and retention of certain
314 baseball franchises; conforming a cross-reference;
315 making a technical change; amending s. 288.018, F.S.;
316 authorizing the Department of Economic Opportunity to
317 contract for the development of a web portal or
318 website regarding certified enterprise zones;
319 providing requirements for such portals or websites;
320 amending s. 288.047, F.S.; requiring Workforce
321 Florida, Inc., to set aside 30 percent of certain
322 Quick-Response Training Program revenues to fund
323 instructional programs for businesses located in a
324 certified enterprise zone; amending ss. 288.11621 and
325 288.11631, F.S.; revising evaluation criteria for
326 state funding of a certain spring training franchises'
327 facilities to include the facilities' location in a
328 certified enterprise zone; amending s. 339.2821, F.S.;
329 revising evaluation criteria for economic development
330 transportation projects to include a project's
331 location within a certified enterprise zone; amending
332 s. 403.973, F.S.; authorizing regional permit action
333 teams to expedite the review of permit applications
334 and local comprehensive plan amendments submitted by
335 businesses located in a certified enterprise zone that
336 meet specified criteria; amending ss. 624.509 and
337 624.5091, F.S.; authorizing the transfer of certain
338 excess tax credits related to employees whose place of



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339 employment is located within a certified enterprise
340 zone, up to a specified percentage; providing
341 applicability; amending s. 624.5105, F.S.; requiring
342 certain projects eligible for a community contribution
343 tax credit to be located in a certified enterprise
344 zone; amending s. 287.0935, F.S.; increasing the
345 dollar threshold for a contract amount of a project
346 for which a person, the state, or a political
347 subdivision is prohibited from refusing a surety bond
348 issued by a surety company that meets certain
349 criteria; revising requirements for surety companies
350 with respect to bonds issued for certain publicly
351 funded contracts; providing an effective date.

352

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

354

355 Section 1. Paragraph (c) of subsection (3) of section
356 17.61, Florida Statutes, is reenacted, and paragraph (d) of
357 subsection (3) of that section is amended to read:

358 17.61 Chief Financial Officer; powers and duties in the
359 investment of certain funds.—

360 (3)

361 (c) Except as provided in this paragraph and except for
362 moneys described in paragraph (d), the following agencies may
363 not invest trust fund moneys as provided in this section, but
364 shall retain such moneys in their respective trust funds for



- 365 investment, with interest appropriated to the General Revenue
366 Fund, pursuant to s. 17.57:
- 367 1. The Agency for Health Care Administration, except for
368 the Tobacco Settlement Trust Fund.
 - 369 2. The Agency for Persons with Disabilities, except for:
 - 370 a. The Federal Grants Trust Fund.
 - 371 b. The Tobacco Settlement Trust Fund.
 - 372 3. The Department of Children and Families, except for:
 - 373 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.
 - 374 b. The Social Services Block Grant Trust Fund.
 - 375 c. The Tobacco Settlement Trust Fund.
 - 376 d. The Working Capital Trust Fund.
 - 377 4. The Department of Corrections.
 - 378 5. The Department of Elderly Affairs, except for:
 - 379 a. The Federal Grants Trust Fund.
 - 380 b. The Tobacco Settlement Trust Fund.
 - 381 6. The Department of Health, except for:
 - 382 a. The Federal Grants Trust Fund.
 - 383 b. The Grants and Donations Trust Fund.
 - 384 c. The Maternal and Child Health Block Grant Trust Fund.
 - 385 d. The Tobacco Settlement Trust Fund.
 - 386 7. The Department of Highway Safety and Motor Vehicles,
387 only for the Security Deposits Trust Fund.
 - 388 8. The Department of Juvenile Justice.
 - 389 9. The Department of Law Enforcement.
 - 390 10. The Department of Legal Affairs.



391 11. The Department of State, only for:
 392 a. The Grants and Donations Trust Fund.
 393 b. The Records Management Trust Fund.
 394 12. The Department of Economic Opportunity, only for the
 395 Economic Development Trust Fund.
 396 13. The Florida Public Service Commission, only for the
 397 Florida Public Service Regulatory Trust Fund.
 398 14. The Justice Administrative Commission.
 399 15. The state courts system.
 400 (d) Moneys in any trust funds of the agencies in paragraph
 401 (c) may be invested pursuant to the provisions of this section
 402 if:
 403 1. Investment of such moneys and the retention of interest
 404 is required by federal programs or mandates;
 405 2. Investment of such moneys and the retention of interest
 406 is required by bond covenants, indentures, or resolutions;
 407 3. Such moneys are held by the state in a trustee capacity
 408 as an agent or fiduciary for individuals, private organizations,
 409 or other governmental units; ~~or~~
 410 4. The Executive Office of the Governor determines, after
 411 consultation with the Legislature pursuant to the procedures of
 412 s. 216.177, that federal matching funds or contributions or
 413 private grants to any trust fund would be lost to the state; or
 414 5. Such moneys are held by the state within the Economic
 415 Development Incentives Account of the Economic Development Trust
 416 Fund, created pursuant to s. 288.095.



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417 Section 2. Subsection (10) of section 20.60, Florida
418 Statutes, is amended to read:

419 20.60 Department of Economic Opportunity; creation; powers
420 and duties.—

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

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

428 (b) The report must incorporate annual reports of other
429 programs, including:

430 1. The displaced homemaker program established under s.
431 446.50.

432 2. Information provided by the Department of Revenue under
433 s. 290.014.

434 3. ~~Information provided by enterprise zone development~~
435 ~~agencies under s. 290.0056 and~~ An analysis of the activities and
436 accomplishments of each certified enterprise zone.

437 4. The Economic Gardening Business Loan Pilot Program
438 established under s. 288.1081 and the Economic Gardening
439 Technical Assistance Pilot Program established under s.
440 288.1082.

441 5. A detailed report of the performance of the Black
442 Business Loan Program and a cumulative summary of quarterly



443 report data required under s. 288.714.

444 6. The Rural Economic Development Initiative established
445 under s. 288.0656.

446 7. A detailed analysis of the information provided by
447 community development entities pursuant to the New Markets
448 Development Program Act in s. 288.9918. The first annual report
449 that includes such analysis shall analyze all data the
450 department has received from community development entities
451 since the inception of the New Markets Development Program Act.

452 Section 3. Subsection (13) of section 163.08, Florida
453 Statutes, is amended to read:

454 163.08 Supplemental authority for improvements to real
455 property.—

456 (13) Within 30 days after ~~At least 30 days before~~ entering
457 into a financing agreement, the property owner shall provide to
458 the holders or loan servicers of any existing mortgages
459 encumbering or otherwise secured by the property a notice of the
460 owner's intent to enter into a financing agreement together with
461 the maximum principal amount to be financed and the maximum
462 annual assessment necessary to repay that amount. A verified
463 copy or other proof of such notice shall be provided to the
464 local government. A provision in any agreement between a
465 mortgagee or other lienholder and a property owner, or otherwise
466 now or hereafter binding upon a property owner, which allows for
467 acceleration of payment of the mortgage, note, or lien or other
468 unilateral modification solely as a result of entering into a



469 financing agreement as provided for in this section is not
470 enforceable. This subsection does not limit the authority of the
471 holder or loan servicer to increase the required monthly escrow
472 by an amount necessary to annually pay the qualifying
473 improvement assessment.

474 Section 4. Subsection (7) is added to section 163.3180,
475 Florida Statutes, to read:

476 163.3180 Concurrency.—

477 (7) (a) Notwithstanding any other provision of law,
478 ordinance, or resolution, before July 1, 2018, a local
479 government may only apply transportation concurrency within its
480 jurisdiction or require a proportionate-share contribution or
481 construction for a new business development if authorized by
482 supermajority vote of the local government's governing
483 authority, and if the local government's governing authority
484 does not regulate transportation network companies in any
485 manner. As used in this section, the term "transportation
486 network company" means an entity granted a permit by the
487 Department of Highway Safety and Motor Vehicles which is
488 authorized to operate in this state using a digital network or
489 software application service to connect passengers to
490 transportation services provided by drivers. A transportation
491 network company does not own, control, operate, or manage the
492 vehicles used by drivers, does not control or manage drivers,
493 and is not a taxicab association or for-hire vehicle owner. The
494 term "transportation network company" does not include an



495 individual, corporation, partnership, sole proprietorship, or
496 other entity arranging nonemergency medical transportation for
497 individuals qualifying for Medicaid or Medicare pursuant to a
498 contract with the state or a managed care organization. This
499 paragraph does not apply to:

500 1. Proportionate-share contribution or construction
501 assessed on an existing business development before July 1,
502 2015.

503 2. A new business development that consists of more than
504 6,000 square feet and has a classification other than
505 residential.

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

508 (b) In order to maintain the exemption from transportation
509 concurrency and proportionate-share contribution or construction
510 pursuant to paragraph (a), a new business development must
511 receive a certificate of occupancy on or before July 1, 2019. If
512 the certificate of occupancy is not received by July 1, 2019,
513 the local government may apply transportation concurrency and
514 require the appropriate proportionate-share contribution or
515 construction for the business development that would otherwise
516 be applied. An outstanding obligation related to the
517 proportionate-share contribution or construction runs with the
518 land and is enforceable against any person claiming a fee
519 interest in the land subject to the obligation.

520 (c) This subsection does not apply if such application



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521 results in a reduction of previously pledged revenue of a local
522 government for outstanding bonds or notes or to a local
523 government with a mobility fee-based funding system in place on
524 or before January 1, 2015.

525 (d) A developer may, upon written notification to the
526 local government, elect to have the local government apply
527 transportation concurrency and proportionate-share contribution
528 or construction to a business development.

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

530 Section 5. Subsection (6) is added to section 163.31801,
531 Florida Statutes, to read:

532 163.31801 Impact fees; short title; intent; definitions;
533 ordinances levying impact fees.—

534 (6) (a) Notwithstanding any other provision of law,
535 ordinance, or resolution, before July 1, 2018, a county,
536 municipality, or special district may only impose a new or
537 existing impact fee or a new or existing fee associated with the
538 mitigation of transportation impacts on a new business
539 development if authorized by supermajority vote of the governing
540 body of the county, municipality, or special district if the
541 county or municipality does not regulate transportation network
542 companies in any manner. As used in this section, the term
543 "transportation network company" means an entity granted a
544 permit by the Department of Highway Safety and Motor Vehicles
545 which is authorized to operate in this state using a digital
546 network or software application service to connect passengers to



547 transportation services provided by drivers. A transportation
548 network company does not own, control, operate, or manage the
549 vehicles used by drivers, does not control or manage drivers,
550 and is not a taxicab association or for-hire vehicle owner. The
551 term "transportation network company" does not include an
552 individual, corporation, partnership, sole proprietorship, or
553 other entity arranging nonemergency medical transportation for
554 individuals qualifying for Medicaid or Medicare pursuant to a
555 contract with the state or a managed care organization. This
556 paragraph does not apply to:

557 1. An impact fee or fee associated with the mitigation of
558 transportation impacts previously enacted by law, ordinance, or
559 resolution assessed on an existing business development before
560 July 1, 2015.

561 2. A new business development that consists of more than
562 6,000 square feet and has a classification other than
563 residential.

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

566 (b) The governing authority of a county, municipality, or
567 special district imposing an impact fee in existence on July 1,
568 2014, must reauthorize the imposition of the fee pursuant to
569 this subsection.

570 (c) In order to maintain the exemption from impact fees
571 and fees associated with the mitigation of transportation
572 impacts pursuant to paragraph (a), a new business development



573 must receive a certificate of occupancy on or before July 1,
574 2019. If the certificate of occupancy is not received by July 1,
575 2019, the county, municipality, or special district may impose
576 the appropriate impact fees and fees associated with the
577 mitigation of transportation impacts on the business development
578 that would otherwise be applied. An outstanding obligation
579 related to impact fees and fees associated with the mitigation
580 of transportation impacts on the business development runs with
581 the land and is enforceable against any person claiming a fee
582 interest in the land subject to the obligation.

583 (d) This subsection does not apply if such application
584 results in a reduction of previously pledged revenue of a
585 county, municipality, or special district for outstanding bonds
586 or notes or to a county, municipality, or special district with
587 a mobility fee-based funding system in place on or before
588 January 1, 2015.

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

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

594 Section 6. Paragraph (d) of subsection (6) of section
595 212.20, Florida Statutes, is amended to read:

596 212.20 Funds collected, disposition; additional powers of
597 department; operational expense; refund of taxes adjudicated
598 unconstitutionally collected.—



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

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

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

610 2. After the distribution under subparagraph 1., 8.8854
611 percent of the amount remitted by a sales tax dealer located
612 within a participating county pursuant to s. 218.61 shall be
613 transferred into the Local Government Half-cent Sales Tax
614 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
615 transferred shall be reduced by 0.1 percent, and the department
616 shall distribute this amount to the Public Employees Relations
617 Commission Trust Fund less \$5,000 each month, which shall be
618 added to the amount calculated in subparagraph 3. and
619 distributed accordingly.

620 3. After the distribution under subparagraphs 1. and 2.,
621 0.0956 percent shall be transferred to the Local Government
622 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant
623 to s. 218.65.

624 4. After the distributions under subparagraphs 1., 2., and



625 3., 2.0603 percent of the available proceeds shall be
626 transferred monthly to the Revenue Sharing Trust Fund for
627 Counties pursuant to s. 218.215.

628 5. After the distributions under subparagraphs 1., 2., and
629 3., 1.3517 percent of the available proceeds shall be
630 transferred monthly to the Revenue Sharing Trust Fund for
631 Municipalities pursuant to s. 218.215. If the total revenue to
632 be distributed pursuant to this subparagraph is at least as
633 great as the amount due from the Revenue Sharing Trust Fund for
634 Municipalities and the former Municipal Financial Assistance
635 Trust Fund in state fiscal year 1999-2000, no municipality shall
636 receive less than the amount due from the Revenue Sharing Trust
637 Fund for Municipalities and the former Municipal Financial
638 Assistance Trust Fund in state fiscal year 1999-2000. If the
639 total proceeds to be distributed are less than the amount
640 received in combination from the Revenue Sharing Trust Fund for
641 Municipalities and the former Municipal Financial Assistance
642 Trust Fund in state fiscal year 1999-2000, each municipality
643 shall receive an amount proportionate to the amount it was due
644 in state fiscal year 1999-2000.

645 6. Of the remaining proceeds:

646 a. In each fiscal year, the sum of \$29,915,500 shall be
647 divided into as many equal parts as there are counties in the
648 state, and one part shall be distributed to each county. The
649 distribution among the several counties must begin each fiscal
650 year on or before January 5th and continue monthly for a total



651 of 4 months. If a local or special law required that any moneys
652 accruing to a county in fiscal year 1999-2000 under the then-
653 existing provisions of s. 550.135 be paid directly to the
654 district school board, special district, or a municipal
655 government, such payment must continue until the local or
656 special law is amended or repealed. The state covenants with
657 holders of bonds or other instruments of indebtedness issued by
658 local governments, special districts, or district school boards
659 before July 1, 2000, that it is not the intent of this
660 subparagraph to adversely affect the rights of those holders or
661 relieve local governments, special districts, or district school
662 boards of the duty to meet their obligations as a result of
663 previous pledges or assignments or trusts entered into which
664 obligated funds received from the distribution to county
665 governments under then-existing s. 550.135. This distribution
666 specifically is in lieu of funds distributed under s. 550.135
667 before July 1, 2000.

668 b. The department shall distribute \$166,667 monthly to
669 each applicant certified as a facility for a new or retained
670 professional sports franchise pursuant to s. 288.1162. Up to
671 \$41,667 shall be distributed monthly by the department to each
672 certified applicant as defined in s. 288.11621 for a facility
673 for a spring training franchise. However, not more than \$416,670
674 may be distributed monthly in the aggregate to all certified
675 applicants for facilities for spring training franchises.
676 Distributions begin 60 days after such certification and



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677 continue for not more than 30 years, except as otherwise
678 provided in s. 288.11621. A certified applicant identified in
679 this sub-subparagraph may not receive more in distributions than
680 expended by the applicant for the public purposes provided in s.
681 288.1162(5) or s. 288.11621(3).

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

688 ~~d. Beginning 30 days after notice by the Department of~~
689 ~~Economic Opportunity to the Department of Revenue that the~~
690 ~~applicant has been certified as the International Game Fish~~
691 ~~Association World Center facility pursuant to s. 288.1169, and~~
692 ~~the facility is open to the public, \$83,333 shall be distributed~~
693 ~~monthly, for up to 168 months, to the applicant. This~~
694 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~
695 ~~lump sum payment of \$999,996 shall be made after certification~~
696 ~~and before July 1, 2000.~~

697 d.e. The department shall distribute up to \$83,333 monthly
698 to each certified applicant as defined in s. 288.11631 for a
699 facility used by a single spring training franchise, or up to
700 \$166,667 monthly to each certified applicant as defined in s.
701 288.11631 for a facility used by more than one spring training
702 franchise. Monthly distributions begin 60 days after such



703 certification or July 1, 2016, whichever is later, and continue
704 for not more than 20 years to each certified applicant as
705 defined in s. 288.11631 for a facility used by a single spring
706 training franchise or not more than 25 years to each certified
707 applicant as defined in s. 288.11631 for a facility used by more
708 than one spring training franchise. A certified applicant
709 identified in this sub-subparagraph may not receive more in
710 distributions than expended by the applicant for the public
711 purposes provided in s. 288.11631(3).

712 ~~e.f.~~ Beginning 45 days after notice by the Department of
713 Economic Opportunity to the Department of Revenue that an
714 applicant has been approved by the Legislature and certified by
715 the Department of Economic Opportunity under s. 288.11625 or
716 upon a date specified by the Department of Economic Opportunity
717 as provided under s. 288.11625(6)(d), the department shall
718 distribute each month an amount equal to one-twelfth of the
719 annual distribution amount certified by the Department of
720 Economic Opportunity for the applicant. The department may not
721 distribute more than \$7 million in the 2014-2015 fiscal year or
722 more than \$13 million annually thereafter under this sub-
723 subparagraph.

724 7. All other proceeds must remain in the General Revenue
725 Fund.

726 Section 7. Paragraphs (d) and (t) of subsection (1) of
727 section 220.03, Florida Statutes, are amended to read:

728 220.03 Definitions.—



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729 (1) SPECIFIC TERMS.—When used in this code, and when not
730 otherwise distinctly expressed or manifestly incompatible with
731 the intent thereof, the following terms shall have the following
732 meanings:

733 (d) "Community contribution" means the grant by a business
734 firm of any of the following items:

- 735 1. Cash or other liquid assets.
- 736 2. Real property.
- 737 3. Goods or inventory.
- 738 4. Other physical resources as identified by the
739 department.

740

741 ~~This paragraph expires on the date specified in s. 290.016 for~~
742 ~~the expiration of the Florida Enterprise Zone Act.~~

743 (t) "Project" means any activity undertaken by an eligible
744 sponsor, as defined in s. 220.183(2)(c), which is designed to
745 construct, improve, or substantially rehabilitate housing that
746 is affordable to low-income or very-low-income households as
747 defined in s. 420.9071(19) and (28); designed to provide
748 commercial, industrial, or public resources and facilities; or
749 designed to improve entrepreneurial and job-development
750 opportunities for low-income persons. A project may be the
751 investment necessary to increase access to high-speed broadband
752 capability in rural communities with enterprise zones, including
753 projects that result in improvements to communications assets
754 that are owned by a business. A project may include the



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755 provision of museum educational programs and materials that are
756 directly related to any project approved between January 1,
757 1996, and December 31, 1999, and located in a certified an
758 enterprise zone ~~designated pursuant to s. 290.0065~~. This
759 paragraph does not preclude projects that propose to construct
760 or rehabilitate low-income or very-low-income housing on
761 scattered sites. With respect to housing, contributions may be
762 used to pay the following eligible project-related activities:

- 763 1. Project development, impact, and management fees for
764 low-income or very-low-income housing projects;
- 765 2. Down payment and closing costs for eligible persons, as
766 defined in s. 420.9071(19) and (28);
- 767 3. Administrative costs, including housing counseling and
768 marketing fees, not to exceed 10 percent of the community
769 contribution, directly related to low-income or very-low-income
770 projects; and
- 771 4. Removal of liens recorded against residential property
772 by municipal, county, or special-district local governments when
773 satisfaction of the lien is a necessary precedent to the
774 transfer of the property to an eligible person, as defined in s.
775 420.9071(19) and (28), for the purpose of promoting home
776 ownership. Contributions for lien removal must be received from
777 a nonrelated third party.

778
779 ~~The provisions of this paragraph shall expire and be void on~~
780 ~~June 30, 2015.~~



781 Section 8. Section 287.05712, Florida Statutes, is
782 transferred, renumbered as section 255.065, Florida Statutes,
783 and amended to read:

784 255.065 ~~287.05712~~ Public-private partnerships.—

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

786 (a) "Affected local jurisdiction" means a county,
787 municipality, or special district in which all or a portion of a
788 qualifying project is located.

789 (b) "Develop" means to plan, design, finance, lease,
790 acquire, install, construct, or expand.

791 (c) "Fees" means charges imposed by the private entity of
792 a qualifying project for use of all or a portion of such
793 qualifying project pursuant to a comprehensive agreement.

794 (d) "Lease payment" means any form of payment, including a
795 land lease, by a public entity to the private entity of a
796 qualifying project for the use of the project.

797 (e) "Material default" means a nonperformance of its
798 duties by the private entity of a qualifying project which
799 jeopardizes adequate service to the public from the project.

800 (f) "Operate" means to finance, maintain, improve, equip,
801 modify, or repair.

802 (g) "Private entity" means any natural person,
803 corporation, general partnership, limited liability company,
804 limited partnership, joint venture, business trust, public
805 benefit corporation, nonprofit entity, or other private business
806 entity.



807 (h) "Proposal" means a plan for a qualifying project with
808 detail beyond a conceptual level for which terms such as fixing
809 costs, payment schedules, financing, deliverables, and project
810 schedule are defined.

811 (i) "Qualifying project" means:

812 1. A facility or project that serves a public purpose,
813 including, but not limited to, any ferry or mass transit
814 facility, vehicle parking facility, airport or seaport facility,
815 rail facility or project, fuel supply facility, oil or gas
816 pipeline, medical or nursing care facility, recreational
817 facility, sporting or cultural facility, or educational facility
818 or other building or facility that is used or will be used by a
819 public educational institution, or any other public facility or
820 infrastructure that is used or will be used by the public at
821 large or in support of an accepted public purpose or activity;

822 2. An improvement, including equipment, of a building that
823 will be principally used by a public entity or the public at
824 large or that supports a service delivery system in the public
825 sector;

826 3. A water, wastewater, or surface water management
827 facility or other related infrastructure; or

828 4. Notwithstanding any provision of this section, for
829 projects that involve a facility owned or operated by the
830 governing board of a county, district, or municipal hospital or
831 health care system, or projects that involve a facility owned or
832 operated by a municipal electric utility, only those projects



833 that the governing board designates as qualifying projects
834 pursuant to this section.

835 (j) "Responsible public entity" means a county,
836 municipality, school district, special district, or Florida
837 College System institution, board, or any other political
838 subdivision of the state; a public body corporate and politic;
839 or a regional entity that serves a public purpose and is
840 authorized to develop or operate a qualifying project.

841 (k) "Revenues" means the income, earnings, user fees,
842 lease payments, or other service payments relating to the
843 development or operation of a qualifying project, including, but
844 not limited to, money received as grants or otherwise from the
845 Federal Government, a public entity, or an agency or
846 instrumentality thereof in aid of the qualifying project.

847 (l) "Service contract" means a contract between a
848 responsible public entity and the private entity which defines
849 the terms of the services to be provided with respect to a
850 qualifying project.

851 (2) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds
852 that there is a public need for the construction or upgrade of
853 facilities that are used predominantly for public purposes and
854 that it is in the public's interest to provide for the
855 construction or upgrade of such facilities.

856 (a) The Legislature also finds that:

857 1. There is a public need for timely and cost-effective
858 acquisition, design, construction, improvement, renovation,



859 expansion, equipping, maintenance, operation, implementation, or
860 installation of projects serving a public purpose, including
861 educational facilities, transportation facilities, water or
862 wastewater management facilities and infrastructure, technology
863 infrastructure, roads, highways, bridges, and other public
864 infrastructure and government facilities within the state which
865 serve a public need and purpose, and that such public need may
866 not be wholly satisfied by existing procurement methods.

867 2. There are inadequate resources to develop new
868 educational facilities, transportation facilities, water or
869 wastewater management facilities and infrastructure, technology
870 infrastructure, roads, highways, bridges, and other public
871 infrastructure and government facilities for the benefit of
872 residents of this state, and that a public-private partnership
873 has demonstrated that it can meet the needs by improving the
874 schedule for delivery, lowering the cost, and providing other
875 benefits to the public.

876 3. There may be state and federal tax incentives that
877 promote partnerships between public and private entities to
878 develop and operate qualifying projects.

879 4. A procurement under this section serves the public
880 purpose of this section if such procurement facilitates the
881 timely development or operation of a qualifying project.

882 (b) It is the intent of the Legislature to encourage
883 investment in the state by private entities; to facilitate
884 various bond financing mechanisms, private capital, and other



885 funding sources for the development and operation of qualifying
886 projects, including expansion and acceleration of such financing
887 to meet the public need; and to provide the greatest possible
888 flexibility to public and private entities contracting for the
889 provision of public services.

890 ~~(3) PUBLIC-PRIVATE PARTNERSHIP GUIDELINES TASK FORCE.—~~

891 ~~(a) There is created the Partnership for Public Facilities~~
892 ~~and Infrastructure Act Guidelines Task Force for the purpose of~~
893 ~~recommending guidelines for the Legislature to consider for~~
894 ~~purposes of creating a uniform process for establishing public-~~
895 ~~private partnerships, including the types of factors responsible~~
896 ~~public entities should review and consider when processing~~
897 ~~requests for public private partnership projects pursuant to~~
898 ~~this section.~~

899 ~~(b) The task force shall be composed of seven members, as~~
900 ~~follows:~~

901 ~~1. The Secretary of Management Services or his or her~~
902 ~~designee, who shall serve as chair of the task force.~~

903 ~~2. Six members appointed by the Governor, as follows:~~

904 ~~a. One county government official.~~

905 ~~b. One municipal government official.~~

906 ~~c. One district school board member.~~

907 ~~d. Three representatives of the business community.~~

908 ~~(c) Task force members must be appointed by July 31, 2013.~~

909 ~~By August 31, 2013, the task force shall meet to establish~~
910 ~~procedures for the conduct of its business and to elect a vice~~



911 ~~chair. The task force shall meet at the call of the chair. A~~
912 ~~majority of the members of the task force constitutes a quorum,~~
913 ~~and a quorum is necessary for the purpose of voting on any~~
914 ~~action or recommendation of the task force. All meetings shall~~
915 ~~be held in Tallahassee, unless otherwise decided by the task~~
916 ~~force, and then no more than two such meetings may be held in~~
917 ~~other locations for the purpose of taking public testimony.~~
918 ~~Administrative and technical support shall be provided by the~~
919 ~~department. Task force members shall serve without compensation~~
920 ~~and are not entitled to reimbursement for per diem or travel~~
921 ~~expenses.~~

922 ~~(d) In reviewing public private partnerships and~~
923 ~~developing recommendations, the task force must consider:~~

924 ~~1. Opportunities for competition through public notice and~~
925 ~~the availability of representatives of the responsible public~~
926 ~~entity to meet with private entities considering a proposal.~~

927 ~~2. Reasonable criteria for choosing among competing~~
928 ~~proposals.~~

929 ~~3. Suggested timelines for selecting proposals and~~
930 ~~negotiating an interim or comprehensive agreement.~~

931 ~~4. If an accelerated selection and review and~~
932 ~~documentation timelines should be considered for proposals~~
933 ~~involving a qualifying project that the responsible public~~
934 ~~entity deems a priority.~~

935 ~~5. Procedures for financial review and analysis which, at~~
936 ~~a minimum, include a cost benefit analysis, an assessment of~~



937 ~~opportunity cost, and consideration of the results of all~~
938 ~~studies and analyses related to the proposed qualifying project.~~

939 ~~6. The adequacy of the information released when seeking~~
940 ~~competing proposals and providing for the enhancement of that~~
941 ~~information, if deemed necessary, to encourage competition.~~

942 ~~7. Current exemptions from public records and public~~
943 ~~meetings requirements, if any changes to those exemptions are~~
944 ~~necessary, or if any new exemptions should be created in order~~
945 ~~to maintain the confidentiality of financial and proprietary~~
946 ~~information received as part of an unsolicited proposal.~~

947 ~~8. Recommendations regarding the authority of the~~
948 ~~responsible public entity to engage the services of qualified~~
949 ~~professionals, which may include a Florida-registered~~
950 ~~professional or a certified public accountant, not otherwise~~
951 ~~employed by the responsible public entity, to provide an~~
952 ~~independent analysis regarding the specifics, advantages,~~
953 ~~disadvantages, and long-term and short-term costs of a request~~
954 ~~by a private entity for approval of a qualifying project, unless~~
955 ~~the governing body of the public entity determines that such~~
956 ~~analysis should be performed by employees of the public entity.~~

957 ~~(e) The task force must submit a final report of its~~
958 ~~recommendations to the Governor, the President of the Senate,~~
959 ~~and the Speaker of the House of Representatives by July 1, 2014.~~

960 ~~(f) The task force is terminated December 31, 2014. The~~
961 ~~establishment of guidelines pursuant to this section or the~~
962 ~~adoption of such guidelines by a responsible public entity is~~



963 ~~not required for such entity to request or receive proposals for~~
964 ~~a qualifying project or to enter into a comprehensive agreement~~
965 ~~for a qualifying project. A responsible public entity may adopt~~
966 ~~guidelines so long as such guidelines are not inconsistent with~~
967 ~~this section.~~

968 (3)~~(4)~~ PROCUREMENT PROCEDURES.—A responsible public entity
969 may receive unsolicited proposals or may solicit proposals for
970 qualifying projects and may thereafter enter into a a
971 comprehensive ~~an~~ agreement with a private entity, or a
972 consortium of private entities, for the building, upgrading,
973 operating, ownership, or financing of facilities.

974 (a)1. The responsible public entity may establish a
975 reasonable application fee for the submission of an unsolicited
976 proposal under this section.

977 2. A private entity that submits an unsolicited proposal
978 to a responsible public entity must concurrently pay an initial
979 application fee, as determined by the responsible public entity.
980 Payment must be made by cash, cashier's check, or other
981 noncancelable instrument. Personal checks may not be accepted.

982 3. If the initial application fee does not cover the
983 responsible public entity's costs to evaluate the unsolicited
984 proposal, the responsible public entity must request in writing
985 the additional amounts required. The private entity must pay the
986 requested additional amounts within 30 days after receipt of the
987 notice. The responsible public entity may stop its review of the
988 unsolicited proposal if the private entity fails to pay the



989 additional fee.

990 4. If the responsible public entity does not evaluate the
991 unsolicited proposal, the responsible public entity must return
992 the application fee ~~The fee must be sufficient to pay the costs~~
993 ~~of evaluating the proposal. The responsible public entity may~~
994 ~~engage the services of a private consultant to assist in the~~
995 ~~evaluation.~~

996 (b) The responsible public entity may request a proposal
997 from private entities for a qualifying public-private project
998 or, if the responsible public entity receives an unsolicited
999 proposal for a qualifying public-private project and the
1000 responsible public entity intends to enter into a comprehensive
1001 agreement for the project described in the ~~such~~ unsolicited
1002 proposal, the responsible public entity shall publish notice in
1003 the Florida Administrative Register and a newspaper of general
1004 circulation at least once a week for 2 weeks stating that the
1005 responsible public entity has received a proposal and will
1006 accept other proposals for the same project. The timeframe
1007 within which the responsible public entity may accept other
1008 proposals shall be determined by the responsible public entity
1009 on a project-by-project basis based upon the complexity of the
1010 qualifying project and the public benefit to be gained by
1011 allowing a longer or shorter period of time within which other
1012 proposals may be received; however, the timeframe for allowing
1013 other proposals must be at least 21 days, but no more than 120
1014 days, after the initial date of publication. If approved by a



1015 majority vote of the responsible public entity's governing body,
 1016 the responsible public entity may alter the timeframe for
 1017 accepting proposals to more adequately suit the needs of the
 1018 qualifying project. A copy of the notice must be mailed to each
 1019 local government in the affected area.

1020 (c) If the responsible public entity solicits proposals
 1021 under this section, the solicitation must include a design
 1022 criteria package prepared by an architect, engineer, or
 1023 landscape architect licensed in this state which is sufficient
 1024 to allow private entities to prepare a bid or a response. The
 1025 design criteria package must specify performance-based criteria
 1026 for the project, including the legal description of the site,
 1027 with survey information; interior space requirements; material
 1028 quality standards; schematic layouts and conceptual design
 1029 criteria for the project; cost or budget estimates; design and
 1030 construction schedules; and site development and utility
 1031 requirements ~~A responsible public entity that is a school board~~
 1032 ~~may enter into a comprehensive agreement only with the approval~~
 1033 ~~of the local governing body.~~

1034 (d) Before approving a comprehensive agreement ~~approval,~~
 1035 the responsible public entity must determine that the proposed
 1036 project:

- 1037 1. Is in the public's best interest.
- 1038 2. Is for a facility that is owned by the responsible
- 1039 public entity or for a facility for which ownership will be
- 1040 conveyed to the responsible public entity.



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1041 3. Has adequate safeguards in place to ensure that
1042 additional costs or service disruptions are not imposed on the
1043 public in the event of material default or cancellation of the
1044 comprehensive agreement by the responsible public entity.

1045 4. Has adequate safeguards in place to ensure that the
1046 responsible public entity or private entity has the opportunity
1047 to add capacity to the proposed project or other facilities
1048 serving similar predominantly public purposes.

1049 5. Will be owned by the responsible public entity upon
1050 completion, expiration, or termination of the comprehensive
1051 agreement and upon payment of the amounts financed.

1052 (e) Before signing a comprehensive agreement, the
1053 responsible public entity must consider a reasonable finance
1054 plan that is consistent with subsection (9) ~~(11)~~; the qualifying
1055 project cost; revenues by source; available financing; major
1056 assumptions; internal rate of return on private investments, if
1057 governmental funds are assumed in order to deliver a cost-
1058 feasible project; and a total cash-flow analysis beginning with
1059 the implementation of the project and extending for the term of
1060 the comprehensive agreement.

1061 (f) In considering an unsolicited proposal, the
1062 responsible public entity may require from the private entity a
1063 technical study prepared by a nationally recognized expert with
1064 experience in preparing analysis for bond rating agencies. In
1065 evaluating the technical study, the responsible public entity
1066 may rely upon internal staff reports prepared by personnel



1067 familiar with the operation of similar facilities or the advice
1068 of external advisors or consultants who have relevant
1069 experience.

1070 (4)~~(5)~~ PROJECT APPROVAL REQUIREMENTS.—An unsolicited
1071 proposal from a private entity for approval of a qualifying
1072 project must be accompanied by the following material and
1073 information, unless waived by the responsible public entity:

1074 (a) A description of the qualifying project, including the
1075 conceptual design of the facilities or a conceptual plan for the
1076 provision of services, and a schedule for the initiation and
1077 completion of the qualifying project.

1078 (b) A description of the method by which the private
1079 entity proposes to secure the necessary property interests that
1080 are required for the qualifying project.

1081 (c) A description of the private entity's general plans
1082 for financing the qualifying project, including the sources of
1083 the private entity's funds and the identity of any dedicated
1084 revenue source or proposed debt or equity investment on behalf
1085 of the private entity.

1086 (d) The name and address of a person who may be contacted
1087 for additional information concerning the proposal.

1088 (e) The proposed user fees, lease payments, or other
1089 service payments over the term of a comprehensive agreement, and
1090 the methodology for and circumstances that would allow changes
1091 to the user fees, lease payments, and other service payments
1092 over time.



1093 (f) Additional material or information that the
 1094 responsible public entity reasonably requests.

1095
 1096 Any pricing or financial terms included in an unsolicited
 1097 proposal must be specific as to when the pricing or terms
 1098 expire.

1099 (5)~~(6)~~ PROJECT QUALIFICATION AND PROCESS.-

1100 (a) The private entity, or the applicable party or parties
 1101 of the private entity's team, must meet the minimum standards
 1102 contained in the responsible public entity's guidelines for
 1103 qualifying professional services and contracts for traditional
 1104 procurement projects.

1105 (b) The responsible public entity must:

1106 1. Ensure that provision is made for the private entity's
 1107 performance and payment of subcontractors, including, but not
 1108 limited to, surety bonds, letters of credit, parent company
 1109 guarantees, and lender and equity partner guarantees. For the
 1110 components of the qualifying project which involve construction
 1111 performance and payment, bonds are required and are subject to
 1112 the recordation, notice, suit limitation, and other requirements
 1113 of s. 255.05.

1114 2. Ensure the most efficient pricing of the security
 1115 package that provides for the performance and payment of
 1116 subcontractors.

1117 3. Ensure that ~~provision is made for the transfer of the~~
 1118 ~~private entity's obligations if the comprehensive agreement~~



1119 addresses termination upon ~~is terminated or~~ a material default
1120 of the comprehensive agreement ~~occurs~~.

1121 (c) After the public notification period has expired in
1122 the case of an unsolicited proposal, the responsible public
1123 entity shall rank the proposals received in order of preference.
1124 In ranking the proposals, the responsible public entity may
1125 consider factors that include, but are not limited to,
1126 professional qualifications, general business terms, innovative
1127 design techniques or cost-reduction terms, and finance plans.
1128 The responsible public entity may then begin negotiations for a
1129 comprehensive agreement with the highest-ranked firm. If the
1130 responsible public entity is not satisfied with the results of
1131 the negotiations, the responsible public entity may terminate
1132 negotiations with the proposer and negotiate with the second-
1133 ranked or subsequent-ranked firms, in the order consistent with
1134 this procedure. If only one proposal is received, the
1135 responsible public entity may negotiate in good faith, and if
1136 the responsible public entity is not satisfied with the results
1137 of the negotiations, the responsible public entity may terminate
1138 negotiations with the proposer. Notwithstanding this paragraph,
1139 the responsible public entity may reject all proposals at any
1140 point in the process until a contract with the proposer is
1141 executed.

1142 (d) The responsible public entity shall perform an
1143 independent analysis of the proposed public-private partnership
1144 which demonstrates the cost-effectiveness and overall public



1145 benefit before the procurement process is initiated or before
1146 the contract is awarded.

1147 (e) The responsible public entity may approve the
1148 development or operation of an educational facility, a
1149 transportation facility, a water or wastewater management
1150 facility or related infrastructure, a technology infrastructure
1151 or other public infrastructure, or a government facility needed
1152 by the responsible public entity as a qualifying project, or the
1153 design or equipping of a qualifying project that is developed or
1154 operated, if:

1155 1. There is a public need for or benefit derived from a
1156 project of the type that the private entity proposes as the
1157 qualifying project.

1158 2. The estimated cost of the qualifying project is
1159 reasonable in relation to similar facilities.

1160 3. The private entity's plans will result in the timely
1161 acquisition, design, construction, improvement, renovation,
1162 expansion, equipping, maintenance, or operation of the
1163 qualifying project.

1164 (f) The responsible public entity may charge a reasonable
1165 fee to cover the costs of processing, reviewing, and evaluating
1166 the request, including, but not limited to, reasonable attorney
1167 fees and fees for financial and technical advisors or
1168 consultants and for other necessary advisors or consultants.

1169 (g) Upon approval of a qualifying project, the responsible
1170 public entity shall establish a date for the commencement of



1171 activities related to the qualifying project. The responsible
 1172 public entity may extend the commencement date.

1173 (h) Approval of a qualifying project by the responsible
 1174 public entity is subject to entering into a comprehensive
 1175 agreement with the private entity.

1176 ~~(7) NOTICE TO AFFECTED LOCAL JURISDICTIONS.—~~

1177 ~~(a) The responsible public entity must notify each~~
 1178 ~~affected local jurisdiction by furnishing a copy of the proposal~~
 1179 ~~to each affected local jurisdiction when considering a proposal~~
 1180 ~~for a qualifying project.~~

1181 ~~(b) Each affected local jurisdiction that is not a~~
 1182 ~~responsible public entity for the respective qualifying project~~
 1183 ~~may, within 60 days after receiving the notice, submit in~~
 1184 ~~writing any comments to the responsible public entity and~~
 1185 ~~indicate whether the facility is incompatible with the local~~
 1186 ~~comprehensive plan, the local infrastructure development plan,~~
 1187 ~~the capital improvements budget, any development of regional~~
 1188 ~~impact processes or timelines, or other governmental spending~~
 1189 ~~plan. The responsible public entity shall consider the comments~~
 1190 ~~of the affected local jurisdiction before entering into a~~
 1191 ~~comprehensive agreement with a private entity. If an affected~~
 1192 ~~local jurisdiction fails to respond to the responsible public~~
 1193 ~~entity within the time provided in this paragraph, the~~
 1194 ~~nonresponse is deemed an acknowledgment by the affected local~~
 1195 ~~jurisdiction that the qualifying project is compatible with the~~
 1196 ~~local comprehensive plan, the local infrastructure development~~



1197 ~~plan, the capital improvements budget, or other governmental~~
1198 ~~spending plan.~~

1199 (6) ~~(8)~~ INTERIM AGREEMENT.—Before or in connection with the
1200 negotiation of a comprehensive agreement, the responsible public
1201 entity may enter into an interim agreement with the private
1202 entity proposing the development or operation of the qualifying
1203 project. An interim agreement does not obligate the responsible
1204 public entity to enter into a comprehensive agreement. The
1205 interim agreement is discretionary with the parties and is not
1206 required on a qualifying project for which the parties may
1207 proceed directly to a comprehensive agreement without the need
1208 for an interim agreement. An interim agreement must be limited
1209 to provisions that:

1210 (a) Authorize the private entity to commence activities
1211 for which it may be compensated related to the proposed
1212 qualifying project, including, but not limited to, project
1213 planning and development, design, environmental analysis and
1214 mitigation, survey, other activities concerning any part of the
1215 proposed qualifying project, and ascertaining the availability
1216 of financing for the proposed facility or facilities.

1217 (b) Establish the process and timing of the negotiation of
1218 the comprehensive agreement.

1219 (c) Contain such other provisions related to an aspect of
1220 the development or operation of a qualifying project that the
1221 responsible public entity and the private entity deem
1222 appropriate.



1223 ~~(7)~~~~(9)~~ COMPREHENSIVE AGREEMENT.—

1224 (a) Before developing or operating the qualifying project,

1225 the private entity must enter into a comprehensive agreement

1226 with the responsible public entity. The comprehensive agreement

1227 must provide for:

1228 1. Delivery of performance and payment bonds, letters of

1229 credit, or other security acceptable to the responsible public

1230 entity in connection with the development or operation of the

1231 qualifying project in the form and amount satisfactory to the

1232 responsible public entity. For the components of the qualifying

1233 project which involve construction, the form and amount of the

1234 bonds must comply with s. 255.05.

1235 2. Review of the design for the qualifying project by the

1236 responsible public entity and, if the design conforms to

1237 standards acceptable to the responsible public entity, the

1238 approval of the responsible public entity. This subparagraph

1239 does not require the private entity to complete the design of

1240 the qualifying project before the execution of the comprehensive

1241 agreement.

1242 3. Inspection of the qualifying project by the responsible

1243 public entity to ensure that the private entity's activities are

1244 acceptable to the responsible public entity in accordance with

1245 the comprehensive agreement.

1246 4. Maintenance of a policy of public liability insurance,

1247 a copy of which must be filed with the responsible public entity

1248 and accompanied by proofs of coverage, or self-insurance, each



1249 | in the form and amount satisfactory to the responsible public
1250 | entity and reasonably sufficient to ensure coverage of tort
1251 | liability to the public and employees and to enable the
1252 | continued operation of the qualifying project.

1253 | 5. Monitoring by the responsible public entity of the
1254 | maintenance practices to be performed by the private entity to
1255 | ensure that the qualifying project is properly maintained.

1256 | 6. Periodic filing by the private entity of the
1257 | appropriate financial statements that pertain to the qualifying
1258 | project.

1259 | 7. Procedures that govern the rights and responsibilities
1260 | of the responsible public entity and the private entity in the
1261 | course of the construction and operation of the qualifying
1262 | project and in the event of the termination of the comprehensive
1263 | agreement or a material default by the private entity. The
1264 | procedures must include conditions that govern the assumption of
1265 | the duties and responsibilities of the private entity by an
1266 | entity that funded, in whole or part, the qualifying project or
1267 | by the responsible public entity, and must provide for the
1268 | transfer or purchase of property or other interests of the
1269 | private entity by the responsible public entity.

1270 | 8. Fees, lease payments, or service payments. In
1271 | negotiating user fees, the fees must be the same for persons
1272 | using the facility under like conditions and must not materially
1273 | discourage use of the qualifying project. The execution of the
1274 | comprehensive agreement or a subsequent amendment is conclusive



1275 | evidence that the fees, lease payments, or service payments
 1276 | provided for in the comprehensive agreement comply with this
 1277 | section. Fees or lease payments established in the comprehensive
 1278 | agreement as a source of revenue may be in addition to, or in
 1279 | lieu of, service payments.

1280 | 9. Duties of the private entity, including the terms and
 1281 | conditions that the responsible public entity determines serve
 1282 | the public purpose of this section.

1283 | (b) The comprehensive agreement may include:

1284 | 1. An agreement by the responsible public entity to make
 1285 | grants or loans to the private entity from amounts received from
 1286 | the federal, state, or local government or an agency or
 1287 | instrumentality thereof.

1288 | 2. A provision under which each entity agrees to provide
 1289 | notice of default and cure rights for the benefit of the other
 1290 | entity, including, but not limited to, a provision regarding
 1291 | unavoidable delays.

1292 | 3. A provision that terminates the authority and duties of
 1293 | the private entity under this section and dedicates the
 1294 | qualifying project to the responsible public entity or, if the
 1295 | qualifying project was initially dedicated by an affected local
 1296 | jurisdiction, to the affected local jurisdiction for public use.

1297 | (8) (10) FEES.—A comprehensive ~~An~~ agreement entered into
 1298 | pursuant to this section may authorize the private entity to
 1299 | impose fees to members of the public for the use of the
 1300 | facility. The following provisions apply to the comprehensive



1301 agreement:

1302 (a) The responsible public entity may develop new
1303 facilities or increase capacity in existing facilities through a
1304 comprehensive agreement with a private entity ~~agreements with~~
1305 ~~public-private partnerships~~.

1306 (b) The comprehensive ~~public-private partnership~~ agreement
1307 must ensure that the facility is properly operated, maintained,
1308 or improved in accordance with standards set forth in the
1309 comprehensive agreement.

1310 (c) The responsible public entity may lease existing fee-
1311 for-use facilities through a comprehensive ~~public-private~~
1312 ~~partnership~~ agreement.

1313 (d) Any revenues must be authorized by and applied in the
1314 manner set forth in ~~regulated by the responsible public entity~~
1315 ~~pursuant to~~ the comprehensive agreement.

1316 (e) A negotiated portion of revenues from fee-generating
1317 uses may ~~must~~ be returned to the responsible public entity over
1318 the life of the comprehensive agreement.

1319 (9) ~~(11)~~ FINANCING.—

1320 (a) A private entity may enter into a private-source
1321 financing agreement between financing sources and the private
1322 entity. A financing agreement and any liens on the property or
1323 facility must be paid in full at the applicable closing that
1324 transfers ownership or operation of the facility to the
1325 responsible public entity at the conclusion of the term of the
1326 comprehensive agreement.



1327 (b) The responsible public entity may lend funds to
1328 private entities that construct projects containing facilities
1329 that are approved under this section.

1330 (c) The responsible public entity may use innovative
1331 finance techniques associated with a public-private partnership
1332 under this section, including, but not limited to, federal loans
1333 as provided in Titles 23 and 49 C.F.R., commercial bank loans,
1334 and hedges against inflation from commercial banks or other
1335 private sources. In addition, the responsible public entity may
1336 provide its own capital or operating budget to support a
1337 qualifying project. The budget may be from any legally
1338 permissible funding sources of the responsible public entity,
1339 including the proceeds of debt issuances. A responsible public
1340 entity may use the model financing agreement provided in s.
1341 489.145(6) for its financing of a facility owned by a
1342 responsible public entity. A financing agreement may not require
1343 the responsible public entity to indemnify the financing source,
1344 subject the responsible public entity's facility to liens in
1345 violation of s. 11.066(5), or secure financing of ~~by~~ the
1346 responsible public entity by a mortgage on, or security interest
1347 in, the real or tangible personal property of the responsible
1348 public entity in a manner that could result in the loss of the
1349 fee ownership of the property by the responsible public entity
1350 ~~with a pledge of security interest,~~ and any such provision is
1351 void.

1352 ~~(d) A responsible public entity shall appropriate on a~~



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1353 ~~priority basis as required by the comprehensive agreement a~~
1354 ~~contractual payment obligation, annual or otherwise, from the~~
1355 ~~enterprise or other government fund from which the qualifying~~
1356 ~~projects will be funded. This required payment obligation must~~
1357 ~~be appropriated before other noncontractual obligations payable~~
1358 ~~from the same enterprise or other government fund.~~

1359 (10)~~(12)~~ POWERS AND DUTIES OF THE PRIVATE ENTITY.—

1360 (a) The private entity shall:

1361 1. Develop or operate the qualifying project in a manner
1362 that is acceptable to the responsible public entity in
1363 accordance with the provisions of the comprehensive agreement.

1364 2. Maintain, or provide by contract for the maintenance or
1365 improvement of, the qualifying project if required by the
1366 comprehensive agreement.

1367 3. Cooperate with the responsible public entity in making
1368 best efforts to establish interconnection between the qualifying
1369 project and any other facility or infrastructure as requested by
1370 the responsible public entity in accordance with the provisions
1371 of the comprehensive agreement.

1372 4. Comply with the comprehensive agreement and any lease
1373 or service contract.

1374 (b) Each private facility that is constructed pursuant to
1375 this section must comply with the requirements of federal,
1376 state, and local laws; state, regional, and local comprehensive
1377 plans; the responsible public entity's rules, procedures, and
1378 standards for facilities; and such other conditions that the



1379 responsible public entity determines to be in the public's best
1380 interest and that are included in the comprehensive agreement.

1381 (c) The responsible public entity may provide services to
1382 the private entity. An agreement for maintenance and other
1383 services entered into pursuant to this section must provide for
1384 full reimbursement for services rendered for qualifying
1385 projects.

1386 (d) A private entity of a qualifying project may provide
1387 additional services for the qualifying project to the public or
1388 to other private entities if the provision of additional
1389 services does not impair the private entity's ability to meet
1390 its commitments to the responsible public entity pursuant to the
1391 comprehensive agreement.

1392 (11)~~(13)~~ EXPIRATION OR TERMINATION OF AGREEMENTS.—Upon the
1393 expiration or termination of a comprehensive agreement, the
1394 responsible public entity may use revenues from the qualifying
1395 project to pay current operation and maintenance costs of the
1396 qualifying project. If the private entity materially defaults
1397 under the comprehensive agreement, the compensation that is
1398 otherwise due to the private entity is payable to satisfy all
1399 financial obligations to investors and lenders on the qualifying
1400 project in the same way that is provided in the comprehensive
1401 agreement or any other agreement involving the qualifying
1402 project, if the costs of operating and maintaining the
1403 qualifying project are paid in the normal course. Revenues in
1404 excess of the costs for operation and maintenance costs may be



1405 | paid to the investors and lenders to satisfy payment obligations
1406 | under their respective agreements. A responsible public entity
1407 | may terminate with cause and without prejudice a comprehensive
1408 | agreement and may exercise any other rights or remedies that may
1409 | be available to it in accordance with the provisions of the
1410 | comprehensive agreement. The full faith and credit of the
1411 | responsible public entity may not be pledged to secure the
1412 | financing of the private entity. The assumption of the
1413 | development or operation of the qualifying project does not
1414 | obligate the responsible public entity to pay any obligation of
1415 | the private entity from sources other than revenues from the
1416 | qualifying project unless stated otherwise in the comprehensive
1417 | agreement.

1418 | (12)~~(14)~~ SOVEREIGN IMMUNITY.—This section does not waive
1419 | the sovereign immunity of a responsible public entity, an
1420 | affected local jurisdiction, or an officer or employee thereof
1421 | with respect to participation in, or approval of, any part of a
1422 | qualifying project or its operation, including, but not limited
1423 | to, interconnection of the qualifying project with any other
1424 | infrastructure or project. A county or municipality in which a
1425 | qualifying project is located possesses sovereign immunity with
1426 | respect to the project, including, but not limited to, its
1427 | design, construction, and operation.

1428 | (13) DEPARTMENT OF MANAGEMENT SERVICES.—

1429 | (a) A responsible public entity may provide a copy of its
1430 | comprehensive agreement to the Department of Management



1431 Services. A responsible public entity must redact any
1432 confidential or exempt information from the copy of the
1433 comprehensive agreement before providing it to the Department of
1434 Management Services.

1435 (b) The Department of Management Services may accept and
1436 maintain copies of comprehensive agreements received from
1437 responsible public entities for the purpose of sharing
1438 comprehensive agreements with other responsible public entities.

1439 (c) This subsection does not require a responsible public
1440 entity to provide a copy of its comprehensive agreement to the
1441 Department of Management Services.

1442 (14)-(15) CONSTRUCTION.-

1443 (a) This section shall be liberally construed to
1444 effectuate the purposes of this section.

1445 (b) This section shall be construed as cumulative and
1446 supplemental to any other authority or power vested in or
1447 exercised by the governing body ~~board~~ of a county, municipality,
1448 special district, or municipal hospital or health care system
1449 including those contained in acts of the Legislature
1450 ~~establishing such public hospital boards or s. 155.40.~~

1451 (c) This section does not affect any agreement or existing
1452 relationship with a supporting organization involving such
1453 governing body ~~board~~ or system in effect as of January 1, 2013.

1454 (d)-(a) This section provides an alternative method and
1455 does not limit a county, municipality, special district, or
1456 other political subdivision of the state in the procurement or



1457 operation of a qualifying project ~~acquisition, design, or~~
1458 ~~construction of a public project~~ pursuant to other statutory or
1459 constitutional authority.

1460 (e) ~~(b)~~ Except as otherwise provided in this section, this
1461 section does not amend existing laws by granting additional
1462 powers to, or further restricting, a local governmental entity
1463 from regulating and entering into cooperative arrangements with
1464 the private sector for the planning, construction, or operation
1465 of a facility.

1466 (f) ~~(e)~~ This section does not waive any requirement of s.
1467 287.055.

1468 Section 9. Section 288.061, Florida Statutes, is amended
1469 to read:

1470 288.061 Economic development incentive application
1471 process.—

1472 (1) Beginning January 1, 2016, the department shall
1473 prescribe a form upon which an application for an incentive
1474 shall be made. At a minimum, the incentive application must
1475 include the following:

1476 (a) The applicant's federal employee identification
1477 number, reemployment assistance account number, and state sales
1478 tax registration number. If such numbers are not available at
1479 the time of application, the numbers must be submitted to the
1480 department in writing before the disbursement of any economic
1481 incentive payments or the grant of any tax credits or refunds.

1482 (b) The applicant's signature.



1483 (c) The location of the project.

1484 (d) The anticipated commencement date of the project.

1485 (e) A description of the type of business activity,
1486 product, or research and development undertaken by the
1487 applicant, including the six-digit North American Industry
1488 Classification System code or codes associated with the project.

1489 (f) An attestation verifying that the information provided
1490 on the application is true and correct.

1491 (2)~~(1)~~ Upon receiving a submitted economic development
1492 incentive application, the Division of Strategic Business
1493 Development of the department ~~of Economic Opportunity~~ and
1494 designated staff of Enterprise Florida, Inc., shall review the
1495 application to ensure that the application is complete, whether
1496 and what type of state and local permits may be necessary for
1497 the applicant's project, whether it is possible to waive such
1498 permits, and what state incentives and amounts of such
1499 incentives may be available to the applicant. The department
1500 shall recommend to the executive director to approve or
1501 disapprove an applicant business. If review of the application
1502 demonstrates that the application is incomplete, the executive
1503 director shall notify the applicant business within the first 5
1504 business days after receiving the application.

1505 (3) (a) (2) ~~Beginning July 1, 2013,~~ The department shall
1506 review and evaluate each economic development incentive
1507 application for the economic benefits of the proposed award of
1508 state incentives proposed for the project. Such review shall



1509 occur before the department approves an economic development
1510 incentive application and each time an approved incentive
1511 agreement or contract is amended, extended, or otherwise altered
1512 by the department or Enterprise Florida, Inc. The department
1513 shall notify the Legislature of each incentive contract
1514 extension and each contract amendment which alters a performance
1515 condition that a project must meet to obtain incentive funds.
1516 Except as otherwise provided in this chapter, the department may
1517 not execute an amendment to an incentive agreement or contract
1518 for a project the economic benefits of which have been reduced
1519 unless the award of state incentives outlined in the incentive
1520 agreement or contract have been reduced by a proportionate
1521 amount. The department shall include in its annual report
1522 information pertaining to each incentive contract extension and
1523 each contract amendment that alters a performance condition that
1524 a project must meet to obtain incentive funds.

1525 (b) As used in this subsection, the term "economic
1526 benefits" has the same meaning as provided in s. 288.005. The
1527 Office of Economic and Demographic Research shall establish the
1528 methodology and model used to calculate the economic benefits,
1529 including guidelines for the appropriate application of the
1530 department's internal model. For purposes of this requirement,
1531 an amended definition of "economic benefits" may be developed by
1532 the Office of Economic and Demographic Research.

1533 (4) The department's evaluation of the application must
1534 also include the following:



1535 (a) A financial analysis of the company, including
1536 information regarding liens and pending or ongoing litigation,
1537 credit ratings, and regulatory filings.

1538 (b) A review of any independent evaluations of the
1539 company.

1540 (c) A review of the historical market performance of the
1541 company.

1542 (d) A review of the latest audit of the company's
1543 financial statement and the related auditor management letter.

1544 (e) A review of any other audits that are related to the
1545 internal controls or management of the company.

1546 (f) A review of performance in connection with any
1547 incentives previously awarded by state or local governments.

1548 (g) Any other review deemed necessary by the department.

1549 (5) (a) ~~(3)~~ Except as provided in paragraph (b), within 10
1550 business days after the department receives a complete ~~the~~
1551 ~~submitted~~ economic development incentive application, the
1552 executive director shall approve or disapprove the application
1553 and issue a letter of certification to the applicant which
1554 includes a justification of that decision, unless the business
1555 requests an extension of ~~that~~ time.

1556 (b) Within 10 business days after the department receives
1557 a complete economic development incentive application for a
1558 project, the executive director shall recommend to the Governor
1559 approval or disapproval of the application. The recommendation
1560 must include a justification for the recommendation and the



1561 proposed performance conditions that the project must meet to
1562 obtain incentive funds.

1563 (c) ~~(a)~~ The contract or agreement with the applicant must
1564 specify the total amount of the award, the performance
1565 conditions that must be met to obtain the award, the schedule
1566 for payment, and sanctions that would apply for failure to meet
1567 performance conditions. The contract or agreement with the
1568 applicant must require that the applicant use the state's job
1569 bank system to advertise job openings created as a result of the
1570 state incentive agreement. Any agreement or contract that
1571 requires capital investment to be made by the business shall
1572 also require that such investment remain in this state for the
1573 duration of the agreement or contract, except an investment made
1574 in transportation-related assets specifically used for the
1575 purpose of transporting goods or employees. The department may
1576 enter into one agreement or contract covering all of the state
1577 incentives that are being provided to the applicant. The
1578 contract must provide that release of funds is contingent upon
1579 sufficient appropriation of funds by the Legislature. The state
1580 may not enter into a contract or agreement with a term of more
1581 than 10 years with any applicant. However, the department may
1582 enter into a successive agreement or contract for a specific
1583 project to extend the initial 10-year term, provided that each
1584 successive agreement or contract is contingent upon the
1585 successful completion of the previous agreement or contract. If
1586 all of the state incentives for one agreement or contract total



1587 \$20 million or greater or the agreement or contract is for a
1588 project receiving an innovation incentive program award pursuant
1589 to s. 288.1089 or a capital investment tax credit pursuant to s.
1590 220.191, the restriction on the term of the agreement or
1591 contract does not apply.

1592 (d) The department may only provide payments and tax
1593 refunds after the department verifies that the applicant has met
1594 the required project performance criteria, and only in the year
1595 in which the payment or tax refund is scheduled to be paid
1596 pursuant to the contract. Funds appropriated may only be paid to
1597 the applicant and not to a third party. Any funds unexpended by
1598 June 30 of each year shall revert in accordance with s. 216.301
1599 and may not be transferred to an escrow account. Any funds
1600 transferred before July 1, 2015, to an escrow account held by
1601 Enterprise Florida, Inc., for payments for a contract entered
1602 into pursuant to s. 288.1088 or s. 288.1089 before July 1, 2015,
1603 may be used to make payment to applicants who have met
1604 performance criteria until all such funds are expended. Any
1605 funds deposited in the escrow account encumbered under a
1606 contract whose requirements are not met, or that has been
1607 terminated, must be returned by Enterprise Florida, Inc., to the
1608 state within 10 calendar days after notification by the
1609 department.

1610 (e) The total amount of payments and tax refunds approved
1611 for payment by the department based on actual project
1612 performance may not exceed the amount appropriated for such



1613 purposes for the fiscal year. Claims for payments and tax
1614 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,
1615 288.1088, and 288.1089 shall be paid in the order that the
1616 claims are approved by the department. The Legislature shall
1617 annually appropriate in the General Appropriations Act an amount
1618 estimated to sufficiently satisfy payments and tax refunds under
1619 ss. 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1620 288.1089 in a fiscal year. If the Legislature does not
1621 appropriate an amount sufficient to satisfy the payments and tax
1622 refunds under ss. 288.0659, 288.1045, 288.106, 288.107, 288.108,
1623 288.1088, and 288.1089 in a fiscal year, the department shall
1624 pay the claims from the appropriation for the following fiscal
1625 year. By March 1 of each year, the department shall notify the
1626 legislative appropriations committees of any anticipated
1627 shortfall in the amount of funds needed to satisfy claims for
1628 payments and tax refunds from the appropriation for the current
1629 fiscal year.

1630 (f) By January 2 of each year, the department shall
1631 provide to the Legislature a list of potential payment and tax
1632 refund claims that may be filed for payment in the following
1633 fiscal year under ss. 288.0659, 288.1045, 288.106, 288.107,
1634 288.108, 288.1088, and 288.1089.

1635 (g) By March 1 of each year, the department shall provide
1636 to the Legislature a list of actual payment and tax refund
1637 claims filed for payment in the following fiscal year under ss.
1638 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and



1639 288.1089.

1640 (h) The department may approve applications for
1641 certification pursuant to ss. 288.0659, 288.1045, 288.106,
1642 288.107, 288.108, 288.1088, and 288.1089. The total payments and
1643 tax refunds scheduled to be paid may not exceed \$60 million in
1644 any one fiscal year.

1645 ~~(b) The release of funds for the incentive or incentives~~
1646 ~~awarded to the applicant depends upon the statutory requirements~~
1647 ~~of the particular incentive program.~~

1648 (6)-(4) The department shall validate contractor
1649 performance and report such validation in the annual incentives
1650 report required under s. 288.907.

1651 (7)-(5)(a) The executive director may not approve an
1652 economic development incentive application unless the
1653 application includes a signed written declaration by the
1654 applicant which states that the applicant has read the
1655 information in the application and that the information is true,
1656 correct, and complete to the best of the applicant's knowledge
1657 and belief.

1658 (b) After an economic development incentive application is
1659 approved, the awardee shall provide, in each year that the
1660 department is required to validate contractor performance, a
1661 signed written declaration. The written declaration must state
1662 that the awardee has reviewed the information and that the
1663 information is true, correct, and complete to the best of the
1664 awardee's knowledge and belief.



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1665 (8)~~(6)~~ The department is authorized to adopt rules to
1666 implement this section.

1667 Section 10. Paragraph (c) of subsection (1) of section
1668 288.076, Florida Statutes, is amended to read:

1669 288.076 Return on investment reporting for economic
1670 development programs.—

1671 (1) As used in this section, the term:

1672 (c) "Project" has the same meaning as provided in s.
1673 288.106(2)(1) ~~288.106(2)(m)~~.

1674 Section 11. Subsection (3) of section 288.095, Florida
1675 Statutes, is amended to read:

1676 288.095 Economic Development Trust Fund.—

1677 (3) (a) ~~The department may approve applications for~~
1678 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~
1679 ~~the total state share of tax refund payments may not exceed \$35~~
1680 ~~million.~~

1681 ~~(b)~~ The total amount of tax refund claims approved for
1682 payment by the department based on actual project performance
1683 may not exceed the amount appropriated to the Economic
1684 Development Incentives Account for such purposes for the fiscal
1685 year. Claims for tax refunds under ss. 288.1045 and 288.106
1686 shall be paid in the order the claims are approved by the
1687 department. In the event the Legislature does not appropriate an
1688 amount sufficient to satisfy the tax refunds under ss. 288.1045
1689 and 288.106 in a fiscal year, the department shall pay the tax
1690 refunds from the appropriation for the following fiscal year. By



1691 March 1 of each year, the department shall notify the
1692 legislative appropriations committees of the Senate and House of
1693 Representatives of any anticipated shortfall in the amount of
1694 funds needed to satisfy claims for tax refunds from the
1695 appropriation for the current fiscal year.

1696 (b)~~(e)~~ Moneys in the Economic Development Incentives
1697 Account may be used only to pay tax refunds and make other
1698 payments authorized under s. 288.1045, s. 288.106, or s.
1699 288.107.

1700 (c)~~(d)~~ The department may adopt rules necessary to carry
1701 out the provisions of this subsection, including rules providing
1702 for the use of moneys in the Economic Development Incentives
1703 Account and for the administration of the Economic Development
1704 Incentives Account.

1705 Section 12. The sum of \$20 million of nonrecurring funds
1706 in the State Economic Enhancement and Development Trust Fund and
1707 the sum of \$3.8 million of nonrecurring funds in the Economic
1708 Development Trust Fund are appropriated to the Department of
1709 Economic Opportunity to provide payments and tax refunds
1710 pursuant to s. 288.061, Florida Statutes, for programs under ss.
1711 288.0659, 288.1045, 288.106, 288.107, 288.108, 288.1088, and
1712 288.1089, Florida Statutes, for fiscal year 2015-2016. Payments
1713 may only be made for projects that meet statutory eligibility
1714 requirements. Funds may not be released for any other purpose
1715 and may only be made for projects that meet statutory
1716 eligibility requirements. Funds may not be released for any



1717 other purpose and may only be disbursed directly to the
1718 applicant when projects are certified to have met contracted
1719 performance requirements. Funds provided from the Economic
1720 Development Trust Fund represent local matching funds.

1721 Section 13. Subsection (1), paragraphs (a), (b), (c), (e),
1722 and (f) of subsection (2), paragraphs (b), (c), (d), (h), and
1723 (j) of subsection (3), paragraphs (b) and (e) of subsection (5),
1724 and subsection (7) of section 288.1045, Florida Statutes, are
1725 amended, and paragraph (h) is added to subsection (5) of that
1726 section, to read:

1727 288.1045 Qualified defense contractor and space flight
1728 business tax refund program.—

1729 (1) DEFINITIONS.—As used in this section:

1730 (a) "Applicant" means any business entity that holds a
1731 valid Department of Defense contract or space flight business
1732 contract, any business entity that is a subcontractor under a
1733 valid Department of Defense contract or space flight business
1734 contract, or any business entity that holds a valid contract for
1735 the reuse of a defense-related facility, including all members
1736 of an affiliated group of corporations as defined in s.
1737 220.03(1)(b).

1738 (b) "Average private sector wage in the area" means the
1739 average of all wages and salaries in ~~the state~~, the county, or
1740 in the standard metropolitan area in which the project business
1741 ~~unit~~ is located.

1742 (c) "Business unit" means an employing unit, as defined in



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1743 s. 443.036, that is registered with the department for
1744 reemployment assistance purposes or means a subcategory or
1745 division of an employing unit that is accepted by the department
1746 as a reporting unit.

1747 (d) "Consolidation of a Department of Defense contract"
1748 means the consolidation of one or more of an applicant's
1749 facilities under one or more Department of Defense contracts,
1750 from outside this state or from inside and outside this state,
1751 into one or more of the applicant's facilities inside this
1752 state.

1753 (e) "Consolidation of a space flight business contract"
1754 means the consolidation of one or more of an applicant's
1755 facilities under one or more space flight business contracts,
1756 from outside this state or from inside and outside this state,
1757 into one or more of the applicant's facilities inside this
1758 state.

1759 (f) "Contract for reuse of a defense-related facility"
1760 means a contract with a duration of 2 or more years for the use
1761 of a facility for manufacturing, assembling, fabricating,
1762 research, development, or design of tangible personal property,
1763 but excluding any contract to provide goods, improvements to
1764 real or tangible property, or services directly to or for any
1765 particular military base or installation in this state. Such
1766 facility must be located within a port, as defined in s. 313.21,
1767 and have been occupied by a business entity that held a valid
1768 Department of Defense contract or occupied by any branch of the



1769 Armed Forces of the United States, within 1 year of any contract
1770 being executed for the reuse of such facility. A contract for
1771 reuse of a defense-related facility may not include any contract
1772 for reuse of such facility for any Department of Defense
1773 contract for manufacturing, assembling, fabricating, research,
1774 development, or design.

1775 (g) "Department of Defense contract" means a competitively
1776 bid Department of Defense contract or subcontract or a
1777 competitively bid federal agency contract or subcontract issued
1778 on behalf of the Department of Defense for manufacturing,
1779 assembling, fabricating, research, development, or design with a
1780 duration of 2 or more years, but excluding any contract or
1781 subcontract to provide goods, improvements to real or tangible
1782 property, or services directly to or for any particular military
1783 base or installation in this state. The term includes contracts
1784 or subcontracts for products or services for military use or
1785 homeland security which contracts or subcontracts are approved
1786 by the United States Department of Defense, the United States
1787 Department of State, or the United States Department of Homeland
1788 Security.

1789 (h) "Fiscal year" means the fiscal year of the state.

1790 (i) "Jobs" means full-time equivalent positions,
1791 including, but not limited to, positions obtained from a
1792 temporary employment agency or employee leasing company or
1793 through a union agreement or coemployment under a professional
1794 employer organization agreement, that result directly from a



1795 project in this state. This number does not include temporary
1796 construction jobs involved with the construction of facilities
1797 for the project.

1798 (j) "Local financial support" means funding from local
1799 sources, public or private, which is paid to the Economic
1800 Development Trust Fund and which is equal to 20 percent of the
1801 annual tax refund for a qualified applicant.

1802 1. Local financial support may include excess payments
1803 made to a utility company under a designated program to allow
1804 decreases in service by the utility company under conditions,
1805 regardless of when application is made.

1806 2. A qualified applicant may not provide, directly or
1807 indirectly, more than 5 percent of such funding in any fiscal
1808 year. The sources of such funding may not include, directly or
1809 indirectly, state funds appropriated from the General Revenue
1810 Fund or any state trust fund, excluding tax revenues shared with
1811 local governments pursuant to law.

1812 3. A qualified applicant may not receive more than 80
1813 percent of the total tax refunds from state funds that are
1814 allowed such applicant under this section.

1815 4. The department may grant a waiver that reduces the
1816 required amount of local financial support for a project to 10
1817 percent of the annual tax refund awarded to a qualified
1818 applicant for a local government, or eliminates the required
1819 amount of local financial support for a project for a local
1820 government located in a rural area of opportunity, as designated



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1821 by the Governor pursuant to s. 288.0656. To be eligible to
1822 receive a waiver that reduces or eliminates the required amount
1823 of local financial support, a local government shall provide the
1824 department with:

1825 a. A resolution adopted by the governing body of the
1826 county or municipality in whose jurisdiction the project will be
1827 located, requesting the applicant's project be waived from the
1828 local financial support requirement.

1829 b. A statement prepared by a Florida certified public
1830 accountant, as defined in s. 473.302, that describes the
1831 financial constraints preventing the local government from
1832 providing the local financial support required by this section.
1833 This sub-subparagraph does not apply to a county considered
1834 fiscally constrained pursuant to s. 218.67(1).

1835 ~~(k) "Local financial support exemption option" means the~~
1836 ~~option to exercise an exemption from the local financial support~~
1837 ~~requirement available to any applicant whose project is located~~
1838 ~~in a county designated by the Rural Economic Development~~
1839 ~~Initiative, if the county commissioners of the county in which~~
1840 ~~the project will be located adopt a resolution requesting that~~
1841 ~~the applicant's project be exempt from the local financial~~
1842 ~~support requirement. Any applicant that exercises this option is~~
1843 ~~not eligible for more than 80 percent of the total tax refunds~~
1844 ~~allowed such applicant under this section.~~

1845 (k)(1) "New Department of Defense contract" means a
1846 Department of Defense contract entered into after the date



1847 application for certification as a qualified applicant is made
1848 and after January 1, 1994.

1849 (l)~~(m)~~ "New space flight business contract" means a space
1850 flight business contract entered into after an application for
1851 certification as a qualified applicant is made after July 1,
1852 2008.

1853 (m)~~(n)~~ "Nondefense production jobs" means employment
1854 exclusively for activities that, directly or indirectly, are
1855 unrelated to the Department of Defense.

1856 (n)~~(o)~~ "Project" means any business undertaking in this
1857 state under a new Department of Defense contract, consolidation
1858 of a Department of Defense contract, new space flight business
1859 contract, consolidation of a space flight business contract, or
1860 conversion of defense production jobs over to nondefense
1861 production jobs or reuse of defense-related facilities.

1862 (o)~~(p)~~ "Qualified applicant" means an applicant that has
1863 been approved by the department to be eligible for tax refunds
1864 pursuant to this section.

1865 (p)~~(q)~~ "Space flight business" means the manufacturing,
1866 processing, or assembly of space flight technology products,
1867 space flight facilities, space flight propulsion systems, or
1868 space vehicles, satellites, or stations of any kind possessing
1869 the capability for space flight, as defined by s. 212.02(23), or
1870 components thereof, and includes, in supporting space flight,
1871 vehicle launch activities, flight operations, ground control or
1872 ground support, and all administrative activities directly



1873 related to such activities. The term does not include products
 1874 that are designed or manufactured for general commercial
 1875 aviation or other uses even if those products may also serve an
 1876 incidental use in space flight applications.

1877 (q)~~(r)~~ "Space flight business contract" means a
 1878 competitively bid federal agency contract, federal agency
 1879 subcontract, an awarded commercial contract, or an awarded
 1880 commercial subcontract for space flight business with a duration
 1881 of 2 or more years.

1882 (r)~~(s)~~ "Taxable year" means the same as in s.
 1883 220.03(1)(y).

1884 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1885 (a) There shall be allowed, from the Economic Development
 1886 Trust Fund, a refund to a qualified applicant for the amount of
 1887 eligible taxes certified by the department which were paid by
 1888 such qualified applicant. The total amount of refunds for all
 1889 fiscal years for each qualified applicant shall be determined
 1890 pursuant to subsection (3). The annual amount of a refund to a
 1891 qualified applicant shall be determined pursuant to subsection
 1892 (5).

1893 (b) Upon approval by the director, a qualified applicant
 1894 shall be allowed tax refund payments equal to \$3,000 times the
 1895 number of jobs specified in the tax refund agreement under
 1896 subparagraph (4)(a)1. or equal to \$6,000 times the number of
 1897 jobs if the project is located in a rural area of opportunity
 1898 ~~county~~ or a certified ~~an~~ enterprise zone. Further, a qualified



1899 applicant shall be allowed additional tax refund payments equal
1900 to \$1,000 times the number of jobs specified in the tax refund
1901 agreement under subparagraph (4)(a)1. if such jobs pay an annual
1902 average wage of at least 150 percent of the average private
1903 sector wage in the area or equal to \$2,000 times the number of
1904 jobs if such jobs pay an annual average wage of at least 200
1905 percent of the average private sector wage in the area. A
1906 qualified applicant may not receive refunds of more than 25
1907 percent of the total tax refunds provided in the tax refund
1908 agreement pursuant to subparagraph (4)(a)1. in any fiscal year,
1909 provided that no qualified applicant may receive more than \$2.5
1910 million in tax refunds pursuant to this section in any fiscal
1911 year.

1912 (c) ~~Contingent upon an annual appropriation by the~~
1913 ~~Legislature,~~ The department may not approve ~~not~~ more in tax
1914 refunds ~~than the amount appropriated to the Economic Development~~
1915 ~~Trust Fund for tax refunds,~~ for a fiscal year than the amount
1916 specified in s. 288.061 pursuant to subsection (5) and s.
1917 ~~288.095.~~

1918 (e) After entering into a tax refund agreement pursuant to
1919 subsection (4), a qualified applicant may:

1920 1. Receive refunds from the account for corporate income
1921 taxes due and paid pursuant to chapter 220 by that business
1922 beginning with the first taxable year of the business which
1923 begins after entering into the agreement.

1924 2. Receive refunds from the account for the following



1925 taxes due and paid by that business after entering into the
1926 agreement:

1927 a. Taxes on sales, use, and other transactions paid
1928 pursuant to chapter 212.

1929 b. Intangible personal property taxes paid pursuant to
1930 chapter 199.

1931 c. Excise taxes paid on documents pursuant to chapter 201.

1932 d. Ad valorem taxes paid, as defined in s. 220.03(1)(a) on
1933 June 1, 1996.

1934 e. State communications services taxes administered under
1935 chapter 202. This provision does not apply to the gross receipts
1936 tax imposed under chapter 203 and administered under chapter 202
1937 or the local communications services tax authorized under s.
1938 202.19.

1939
1940 However, a qualified applicant may not receive a tax refund
1941 pursuant to this section for any amount of credit, refund, or
1942 exemption granted such contractor for any of such taxes. If a
1943 refund for such taxes is provided by the department, which taxes
1944 are subsequently adjusted by the application of any credit,
1945 refund, or exemption granted to the qualified applicant other
1946 than that provided in this section, the qualified applicant
1947 shall reimburse the Economic Development Trust Fund for the
1948 amount of such credit, refund, or exemption. A qualified
1949 applicant must notify and tender payment to the department
1950 within 20 days after receiving a credit, refund, or exemption,



1951 other than that provided in this section.

1952 (f) Any qualified applicant who fraudulently claims this
1953 refund is liable for repayment of the refund to the Economic
1954 Development Trust Fund plus a mandatory penalty of 200 percent
1955 of the tax refund which shall be deposited into the General
1956 Revenue Fund. Any qualified applicant who fraudulently claims
1957 this refund commits a felony of the third degree, punishable as
1958 provided in s. 775.082, s. 775.083, or s. 775.084.

1959 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
1960 DETERMINATION.—

1961 (b) Applications for certification based on the
1962 consolidation of a Department of Defense contract or a new
1963 Department of Defense contract must be submitted to the
1964 department as prescribed by the department and must include, but
1965 are not limited to, the following information:

1966 1. The applicant's federal employer identification number,
1967 the applicant's Florida sales tax registration number, and a
1968 signature of an officer of the applicant.

1969 2. The permanent location of the manufacturing,
1970 assembling, fabricating, research, development, or design
1971 facility in this state at which the project is or is to be
1972 located.

1973 3. The Department of Defense contract numbers of the
1974 contract to be consolidated, the new Department of Defense
1975 contract number, or the "RFP" number of a proposed Department of
1976 Defense contract.



1977 4. The date the contract was executed or is expected to be
 1978 executed, and the date the contract is due to expire or is
 1979 expected to expire.

1980 5. The commencement date for project operations under the
 1981 contract in this state.

1982 6. The number of net new full-time equivalent Florida jobs
 1983 included in the project as of December 31 of each year and the
 1984 average wage of such jobs.

1985 7. The total number of full-time equivalent employees
 1986 employed by the applicant in this state.

1987 8. The percentage of the applicant's gross receipts
 1988 derived from Department of Defense contracts during the 5
 1989 taxable years immediately preceding the date the application is
 1990 submitted.

1991 9. The number of full-time equivalent jobs in this state
 1992 to be retained by the project.

1993 10. A brief statement concerning the applicant's need for
 1994 tax refunds, and the proposed uses of such refunds by the
 1995 applicant.

1996 11. A resolution adopted by the governing board of the
 1997 county or municipality in which the project will be located,
 1998 which recommends the applicant be approved as a qualified
 1999 applicant, and which indicates that the necessary commitments of
 2000 local financial support for the applicant exist. ~~Prior to the~~
 2001 ~~adoption of the resolution, the county commission may review the~~
 2002 ~~proposed public or private sources of such support and determine~~



2003 ~~whether the proposed sources of local financial support can be~~
 2004 ~~provided or, for any applicant whose project is located in a~~
 2005 ~~county designated by the Rural Economic Development Initiative,~~
 2006 ~~a resolution adopted by the county commissioners of such county~~
 2007 ~~requesting that the applicant's project be exempt from the local~~
 2008 ~~financial support requirement.~~

2009 12. Any additional information requested by the
 2010 department.

2011 (c) Applications for certification based on the conversion
 2012 of defense production jobs to nondefense production jobs must be
 2013 submitted to the department as prescribed by the department and
 2014 must include, but are not limited to, the following information:

2015 1. The applicant's federal employer identification number,
 2016 the applicant's Florida sales tax registration number, and a
 2017 signature of an officer of the applicant.

2018 2. The permanent location of the manufacturing,
 2019 assembling, fabricating, research, development, or design
 2020 facility in this state at which the project is or is to be
 2021 located.

2022 3. The Department of Defense contract numbers of the
 2023 contract under which the defense production jobs will be
 2024 converted to nondefense production jobs.

2025 4. The date the contract was executed, and the date the
 2026 contract is due to expire or is expected to expire, or was
 2027 canceled.

2028 5. The commencement date for the nondefense production



2029 operations in this state.

2030 6. The number of net new full-time equivalent Florida jobs
 2031 included in the nondefense production project as of December 31
 2032 of each year and the average wage of such jobs.

2033 7. The total number of full-time equivalent employees
 2034 employed by the applicant in this state.

2035 8. The percentage of the applicant's gross receipts
 2036 derived from Department of Defense contracts during the 5
 2037 taxable years immediately preceding the date the application is
 2038 submitted.

2039 9. The number of full-time equivalent jobs in this state
 2040 to be retained by the project.

2041 10. A brief statement concerning the applicant's need for
 2042 tax refunds, and the proposed uses of such refunds by the
 2043 applicant.

2044 11. A resolution adopted by the governing board of the
 2045 county or municipality in which the project will be located,
 2046 which recommends the applicant be approved as a qualified
 2047 applicant, and which indicates that the necessary commitments of
 2048 local financial support for the applicant exist. ~~Prior to the~~
 2049 ~~adoption of the resolution, the county commission may review the~~
 2050 ~~proposed public or private sources of such support and determine~~
 2051 ~~whether the proposed sources of local financial support can be~~
 2052 ~~provided or, for any applicant whose project is located in a~~
 2053 ~~county designated by the Rural Economic Development Initiative,~~
 2054 ~~a resolution adopted by the county commissioners of such county~~



2055 ~~requesting that the applicant's project be exempt from the local~~
2056 ~~financial support requirement.~~

2057 12. Any additional information requested by the
2058 department.

2059 (d) Applications for certification based on a contract for
2060 reuse of a defense-related facility must be submitted to the
2061 department as prescribed by the department and must include, but
2062 are not limited to, the following information:

2063 1. The applicant's Florida sales tax registration number
2064 and a signature of an officer of the applicant.

2065 2. The permanent location of the manufacturing,
2066 assembling, fabricating, research, development, or design
2067 facility in this state at which the project is or is to be
2068 located.

2069 3. The business entity holding a valid Department of
2070 Defense contract or branch of the Armed Forces of the United
2071 States that previously occupied the facility, and the date such
2072 entity last occupied the facility.

2073 4. A copy of the contract to reuse the facility, or such
2074 alternative proof as may be prescribed by the department that
2075 the applicant is seeking to contract for the reuse of such
2076 facility.

2077 5. The date the contract to reuse the facility was
2078 executed or is expected to be executed, and the date the
2079 contract is due to expire or is expected to expire.

2080 6. The commencement date for project operations under the



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2081 contract in this state.

2082 7. The number of net new full-time equivalent Florida jobs
2083 included in the project as of December 31 of each year and the
2084 average wage of such jobs.

2085 8. The total number of full-time equivalent employees
2086 employed by the applicant in this state.

2087 9. The number of full-time equivalent jobs in this state
2088 to be retained by the project.

2089 10. A brief statement concerning the applicant's need for
2090 tax refunds, and the proposed uses of such refunds by the
2091 applicant.

2092 11. A resolution adopted by the governing board of the
2093 county or municipality in which the project will be located,
2094 which recommends the applicant be approved as a qualified
2095 applicant, and which indicates that the necessary commitments of
2096 local financial support for the applicant exist. ~~Before the~~
2097 ~~adoption of the resolution, the county commission may review the~~
2098 ~~proposed public or private sources of such support and determine~~
2099 ~~whether the proposed sources of local financial support can be~~
2100 ~~provided or, for any applicant whose project is located in a~~
2101 ~~county designated by the Rural Economic Development Initiative,~~
2102 ~~a resolution adopted by the county commissioners of such county~~
2103 ~~requesting that the applicant's project be exempt from the local~~
2104 ~~financial support requirement.~~

2105 12. Any additional information requested by the
2106 department.



2107 (h) The department may not certify any applicant as a
 2108 qualified applicant when the value of tax refunds to be included
 2109 in that letter of certification exceeds the available amount of
 2110 authority to certify a new business in any fiscal year
 2111 ~~businesses~~ as determined pursuant to s. 288.061(5) in s.
 2112 ~~288.095(3)~~. A letter of certification that approves an
 2113 application must specify the maximum amount of a tax refund that
 2114 is to be available to the contractor for each fiscal year and
 2115 the total amount of tax refunds for all fiscal years.

2116 (j) Applications for certification based upon a new space
 2117 flight business contract or the consolidation of a space flight
 2118 business contract must be submitted to the department as
 2119 prescribed by the department and must include, but are not
 2120 limited to, the following information:

2121 1. The applicant's federal employer identification number,
 2122 the applicant's Florida sales tax registration number, and a
 2123 signature of an officer of the applicant.

2124 2. The permanent location of the space flight business
 2125 facility in this state where the project is or will be located.

2126 3. The new space flight business contract number, the
 2127 space flight business contract numbers of the contract to be
 2128 consolidated, or the request-for-proposal number of a proposed
 2129 space flight business contract.

2130 4. The date the contract was executed and the date the
 2131 contract is due to expire, is expected to expire, or was
 2132 canceled.



2133 5. The commencement date for project operations under the
2134 contract in this state.

2135 6. The number of net new full-time equivalent Florida jobs
2136 included in the project as of December 31 of each year and the
2137 average wage of such jobs.

2138 7. The total number of full-time equivalent employees
2139 employed by the applicant in this state.

2140 8. The percentage of the applicant's gross receipts
2141 derived from space flight business contracts during the 5
2142 taxable years immediately preceding the date the application is
2143 submitted.

2144 9. The number of full-time equivalent jobs in this state
2145 to be retained by the project.

2146 10. A brief statement concerning the applicant's need for
2147 tax refunds and the proposed uses of such refunds by the
2148 applicant.

2149 11. A resolution adopted by the governing board of the
2150 county or municipality in which the project will be located
2151 which recommends the applicant be approved as a qualified
2152 applicant and indicates that the necessary commitments of local
2153 financial support for the applicant exist. ~~Prior to the adoption~~
2154 ~~of the resolution, the county commission may review the proposed~~
2155 ~~public or private sources of such support and determine whether~~
2156 ~~the proposed sources of local financial support can be provided~~
2157 ~~or, for any applicant whose project is located in a county~~
2158 ~~designated by the Rural Economic Development Initiative, a~~



2159 ~~resolution adopted by the county commissioners of such county~~
 2160 ~~requesting that the applicant's project be exempt from the local~~
 2161 ~~financial support requirement.~~

2162 12. Any additional information requested by the
 2163 department.

2164 (5) ANNUAL CLAIM FOR REFUND.—

2165 (b) The department shall verify ~~claim for refund by the~~
 2166 ~~qualified applicant must include a copy of all receipts~~
 2167 ~~pertaining to~~ the payment of taxes for which a refund is sought,
 2168 and data related to achieving each performance item contained in
 2169 the tax refund agreement pursuant to subsection (4). The amount
 2170 requested as a tax refund may not exceed the amount for the
 2171 relevant fiscal year in the written agreement entered pursuant
 2172 to subsection (4).

2173 (e) The total amount of tax refunds approved by the
 2174 department under this section in any fiscal year may not exceed
 2175 the amount authorized under s. 288.061(5) ~~288.095(3)~~.

2176 (h) A business that fails to timely submit documentation
 2177 requested by the department, as per the agreement between the
 2178 business and the department, and results in the department
 2179 withholding an otherwise approved refund, may receive an
 2180 approved refund if:

2181 1. The business submits the documentation to the
 2182 department.

2183 2. The business provides a written statement to the
 2184 department detailing the extenuating circumstances that resulted



2185 in the failure to timely submit the documentation required by
 2186 the agreement.

2187 3. Funds appropriated for this section remain available.

2188 4. The business was scheduled, by the terms of the
 2189 agreement, to submit information to the department between
 2190 January 1, 2014, and December 31, 2014.

2191 5. The business has met all other requirements of the
 2192 agreement.

2193 (7) EXPIRATION.—An applicant may not be certified as
 2194 qualified under this section after June 30, 2017 ~~2014~~. A tax
 2195 refund agreement existing on that date shall continue in effect
 2196 in accordance with its terms.

2197 Section 14. Subsection (2), paragraphs (b) and (c) of
 2198 subsection (3), paragraphs (b), (e), and (f) of subsection (4),
 2199 paragraph (b) of subsection (5), paragraphs (a) and (g) of
 2200 subsection (6), and subsection (8) of section 288.106, Florida
 2201 Statutes, are amended to read:

2202 288.106 Tax refund program for qualified target industry
 2203 businesses.—

2204 (2) DEFINITIONS.—As used in this section, the term:

2205 (a) "Account" means the Economic Development Incentives
 2206 Account within the Economic Development Trust Fund established
 2207 under s. 288.095.

2208 (b) "Authorized local economic development agency" means a
 2209 public or private entity, including an entity defined in s.
 2210 288.075, authorized by a county or municipality to promote the



2211 general business or industrial interests of that county or
 2212 municipality.

2213 (c) "Average private sector wage in the area" means ~~the~~
 2214 ~~statewide private sector average wage or~~ the average of all
 2215 private sector wages and salaries in the county or in the
 2216 standard metropolitan area in which the project ~~business~~ is
 2217 located or will be located.

2218 (d) "Business" means an employing unit, as defined in s.
 2219 443.036, that is registered for reemployment assistance purposes
 2220 with the state agency providing reemployment assistance tax
 2221 collection services under an interagency agreement pursuant to
 2222 s. 443.1316, or a subcategory or division of an employing unit
 2223 that is accepted by the state agency providing reemployment
 2224 assistance tax collection services as a reporting unit.

2225 (e)-(f) "Certified enterprise zone" means an area certified
 2226 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

2227 (f)-(e) "Corporate headquarters business" means an
 2228 international, national, or regional headquarters office of a
 2229 multinational or multistate business enterprise or national
 2230 trade association, whether separate from or connected with other
 2231 facilities used by such business.

2232 (g) "Expansion of an existing business" means the
 2233 expansion of an existing Florida business by or through
 2234 additions to real and personal property, resulting in a net
 2235 increase in employment of not less than 10 percent at such
 2236 business.



2237 (h) "Fiscal year" means the fiscal year of the state.

2238 (i) "Jobs" means full-time equivalent positions,
 2239 including, but not limited to, positions obtained from a
 2240 temporary employment agency or employee leasing company or
 2241 through a union agreement or coemployment under a professional
 2242 employer organization agreement, that result directly from a
 2243 project in this state. The term does not include temporary
 2244 construction jobs involved with the construction of facilities
 2245 for the project or any jobs previously included in any
 2246 application for tax refunds under s. 288.1045 or this section.

2247 (j) "Local financial support" means funding from local
 2248 sources, public or private, that is paid to the Economic
 2249 Development Trust Fund and that is equal to 20 percent of the
 2250 annual tax refund for a qualified target industry business.

2251 1. A qualified target industry business may not provide,
 2252 directly or indirectly, more than 5 percent of such funding in
 2253 any fiscal year. The sources of such funding may not include,
 2254 directly or indirectly, state funds appropriated from the
 2255 General Revenue Fund or any state trust fund, excluding tax
 2256 revenues shared with local governments pursuant to law.

2257 2. A qualified target industry business may not receive
 2258 more than 80 percent of the total tax refunds from state funds
 2259 that are allowed such business under this section.

2260 3. The department may grant a waiver that reduces the
 2261 required amount of local financial support for a project to 10
 2262 percent of the annual tax refund awarded to a qualified target



2263 industry business for a local government, or eliminates the
2264 required amount of local financial support for a project for a
2265 local government located in a rural area of opportunity, as
2266 designated by the Governor pursuant to s. 288.0656. To be
2267 eligible to receive a waiver that reduces or eliminates the
2268 required amount of local financial support, a local government
2269 shall provide the department with:

2270 a. A resolution adopted by the governing body of the
2271 county or municipality in whose jurisdiction the project will be
2272 located, requesting that the applicant's project be waived from
2273 the local financial support requirement.

2274 b. A statement prepared by a Florida certified public
2275 accountant, as defined in s. 473.302, which describes the
2276 financial constraints preventing the local government from
2277 providing the local financial support required by this section.
2278 This sub-subparagraph does not apply to a county considered
2279 fiscally constrained pursuant to s. 218.67(1).

2280 ~~(k) "Local financial support exemption option" means the~~
2281 ~~option to exercise an exemption from the local financial support~~
2282 ~~requirement available to any applicant whose project is located~~
2283 ~~in a brownfield area, a rural city, or a rural community. Any~~
2284 ~~applicant that exercises this option is not eligible for more~~
2285 ~~than 80 percent of the total tax refunds allowed such applicant~~
2286 ~~under this section.~~

2287 (k)(1) "New business" means a business that applies for a
2288 tax refund under this section before beginning operations in



2289 | this state and that is a legal entity separate from any other
 2290 | commercial or industrial operations owned by the same business.

2291 | (l)~~(m)~~ "Project" means the creation of a new business or
 2292 | expansion of an existing business.

2293 | (m)~~(n)~~ "Qualified target industry business" means a target
 2294 | industry business approved by the department to be eligible for
 2295 | tax refunds under this section.

2296 | ~~(o) "Rural city" means a city having a population of
 2297 | 10,000 or fewer, or a city having a population of greater than
 2298 | 10,000 but fewer than 20,000 that has been determined by the
 2299 | department to have economic characteristics such as, but not
 2300 | limited to, a significant percentage of residents on public
 2301 | assistance, a significant percentage of residents with income
 2302 | below the poverty level, or a significant percentage of the
 2303 | city's employment base in agriculture-related industries.~~

2304 | ~~(p) "Rural community" means:~~

- 2305 | ~~1. A county having a population of 75,000 or fewer.~~
- 2306 | ~~2. A county having a population of 125,000 or fewer that~~
 2307 | ~~is contiguous to a county having a population of 75,000 or~~
 2308 | ~~fewer.~~

2309 | ~~3. A municipality within a county described in~~
 2310 | ~~subparagraph 1. or subparagraph 2.~~

2311 |
 2312 | ~~For purposes of this paragraph, population shall be determined~~
 2313 | ~~in accordance with the most recent official estimate pursuant to~~
 2314 | ~~s. 186.901.~~



2315 (n) ~~(e)~~ "Target industry business" means a corporate
2316 headquarters business or any business that is engaged in one of
2317 the target industries identified pursuant to the following
2318 criteria developed by the department in consultation with
2319 Enterprise Florida, Inc.:

2320 1. Future growth.—Industry forecasts should indicate
2321 strong expectation for future growth in both employment and
2322 output, according to the most recent available data. Special
2323 consideration should be given to businesses that export goods
2324 to, or provide services in, international markets and businesses
2325 that replace domestic and international imports of goods or
2326 services.

2327 2. Stability.—The industry should not be subject to
2328 periodic layoffs, whether due to seasonality or sensitivity to
2329 volatile economic variables such as weather. The industry should
2330 also be relatively resistant to recession, so that the demand
2331 for products of this industry is not typically subject to
2332 decline during an economic downturn.

2333 3. High wage.—The industry should pay relatively high
2334 wages compared to statewide or area averages.

2335 4. Market and resource independent.—The location of
2336 industry businesses should not be dependent on Florida markets
2337 or resources as indicated by industry analysis, except for
2338 businesses in the renewable energy industry.

2339 5. Industrial base diversification and strengthening.—The
2340 industry should contribute toward expanding or diversifying the



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2341 state's or area's economic base, as indicated by analysis of
2342 employment and output shares compared to national and regional
2343 trends. Special consideration should be given to industries that
2344 strengthen regional economies by adding value to basic products
2345 or building regional industrial clusters as indicated by
2346 industry analysis. Special consideration should also be given to
2347 the development of strong industrial clusters that include
2348 defense and homeland security businesses.

2349 6. Positive economic impact.—The industry is expected to
2350 have strong positive economic impacts on or benefits to the
2351 state or regional economies. Special consideration should be
2352 given to industries that facilitate the development of the state
2353 as a hub for domestic and global trade and logistics.

2354
2355 The term does not include any business engaged in retail
2356 industry activities; any electrical utility company as defined
2357 in s. 366.02(2); any phosphate or other solid minerals
2358 severance, mining, or processing operation; any oil or gas
2359 exploration or production operation; or any business subject to
2360 regulation by the Division of Hotels and Restaurants of the
2361 Department of Business and Professional Regulation. Any business
2362 within NAICS code 5611 or 5614, office administrative services
2363 and business support services, respectively, may be considered a
2364 target industry business only after the local governing body and
2365 Enterprise Florida, Inc., make a determination that the
2366 community where the business may locate has conditions affecting



2367 the fiscal and economic viability of the local community or
 2368 area, including but not limited to, factors such as low per
 2369 capita income, high unemployment, high underemployment, and a
 2370 lack of year-round stable employment opportunities, and such
 2371 conditions may be improved by the location of such a business to
 2372 the community. By January 1 of every 3rd year, beginning January
 2373 1, 2011, the department, in consultation with Enterprise
 2374 Florida, Inc., economic development organizations, the State
 2375 University System, local governments, employee and employer
 2376 organizations, market analysts, and economists, shall review
 2377 and, as appropriate, revise the list of such target industries
 2378 and submit the list to the Governor, the President of the
 2379 Senate, and the Speaker of the House of Representatives.

2380 (o)~~(r)~~ "Taxable year" means taxable year as defined in s.
 2381 220.03(1)(y).

2382 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

2383 (b)1. Upon approval by the department, a qualified target
 2384 industry business shall be allowed tax refund payments equal to
 2385 \$3,000 multiplied by the number of jobs specified in the tax
 2386 refund agreement under subparagraph (5)(a)1., or equal to \$6,000
 2387 multiplied by the number of jobs if the project is located in a
 2388 rural area of opportunity ~~community~~ or a certified ~~an~~ enterprise
 2389 zone.

2390 2. A qualified target industry business shall be allowed
 2391 additional tax refund payments equal to \$1,000 multiplied by the
 2392 number of jobs specified in the tax refund agreement under



2393 subparagraph (5)(a)1. if such jobs pay an annual average wage of
 2394 at least 150 percent of the average private sector wage in the
 2395 area, or equal to \$2,000 multiplied by the number of jobs if
 2396 such jobs pay an annual average wage of at least 200 percent of
 2397 the average private sector wage in the area.

2398 3. A qualified target industry business shall be allowed
 2399 tax refund payments in addition to the other payments authorized
 2400 in this paragraph equal to \$1,000 multiplied by the number of
 2401 jobs specified in the tax refund agreement under subparagraph
 2402 (5)(a)1. if the local financial support is equal to that of the
 2403 state's incentive award under subparagraph 1.

2404 4. In addition to the other tax refund payments authorized
 2405 in this paragraph, a qualified target industry business shall be
 2406 allowed a tax refund payment equal to \$2,000 multiplied by the
 2407 number of jobs specified in the tax refund agreement under
 2408 subparagraph (5)(a)1. if the business:

2409 a. Falls within one of the high-impact sectors designated
 2410 under s. 288.108; or

2411 b. Increases exports of its goods through a seaport or
 2412 airport in the state by at least 10 percent in value or tonnage
 2413 in each of the years that the business receives a tax refund
 2414 under this section. For purposes of this sub-subparagraph,
 2415 seaports in the state are limited to the ports of Jacksonville,
 2416 Tampa, Port Everglades, Miami, Port Canaveral, Ft. Pierce, Palm
 2417 Beach, Port Manatee, Port St. Joe, Panama City, St. Petersburg,
 2418 Pensacola, Fernandina, and Key West.



2419 (c) A qualified target industry business may not receive
 2420 refund payments of more than 25 percent of the total tax refunds
 2421 specified in the tax refund agreement under subparagraph
 2422 (5)(a)1. in any fiscal year. Further, a qualified target
 2423 industry business may not receive more than \$1.5 million in
 2424 refunds under this section in any single fiscal year, or more
 2425 than \$2.5 million in any single fiscal year if the project is
 2426 located in a certified ~~an~~ enterprise zone.

2427 (4) APPLICATION AND APPROVAL PROCESS.—

2428 (b) To qualify for review by the department, the
 2429 application of a target industry business must, at a minimum,
 2430 establish the following to the satisfaction of the department:

2431 1.a. The jobs proposed to be created under the
 2432 application, pursuant to subparagraph (a)4., must pay an
 2433 estimated annual average wage equaling at least 115 percent of
 2434 the average private sector wage in the area where the business
 2435 is to be located ~~or the statewide private sector average wage.~~
 2436 ~~The governing board of the local governmental entity providing~~
 2437 ~~the local financial support of the jurisdiction where the~~
 2438 ~~qualified target industry business is to be located shall notify~~
 2439 ~~the department and Enterprise Florida, Inc., which calculation~~
 2440 ~~of the average private sector wage in the area must be used as~~
 2441 ~~the basis for the business's wage commitment.~~ In determining the
 2442 average annual wage, the department shall include only new
 2443 proposed jobs, and wages for existing jobs shall be excluded
 2444 from this calculation.



2445 | b. The department may waive the average wage requirement
2446 | at the request of the local governing body recommending the
2447 | project and Enterprise Florida, Inc. The department may waive
2448 | the wage requirement for a project located in a brownfield area
2449 | designated under s. 376.80, in a rural area of opportunity ~~city,~~
2450 | ~~in a rural community,~~ in a certified ~~an~~ enterprise zone, or for
2451 | a manufacturing project at any location in the state if the jobs
2452 | proposed to be created pay an estimated annual average wage
2453 | equaling at least 100 percent of the average private sector wage
2454 | in the area where the business is to be located, only if the
2455 | merits of the individual project or the specific circumstances
2456 | in the community in relationship to the project warrant such
2457 | action. If the local governing body and Enterprise Florida,
2458 | Inc., make such a recommendation, it must be transmitted in
2459 | writing, and the specific justification for the waiver
2460 | recommendation must be explained. If the department elects to
2461 | waive the wage requirement, the waiver must be stated in
2462 | writing, and the reasons for granting the waiver must be
2463 | explained.

2464 | 2. The target industry business's project must result in
2465 | the creation of at least 10 jobs at the project and, in the case
2466 | of an expansion of an existing business, must result in a net
2467 | increase in employment of at least 10 percent at the business.
2468 | At the request of the local governing body recommending the
2469 | project and Enterprise Florida, Inc., the department may waive
2470 | this requirement for a business located in a rural area of



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2471 opportunity designated by the Governor pursuant to s. 288.0656,
2472 ~~community~~ or certified enterprise zone if the merits of the
2473 individual project or the specific circumstances in the
2474 community in relationship to the project warrant such action. If
2475 the local governing body and Enterprise Florida, Inc., make such
2476 a request, the request must be transmitted in writing, and the
2477 specific justification for the request must be explained. If the
2478 department elects to grant the request, the grant must be stated
2479 in writing, and the reason for granting the request must be
2480 explained.

2481 3. The business activity or product for the applicant's
2482 project must be within an industry identified by the department
2483 as a target industry business that contributes to the economic
2484 growth of the state and the area in which the business is
2485 located, that produces a higher standard of living for residents
2486 of this state in the new global economy, or that can be shown to
2487 make an equivalent contribution to the area's and state's
2488 economic progress.

2489 (e) The department may not certify any target industry
2490 business as a qualified target industry business if the value of
2491 tax refunds to be included in that letter of certification
2492 exceeds the available amount of authority to certify a new
2493 business in any fiscal year ~~businesses~~ as determined pursuant to
2494 s. 288.061(5) ~~in s. 288.095(3)~~. However, if the commitments of
2495 local financial support represent less than 20 percent of the
2496 eligible tax refund payments, or to otherwise preserve the



2497 viability and fiscal integrity of the program, the department
 2498 may certify a qualified target industry business to receive tax
 2499 refund payments of less than the allowable amounts specified in
 2500 paragraph (3)(b). A letter of certification that approves an
 2501 application must specify the maximum amount of tax refund that
 2502 will be available to the qualified industry business in each
 2503 fiscal year and the total amount of tax refunds that will be
 2504 available to the business for all fiscal years.

2505 ~~(f) Notwithstanding paragraph (2)(j), the department may~~
 2506 ~~reduce the local financial support requirements of this section~~
 2507 ~~by one-half for a qualified target industry business located in~~
 2508 ~~Bay County, Escambia County, Franklin County, Gadsden County,~~
 2509 ~~Gulf County, Jefferson County, Leon County, Okaloosa County,~~
 2510 ~~Santa Rosa County, Wakulla County, or Walton County, if the~~
 2511 ~~department determines that such reduction of the local financial~~
 2512 ~~support requirements is in the best interest of the state and~~
 2513 ~~facilitates economic development, growth, or new employment~~
 2514 ~~opportunities in such county. This paragraph expires June 30,~~
 2515 ~~2014.~~

2516 (5) TAX REFUND AGREEMENT.—

2517 (b) Compliance with the terms and conditions of the
 2518 agreement is a condition precedent for the receipt of a tax
 2519 refund each year. The failure to comply with the terms and
 2520 conditions of the tax refund agreement results in the loss of
 2521 eligibility for receipt of all tax refunds previously authorized
 2522 under this section and the revocation by the department of the



2523 certification of the business entity as a qualified target
 2524 industry business, unless the business is eligible to receive
 2525 and elects to accept a prorated refund under paragraph (6) (e) ~~or~~
 2526 ~~the department grants the business an economic recovery~~
 2527 ~~extension.~~

2528 ~~1. A qualified target industry business may submit a~~
 2529 ~~request to the department for an economic recovery extension.~~
 2530 ~~The request must provide quantitative evidence demonstrating how~~
 2531 ~~negative economic conditions in the business's industry, the~~
 2532 ~~effects of a named hurricane or tropical storm, or specific acts~~
 2533 ~~of terrorism affecting the qualified target industry business~~
 2534 ~~have prevented the business from complying with the terms and~~
 2535 ~~conditions of its tax refund agreement.~~

2536 ~~2. Upon receipt of a request under subparagraph 1., the~~
 2537 ~~department has 45 days to notify the requesting business, in~~
 2538 ~~writing, whether its extension has been granted or denied. In~~
 2539 ~~determining whether an extension should be granted, the~~
 2540 ~~department shall consider the extent to which negative economic~~
 2541 ~~conditions in the requesting business's industry have occurred~~
 2542 ~~in the state or the effects of a named hurricane or tropical~~
 2543 ~~storm or specific acts of terrorism affecting the qualified~~
 2544 ~~target industry business have prevented the business from~~
 2545 ~~complying with the terms and conditions of its tax refund~~
 2546 ~~agreement. The department shall consider current employment~~
 2547 ~~statistics for this state by industry, including whether the~~
 2548 ~~business's industry had substantial job loss during the prior~~



2549 ~~year, when determining whether an extension shall be granted.~~
 2550 ~~3. As a condition for receiving a prorated refund under~~
 2551 ~~paragraph (6) (e) or an economic recovery extension under this~~
 2552 ~~paragraph, a qualified target industry business must agree to~~
 2553 ~~renegotiate its tax refund agreement with the department to, at~~
 2554 ~~a minimum, ensure that the terms of the agreement comply with~~
 2555 ~~current law and the department's procedures governing~~
 2556 ~~application for and award of tax refunds. Upon approving the~~
 2557 ~~award of a prorated refund or granting an economic recovery~~
 2558 ~~extension, the department shall renegotiate the tax refund~~
 2559 ~~agreement with the business as required by this subparagraph.~~
 2560 ~~When amending the agreement of a business receiving an economic~~
 2561 ~~recovery extension, the department may extend the duration of~~
 2562 ~~the agreement for a period not to exceed 2 years.~~
 2563 ~~4. A qualified target industry business may submit a~~
 2564 ~~request for an economic recovery extension to the department in~~
 2565 ~~lieu of any tax refund claim scheduled to be submitted after~~
 2566 ~~January 1, 2009, but before July 1, 2012.~~
 2567 ~~5. A qualified target industry business that receives an~~
 2568 ~~economic recovery extension may not receive a tax refund for the~~
 2569 ~~period covered by the extension.~~
 2570 (6) ANNUAL CLAIM FOR REFUND.—
 2571 (a) To be eligible to claim any scheduled tax refund, a
 2572 qualified target industry business that has entered into a tax
 2573 refund agreement with the department under subsection (5) must
 2574 apply by January 31 of each fiscal year to the department for



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2575 the tax refund scheduled to be paid from the appropriation for
2576 the fiscal year that begins on July 1 following the January 31
2577 claims-submission date. The department may, upon written
2578 request, grant up to a 60-day ~~30-day~~ extension of the filing
2579 date for claims due on or after January 31, 2015.

2580 (g) The total amount of tax refund claims approved by the
2581 department under this section in any fiscal year must not exceed
2582 the amount authorized under s. 288.061(5) ~~288.095(3)~~.

2583 ~~(8) SPECIAL INCENTIVES. If the department determines it is~~
2584 ~~in the best interest of the public for reasons of facilitating~~
2585 ~~economic development, growth, or new employment opportunities~~
2586 ~~within a Disproportionally Affected County, the department may,~~
2587 ~~between July 1, 2011, and June 30, 2014, waive any or all wage~~
2588 ~~or local financial support eligibility requirements and allow a~~
2589 ~~qualified target industry business from another state which~~
2590 ~~relocates all or a portion of its business to a~~
2591 ~~Disproportionally Affected County to receive a tax refund~~
2592 ~~payment of up to \$6,000 multiplied by the number of jobs~~
2593 ~~specified in the tax refund agreement under subparagraph~~
2594 ~~(5)(a)1. over the term of the agreement. Prior to granting such~~
2595 ~~waiver, the executive director of the department shall file with~~
2596 ~~the Governor a written statement of the conditions and~~
2597 ~~circumstances constituting the reason for the waiver. Such~~
2598 ~~business shall be eligible for the additional tax refund~~
2599 ~~payments specified in subparagraph (3)(b)4. if it meets the~~
2600 ~~criteria. As used in this section, the term "Disproportionally~~



2601 ~~Affected County" means Bay County, Escambia County, Franklin~~
 2602 ~~County, Gulf County, Okaloosa County, Santa Rosa County, Walton~~
 2603 ~~County, or Wakulla County.~~

2604 Section 15. Paragraph (i) of subsection (4) of section
 2605 288.107, Florida Statutes, is amended to read:

2606 288.107 Brownfield redevelopment bonus refunds.—

2607 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

2608 (i) The total amount of the bonus refunds approved by the
 2609 department under this section in any fiscal year may ~~must~~ not
 2610 exceed the total amount specified in s. 288.061(5) ~~appropriated~~
 2611 ~~to the Economic Development Incentives Account for this purpose~~
 2612 ~~for the fiscal year. In the event that the Legislature does not~~
 2613 ~~appropriate an amount sufficient to satisfy projections by the~~
 2614 ~~department for brownfield redevelopment bonus refunds under this~~
 2615 ~~section in a fiscal year, the department shall, not later than~~
 2616 ~~July 15 of such year, determine the proportion of each~~
 2617 ~~brownfield redevelopment bonus refund claim which shall be paid~~
 2618 ~~by dividing the amount appropriated for tax refunds for the~~
 2619 ~~fiscal year by the projected total of brownfield redevelopment~~
 2620 ~~bonus refund claims for the fiscal year. The amount of each~~
 2621 ~~claim for a brownfield redevelopment bonus tax refund shall be~~
 2622 ~~multiplied by the resulting quotient. If, after the payment of~~
 2623 ~~all such refund claims, funds remain in the Economic Development~~
 2624 ~~Incentives Account for brownfield redevelopment tax refunds, the~~
 2625 ~~department shall recalculate the proportion for each refund~~
 2626 ~~claim and adjust the amount of each claim accordingly.~~



2627 Section 16. Paragraphs (f) and (g) of subsection (2) of
2628 section 288,108, Florida Statutes, are redesignated as
2629 paragraphs (g) and (h), respectively, subsections (4) and (5)
2630 are amended, and a new paragraph (f) is added to subsection (2)
2631 of that section, to read:

2632 288.108 High-impact business.—

2633 (2) DEFINITIONS.—As used in this section, the term:

2634 (f) "Local financial support" means financial, in-kind, or
2635 other quantifiable contributions from local sources that,
2636 combined, equal 20 percent or more of the total investment in
2637 the project by state and local sources.

2638 1. The department may grant a waiver that reduces the
2639 required amount of local financial support for a project to 10
2640 percent of the award granted to a business pursuant to this
2641 section for a local government, or eliminates the local
2642 financial support for a local government located in a rural area
2643 of opportunity, as designated by the Governor pursuant to s.
2644 288.0656.

2645 2. A local government that requests a waiver that reduces
2646 or eliminates the local financial support requirement shall
2647 provide the department a statement prepared by a Florida
2648 certified public accountant as defined in s. 473.302, which
2649 describes the financial constraints preventing the local
2650 government from providing the local financial support required
2651 by this section. This subparagraph does not apply to a county
2652 considered fiscally constrained pursuant to s. 218.67(1).



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2653 (4) AUTHORITY TO APPROVE QUALIFIED HIGH-IMPACT BUSINESS
2654 PERFORMANCE GRANTS.—

2655 ~~(a) The total amount of active performance grants~~
2656 ~~scheduled for payment by the department in any single fiscal~~
2657 ~~year may not exceed the amount specified in s. 288.061(5) lesser~~
2658 ~~of \$30 million or the amount appropriated by the Legislature for~~
2659 ~~that fiscal year for qualified high-impact business performance~~
2660 ~~grants. If the scheduled grant payments are not made in the year~~
2661 ~~for which they were scheduled in the qualified high-impact~~
2662 ~~business agreement and are rescheduled as authorized in~~
2663 ~~paragraph (3)(c), they are, for purposes of this paragraph,~~
2664 ~~deemed to have been paid in the year in which they were~~
2665 ~~originally scheduled in the qualified high-impact business~~
2666 ~~agreement.~~

2667 ~~(b) If the Legislature does not appropriate an amount~~
2668 ~~sufficient to satisfy the qualified high-impact business~~
2669 ~~performance grant payments scheduled for any fiscal year, the~~
2670 ~~department shall, not later than July 15 of that year, determine~~
2671 ~~the proportion of each grant payment which may be paid by~~
2672 ~~dividing the amount appropriated for qualified high-impact~~
2673 ~~business performance grant payments for the fiscal year by the~~
2674 ~~total performance grant payments scheduled in all performance~~
2675 ~~grant agreements for the fiscal year. The amount of each grant~~
2676 ~~scheduled for payment in that fiscal year must be multiplied by~~
2677 ~~the resulting quotient. All businesses affected by this~~
2678 ~~calculation must be notified by August 1 of each fiscal year.~~



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2679 ~~If, after the payment of all the refund claims, funds remain in~~
2680 ~~the appropriation for payment of qualified high-impact business~~
2681 ~~performance grants, the department shall recalculate the~~
2682 ~~proportion for each performance grant payment and adjust the~~
2683 ~~amount of each claim accordingly.~~

2684 (5) APPLICATIONS; CERTIFICATION PROCESS; GRANT CONTRACT
2685 AGREEMENT.—

2686 (a) The department shall review and certify, pursuant to
2687 s. 288.061, an application ~~pursuant to s. 288.061 which is~~
2688 received from any eligible business, as defined in subsection
2689 (2), for consideration as a qualified high-impact business
2690 before the business has made a decision to locate or expand a
2691 facility in this state. The business must provide the following
2692 information:

2693 1. A complete description of the type of facility,
2694 business operations, and product or service associated with the
2695 project.

2696 2. The number of full-time equivalent jobs that will be
2697 created by the project and the average annual wage of those
2698 jobs.

2699 3. The cumulative amount of investment to be dedicated to
2700 this project within 3 years.

2701 4. A statement concerning any special impacts the facility
2702 is expected to stimulate in the sector, the state, or regional
2703 economy and in state universities and community colleges.

2704 5. A statement concerning the role the grant will play in



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2705 the decision of the applicant business to locate or expand in
2706 this state.

2707 6. Any additional information requested by the department.

2708 (b) Within 7 business days after evaluating an
2709 application, the department shall recommend to the Governor
2710 approval or disapproval of an eligible high-impact business for
2711 receipt of funds. Recommendations to the Governor shall include
2712 the total amount of the qualified high-impact business facility
2713 performance grant award; the anticipated project performance
2714 conditions, including, but not limited to, net new employment in
2715 the state, average salary, and total capital investment incurred
2716 by the business; a baseline of current service and a measure of
2717 enhanced capability; the methodology for validating performance;
2718 the schedule of performance grant payments; and sanctions for
2719 failure to meet performance conditions ~~Applications shall be~~
2720 ~~reviewed and certified pursuant to s. 288.061.~~

2721 (c) The Governor may approve a high-impact business
2722 performance grant of less than \$2 million without consulting the
2723 Legislature. For such grants, the Governor shall provide a
2724 written description and evaluation of the approved project to
2725 the chair and vice chair of the Legislative Budget Commission,
2726 the President of the Senate, and the Speaker of the House of
2727 Representatives, within 1 business day after approval ~~The~~
2728 ~~department and the qualified high-impact business shall enter~~
2729 ~~into a performance grant agreement setting forth the conditions~~
2730 ~~for payment of the qualified high-impact business performance~~



2731 ~~grant. The agreement shall include the total amount of the~~
2732 ~~qualified high-impact business facility performance grant award,~~
2733 ~~the performance conditions that must be met to obtain the award,~~
2734 ~~including the employment, average salary, investment, the~~
2735 ~~methodology for determining if the conditions have been met, and~~
2736 ~~the schedule of performance grant payments.~~

2737 (d) The Governor shall provide a written description and
2738 evaluation of each eligible high-impact business recommended for
2739 approval for a high-impact business performance grant of at
2740 least \$2 million, but not more than \$7.5 million, to the chair
2741 and vice chair of the Legislative Budget Commission, the
2742 President of the Senate, and the Speaker of the House of
2743 Representatives at least 14 days before approving a qualified
2744 high-impact business performance grant. If the chair or vice
2745 chair of the Legislative Budget Commission, the President of the
2746 Senate, or the Speaker of the House of Representatives timely
2747 advises the Executive Office of the Governor in writing that the
2748 award of funds exceeds the delegated authority of the Executive
2749 Office of the Governor or is contrary to legislative policy or
2750 intent, the Executive Office of the Governor shall void the
2751 release of funds and instruct the department to immediately
2752 change action or proposed action.

2753 (e) The Governor shall provide to the Legislative Budget
2754 Commission a written description and evaluation of each eligible
2755 high-impact business recommended for approval of a high-impact
2756 business performance grant that exceeds \$7.5 million, or exceeds



2757 \$5 million and provides a waiver of program requirements. The
2758 Legislative Budget Commission must approve such an award before
2759 final approval by the Governor.

2760 (f) An amendment, modification, or extension of an
2761 executed contract that results in a 0.5-point or greater
2762 reduction in the economic benefit ratio of the project must be
2763 approved as provided in paragraph (e). An amendment,
2764 modification, or extension may not be made to an executed
2765 contract if such action would result in an economic benefit
2766 ratio less than 2 to 1.

2767 (g) The department shall validate contractor performance
2768 and report such validation in the annual incentives report
2769 required by s. 288.907.

2770 Section 17. Subsections (2), (3), and (4) of section
2771 288.1088, Florida Statutes, are amended to read:

2772 288.1088 Quick Action Closing Fund.—

2773 (2) There is created within the department the Quick
2774 Action Closing Fund. Except as provided in subsection (3),
2775 projects eligible for receipt of funds from the Quick Action
2776 Closing Fund shall:

2777 (a) Be in an industry as referenced in s. 288.106.

2778 (b) Have a positive economic benefit ratio of at least 4 ~~5~~
2779 to 1.

2780 (c) Be an inducement to the project's location or
2781 expansion in the state.

2782 (d) Pay an average annual wage of at least 125 percent of



2783 the average private sector wage in the area, as defined in s.
2784 288.106 areawide or statewide private sector average wage.

2785 (e) Be supported by the local community in which the
2786 project is to be located.

2787 1. Financial support by the local community shall include
2788 financial, in-kind, or other quantifiable contributions from
2789 local sources that, combined, equal 20 percent or more of the
2790 total investment in the project by state and local sources.

2791 2. The department may grant a waiver that reduces the
2792 required amount of local financial support for a project to 10
2793 percent of the award granted to a business pursuant to this
2794 section for a local government, or eliminates the required
2795 amount of local financial support for a project for a local
2796 government located in a rural area of opportunity, as designated
2797 by the Governor pursuant to s. 288.0656.

2798 3. A local government that requests a waiver that reduces
2799 or eliminates the local financial support requirement shall
2800 provide the department a statement prepared by a Florida
2801 certified public accountant as defined in s. 473.302, which
2802 describes the financial constraints preventing the local
2803 government from providing the local financial support required
2804 by this section. This subparagraph does not apply to a county
2805 considered fiscally constrained pursuant to s. 218.67(1).

2806 (3) (a) The department and Enterprise Florida, Inc., shall
2807 jointly review applications pursuant to s. 288.061 and determine
2808 the eligibility of each project consistent with the criteria in



2809 subsection (2).

2810 (b) A local governing body and Enterprise Florida, Inc.,
2811 may request a waiver of the criteria in subsection (2). Such
2812 request must be transmitted in writing to the department with an
2813 explanation of the specific justification for the request. The
2814 department shall issue a written response approving or denying
2815 the request and shall include an explanation of the reason for
2816 its decision. No more than two waivers ~~Waiver~~ of these criteria
2817 may be considered under the following criteria:

- 2818 1. Based on extraordinary circumstances;
- 2819 2. In order to mitigate the impact of the conclusion of
2820 the space shuttle program; or
- 2821 3. In rural areas of opportunity if the project would
2822 significantly benefit the local or regional economy.

2823

2824 A waiver may not be granted by the department if the positive
2825 economic benefit ratio of the project is below 2 to 1, the
2826 project is not within a target industry under s. 288.106, the
2827 award of funds is not an inducement to the project's location or
2828 expansion in the state, or the average annual wage of jobs
2829 directly created by the project is below 100 percent of the
2830 average private sector wage in the area, as defined in s.
2831 288.106.

2832 (c) ~~(b)~~ The department shall evaluate individual proposals
2833 for high-impact business facilities. Such evaluation must
2834 include, but need not be limited to:



- 2835 | 1. A description of the type of facility or
2836 | infrastructure, its operations, and the associated product or
2837 | service associated with the facility.
- 2838 | 2. The number of full-time-equivalent jobs that will be
2839 | created by the facility and the total estimated average annual
2840 | wages of those jobs or, in the case of privately developed rural
2841 | infrastructure, the types of business activities and jobs
2842 | stimulated by the investment.
- 2843 | 3. The cumulative amount of investment to be dedicated to
2844 | the facility within a specified period.
- 2845 | 4. A statement of any special impacts the facility is
2846 | expected to stimulate in a particular business sector in the
2847 | state or regional economy or in the state's universities and
2848 | community colleges.
- 2849 | 5. A statement of the role the incentive is expected to
2850 | play in the decision of the applicant business to locate or
2851 | expand in this state or for the private investor to provide
2852 | critical rural infrastructure.
- 2853 | 6. A report evaluating the quality and value of the
2854 | company submitting a proposal. The report must include:
- 2855 | a. A financial analysis of the company, including an
2856 | evaluation of the company's short-term liquidity ratio as
2857 | measured by its assets to liability, the company's profitability
2858 | ratio, and the company's long-term solvency as measured by its
2859 | debt-to-equity ratio;
- 2860 | b. The historical market performance of the company;



2861 c. A review of any independent evaluations of the company;

2862 d. A review of the latest audit of the company's financial
2863 statement and the related auditor's management letter; and

2864 e. A review of any other types of audits that are related
2865 to the internal and management controls of the company.

2866 (d)~~(e)~~1. Within 7 business days after evaluating a
2867 project, the department shall recommend to the Governor approval
2868 or disapproval of a project for receipt of funds from the Quick
2869 Action Closing Fund. In recommending a project, the department
2870 shall include the total amount of recommended funds to be
2871 awarded; the anticipated project performance conditions,
2872 including, but not limited to, net new employment in the state,
2873 average salary, and total capital investment incurred by the
2874 business; a baseline of current service and a measure of
2875 enhanced capability; the methodology for validating performance;
2876 the schedule of payments from the fund; and sanctions for
2877 failure to meet performance conditions, including any clawback
2878 provisions ~~proposed performance conditions that the project must~~
2879 ~~meet to obtain incentive funds.~~

2880 2. The Governor may approve a Quick Action Closing Fund
2881 project award requiring less than \$2 million in funding ~~projects~~
2882 ~~without consulting the Legislature for projects requiring less~~
2883 ~~than \$2 million in funding.~~ For such projects, the Governor
2884 shall provide a written description and evaluation of the
2885 approved project to the chair and vice chair of the Legislative
2886 Budget Commission, the President of the Senate, and the Speaker



2887 of the House of Representatives within 1 business day after
2888 approval.

2889 3. ~~For projects requiring funding in the amount of \$2~~
2890 ~~million to \$5 million,~~ The Governor shall provide a written
2891 description and evaluation of each Quick Action Closing Fund a
2892 project award recommended for approval that requires funding of
2893 at least \$2 million, but not more than \$7.5 million, to the
2894 chair and vice chair of the Legislative Budget Commission, the
2895 President of the Senate, and the Speaker of the House of
2896 Representatives at least 14 ~~10~~ days before ~~prior to~~ giving final
2897 approval for a project. The recommendation must include the
2898 proposed performance conditions that the project must meet in
2899 order to obtain funds.

2900 4. If the chair or vice chair of the Legislative Budget
2901 Commission, ~~or~~ the President of the Senate, or the Speaker of
2902 the House of Representatives timely advises the Executive Office
2903 of the Governor, in writing, that such action or proposed action
2904 exceeds the delegated authority of the Executive Office of the
2905 Governor or is contrary to legislative policy or intent, the
2906 Executive Office of the Governor shall void the release of funds
2907 and instruct the department to immediately change such action or
2908 proposed action ~~until the Legislative Budget Commission or the~~
2909 ~~Legislature addresses the issue. Notwithstanding such~~
2910 ~~requirement, any project exceeding \$5 million must be approved~~
2911 ~~by the Legislative Budget Commission prior to the funds being~~
2912 ~~released.~~



2913 4. The Governor shall provide to the Legislative Budget
2914 Commission a written description and evaluation of each eligible
2915 business recommended for approval of a Quick Action Closing Fund
2916 project award that exceeds \$7.5 million, or exceeds \$5 million
2917 and provides a waiver of program requirements. The Legislative
2918 Budget Commission must approve such an award before final
2919 approval by the Governor.

2920 (e)-~~d~~ Upon the approval of the Governor in accordance
2921 with subparagraph (c)2., or upon expiration of the 14-day
2922 legislative consultation period provided in subparagraph (c)3.,
2923 the department and the business shall enter into a contract that
2924 sets forth the conditions for payment of moneys from the fund.
2925 Such payment may not be made to the business until the scheduled
2926 goals have been achieved. The contract must include the total
2927 amount of funds awarded; the minimum and maximum number of funds
2928 that may be awarded; the performance conditions that must be met
2929 to obtain the award, including, but not limited to, net new
2930 employment in the state, average salary, ~~and~~ total capital
2931 investment incurred by the business, and the minimum and maximum
2932 number of jobs that will be created, if applicable; demonstrate
2933 a baseline of current service and a measure of enhanced
2934 capability; the methodology for validating performance; the
2935 schedule of payments from the fund; and sanctions for failure to
2936 meet performance conditions. The contract must provide that
2937 payment of moneys from the fund is contingent upon sufficient
2938 appropriation of funds by the Legislature.



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2939 ~~(f)(e)~~ The department shall validate contractor
2940 performance and report such validation in the annual incentives
2941 report required under s. 288.907. The department shall not
2942 schedule more than \$35 million in total payments in any single
2943 fiscal year for projects approved under this section.

2944 (g) An amendment, modification, or extension of an
2945 existing contract that results in a 0.5-point or greater
2946 reduction in the economic benefit ratio of the project may not
2947 take effect until it is approved through the approval process in
2948 subparagraph (c)4. An amendment, modification, or extension may
2949 not be made to an executed contract if such action would result
2950 in an economic benefit ratio below 2 to 1.

2951 ~~(4) Funds appropriated by the Legislature for purposes of~~
2952 ~~implementing this section shall be placed in reserve and may~~
2953 ~~only be released pursuant to the legislative consultation and~~
2954 ~~review requirements set forth in this section.~~

2955 Section 18. Paragraphs (b), (d), (e), and (p) of
2956 subsection (2), subsection (4), paragraphs (l) and (m) of
2957 subsection (5), and subsections (7) and (8) of section 288.1089,
2958 Florida Statutes, are amended to read:

2959 288.1089 Innovation Incentive Program.—

2960 (2) As used in this section, the term:

2961 (b) "Average private sector wage in the area" means the
2962 average of all private sector wages and salaries in the county
2963 or standard metropolitan area in which the project is located
2964 ~~the statewide average wage in the private sector or the average~~



2965 ~~of all private sector wages in the county or in the standard~~
 2966 ~~metropolitan area in which the project is located as determined~~
 2967 ~~by the department.~~

2968 (d)~~(e)~~ "Certified enterprise zone" means an area certified
 2969 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.

2970 (e)~~(d)~~ "Cumulative investment" means cumulative capital
 2971 investment and all eligible capital costs, as defined in s.
 2972 220.191.

2973 ~~(p)~~ "~~Rural area~~" means a ~~rural city or rural community as~~
 2974 ~~defined in s. 288.106.~~

2975 (4) To qualify for review by the department, the applicant
 2976 must, at a minimum, establish the following to the satisfaction
 2977 of the department:

2978 (a) The jobs created by the project must pay an estimated
 2979 annual average wage equaling at least 130 percent of the average
 2980 private sector wage in the area. The department may waive this
 2981 average wage requirement at the request of Enterprise Florida,
 2982 Inc., for a project located in a rural area of opportunity, a
 2983 brownfield area, or a certified ~~an~~ enterprise zone, when the
 2984 merits of the individual project or the specific circumstances
 2985 in the community in relationship to the project warrant such
 2986 action. A recommendation for waiver by Enterprise Florida, Inc.,
 2987 must include a specific justification for the waiver and be
 2988 transmitted to the department in writing. If the department
 2989 elects to waive the wage requirement, the waiver must be stated
 2990 in writing and the reasons for granting the waiver must be



2991 explained. The department may not waive the wage requirement for
2992 any project that does not pay an estimated annual average wage
2993 equaling at least 100 percent of the average private sector wage
2994 in the area.

2995 (b) A research and development project must:

2996 1. Serve as a catalyst for an emerging or evolving
2997 technology cluster.

2998 2. Demonstrate a plan for significant higher education
2999 collaboration.

3000 3. Provide the state, at a minimum, a cumulative break-
3001 even economic benefit within a 20-year period.

3002 4. Be provided with a one-to-one match from the local
3003 community. The match requirement may be reduced or waived in
3004 rural areas of opportunity ~~or reduced in rural areas~~, brownfield
3005 areas, and certified enterprise zones. A local government that
3006 requests a waiver that reduces or eliminates the one-to-one
3007 match shall provide the department with a statement prepared by
3008 a Florida certified public accountant, as defined in s. 473.302,
3009 which describes the financial constraints preventing the local
3010 government from meeting the local financial support requirement
3011 of this section. This subparagraph does not apply to a county
3012 considered fiscally constrained pursuant to s. 218.67(1).

3013 (c) An innovation business project in this state, other
3014 than a research and development project, must:

3015 1.a. Result in the creation of at least 1,000 direct, new
3016 jobs at the business; or



3017 b. Result in the creation of at least 500 direct, new jobs
3018 if the project is located in a rural area of opportunity, a
3019 brownfield area, or a certified ~~an~~ enterprise zone.

3020 2. Have an activity or product that is within an industry
3021 that is designated as a target industry business under s.
3022 288.106 or a designated sector under s. 288.108.

3023 3.a. Have a cumulative investment of at least \$500 million
3024 within a 5-year period; or

3025 b. Have a cumulative investment that exceeds \$250 million
3026 within a 10-year period if the project is located in a rural
3027 area of opportunity, brownfield area, or a certified ~~an~~
3028 enterprise zone.

3029 4. Be provided with a one-to-one match from the local
3030 community. The match requirement may be reduced or waived in
3031 rural areas of opportunity or reduced in ~~rural areas~~, brownfield
3032 areas~~,~~ and certified enterprise zones. A local government that
3033 requests a waiver that reduces or eliminates the one-to-one
3034 match shall provide the department with a statement prepared by
3035 a Florida certified public accountant, as defined in s. 473.302,
3036 which describes the financial constraints preventing the local
3037 government from meeting the local financial support requirement
3038 of this section. This subparagraph does not apply to a county
3039 considered fiscally constrained pursuant to s. 218.67(1).

3040 (d) For an alternative and renewable energy project in
3041 this state, the project must:

3042 1. Demonstrate a plan for significant collaboration with



3043 an institution of higher education.†
 3044 2. Provide the state, at a minimum, a cumulative break-
 3045 even economic benefit within a 20-year period.†
 3046 3. Include matching funds provided by the applicant or
 3047 other available sources. The match requirement may be reduced or
 3048 eliminated ~~waived~~ in rural areas of opportunity ~~or reduced in~~
 3049 ~~rural areas~~, brownfield areas, and certified enterprise zones. A
 3050 local government that requests a waiver that reduces or
 3051 eliminates the one-to-one match shall provide the department
 3052 with a statement prepared by a Florida certified public
 3053 accountant, as defined in s. 473.302, which describes the
 3054 financial constraints preventing the local government from
 3055 meeting the one-to-one match requirement of this section. This
 3056 subparagraph does not apply to a county considered fiscally
 3057 constrained pursuant to s. 218.67(1).†
 3058 4. Be located in this state.† ~~and~~
 3059 5. Provide at least 35 direct, new jobs that pay an
 3060 estimated annual average wage that equals at least 130 percent
 3061 of the average private sector wage in the area.
 3062 (5) The department shall review proposals pursuant to s.
 3063 288.061 for all three categories of innovation incentive awards.
 3064 Before making a recommendation to the executive director, the
 3065 department shall solicit comments and recommendations from the
 3066 Department of Agriculture and Consumer Services. For each
 3067 project, the evaluation and recommendation to the department
 3068 must include, but need not be limited to:



3069 (1) Additional evaluative criteria for a research and
3070 development facility project, including:

3071 1. A description of the extent to which the project has
3072 the potential to serve as catalyst for an emerging or evolving
3073 cluster.

3074 2. A description of the extent to which the project has or
3075 could have a long-term collaborative research and development
3076 relationship with one or more universities or community colleges
3077 in this state.

3078 3. A description of the existing or projected impact of
3079 the project on established clusters or targeted industry
3080 sectors.

3081 4. A description of the project's contribution to the
3082 diversity and resiliency of the innovation economy of this
3083 state.

3084 5. A description of the project's impact on special needs
3085 communities, including, but not limited to, rural areas of
3086 opportunity, distressed urban areas, and certified enterprise
3087 zones.

3088 (m) Additional evaluative criteria for alternative and
3089 renewable energy proposals, including:

3090 1. The availability of matching funds or other in-kind
3091 contributions applied to the total project from an applicant.
3092 The Department of Agriculture and Consumer Services shall give
3093 greater preference to projects that provide such matching funds
3094 or other in-kind contributions.



3095 2. The degree to which the project stimulates in-state
3096 capital investment and economic development in metropolitan and
3097 rural areas of opportunity, including the creation of jobs and
3098 the future development of a commercial market for renewable
3099 energy technologies.

3100 3. The extent to which the proposed project has been
3101 demonstrated to be technically feasible based on pilot project
3102 demonstrations, laboratory testing, scientific modeling, or
3103 engineering or chemical theory that supports the proposal.

3104 4. The degree to which the project incorporates an
3105 innovative new technology or an innovative application of an
3106 existing technology.

3107 5. The degree to which a project generates thermal,
3108 mechanical, or electrical energy by means of a renewable energy
3109 resource that has substantial long-term production potential.

3110 6. The degree to which a project demonstrates efficient
3111 use of energy and material resources.

3112 7. The degree to which the project fosters overall
3113 understanding and appreciation of renewable energy technologies.

3114 8. The ability to administer a complete project.

3115 9. Project duration and timeline for expenditures.

3116 10. The geographic area in which the project is to be
3117 conducted in relation to other projects.

3118 11. The degree of public visibility and interaction.

3119 (7) (a) Within 7 days after evaluating an innovation
3120 incentive award proposal, the department shall recommend to the



3121 Governor approval or disapproval of an innovation incentive
3122 award. In recommending an award, the department shall include
3123 the total amount of the innovation incentive award; the
3124 anticipated performance conditions that must be met to obtain
3125 the award, including, but not limited to, net new employment in
3126 the state, average salary, and total capital investment incurred
3127 by the business; a baseline of current service and a measure of
3128 enhanced capability; the methodology for validating performance;
3129 the schedule of payments; and sanctions for failure to meet
3130 performance conditions, including any clawback provisions ~~Upon~~
3131 ~~receipt of the evaluation and recommendation from the~~
3132 ~~department, the Governor shall approve or deny an award. In~~
3133 ~~recommending approval of an award, the department shall include~~
3134 ~~proposed performance conditions that the applicant must meet in~~
3135 ~~order to obtain incentive funds and any other conditions that~~
3136 ~~must be met before the receipt of any incentive funds. The~~
3137 ~~Governor shall consult with the President of the Senate and the~~
3138 ~~Speaker of the House of Representatives before giving approval~~
3139 ~~for an award. Upon review and approval of an award by the~~
3140 ~~Legislative Budget Commission, the Executive Office of the~~
3141 ~~Governor shall release the funds.~~

3142 (b) The Governor may approve an innovation incentive award
3143 of less than \$2 million without consulting the Legislature. For
3144 such awards, the Governor shall provide a written description
3145 and evaluation of the approved project to the chair and vice
3146 chair of the Legislative Budget Commission, the President of the



3147 Senate, and the Speaker of the House of Representatives within 1
3148 business day after approval.

3149 (c) The Governor shall provide a written description and
3150 evaluation of each innovation incentive award proposal
3151 recommended for approval for an innovation incentive award of at
3152 least \$2 million, but not more than \$7.5 million, to the chair
3153 and vice chair of the Legislative Budget Commission, the
3154 President of the Senate, and the Speaker of the House of
3155 Representatives at least 14 days before giving final approval
3156 for an award. If the chair or vice chair of the Legislative
3157 Budget Commission, the President of the Senate, or the Speaker
3158 of the House of Representatives timely advises the Executive
3159 Office of the Governor in writing that the award of incentive
3160 funds exceeds the delegated authority of the Executive Office of
3161 the Governor or is contrary to legislative policy or intent, the
3162 Executive Office of the Governor shall void the release of funds
3163 and instruct the department to immediately change action or
3164 proposed action.

3165 (d) The Governor shall provide to the Legislative Budget
3166 Commission a written description and evaluation of each eligible
3167 business recommended for approval of an innovation incentive
3168 award that exceeds \$7.5 million or that provides a waiver of
3169 program requirements and exceeds \$5 million. The Legislative
3170 Budget Commission must approve such an award before final
3171 approval by the Governor.

3172 (e) An amendment, modification, or extension of an



3173 executed contract that results in a 0.5-point or greater
3174 reduction in the economic benefit ratio of the project may not
3175 take effect until it is approved through the approval process in
3176 paragraph (d). An amendment, modification, or extension may not
3177 be made to an executed contract if such action would result in
3178 an economic benefit ratio below 1 to 1.

3179 (8)~~(a)~~ In addition to the requirements provided in
3180 paragraph (7) (a), a contract between the department and an award
3181 recipient ~~After the conditions set forth in subsection (7) have~~
3182 ~~been met, the department shall issue a letter certifying the~~
3183 ~~applicant as qualified for an award. The department and the~~
3184 ~~award recipient shall enter into an agreement that sets forth~~
3185 ~~the conditions for payment of the incentive funds. The agreement~~
3186 ~~must include, at a minimum:~~

3187 1. ~~The total amount of funds awarded.~~

3188 2. ~~The performance conditions that must be met in order to~~
3189 ~~obtain the award or portions of the award, including, but not~~
3190 ~~limited to, net new employment in the state, average wage, and~~
3191 ~~total cumulative investment.~~

3192 3. ~~Demonstration of a baseline of current service and a~~
3193 ~~measure of enhanced capability.~~

3194 4. ~~The methodology for validating performance.~~

3195 5. ~~The schedule of payments.~~

3196 6. ~~Sanctions for failure to meet performance conditions,~~
3197 ~~including any clawback provisions.~~

3198 ~~(b) Additionally, agreements signed on or after July 1,~~



3199 | ~~2009~~, must include the following provisions:

3200 | 1. Notwithstanding subsection (4), a requirement that the
3201 | jobs created by the recipient of the incentive funds pay an
3202 | annual average wage at least equal to the relevant industry's
3203 | annual average wage or at least 130 percent of the average
3204 | private sector wage in the area, whichever is greater.

3205 | 2. A reinvestment requirement. Each recipient of an award
3206 | shall reinvest up to 15 percent of net royalty revenues,
3207 | including revenues from spin-off companies and the revenues from
3208 | the sale of stock it receives from the licensing or transfer of
3209 | inventions, methods, processes, and other patentable discoveries
3210 | conceived or reduced to practice using its facilities in Florida
3211 | or its Florida-based employees, in whole or in part, and to
3212 | which the recipient of the grant becomes entitled during the 20
3213 | years following the effective date of its agreement with the
3214 | department. Each recipient of an award also shall reinvest up to
3215 | 15 percent of the gross revenues it receives from naming
3216 | opportunities associated with any facility it builds in this
3217 | state. Reinvestment payments shall commence no later than 6
3218 | months after the recipient of the grant has received the final
3219 | disbursement under the contract and shall continue until the
3220 | maximum reinvestment, as specified in the contract, has been
3221 | paid. Reinvestment payments shall be remitted to the department
3222 | for deposit in the Biomedical Research Trust Fund for companies
3223 | specializing in biomedicine or life sciences, or in the Economic
3224 | Development Trust Fund for companies specializing in fields



3225 other than biomedicine or the life sciences. If these trust
 3226 funds no longer exist at the time of the reinvestment, the
 3227 state's share of reinvestment shall be deposited in their
 3228 successor trust funds as determined by law. Each recipient of an
 3229 award shall annually submit a schedule of the shares of stock
 3230 held by it as payment of the royalty required by this paragraph
 3231 and report on any trades or activity concerning such stock. Each
 3232 recipient's reinvestment obligations survive the expiration or
 3233 termination of its agreement with the state.

3234 3. Requirements for the establishment of internship
 3235 programs or other learning opportunities for educators and
 3236 secondary, postsecondary, graduate, and doctoral students.

3237 4. A requirement that the recipient submit quarterly
 3238 reports and annual reports related to activities and performance
 3239 to the department, according to standardized reporting periods.

3240 5. A requirement for an annual accounting to the
 3241 department of the expenditure of funds disbursed under this
 3242 section.

3243 6. A process for amending the agreement.

3244 Section 19. Subsection (1) of section 288.1166, Florida
 3245 Statutes, is amended to read:

3246 288.1166 Professional sports facility; designation as
 3247 shelter site for the homeless; establishment of local programs.—

3248 (1) A professional sports facility constructed with
 3249 financial assistance from the state and a professional golf hall
 3250 of fame facility, certified pursuant to s. 288.1168, shall be



3251 designated as a shelter site for the homeless during the period
 3252 of a declared federal, state, or local emergency in accordance
 3253 with the criteria of locally existing homeless shelter programs
 3254 unless:

3255 (a) The facility is otherwise contractually obligated for
 3256 a specific event or activity;

3257 (b) The facility is designated or used by the county
 3258 owning the facility as a staging area; or

3259 (c) The county owning the facility also owns or operates
 3260 homeless assistance centers and the county determines there
 3261 exists sufficient capacity to meet the sheltering needs of
 3262 homeless persons within the county.

3263 Section 20. Subsections (5) and (6) of section 288.1168,
 3264 Florida Statutes, are amended to read:

3265 288.1168 Professional golf hall of fame facility.—

3266 (5) By January 1, 2016, and every 5th year thereafter, the
 3267 Department of Revenue shall ~~may~~ audit as provided in s. 213.34
 3268 to verify that the distributions under this section have been
 3269 expended as required by this section.

3270 (6) Beginning in 2016, the department must annually
 3271 recertify ~~every 10 years~~ that the facility is open, continues to
 3272 be the only professional golf hall of fame in the United States
 3273 recognized by the PGA Tour, Inc., and is meeting the minimum
 3274 projections for attendance or sales tax revenue as required at
 3275 the time of original certification.

3276 (a) For each year ~~if~~ the facility is not certified as



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3277 meeting the minimum projections, the PGA Tour, Inc., shall
3278 increase its required advertising contribution of \$2 million
3279 annually to \$3 ~~\$2.5~~ million annually in lieu of reduction of any
3280 funds as provided by s. 212.20. The additional funds ~~\$500,000~~
3281 must be allocated in their ~~its~~ entirety for the use and
3282 promotion of generic Florida advertising as determined by the
3283 department in consultation with the Florida Tourism Industry
3284 Marketing Corporation. The facility must be prominently featured
3285 in at least 10 percent, but no more than 25 percent, of such
3286 advertising.

3287 (b) By October 1, 2015, a certified applicant must submit
3288 a report to the department detailing actions that may be taken
3289 by the applicant to increase out-of-state visitors to the
3290 facility. As part of its annual report, the department shall
3291 provide detailed information regarding the activities of the
3292 applicant in increasing out-of-state visitors to the facility,
3293 and the total number of visitors to the facility in the previous
3294 fiscal year.

3295 (c) If the facility is not open to the public or is no
3296 longer in use as the only professional golf hall of fame in the
3297 United States recognized by the PGA Tour, Inc., the facility
3298 shall be decertified ~~the entire \$2.5 million for advertising~~
3299 ~~must be used for generic Florida advertising as determined by~~
3300 ~~the department.~~

3301 Section 21. Section 288.1169, Florida Statutes, is
3302 repealed.



3303 Section 22. Subsection (2) of section 288.1201, Florida
 3304 Statutes, is amended to read:

3305 288.1201 State Economic Enhancement and Development Trust
 3306 Fund.—

3307 (2) The trust fund is established for use as a depository
 3308 for funds to be used for the purposes specified in subsection
 3309 (1). Moneys to be credited to the trust fund shall consist of
 3310 documentary stamp tax proceeds as specified in law, local
 3311 financial support funds, interest earnings, reversions specified
 3312 in law, and cash advances from other trust funds. Funds shall be
 3313 expended only pursuant to legislative appropriation or an
 3314 approved amendment to the department's operating budget pursuant
 3315 to the provisions of chapter 216.

3316 Section 23. Subsection (2) and paragraph (b) of subsection
 3317 (5) of section 288.901, Florida Statutes, are amended to read:

3318 288.901 Enterprise Florida, Inc.—

3319 (2) PURPOSES.—Enterprise Florida, Inc., shall act as the
 3320 economic development organization for the state, using ~~utilizing~~
 3321 private sector and public sector expertise in collaboration with
 3322 the department to:

3323 (a) Increase private investment in Florida.†

3324 (b) Advance international and domestic trade
 3325 opportunities.†

3326 (c) Market the state both as a probusiness location for
 3327 new investment and as an unparalleled tourist destination.†

3328 (d) Revitalize Florida's space and aerospace industries,



3329 and promote emerging complementary industries.~~†~~

3330 (e) Promote opportunities for minority-owned businesses.~~†~~

3331 (f) Assist and market professional and amateur sport teams

3332 and sporting events in Florida.~~†~~~~and~~

3333 (g) Assist, promote, and enhance economic opportunities in

3334 this state's rural and urban communities.

3335 (h) Foster and encourage high-technology startup and

3336 second-stage business development within the state.

3337 (5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

3338 (b) In making their appointments, the Governor, the

3339 President of the Senate, and the Speaker of the House of

3340 Representatives shall ensure that the composition of the board

3341 of directors reflects the diversity of Florida's business

3342 community and is representative of the economic development

3343 goals in subsection (2). The board must include at least one

3344 director for each of the following areas of expertise:

3345 international business, tourism marketing, the space or

3346 aerospace industry, managing or financing a minority-owned

3347 business, manufacturing, finance and accounting, rural economic

3348 development, and sports marketing.

3349 Section 24. Subsection (8) of section 288.9602, Florida

3350 Statutes, is amended to read:

3351 288.9602 Findings and declarations of necessity.—The

3352 Legislature finds and declares that:

3353 (8) In order to efficiently and effectively achieve the

3354 purposes of this act, it is necessary and in the public interest



3355 to create a special development finance authority to cooperate
3356 and act in conjunction with public agencies of this state and
3357 local governments of this state, ~~through interlocal agreements~~
3358 ~~pursuant to the Florida Interlocal Cooperation Act of 1969,~~ in
3359 the promotion and advancement of projects related to economic
3360 development, including redevelopment of brownfield areas,
3361 throughout the state.

3362 Section 25. Paragraph (b) of subsection (3) of section
3363 288.9604, Florida Statutes, is amended to read:

3364 288.9604 Creation of the authority.—

3365 (3)

3366 (b)1. The powers of the corporation shall be exercised by
3367 the directors thereof. A majority of the directors constitutes a
3368 quorum for the purposes of conducting business and exercising
3369 the powers of the corporation and for all other purposes. Action
3370 may be taken by the corporation upon a vote of a majority of the
3371 directors present, unless in any case the bylaws require a
3372 larger number. Any person may be appointed as director if he or
3373 she resides, or is engaged in business, which means owning a
3374 business, practicing a profession, or performing a service for
3375 compensation or serving as an officer or director of a
3376 corporation or other business entity so engaged, within the
3377 state.

3378 2. The adoption by the directors of the corporation of
3379 Resolution No. 15-01 on April 7, 2015, to ratify certain actions
3380 of the directors, officers, and employees of the corporation



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3381 that were in furtherance of the purposes of the act, as defined
3382 in s. 288.9603, are deemed valid and binding to ratify such
3383 actions as of the original date such actions were taken without
3384 regard to any board vacancies occurring on or after January 1,
3385 2008.

3386 Section 26. Paragraph (e) of subsection (2) of section
3387 288.9605, Florida Statutes, is amended to read:

3388 288.9605 Corporation powers.—

3389 (2) The corporation is authorized and empowered to:

3390 (e) Enter into interlocal agreements ~~pursuant to s.~~
3391 ~~163.01(7)~~ with public agencies of this state for the exercise of
3392 any power, privilege, or authority consistent with the purposes
3393 of this act.

3394 Section 27. Subsections (1), (2), (3), and (7) of section
3395 288.9606, Florida Statutes, are amended to read:

3396 288.9606 Issue of revenue bonds.—

3397 (1) ~~When authorized by a public agency pursuant to s.~~
3398 ~~163.01(7)~~, The corporation has power in its corporate capacity,
3399 in its discretion, to issue revenue bonds or other evidences of
3400 indebtedness ~~which a public agency has the power to issue~~, from
3401 time to time to finance the undertaking of any purpose of this
3402 act, including, without limiting the generality thereof, the
3403 payment of principal and interest upon any advances for surveys
3404 and plans or preliminary loans, and has the power to issue
3405 refunding bonds for the payment or retirement of bonds
3406 previously issued. Bonds issued pursuant to this section shall



3407 bear the name "Florida Development Finance Corporation Revenue
 3408 Bonds." The security for such bonds may be based upon such
 3409 revenues as are legally available. In anticipation of the sale
 3410 of such revenue bonds, the corporation may issue bond
 3411 anticipation notes and may renew such notes from time to time,
 3412 but the maximum maturity of any such note, including renewals
 3413 thereof, may not exceed 5 years from the date of issuance of the
 3414 original note. Such notes shall be paid from any revenues of the
 3415 corporation available therefor and not otherwise pledged or from
 3416 the proceeds of sale of the revenue bonds in anticipation of
 3417 which they were issued. Any bond, note, or other form of
 3418 indebtedness issued pursuant to this act shall mature no later
 3419 than the end of the 30th fiscal year after the fiscal year in
 3420 which the bond, note, or other form of indebtedness was issued.

3421 (2) Bonds issued under this section do not constitute an
 3422 indebtedness within the meaning of any constitutional or
 3423 statutory debt limitation or restriction, and are not subject to
 3424 the provisions of any other law or charter relating to the
 3425 authorization, issuance, or sale of bonds. Bonds issued under
 3426 ~~the provisions of~~ this act are declared to be for an essential
 3427 public and governmental purpose. Bonds issued under this act,
 3428 ~~the interest on which is exempt from income taxes of the United~~
 3429 ~~States,~~ together with interest thereon and income therefrom, are
 3430 exempted from all taxes, except those taxes imposed by chapter
 3431 220, on interest, income, or profits on debt obligations owned
 3432 by corporations, pursuant to s. 159.31. Bonds issued under this



3433 part are not a debt, liability, or obligation of the state or of
3434 any political subdivision thereof, or a pledge of the faith and
3435 credit of the corporation or of the state or of any such
3436 political subdivision, but are payable solely from the revenues
3437 provided therefor. Each bond issued under this part shall
3438 contain on the face thereof a statement to the effect that the
3439 corporation is not obligated to pay the same nor interest
3440 thereon from the revenues and proceeds pledged therefor, and
3441 that neither the faith and credit nor the taxing power of the
3442 corporation or of the state or of any political subdivision
3443 thereof is pledged to the payment of the principal of or the
3444 interest on such bonds.

3445 (3) Bonds issued under this section ~~shall be authorized by~~
3446 ~~a public agency of this state pursuant to the terms of an~~
3447 ~~interlocal agreement, unless such bonds are issued pursuant to~~
3448 ~~subsection (7);~~ may be issued in one or more series; and shall
3449 bear such date or dates, be payable upon demand or mature at
3450 such time or times, bear interest rate or rates, be in such
3451 denomination or denominations, be in such form either with or
3452 without coupon or registered, carry such conversion or
3453 registration privileges, have such rank or priority, be executed
3454 in such manner, be payable in such medium of payments at such
3455 place or places, be subject to such terms of redemption, with or
3456 without premium, be secured in such manner, and have such other
3457 characteristics as may be provided by the corporation. Bonds
3458 issued under this section may be sold in such manner, either at



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3459 public or private sale, and for such price as the corporation
3460 may determine will effectuate the purpose of this act.

3461 (7) Notwithstanding any provision of this section, the
3462 corporation in its corporate capacity may, in addition to bonds
3463 otherwise authorized to be issued under this act ~~without~~
3464 ~~authorization from a public agency under s. 163.01(7)~~, issue
3465 revenue bonds or other evidence of indebtedness under this
3466 section, to:

3467 (a) Finance the undertaking of any project within the
3468 state that promotes renewable energy as defined in s. 366.91 or
3469 s. 377.803;

3470 (b) Finance the undertaking of any project within the
3471 state that is a project contemplated or allowed under s. 406 of
3472 the American Recovery and Reinvestment Act of 2009; or

3473 (c) ~~If permitted by federal law,~~ Finance qualifying
3474 improvement projects within the state pursuant to ~~under~~ s.
3475 163.08.

3476 1. Such projects shall be financed under this paragraph by
3477 encumbering property for special assessment calculation purposes
3478 and imposing only those special assessments that are requested
3479 by or on behalf of the property owner or property owners
3480 entering into a financing agreement and receiving the benefit of
3481 the qualifying improvements. Such special assessments are
3482 limited to those prescribed by s. 163.08 for local governments.
3483 The corporation has no additional power to impose any
3484 assessments, liens, taxes, or any other powers of a local



3485 government entity.

3486 2. In connection with the initial imposition of
3487 assessments pursuant to this paragraph within a particular local
3488 government jurisdiction, the corporation shall submit a written
3489 request to each such local government to determine if such local
3490 government elects to serve as the entity imposing all such
3491 assessments within its jurisdiction. Within 30 days after
3492 delivery of such request, the local government shall submit its
3493 written response to the corporation as to whether it elects to
3494 serve as the entity imposing such assessments. If the local
3495 government elects to serve as the entity imposing such
3496 assessments, the local government shall promptly enter into a
3497 mutually acceptable agreement with the corporation to serve in
3498 such capacity in a timeframe that allows the corporation to
3499 proceed with its proposed financing pursuant to this paragraph
3500 within a reasonable period of time, as determined by the
3501 corporation. Such agreement between the local government and the
3502 corporation shall be applicable to the initial and all
3503 subsequent assessments of the corporation within such
3504 jurisdiction. If the local government elects not to serve as the
3505 entity imposing such assessments, or fails to respond to the
3506 corporation within such 30-day period, or fails or is otherwise
3507 unable to promptly enter into an agreement with the corporation
3508 within such timeframe, or elects to discontinue serving as the
3509 entity imposing such assessments under an agreement then in
3510 effect, then the corporation shall serve as the entity imposing



3511 such assessments within such jurisdiction.

3512 3. In order to encourage competition within the property
3513 assessed clean energy program as set forth in s. 163.08 and to
3514 help ensure financing for the program is available on a
3515 competitive basis, bond financing for the program through the
3516 corporation shall be available to all providers of the program
3517 who are properly licensed in this state and who demonstrate the
3518 ability to properly finance, administer, operate, and maintain a
3519 property assessed clean energy program in the state.

3520 4. Notwithstanding s. 163.08(13), no more than 30 days
3521 after entering into a financing agreement, the property owner
3522 shall provide to the holders or loan servicers of any existing
3523 mortgages encumbering or otherwise secured by the property a
3524 notice of the owner's intent to enter into a financing agreement
3525 together with the maximum principal amount to be financed and
3526 the maximum annual assessment necessary to repay that amount. A
3527 verified copy or other proof of such notice shall be provided to
3528 the local government. A provision in any agreement between a
3529 mortgagee or other lienholder and a property owner, or otherwise
3530 now or hereafter binding upon a property owner, which allows for
3531 acceleration of payment of the mortgage, note, or lien or other
3532 unilateral modification solely as a result of entering into a
3533 financing agreement as provided for in this section is not
3534 enforceable. This paragraph does not limit the authority of the
3535 holder or loan servicer to increase the required monthly escrow
3536 by an amount necessary to annually pay the qualifying



3537 improvement assessment.

3538 Section 28. Section 288.9610, Florida Statutes, is amended
3539 to read:

3540 288.9610 Annual reports of Florida Development Finance
3541 Corporation.—On or before 90 days after the close of the Florida
3542 Development Finance Corporation's fiscal year, the corporation
3543 shall submit to the Governor, the Legislature, the Auditor
3544 General, and the governing body of each public entity within
3545 which the corporation issues revenue bonds pursuant to s.

3546 288.9606 with which it has entered into an interlocal agreement
3547 a complete and detailed report setting forth:

3548 (1) The results of any audit conducted pursuant to s.
3549 11.45.

3550 (2) The activities, operations, and accomplishments of the
3551 Florida Development Finance Corporation, including the number of
3552 businesses assisted by the corporation.

3553 (3) Its assets, liabilities, income, and operating
3554 expenses at the end of its most recent fiscal year, including a
3555 description of all of its outstanding revenue bonds.

3556 (4) A description of the types of projects for which the
3557 corporation or a local government on the corporation's behalf
3558 has levied special assessments pursuant to s. 288.9606(7). At a
3559 minimum, such description shall include the number of
3560 assessments levied, the amount of each assessment, the type of
3561 improvement for which each assessment was levied, and the
3562 increase in value, if any, of each property on which the



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3563 improvement was made.

3564 Section 29. Section 288.991, Florida Statutes, is amended
3565 to read:

3566 288.991 Short title.—This part ~~Sections 288.991-288.9922~~
3567 may be cited as the "New Markets Development Program Act."

3568 Section 30. Subsections (3), (5), and (6) of section
3569 288.9914, Florida Statutes, are amended to read:

3570 288.9914 Certification of qualified investments;
3571 investment issuance reporting.—

3572 (3) REVIEW.—

3573 (a) The department shall review applications to approve an
3574 investment as a qualified investment in the order received. The
3575 department shall approve or deny an application within 30
3576 calendar days after receipt.

3577 (b) If the department intends to deny the application, the
3578 department shall inform the applicant of the basis of the
3579 proposed denial. The applicant shall have 15 calendar days after
3580 it receives the notice of the intent to deny the application to
3581 submit a revised application to the department. The department
3582 shall issue a final order approving or denying the revised
3583 application within 30 calendar days after receipt.

3584 (c) The department may not approve a cumulative amount of
3585 qualified investments that may result in the claim of more than
3586 \$216.34 million in tax credits during the existence of the
3587 program or more than \$36.6 million in tax credits in a single
3588 state fiscal year. However, the potential for a taxpayer to



3589 | carry forward an unused tax credit may not be considered in
3590 | calculating the annual limit.

3591 | (5) DURATION OF APPROVAL.—The qualified community
3592 | development entity must issue the qualified investment in
3593 | exchange for cash within 60 calendar days after it receives the
3594 | order approving an investment as a qualified investment,
3595 | otherwise the order is void.

3596 | (6) REPORT OF ISSUANCE OF A QUALIFIED INVESTMENT.—The
3597 | qualified community development entity must provide the
3598 | department with evidence of the receipt of the cash in exchange
3599 | for the qualified investment within 30 calendar ~~business~~ days
3600 | after receipt.

3601 | Section 31. Subsection (1) of section 288.9917, Florida
3602 | Statutes, is amended to read:

3603 | 288.9917 Community development entity reporting after a
3604 | credit allowance date; certification of tax credit amount.—

3605 | (1) A qualified community development entity that has
3606 | issued a qualified investment shall submit the following to the
3607 | department within 30 calendar days after each credit allowance
3608 | date:

3609 | (a) A list of all qualified active low-income community
3610 | businesses in which a qualified low-income community investment
3611 | was made since the last credit allowance date. The list shall
3612 | also describe the type and amount of investment in each business
3613 | and the address of the principal location of each business. The
3614 | list must be verified by the chief executive officer of the



3615 community development entity.

3616 (b) Bank records, wire transfer records, or similar
 3617 documents that provide evidence of the qualified low-income
 3618 community investments made since the last credit allowance date.

3619 (c) A verified statement by the chief financial or
 3620 accounting officer of the community development entity that no
 3621 redemption or principal repayment was made with respect to the
 3622 qualified investment since the previous credit allowance date.

3623 (d) Information relating to the recapture of the federal
 3624 new markets tax credit since the last credit allowance date.

3625 Section 32. Section 288.9937, Florida Statutes, is amended
 3626 to read:

3627 288.9937 Evaluation of programs.—The Office of Economic
 3628 and Demographic Research and the Office of Program Policy
 3629 Analysis and Government Accountability shall analyze and
 3630 ~~evaluate, and determine the economic benefits, as defined in s.~~
 3631 ~~288.005,~~ of the first 3 years of the Microfinance Loan Program
 3632 and the Microfinance Guarantee Program. The analysis by the
 3633 Office of Economic and Demographic Research must ~~also~~ evaluate
 3634 the number of jobs created, the increase or decrease in personal
 3635 income, and the impact on state gross domestic product from the
 3636 direct, indirect, and induced effects of the state's investment.
 3637 The analysis by the Office of Program Policy Analysis and
 3638 Government Accountability must ~~also~~ identify any inefficiencies
 3639 in the programs and provide recommendations for changes to the
 3640 programs. Each ~~The~~ office shall submit a report to the President



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3641 of the Senate and the Speaker of the House of Representatives by
3642 January 15, ~~17~~ 2018. This section expires January 31, 2018.

3643 Section 33. Section 288.913, Florida Statutes, is created
3644 to read:

3645 288.913 Startup Florida Initiative.—

3646 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
3647 finds that successful high-technology startup and second-stage
3648 businesses are critical to the state's overall economic growth
3649 and such businesses play an outsized role in job creation. The
3650 Legislature also finds that Enterprise Florida, Inc., the
3651 state's economic development organization, is uniquely suited to
3652 foster and encourage more high-technology startup and second-
3653 stage business development within the state. Therefore, the
3654 Legislature declares that it is the policy of the state to
3655 prioritize high-technology startup and second-stage business
3656 development within the state and directs Enterprise Florida,
3657 Inc., to develop the Startup Florida Initiative to further said
3658 policy.

3659 (2) DEFINITIONS.—As used in this section, the term:

3660 (a) "Advanced technology products" means high-technology
3661 products produced by a business that employs a high proportion
3662 of scientists, engineers, and technicians. Such products may be
3663 classified within, but not be limited to, the following fields:

3664 1. Biotechnology products related to advanced scientific
3665 discoveries in genetics.

3666 2. Life science products related to the application of



3667 nonbiological scientific advances to medical science.
3668 3. Optoelectronic products related to the emission or
3669 detection of light.
3670 4. Information and communications products related to the
3671 processing of increased volumes of information in shorter
3672 periods of time.
3673 5. Electronics products related to design advances in
3674 electronic components that result in improved performance and
3675 capacity, or reduced size.
3676 6. Flexible manufacturing products related to robotics,
3677 numerically-controlled machine tools, and similar products
3678 involving industrial automation that allows for greater
3679 flexibility in the manufacturing process and reduction in the
3680 amount of human intervention.
3681 7. Advanced materials products related to advances in the
3682 development of materials that allow for further development and
3683 application of other advanced technologies.
3684 8. Aerospace products related to military and civil
3685 helicopters, airplanes, and spacecraft.
3686 9. Weapons products related to products with military
3687 application.
3688 10. Nuclear technology products related to nuclear power
3689 production apparatus.
3690 (b) "High-technology startup" means a business unit that
3691 has been in operation for less than 5 years and employs fewer
3692 than 10 employees, which produces a high proportion of advanced



3693 technology products.

3694 (c) "Second-stage business" means a business unit that
3695 employs at least 10 but not more than 50 employees, generates at
3696 least \$1 million but not more than \$25 million in annual
3697 revenue, and produces a high proportion of advanced technology
3698 products.

3699 (3) STATEWIDE STRATEGIC PLAN.—

3700 (a) The department shall develop a statewide strategic
3701 plan for high-technology startup and second-stage business
3702 growth and development in consultation with Enterprise Florida,
3703 Inc., the Institute for the Commercialization of Public
3704 Research, the Florida Economic Gardening Institute, the state's
3705 local and regional economic development organizations, and other
3706 stakeholders, public and private, that have experience and
3707 expertise in high-technology startup and second-stage business
3708 growth and development activities.

3709 (b) In developing the strategic plan, the department shall
3710 evaluate best practices; examine the startup, entrepreneurship,
3711 and second-stage business programs of other states; and survey
3712 high-technology startups and second-stage businesses and support
3713 organizations, both within and outside the state.

3714 (c) The strategic plan shall include actionable steps to
3715 provide technical support to local and regional economic
3716 development organizations to enhance high-technology startup and
3717 second-stage business growth at local and regional levels.

3718 (d) The strategic plan shall include an evaluation of the



3719 accessibility of the state's economic development incentive and
3720 loan programs to high-technology startups and second-stage
3721 businesses.

3722 (e) By January 1, 2016, the department shall deliver the
3723 strategic plan to the Governor, the President of the Senate, and
3724 the Speaker of the House of Representatives.

3725 (f) Upon completion, the strategic plan shall become part
3726 of the 5-year statewide strategic plan developed by the Division
3727 of Strategic Business Development required by s. 20.60.

3728 (4) MARKETING.—Enterprise Florida, Inc., shall market the
3729 state's economic development activities related to the growth
3730 and development of high-technology startups and second-stage
3731 businesses both inside and outside the state.

3732 (5) ANNUAL REPORT.—Enterprise Florida, Inc., shall provide
3733 information regarding its activities related to the growth and
3734 development of high-technology startups and second-stage
3735 businesses in its annual report required by s. 288.906.

3736 Section 34. Section 189.033, Florida Statutes, is amended
3737 to read:

3738 189.033 Independent special district services in
3739 disproportionally affected county; rate reduction for providers
3740 providing economic benefits.—If the governing body of an
3741 independent special district that provides water, wastewater,
3742 and sanitation services in a disproportionally affected county,
3743 as defined in s. 220.191(1)(g)1. ~~288.106(8)~~, determines that a
3744 new user or the expansion of an existing user of one or more of



3745 | its utility systems will provide a significant benefit to the
3746 | community in terms of increased job opportunities, economies of
3747 | scale, or economic development in the area, the governing body
3748 | may authorize a reduction of its rates, fees, or charges for
3749 | that user for a specified period of time. A governing body that
3750 | exercises this power must do so by resolution that states the
3751 | anticipated economic benefit justifying the reduction as well as
3752 | the period of time that the reduction will remain in place.

3753 | Section 35. Subsections (1) and (3), paragraph (a) of
3754 | subsection (5), and paragraph (e) of subsection (7) of section
3755 | 288.11625, Florida Statutes, are amended to read:

3756 | 288.11625 Sports development.—

3757 | (1) ADMINISTRATION.—The department shall serve as the
3758 | state agency responsible for screening applicants for state
3759 | funding under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~

3760 | (3) PURPOSE.—The purpose of this section is to provide
3761 | applicants state funding under s. 212.20(6)(d)6.e.
3762 | ~~212.20(6)(d)6.f.~~ for the public purpose of constructing,
3763 | reconstructing, renovating, or improving a facility.

3764 | (5) EVALUATION PROCESS.—

3765 | (a) Before recommending an applicant to receive a state
3766 | distribution under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~, the
3767 | department must verify that:

3768 | 1. The applicant or beneficiary is responsible for the
3769 | construction, reconstruction, renovation, or improvement of a
3770 | facility and obtained at least three bids for the project.



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3771 2. If the applicant is not a unit of local government, a
3772 unit of local government holds title to the property on which
3773 the facility and project are, or will be, located.

3774 3. If the applicant is a unit of local government in whose
3775 jurisdiction the facility is, or will be, located, the unit of
3776 local government has an exclusive intent agreement to negotiate
3777 in this state with the beneficiary.

3778 4. A unit of local government in whose jurisdiction the
3779 facility is, or will be, located supports the application for
3780 state funds. Such support must be verified by the adoption of a
3781 resolution, after a public hearing, that the project serves a
3782 public purpose.

3783 5. The applicant or beneficiary has not previously
3784 defaulted or failed to meet any statutory requirements of a
3785 previous state-administered sports-related program under s.
3786 288.1162, s. 288.11621, s. 288.11631, or this section.
3787 Additionally, the applicant or beneficiary is not currently
3788 receiving state distributions under s. 212.20 for the facility
3789 that is the subject of the application, unless the applicant
3790 demonstrates that the franchise that applied for a distribution
3791 under s. 212.20 no longer plays at the facility that is the
3792 subject of the application.

3793 6. The applicant or beneficiary has sufficiently
3794 demonstrated a commitment to employ residents of this state,
3795 contract with Florida-based firms, and purchase locally
3796 available building materials to the greatest extent possible.



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3797 7. If the applicant is a unit of local government, the
3798 applicant has a certified copy of a signed agreement with a
3799 beneficiary for the use of the facility. If the applicant is a
3800 beneficiary, the beneficiary must enter into an agreement with
3801 the department. The applicant's or beneficiary's agreement must
3802 also require the following:

3803 a. The beneficiary must reimburse the state for state
3804 funds that will be distributed if the beneficiary relocates or
3805 no longer occupies or uses the facility as the facility's
3806 primary tenant before the agreement expires. Reimbursements must
3807 be sent to the Department of Revenue for deposit into the
3808 General Revenue Fund.

3809 b. The beneficiary must pay for signage or advertising
3810 within the facility. The signage or advertising must be placed
3811 in a prominent location as close to the field of play or
3812 competition as is practicable, must be displayed consistent with
3813 signage or advertising in the same location and of like value,
3814 and must feature Florida advertising approved by the Florida
3815 Tourism Industry Marketing Corporation.

3816 8. The project will commence within 12 months after
3817 receiving state funds or did not commence before January 1,
3818 2013.

3819 (7) CONTRACT.—An applicant approved by the Legislature and
3820 certified by the department must enter into a contract with the
3821 department which:

3822 (e) Requires the applicant to reimburse the state by



3823 electing to do one of the following:

3824 1. After all distributions have been made, reimburse at
3825 the end of the contract term any amount by which the total
3826 distributions made under s. 212.20(6)(d)6.e. ~~212.20(6)(d)6.f.~~
3827 exceed actual new incremental state sales taxes generated by
3828 sales at the facility during the contract, plus a 5 percent
3829 penalty on that amount.

3830 2. After the applicant begins to submit the independent
3831 analysis under paragraph (c), reimburse each year any amount by
3832 which the previous year's annual distribution exceeds 75 percent
3833 of the actual new incremental state sales taxes generated by
3834 sales at the facility.

3835
3836 Any reimbursement due to the state must be made within 90 days
3837 after the applicable distribution under this paragraph. If the
3838 applicant is unable or unwilling to reimburse the state for such
3839 amount, the department may place a lien on the applicant's
3840 facility. If the applicant is a municipality or county, it may
3841 reimburse the state from its half-cent sales tax allocation, as
3842 provided in s. 218.64(3). Reimbursements must be sent to the
3843 Department of Revenue for deposit into the General Revenue Fund.

3844 Section 36. Paragraph (c) of subsection (2) and paragraphs
3845 (a), (c), and (d) of subsection (3) of section 288.11631,
3846 Florida Statutes, are amended to read:

3847 288.11631 Retention of Major League Baseball spring
3848 training baseball franchises.—



3849 (2) CERTIFICATION PROCESS.—

3850 (c) Each applicant certified on or after July 1, 2013,
3851 shall enter into an agreement with the department which:

3852 1. Specifies the amount of the state incentive funding to
3853 be distributed. The amount of state incentive funding per
3854 certified applicant may not exceed \$20 million. However, if a
3855 certified applicant's facility is used by more than one spring
3856 training franchise, the maximum amount may not exceed \$50
3857 million, and the Department of Revenue shall make distributions
3858 to the applicant pursuant to s. 212.20(6)(d)6.d.
3859 ~~212.20(6)(d)6.e.~~

3860 2. States the criteria that the certified applicant must
3861 meet in order to remain certified. These criteria must include a
3862 provision stating that the spring training franchise must
3863 reimburse the state for any funds received if the franchise does
3864 not comply with the terms of the contract. If bonds were issued
3865 to construct or renovate a facility for a spring training
3866 franchise, the required reimbursement must be equal to the total
3867 amount of state distributions expected to be paid from the date
3868 the franchise violates the agreement with the applicant through
3869 the final maturity of the bonds.

3870 3. States that the certified applicant is subject to
3871 decertification if the certified applicant fails to comply with
3872 this section or the agreement.

3873 4. States that the department may recover state incentive
3874 funds if the certified applicant is decertified.



3875 5. Specifies the information that the certified applicant
3876 must report to the department.

3877 6. Includes any provision deemed prudent by the
3878 department.

3879 (3) USE OF FUNDS.—

3880 (a) A certified applicant may use funds provided under s.
3881 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ only to:

3882 1. Serve the public purpose of constructing or renovating
3883 a facility for a spring training franchise.

3884 2. Pay or pledge for the payment of debt service on, or to
3885 fund debt service reserve funds, arbitrage rebate obligations,
3886 or other amounts payable with respect thereto, bonds issued for
3887 the construction or renovation of such facility, or for the
3888 reimbursement of such costs or the refinancing of bonds issued
3889 for such purposes.

3890 (c) The Department of Revenue may not distribute funds
3891 under s. 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ until July 1, 2016.
3892 Further, the Department of Revenue may not distribute funds to
3893 an applicant certified on or after July 1, 2013, until it
3894 receives notice from the department that:

3895 1. The certified applicant has encumbered funds under
3896 either subparagraph (a)1. or subparagraph (a)2.; and

3897 2. If applicable, any existing agreement with a spring
3898 training franchise for the use of a facility has expired.

3899 (d)1. All certified applicants shall place unexpended
3900 state funds received pursuant to s. 212.20(6)(d)6.d.



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3901 ~~212.20(6)(d)6.e.~~ in a trust fund or separate account for use
3902 only as authorized in this section.

3903 2. A certified applicant may request that the department
3904 notify the Department of Revenue to suspend further
3905 distributions of state funds made available under s.
3906 212.20(6)(d)6.d. ~~212.20(6)(d)6.e.~~ for 12 months after expiration
3907 of an existing agreement with a spring training franchise to
3908 provide the certified applicant with an opportunity to enter
3909 into a new agreement with a spring training franchise, at which
3910 time the distributions shall resume.

3911 3. The expenditure of state funds distributed to an
3912 applicant certified after July 1, 2013, must begin within 48
3913 months after the initial receipt of the state funds. In
3914 addition, the construction or renovation of a spring training
3915 facility must be completed within 24 months after the project's
3916 commencement.

3917 Section 37. (1) Any building permit, and any permit
3918 issued by the Department of Environmental Protection or by a
3919 water management district pursuant to part IV of chapter 373,
3920 Florida Statutes, which has an expiration date of January 1,
3921 2015, through January 1, 2017, is extended and renewed for a
3922 period of 2 years after its expiration date. This extension
3923 includes any local government-issued development order or
3924 building permit including certificates of levels of service.
3925 This section does not prohibit conversion from the construction
3926 phase to the operation phase upon completion of construction.



3927 This extension is in addition to any existing permit extension.
3928 Extensions granted pursuant to this section; s. 14 of chapter
3929 2009-96, Laws of Florida, as reauthorized by s. 47 of chapter
3930 2010-147, Laws of Florida; s. 46 of chapter 2010-147, Laws of
3931 Florida; s. 73 or s. 79 of chapter 2011-139, Laws of Florida; s.
3932 24 of chapter 2012-205, Laws of Florida; or s. 46 of chapter
3933 2014-218, Laws of Florida, may not exceed 4 years in total.
3934 Further, specific development order extensions granted pursuant
3935 to s. 380.06(19)(c)2., Florida Statutes, may not be further
3936 extended by this section.

3937 (2) The commencement and completion dates for any required
3938 mitigation associated with a phased construction project are
3939 extended so that mitigation takes place in the same timeframe
3940 relative to the phase as originally permitted.

3941 (3) The holder of a valid permit or other authorization
3942 that is eligible for the 2-year extension must notify the
3943 authorizing agency in writing by December 31, 2015, identifying
3944 the specific authorization for which the holder intends to use
3945 the extension and the anticipated timeframe for acting on the
3946 authorization.

3947 (4) The extension provided in subsection (1) does not
3948 apply to:

3949 (a) A permit or other authorization under any programmatic
3950 or regional general permit issued by the United States Army
3951 Corps of Engineers.

3952 (b) A permit or other authorization held by an owner or



3953 operator determined to be in significant noncompliance with the
3954 conditions of the permit or authorization as established through
3955 the issuance of a warning letter or notice of violation, the
3956 initiation of formal enforcement, or other equivalent action by
3957 the authorizing agency.

3958 (c) A permit or other authorization, if granted an
3959 extension, that would delay or prevent compliance with a court
3960 order.

3961 (5) Permits extended under this section continue to be
3962 governed by the rules in effect at the time the permit was
3963 issued unless it is demonstrated that the rules in effect at the
3964 time the permit was issued would create an immediate threat to
3965 public safety or health. This provision applies to any
3966 modification of the plans, terms, and conditions of the permit
3967 that lessens the environmental impact, except that any such
3968 modification does not extend the time limit beyond 2 additional
3969 years.

3970 (6) This section does not impair the authority of a county
3971 or municipality to require the owner of a property who has
3972 notified the county or municipality of the owner's intent to
3973 receive the extension of time granted pursuant to this section
3974 to maintain and secure the property in a safe and sanitary
3975 condition in compliance with applicable laws and ordinances.

3976 Section 38. Section 290.50, Florida Statutes, is created
3977 to read:

3978 290.50 Local enterprise zone program.—



3979 (1) DEFINITIONS.-As used in this section, the term:
3980 (a) "Designated local enterprise zone area" means a
3981 defined geographic area identified by the governing body of a
3982 county or municipality, or by the governing bodies of a county
3983 and one or more municipalities, that is targeted for accelerated
3984 economic growth through the reduction of local taxes and
3985 regulations. A designated local enterprise zone area must be
3986 created by a local resolution as part of a local enterprise zone
3987 program.
3988 (b) "Employee" means any person who receives remuneration
3989 from an employer or third party for the performance of any work
3990 or service while engaged in any employment, contract for hire,
3991 or apprenticeship.
3992 (c) "Expanding business" means a business entity
3993 authorized to do business in the state that increases its total
3994 number of full-time employees by at least 10 percent and is
3995 located in a designated local enterprise zone area. A business
3996 entity qualifies as an expanding business under this section
3997 regardless of the type of employee employed by the business
3998 entity.
3999 (d) "Local enterprise zone program" means a program
4000 established by a local government pursuant to subsection (2).
4001 (e) "Newly established business" means any business entity
4002 authorized to do business in the state that has conducted
4003 operations for less than 1 year and is located in a designated
4004 local enterprise zone area.



4005 (2) A local government may adopt a resolution establishing
4006 a local enterprise zone program through which it creates 1 or
4007 more designated local enterprise zone areas and grants
4008 exemptions from specified local taxes, fees, permits, and
4009 licenses to newly established or expanding businesses.

4010 (3) A local government that establishes a local enterprise
4011 zone program shall submit a copy of the resolution establishing
4012 the program to the Department of Economic Opportunity within 20
4013 calendar days after enacting the resolution.

4014 (4) A local enterprise zone program must exempt all newly
4015 established or expanding businesses from the following
4016 ordinances, taxes, and fees imposed by the local government for
4017 a minimum of 24 consecutive months:

4018 (a) Business taxes.

4019 (b) Impact fees.

4020 (c) Business, professional, and occupational regulatory
4021 fees.

4022 (d) Green utility fees.

4023 (e) Building permit fees.

4024 (f) Special assessments, including but not limited to
4025 services associated with beach renourishment and restoration,
4026 downtown redevelopment, solid waste disposal, fire and rescue
4027 services, fire protection, parking facilities, sewer
4028 improvements, stormwater management services, street
4029 improvements, and water and sewer line extensions.

4030 (g) Sign ordinance requirements, permits, and fees.



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4031 (h) Tree and landscape ordinance requirements, permits,
4032 and fees.

4033 (5) A local government may not issue a citation for a
4034 violation of a municipal code or ordinance applicable to:

4035 (a) A newly established business, for a period no less
4036 than 24 months after commencement of the business's operations.

4037 (b) An expanding business, for a period of no less than 24
4038 months after an expansion of the business that results in an
4039 increase of the business's number of full-time employees of 10
4040 percent or more.

4041 (c) Any business located within a designated local
4042 enterprise zone area for a period no less than 24 months after
4043 the creation of such zone.

4044
4045 This subsection does not apply to violations of a municipal code
4046 or ordinance that pose a direct threat to the health and safety
4047 of the public.

4048 (6) A local government that establishes a local enterprise
4049 zone program is not prohibited from providing local financial
4050 incentives to businesses of any industry type, including those
4051 not identified as target industries pursuant to s. 288.106.

4052 Section 39. Section 290.60, Florida Statutes, is created
4053 to read:

4054 290.60 Enterprise zone certification program.—

4055 (1) PURPOSE.—The enterprise zone certification program is
4056 hereby created for the purpose of certifying designated local



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4057 enterprise zone areas, as defined in s. 290.50, that are
4058 submitted to the Department of Economic Opportunity pursuant to
4059 s. 290.50(3).

4060 (2) APPLICATION.-

4061 (a) The governing body of a county or municipality or the
4062 governing bodies of a county and one or more municipalities may
4063 submit an application to the Department of Economic Opportunity
4064 for certification of a designated local enterprise zone area as
4065 an enterprise zone. An application for certification must be
4066 received by the Department of Economic Opportunity by January 1
4067 of each year and must include the following:

4068 1. An aerial map and legal description of the proposed
4069 enterprise zone.

4070 2. Demographic information regarding the proposed
4071 enterprise zone which includes unemployment, poverty, crime,
4072 income, and property value metrics. The Department of Economic
4073 Opportunity shall consult with the Office of Economic and
4074 Demographic Research to develop or identify standard sources and
4075 units of measurement for each required metric and make such
4076 approved sources and units of measurement accessible to the
4077 public on its website.

4078 3. Verification that the applicant has made available to
4079 the public on its official county or municipal website a list of
4080 local taxes, licenses, and fee data and information related to
4081 the creation of a new business, the expansion of an existing
4082 business, and the operation of an existing business, located in



4083 the applicant's jurisdiction.

4084 4. A list and description of the local financial
4085 incentives that have been or will be enacted by the applicant
4086 for the purpose of assisting in the redevelopment of the
4087 enterprise zone. These incentives may include the municipal
4088 service tax exemption provided in s. 166.231, the economic
4089 development ad valorem tax exemption provided in s. 205.054,
4090 local impact fee abatement or reduction, low-interest or
4091 interest-free loans or grants to businesses to encourage
4092 economic growth within the enterprise zone, and other local
4093 financial incentives.

4094 5. A copy of the resolution adopted pursuant to s.
4095 290.50(2), identifying the designated local enterprise zone
4096 area.

4097 (b) The Department of Economic Opportunity may adopt rules
4098 to develop forms and administer the requirements of this
4099 section.

4100 (3) CERTIFICATION.-All timely submitted and completed
4101 applications shall be certified by the Department of Economic
4102 Opportunity and assigned a unique identification number by June
4103 30 of each year. A certified enterprise zone is not required to
4104 reapply for certification.

4105 (4) MARKETING.-The Department of Economic Opportunity
4106 shall develop a marketing and advertising plan in coordination
4107 with local governments for the purpose of highlighting the
4108 benefits of the enterprise zone program and encouraging



4109 increased business activity within certified enterprise zones.

4110 (5) ANNUAL REPORT.-

4111 (a) By October 1 of each year each local government

4112 containing a certified enterprise zone within its jurisdiction

4113 shall submit to the Department of Economic Opportunity for

4114 inclusion in the annual report required under s. 20.60:

4115 1. The number and types of businesses established within

4116 the certified enterprise zone during the previous fiscal year.

4117 2. The number of jobs created within the certified

4118 enterprise zone during the previous fiscal year.

4119 3. A detailed description of the local and state financial

4120 incentives granted to businesses located in the certified

4121 enterprise zone during the previous fiscal year.

4122 4. A detailed description of the local regulatory

4123 incentives granted to businesses within the certified enterprise

4124 zone during the previous fiscal year.

4125 5. Any other information requested by the Department of

4126 Economic Opportunity.

4127 (b) The Department of Economic Opportunity shall include

4128 in its annual report updated demographic information described

4129 in subparagraph (2)(a)2., for each certified enterprise zone.

4130 (6) DECERTIFICATION.-A certified enterprise zone shall be

4131 decertified by the Department of Economic Opportunity if:

4132 (a) The resolution creating the local enterprise zone

4133 program has been repealed.

4134 (b) The local governing body or bodies in whose



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4135 jurisdiction the certified enterprise zone is located has
4136 submitted a written request that the certified enterprise zone
4137 be decertified. Such notification must include a resolution,
4138 adopted by the governing body or bodies after a public meeting,
4139 stating that decertification of the enterprise zone is in the
4140 best interest of the community.

4141 Section 40. Subsections (5) and (19) of section 159.27,
4142 Florida Statutes, are amended to read:

4143 159.27 Definitions.—The following words and terms, unless
4144 the context clearly indicates a different meaning, shall have
4145 the following meanings:

4146 (5) "Project" means any capital project comprising an
4147 industrial or manufacturing plant, a research and development
4148 park, an agricultural processing or storage facility, a
4149 warehousing or distribution facility, a headquarters facility, a
4150 tourism facility, a convention or trade show facility, an urban
4151 parking facility, a trade center, a health care facility, an
4152 educational facility, a correctional or detention facility, a
4153 motion picture production facility, a preservation or
4154 rehabilitation of a certified historic structure, an airport or
4155 port facility, a commercial project in a certified ~~an~~ enterprise
4156 zone, a pollution-control facility, a hazardous or solid waste
4157 facility, a social service center, or a mass commuting facility,
4158 including one or more buildings and other structures, whether or
4159 not on the same site or sites; any rehabilitation, improvement,
4160 renovation, or enlargement of, or any addition to, any buildings



4161 or structures for use as a factory, a mill, a processing plant,
4162 an assembly plant, a fabricating plant, an industrial
4163 distribution center, a repair, overhaul, or service facility, a
4164 test facility, an agricultural processing or storage facility, a
4165 warehousing or distribution facility, a headquarters facility, a
4166 tourism facility, a convention or trade show facility, an urban
4167 parking facility, a trade center, a health care facility, an
4168 educational facility, a correctional or detention facility, a
4169 motion picture production facility, a preservation or
4170 rehabilitation of a certified historic structure, an airport or
4171 port facility, a commercial project in a certified ~~an~~ enterprise
4172 zone, a pollution-control facility, a hazardous or solid waste
4173 facility, a social service center, or a mass commuting facility,
4174 and other facilities, including research and development
4175 facilities, for manufacturing, processing, assembling,
4176 repairing, overhauling, servicing, testing, or handling of any
4177 products or commodities embraced in any industrial or
4178 manufacturing plant, in connection with the purposes of a
4179 research and development park, or other facilities for or used
4180 in connection with an agricultural processing or storage
4181 facility, a warehousing or distribution facility, a headquarters
4182 facility, a tourism facility, a convention or trade show
4183 facility, an urban parking facility, a trade center, a health
4184 care facility, an educational facility, a correctional or
4185 detention facility, a motion picture production facility, a
4186 preservation or rehabilitation of a certified historic



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4187 structure, an airport or port facility, or a commercial project
4188 in a certified ~~an~~ enterprise zone or for controlling air or
4189 water pollution or for the disposal, processing, conversion, or
4190 reclamation of hazardous or solid waste, a social service
4191 center, or a mass commuting facility; and including also the
4192 sites thereof and other rights in land therefor whether improved
4193 or unimproved, machinery, equipment, site preparation and
4194 landscaping, and all appurtenances and facilities incidental
4195 thereto, such as warehouses, utilities, access roads, railroad
4196 sidings, truck docking and similar facilities, parking
4197 facilities, office or storage or training facilities, public
4198 lodging and restaurant facilities, dockage, wharfage, solar
4199 energy facilities, and other improvements necessary or
4200 convenient for any manufacturing or industrial plant, research
4201 and development park, agricultural processing or storage
4202 facility, warehousing or distribution facility, tourism
4203 facility, convention or trade show facility, urban parking
4204 facility, trade center, health care facility, educational
4205 facility, a correctional or detention facility, motion picture
4206 production facility, preservation or rehabilitation of a
4207 certified historic structure, airport or port facility,
4208 commercial project in a certified ~~an~~ enterprise zone, pollution-
4209 control facility, hazardous or solid waste facility, social
4210 service center, or a mass commuting facility and any one or more
4211 combinations of the foregoing.

4212 (19) "Commercial project in a certified ~~an~~ enterprise



4213 zone" means buildings, building additions or renovations, or
 4214 other structures to be newly constructed and suitable for use by
 4215 a commercial enterprise, and includes the site on which such
 4216 buildings or structures are located, located in a certified ~~an~~
 4217 ~~area designated as an~~ enterprise zone pursuant to ~~s. 290.0065.~~

4218 Section 41. Subsection (5) of section 159.803, Florida
 4219 Statutes, is amended to read:

4220 159.803 Definitions.—As used in this part, the term:

4221 (5) "Priority project" means a solid waste disposal
 4222 facility or a sewage facility, as such terms are defined in s.
 4223 142 of the Code, or a water facility, as defined in s. 142 of
 4224 the Code, which is operated by a member-owned, not-for-profit
 4225 utility, or any project which is to be located in an area which
 4226 is a certified ~~an~~ enterprise zone ~~designated pursuant to s.~~
 4227 ~~290.0065.~~

4228 Section 42. Subsection (3) of section 163.2517, Florida
 4229 Statutes, is amended to read:

4230 163.2517 Designation of urban infill and redevelopment
 4231 area.—

4232 (3) A local government seeking to designate a geographic
 4233 area within its jurisdiction as an urban infill and
 4234 redevelopment area shall prepare a plan that describes the
 4235 infill and redevelopment objectives of the local government
 4236 within the proposed area. In lieu of preparing a new plan, the
 4237 local government may demonstrate that an existing plan or
 4238 combination of plans associated with a community redevelopment



4239 area, Florida Main Street program, Front Porch Florida
4240 Community, sustainable community, certified enterprise zone, or
4241 neighborhood improvement district includes the factors listed in
4242 paragraphs (a)-(n), including a collaborative and holistic
4243 community participation process, or amend such existing plans to
4244 include these factors. The plan shall demonstrate the local
4245 government and community's commitment to comprehensively address
4246 the urban problems within the urban infill and redevelopment
4247 area and identify activities and programs to accomplish locally
4248 identified goals such as code enforcement; improved educational
4249 opportunities; reduction in crime; neighborhood revitalization
4250 and preservation; provision of infrastructure needs, including
4251 mass transit and multimodal linkages; and mixed-use planning to
4252 promote multifunctional redevelopment to improve both the
4253 residential and commercial quality of life in the area. The plan
4254 shall also:

4255 (a) Contain a map depicting the geographic area or areas
4256 to be included within the designation.

4257 (b) Confirm that the infill and redevelopment area is
4258 within an area designated for urban uses in the local
4259 government's comprehensive plan.

4260 (c) Identify and map existing enterprise zones, community
4261 redevelopment areas, community development corporations,
4262 brownfield areas, downtown redevelopment districts, safe
4263 neighborhood improvement districts, historic preservation
4264 districts, and empowerment zones or enterprise communities



4265 | located within the area proposed for designation as an urban
4266 | infill and redevelopment area and provide a framework for
4267 | coordinating infill and redevelopment programs within the urban
4268 | core.

4269 | (d) Identify a memorandum of understanding between the
4270 | district school board and the local government jurisdiction
4271 | regarding public school facilities located within the urban
4272 | infill and redevelopment area to identify how the school board
4273 | will provide priority to enhancing public school facilities and
4274 | programs in the designated area, including the reuse of existing
4275 | buildings for schools within the area.

4276 | (e) Identify each neighborhood within the proposed area
4277 | and state community preservation and revitalization goals and
4278 | projects identified through a collaborative and holistic
4279 | community participation process and how such projects will be
4280 | implemented.

4281 | (f) Identify how the local government and community-based
4282 | organizations intend to implement affordable housing programs,
4283 | including, but not limited to, economic and community
4284 | development programs administered by federal and state agencies,
4285 | within the urban infill and redevelopment area.

4286 | (g) Identify strategies for reducing crime.

4287 | (h) If applicable, provide guidelines for the adoption of
4288 | land development regulations specific to the urban infill and
4289 | redevelopment area which include, for example, setbacks and
4290 | parking requirements appropriate to urban development.



4291 (i) Identify and map any existing transportation
4292 concurrency exception areas and any relevant public
4293 transportation corridors designated by a metropolitan planning
4294 organization in its long-range transportation plans or by the
4295 local government in its comprehensive plan for which the local
4296 government seeks designation as a transportation concurrency
4297 exception area. For those areas, describe how public
4298 transportation, pedestrian ways, and bikeways will be
4299 implemented as an alternative to increased automobile use.

4300 (j) Identify and adopt a package of financial and local
4301 government incentives which the local government will offer for
4302 new development, expansion of existing development, and
4303 redevelopment within the urban infill and redevelopment area.
4304 Examples of such incentives include:

- 4305 1. Waiver of license and permit fees.
- 4306 2. Exemption of sales made in the urban infill and
4307 redevelopment area from local option sales surtaxes imposed
4308 pursuant to s. 212.055.
- 4309 3. Waiver of delinquent local taxes or fees to promote the
4310 return of property to productive use.
- 4311 4. Expedited permitting.
- 4312 5. Lower transportation impact fees for development which
4313 encourages more use of public transit, pedestrian, and bicycle
4314 modes of transportation.
- 4315 6. Prioritization of infrastructure spending within the
4316 urban infill and redevelopment area.



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4317 7. Local government absorption of developers' concurrency
4318 costs.
4319
4320 In order to be authorized to recognize the exemption from local
4321 option sales surtaxes pursuant to subparagraph 2., the owner,
4322 lessee, or lessor of the new development, expanding existing
4323 development, or redevelopment within the urban infill and
4324 redevelopment area must file an application under oath with the
4325 governing body having jurisdiction over the urban infill and
4326 redevelopment area where the business is located. The
4327 application must include the name and address of the business
4328 claiming the exclusion from collecting local option surtaxes; an
4329 address and assessment roll parcel number of the urban infill
4330 and redevelopment area for which the exemption is being sought;
4331 a description of the improvements made to accomplish the new
4332 development, expanding development, or redevelopment of the real
4333 property; a copy of the building permit application or the
4334 building permit issued for the development of the real property;
4335 a new application for a certificate of registration with the
4336 Department of Revenue with the address of the new development,
4337 expanding development, or redevelopment; and the location of the
4338 property. The local government must review and approve the
4339 application and submit the completed application and
4340 documentation along with a copy of the ordinance adopted
4341 pursuant to subsection (5) to the Department of Revenue in order
4342 for the business to become eligible to make sales exempt from



4343 local option sales surtaxes in the urban infill and
 4344 redevelopment area.

4345 (k) Identify how activities and incentives within the
 4346 urban infill and redevelopment area will be coordinated and what
 4347 administrative mechanism the local government will use for the
 4348 coordination.

4349 (l) Identify how partnerships with the financial and
 4350 business community will be developed.

4351 (m) Identify the governance structure that the local
 4352 government will use to involve community representatives in the
 4353 implementation of the plan.

4354 (n) Identify performance measures to evaluate the success
 4355 of the local government in implementing the urban infill and
 4356 redevelopment plan.

4357 Section 43. Subsection (8) of section 163.503, Florida
 4358 Statutes, is amended to read:

4359 163.503 Definitions.—

4360 (8) "Certified enterprise zone" means an area certified
 4361 ~~designated~~ pursuant to s. 290.60 ~~290.0065~~.

4362 Section 44. Section 163.521, Florida Statutes, is amended
 4363 to read:

4364 163.521 Neighborhood improvement district located in
 4365 certified ~~inside~~ enterprise zone; funding.—The local governing
 4366 body of any municipality or county in which the boundaries of a
 4367 certified ~~an~~ enterprise zone include a neighborhood improvement
 4368 district in whole or in part, prior to October 1 of each year,



4369 | may request the Department of Legal Affairs to submit within its
4370 | budget request to the Legislature provisions to fund capital
4371 | improvements. A request may be made for 100 percent of the
4372 | capital improvement costs for 25 percent of the area of the
4373 | certified enterprise zone which overlaps the district. The local
4374 | governing body may also request a 100-percent matching grant for
4375 | capital improvement costs for the remaining 75 percent of the
4376 | area of the certified enterprise zone which overlaps the
4377 | district. Local governments must demonstrate the capacity to
4378 | implement the project within 2 years after the date of the
4379 | appropriation. Funds appropriated under this provision may not
4380 | be expended until after completion and approval of the safe
4381 | neighborhood improvement plan pursuant to ss. 163.516 and
4382 | 163.519(11). Capital improvements contained within the request
4383 | submitted by the local governing body must be specifically
4384 | related to crime prevention through community policing
4385 | innovations, environmental design, environmental security, and
4386 | defensible space and must be reviewed by the department for
4387 | compliance with the principles of crime prevention through
4388 | community policing innovations, environmental design,
4389 | environmental security, and defensible space. The department
4390 | shall rank order all requests received for capital improvements
4391 | funding based on the necessity of the improvements to the
4392 | overall implementation of the safe neighborhood plan; the degree
4393 | to which the improvements help the plan achieve crime prevention
4394 | through community policing innovations, environmental design,



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4395 environmental security, and defensible space objectives; the
4396 effect of the improvements on residents of low or moderate
4397 income; and the fiscal inability of local government to perform
4398 the improvements without state assistance.

4399 Section 45. Subsection (1) of section 163.522, Florida
4400 Statutes, is amended to read:

4401 163.522 State redevelopment programs.—

4402 (1) Any county or municipality containing a certified
4403 ~~which has nominated an area as an~~ enterprise zone pursuant to s.
4404 ~~290.0055 which has been so designated pursuant to s. 290.0065~~ is
4405 directed to give consideration to the creation of a neighborhood
4406 improvement district within said area.

4407 Section 46. Subsection (8) of section 166.231, Florida
4408 Statutes, is amended to read:

4409 166.231 Municipalities; public service tax.—

4410 (8) (a) ~~Beginning July 1, 1995,~~ A municipality may by
4411 ordinance exempt not less than 50 percent of the tax imposed
4412 under this section on purchasers of electrical energy who are
4413 located within a certified enterprise zone or determined to be
4414 eligible for the exemption provided by s. 212.08(15) by the
4415 Department of Revenue. The exemption shall be administered as
4416 provided in that section. A copy of any ordinance adopted
4417 pursuant to this subsection shall be provided to the Department
4418 of Revenue not less than 14 days before ~~prior to~~ its effective
4419 date.

4420 (b) If an area submitted for enterprise zone certification



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4421 ~~that is nominated as an enterprise zone~~ pursuant to s. 290.60
4422 ~~290.0055~~ has not yet been certified ~~designated pursuant to s.~~
4423 ~~290.0065~~, a municipality may enact an ordinance for such
4424 exemption; however, the ordinance shall not be effective until
4425 such area is certified ~~designated pursuant to s. 290.0065~~.

4426 ~~(c) This subsection expires on the date specified in s.~~
4427 ~~290.016 for the expiration of the Florida Enterprise Zone Act,~~
4428 ~~except that any qualified business that has satisfied the~~
4429 ~~requirements of this subsection before that date shall be~~
4430 ~~allowed the full benefit of the exemption allowed under this~~
4431 ~~subsection as if this subsection had not expired on that date.~~

4432 Section 47. Paragraphs (a) and (b) of subsection (14),
4433 paragraph (b) of subsection (15), and subsection (18) of section
4434 196.012, Florida Statutes, are amended to read:

4435 196.012 Definitions.—For the purpose of this chapter, the
4436 following terms are defined as follows, except where the context
4437 clearly indicates otherwise:

4438 (14) "New business" means:

4439 (a)1. A business or organization establishing 10 or more
4440 new jobs to employ 10 or more full-time employees in this state,
4441 paying an average wage for such new jobs that is above the
4442 average wage in the area, which principally engages in any one
4443 or more of the following operations:

4444 a. Manufactures, processes, compounds, fabricates, or
4445 produces for sale items of tangible personal property at a fixed
4446 location and which comprises an industrial or manufacturing



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4447 plant; or

4448 b. Is a target industry business as defined in s.
4449 288.106(2)(n) ~~288.106(2)(g)~~;

4450 2. A business or organization establishing 25 or more new
4451 jobs to employ 25 or more full-time employees in this state, the
4452 sales factor of which, as defined by s. 220.15(5), for the
4453 facility with respect to which it requests an economic
4454 development ad valorem tax exemption is less than 0.50 for each
4455 year the exemption is claimed; or

4456 3. An office space in this state owned and used by a
4457 business or organization newly domiciled in this state; provided
4458 such office space houses 50 or more full-time employees of such
4459 business or organization; provided that such business or
4460 organization office first begins operation on a site clearly
4461 separate from any other commercial or industrial operation owned
4462 by the same business or organization.

4463 (b) Any business or organization located in a certified ~~an~~
4464 enterprise zone or brownfield area that first begins operation
4465 on a site clearly separate from any other commercial or
4466 industrial operation owned by the same business or organization.

4467 (15) "Expansion of an existing business" means:

4468 (b) Any business or organization located in a certified ~~an~~
4469 enterprise zone or brownfield area that increases operations on
4470 a site located within the same zone or area colocated with a
4471 commercial or industrial operation owned by the same business or
4472 organization under common control with the same business or



4473 organization.

4474 (18) "Certified enterprise zone" means an enterprise zone
4475 certified area ~~designated as an enterprise zone~~ pursuant to s.
4476 290.60 ~~290.0065~~. This subsection expires on the date specified
4477 in s. ~~290.016~~ for the expiration of the Florida Enterprise Zone
4478 Act.

4479 Section 48. Section 196.095, Florida Statutes, is amended
4480 to read:

4481 196.095 Exemption for a licensed child care facility
4482 operating in a certified ~~an~~ enterprise zone.—

4483 (1) Any real estate used and owned as a child care
4484 facility as defined in s. 402.302 which operates in a certified
4485 ~~an~~ enterprise zone pursuant to chapter 290 is exempt from
4486 taxation.

4487 (2) To claim a certified ~~an~~ enterprise zone child care
4488 property tax exemption authorized by this section, a child care
4489 facility must file an application under oath with the governing
4490 body ~~or enterprise zone development agency~~ having jurisdiction
4491 over the certified enterprise zone where the child care center
4492 is located. Within 10 working days after receipt of an
4493 application, the governing body ~~or enterprise zone development~~
4494 ~~agency~~ shall review the application to determine if it contains
4495 all the information required pursuant to this section and meets
4496 the criteria set out in this section. The governing body or
4497 agency shall certify all applications that contain the
4498 information required pursuant to this section and meet the



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4499 criteria set out in this section as eligible to receive an ad
4500 valorem tax exemption. The child care center shall be
4501 responsible for forwarding all application materials to the
4502 governing body ~~or enterprise zone development agency~~.

4503 (3) The production by the child care facility operator of
4504 a current license by the Department of Children and Families or
4505 local licensing authority and certification by the governing
4506 body ~~or enterprise zone~~ where the child care center is located
4507 is prima facie evidence that the child care facility owner is
4508 entitled to such exemptions.

4509 Section 49. Subsections (3) and (5) of section 196.1995,
4510 Florida Statutes, are amended to read:

4511 196.1995 Economic development ad valorem tax exemption.—

4512 (3) The board of county commissioners or the governing
4513 authority of the municipality that calls a referendum within its
4514 total jurisdiction to determine whether its respective
4515 jurisdiction may grant economic development ad valorem tax
4516 exemptions may vote to limit the effect of the referendum to
4517 authority to grant economic development tax exemptions for new
4518 businesses and expansions of existing businesses located in a
4519 certified ~~an~~ enterprise zone or a brownfield area, as defined in
4520 s. 376.79(4). If an area submitted for enterprise zone
4521 certification ~~nominated to be an enterprise zone~~ pursuant to s.
4522 290.60 ~~290.0055~~ has not yet been certified ~~designated~~ pursuant
4523 ~~to s. 290.0065~~, the board of county commissioners or the
4524 governing authority of the municipality may call such referendum



4525 prior to such certification ~~designation~~; however, the authority
 4526 to grant economic development ad valorem tax exemptions does not
 4527 apply until such area is certified ~~designated pursuant to s.~~
 4528 ~~290.0065~~. The ballot question in such referendum shall be in
 4529 substantially the following form and shall be used in lieu of
 4530 the ballot question prescribed in subsection (2):

4531 Shall the board of county commissioners of this county (or the
 4532 governing authority of this municipality, or both) be authorized
 4533 to grant, pursuant to s. 3, Art. VII of the State Constitution,
 4534 property tax exemptions for new businesses and expansions of
 4535 existing businesses that are located in a certified ~~an~~
 4536 enterprise zone or a brownfield area and that are expected to
 4537 create new, full-time jobs in the county (or municipality, or
 4538 both)?

4539 ...Yes—For authority to grant exemptions.

4540 ...No—Against authority to grant exemptions.

4541 (5) Upon a majority vote in favor of such authority, the
 4542 board of county commissioners or the governing authority of the
 4543 municipality, at its discretion, by ordinance may exempt from ad
 4544 valorem taxation up to 100 percent of the assessed value of all
 4545 improvements to real property made by or for the use of a new
 4546 business and of all tangible personal property of such new
 4547 business, or up to 100 percent of the assessed value of all
 4548 added improvements to real property made to facilitate the
 4549 expansion of an existing business and of the net increase in all
 4550 tangible personal property acquired to facilitate such expansion



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4551 of an existing business. To qualify for this exemption, the
4552 improvements to real property must be made or the tangible
4553 personal property must be added or increased after approval by
4554 motion or resolution of the local governing body, subject to
4555 ordinance adoption or on or after the day the ordinance is
4556 adopted. However, if the authority to grant exemptions is
4557 approved in a referendum in which the ballot question contained
4558 in subsection (3) appears on the ballot, the authority of the
4559 board of county commissioners or the governing authority of the
4560 municipality to grant exemptions is limited solely to new
4561 businesses and expansions of existing businesses that are
4562 located in a certified ~~an~~ enterprise zone or brownfield area.
4563 Property acquired to replace existing property shall not be
4564 considered to facilitate a business expansion. The exemption
4565 applies only to taxes levied by the respective unit of
4566 government granting the exemption. The exemption does not apply,
4567 however, to taxes levied for the payment of bonds or to taxes
4568 authorized by a vote of the electors pursuant to s. 9(b) or s.
4569 12, Art. VII of the State Constitution. Any such exemption shall
4570 remain in effect for up to 10 years with respect to any
4571 particular facility, regardless of any change in the authority
4572 of the county or municipality to grant such exemptions. The
4573 exemption shall not be prolonged or extended by granting
4574 exemptions from additional taxes or by virtue of any
4575 reorganization or sale of the business receiving the exemption.

4576 Section 50. Subsection (4) of section 205.022, Florida



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4577 Statutes, is amended to read:

4578 205.022 Definitions.—When used in this chapter, the
4579 following terms and phrases shall have the meanings ascribed to
4580 them in this section, except when the context clearly indicates
4581 a different meaning:

4582 (4) "Certified enterprise zone" means an area certified
4583 ~~designated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0065~~.
4584 ~~This subsection expires on the date specified in s. 290.016 for~~
4585 ~~the expiration of the Florida Enterprise Zone Act.~~

4586 Section 51. Section 205.054, Florida Statutes, is amended
4587 to read:

4588 205.054 Business tax; partial exemption for engaging in
4589 business or occupation in certified enterprise zone.—

4590 (1) Notwithstanding the provisions of s. 205.033(1)(a) or
4591 s. 205.043(1)(a), the governing body of a county or municipality
4592 may authorize by appropriate resolution or ordinance, adopted
4593 pursuant to the procedure established in s. 205.032 or s.
4594 205.042, the exemption of 50 percent of the business tax levied
4595 for the privilege of engaging in or managing any business,
4596 profession, or occupation in the respective jurisdiction of the
4597 county or municipality when such privilege is exercised at a
4598 permanent business location or branch office located in a
4599 certified ~~an~~ enterprise zone.

4600 (2) Such exemption applies to each classification for
4601 which a business tax receipt is required in the jurisdiction.
4602 Classifications shall be the same in a certified ~~an~~ enterprise



4603 zone as elsewhere in the jurisdiction. Each county or municipal
4604 business tax receipt issued with the exemption authorized in
4605 this section shall be in the same general form as the other
4606 county or municipal business tax receipts and shall expire at
4607 the same time as those other receipts expire as fixed by law.
4608 Any receipt issued with the exemption authorized in this section
4609 is nontransferable. The exemption authorized in this section
4610 does not apply to any penalty authorized in s. 205.053.

4611 (3) Each tax collecting authority of a county or
4612 municipality which provides the exemption authorized in this
4613 section shall issue to each person who may be entitled to the
4614 exemption a receipt pursuant to the provisions contained in this
4615 section. Before a receipt with such exemption is issued to an
4616 applicant, the tax collecting authority must, in each case, be
4617 provided proof that the applicant is entitled to such exemption.
4618 Such proof shall be made by means of a statement filed under
4619 oath with the tax collecting authority, which statement
4620 indicates that the permanent business location or branch office
4621 of the applicant is located in a certified ~~an~~ enterprise zone of
4622 a jurisdiction which has authorized the exemption permitted in
4623 this section.

4624 (4) Any receipt obtained with the exemption authorized in
4625 this subsection by the commission of fraud upon the issuing
4626 authority is void. Any person who has fraudulently obtained such
4627 exemption and thereafter engages, under color of the receipt, in
4628 any business, profession, or occupation requiring the business



4629 tax receipt is subject to prosecution for engaging in a
4630 business, profession, or occupation without having the required
4631 receipt under the laws of the state.

4632 (5) If an area has been submitted for certification
4633 ~~nominated~~ as an enterprise zone pursuant to s. 290.60 ~~290.0055~~
4634 ~~has not yet been designated pursuant to s. 290.0065~~, the
4635 governing body of a county or municipality may enact the
4636 appropriate ordinance or resolution authorizing the exemption
4637 permitted in this section; however, such ordinance or resolution
4638 will not be effective until such area is certified ~~designated~~
4639 pursuant to s. 290.60 ~~290.0065~~.

4640 ~~(6) This section expires on the date specified in s.~~
4641 ~~290.016 for the expiration of the Florida Enterprise Zone Act;~~
4642 ~~and a receipt may not be issued with the exemption authorized in~~
4643 ~~this section for any period beginning on or after that date.~~

4644 Section 52. Subsection (6) of section 212.02, Florida
4645 Statutes, is amended to read:

4646 212.02 Definitions.—The following terms and phrases when
4647 used in this chapter have the meanings ascribed to them in this
4648 section, except where the context clearly indicates a different
4649 meaning:

4650 (6) "Certified enterprise zone" means an enterprise zone
4651 certified ~~an area of the state designated~~ pursuant to s. 290.60
4652 ~~290.0065. This subsection expires on the date specified in s.~~
4653 ~~290.016 for the expiration of the Florida Enterprise Zone Act.~~

4654 Section 53. Paragraphs (o) and (p) of subsection (5) of



4655 section 212.08, Florida Statutes, are amended to read:

4656 212.08 Sales, rental, use, consumption, distribution, and
 4657 storage tax; specified exemptions.—The sale at retail, the
 4658 rental, the use, the consumption, the distribution, and the
 4659 storage to be used or consumed in this state of the following
 4660 are hereby specifically exempt from the tax imposed by this
 4661 chapter.

4662 (5) EXEMPTIONS; ACCOUNT OF USE.—

4663 (o) Building materials in redevelopment projects.—

4664 1. As used in this paragraph, the term:

4665 a. "Building materials" means tangible personal property
 4666 that becomes a component part of a housing project or a mixed-
 4667 use project.

4668 b. "Housing project" means the conversion of an existing
 4669 manufacturing or industrial building to a housing unit which is
 4670 in an urban high-crime area, a certified ~~an~~ enterprise zone, an
 4671 empowerment zone, a Front Porch Community, a designated
 4672 brownfield site for which a rehabilitation agreement with the
 4673 Department of Environmental Protection or a local government
 4674 delegated by the Department of Environmental Protection has been
 4675 executed under s. 376.80 and any abutting real property parcel
 4676 within a brownfield area, or an urban infill area; and in which
 4677 the developer agrees to set aside at least 20 percent of the
 4678 housing units in the project for low-income and moderate-income
 4679 persons or the construction in a designated brownfield area of
 4680 affordable housing for persons described in s. 420.0004(9),



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4681 (11), (12), or (17) or in s. 159.603(7).

4682 c. "Mixed-use project" means the conversion of an existing
4683 manufacturing or industrial building to mixed-use units that
4684 include artists' studios, art and entertainment services, or
4685 other compatible uses. A mixed-use project must be located in an
4686 urban high-crime area, a certified ~~an~~ enterprise zone, an
4687 empowerment zone, a Front Porch Community, a designated
4688 brownfield site for which a rehabilitation agreement with the
4689 Department of Environmental Protection or a local government
4690 delegated by the Department of Environmental Protection has been
4691 executed under s. 376.80 and any abutting real property parcel
4692 within a brownfield area, or an urban infill area; and the
4693 developer must agree to set aside at least 20 percent of the
4694 square footage of the project for low-income and moderate-income
4695 housing.

4696 d. "Substantially completed" has the same meaning as
4697 provided in s. 192.042(1).

4698 2. Building materials used in the construction of a
4699 housing project or mixed-use project are exempt from the tax
4700 imposed by this chapter upon an affirmative showing to the
4701 satisfaction of the department that the requirements of this
4702 paragraph have been met. This exemption inures to the owner
4703 through a refund of previously paid taxes. To receive this
4704 refund, the owner must file an application under oath with the
4705 department which includes:

4706 a. The name and address of the owner.



- 4707 b. The address and assessment roll parcel number of the
4708 project for which a refund is sought.
- 4709 c. A copy of the building permit issued for the project.
- 4710 d. A certification by the local building code inspector
4711 that the project is substantially completed.
- 4712 e. A sworn statement, under penalty of perjury, from the
4713 general contractor licensed in this state with whom the owner
4714 contracted to construct the project, which statement lists the
4715 building materials used in the construction of the project and
4716 the actual cost thereof, and the amount of sales tax paid on
4717 these materials. If a general contractor was not used, the owner
4718 shall provide this information in a sworn statement, under
4719 penalty of perjury. Copies of invoices evidencing payment of
4720 sales tax must be attached to the sworn statement.
- 4721 3. An application for a refund under this paragraph must
4722 be submitted to the department within 6 months after the date
4723 the project is deemed to be substantially completed by the local
4724 building code inspector. Within 30 working days after receipt of
4725 the application, the department shall determine if it meets the
4726 requirements of this paragraph. A refund approved pursuant to
4727 this paragraph shall be made within 30 days after formal
4728 approval of the application by the department.
- 4729 4. The department shall establish by rule an application
4730 form and criteria for establishing eligibility for exemption
4731 under this paragraph.
- 4732 5. The exemption shall apply to purchases of materials on



4733 or after July 1, 2000.

4734 (p) Community contribution tax credit for donations.—

4735 1. Authorization.—Persons who are registered with the
4736 department under s. 212.18 to collect or remit sales or use tax
4737 and who make donations to eligible sponsors are eligible for tax
4738 credits against their state sales and use tax liabilities as
4739 provided in this paragraph:

4740 a. The credit shall be computed as 50 percent of the
4741 person's approved annual community contribution.

4742 b. The credit shall be granted as a refund against state
4743 sales and use taxes reported on returns and remitted in the 12
4744 months preceding the date of application to the department for
4745 the credit as required in sub-subparagraph 3.c. If the annual
4746 credit is not fully used through such refund because of
4747 insufficient tax payments during the applicable 12-month period,
4748 the unused amount may be included in an application for a refund
4749 made pursuant to sub-subparagraph 3.c. in subsequent years
4750 against the total tax payments made for such year. Carryover
4751 credits may be applied for a 3-year period without regard to any
4752 time limitation that would otherwise apply under s. 215.26.

4753 c. A person may not receive more than \$200,000 in annual
4754 tax credits for all approved community contributions made in any
4755 one year.

4756 d. All proposals for the granting of the tax credit
4757 require the prior approval of the Department of Economic
4758 Opportunity.



4759 e. The total amount of tax credits which may be granted
4760 for all programs approved under this paragraph, s. 220.183, and
4761 s. 624.5105 is \$18.4 million annually for projects that provide
4762 homeownership opportunities for low-income households or very-
4763 low-income households as those terms are defined in s. 420.9071
4764 and \$3.5 million annually for all other projects.

4765 f. A person who is eligible to receive the credit provided
4766 in this paragraph, s. 220.183, or s. 624.5105 may receive the
4767 credit only under one section of the person's choice.

4768 2. Eligibility requirements.—

4769 a. A community contribution by a person must be in the
4770 following form:

4771 (I) Cash or other liquid assets;

4772 (II) Real property;

4773 (III) Goods or inventory; or

4774 (IV) Other physical resources identified by the Department
4775 of Economic Opportunity.

4776 b. All community contributions must be reserved
4777 exclusively for use in a project. As used in this sub-
4778 subparagraph, the term "project" means activity undertaken by an
4779 eligible sponsor which is designed to construct, improve, or
4780 substantially rehabilitate housing that is affordable to low-
4781 income households or very-low-income households as those terms
4782 are defined in s. 420.9071; designed to provide commercial,
4783 industrial, or public resources and facilities; or designed to
4784 improve entrepreneurial and job-development opportunities for



4785 low-income persons. A project may be the investment necessary to
 4786 increase access to high-speed broadband capability in rural
 4787 communities with enterprise zones, including projects that
 4788 result in improvements to communications assets that are owned
 4789 by a business. A project may include the provision of museum
 4790 educational programs and materials that are directly related to
 4791 a project approved between January 1, 1996, and December 31,
 4792 1999, and located in a certified ~~an~~ enterprise zone ~~designated~~
 4793 ~~pursuant to s. 290.0065~~. This paragraph does not preclude
 4794 projects that propose to construct or rehabilitate housing for
 4795 low-income households or very-low-income households on scattered
 4796 sites. With respect to housing, contributions may be used to pay
 4797 the following eligible low-income and very-low-income housing-
 4798 related activities:

- 4799 (I) Project development impact and management fees for
 4800 low-income or very-low-income housing projects;
- 4801 (II) Down payment and closing costs for low-income persons
 4802 and very-low-income persons, as those terms are defined in s.
 4803 420.9071;
- 4804 (III) Administrative costs, including housing counseling
 4805 and marketing fees, not to exceed 10 percent of the community
 4806 contribution, directly related to low-income or very-low-income
 4807 projects; and
- 4808 (IV) Removal of liens recorded against residential
 4809 property by municipal, county, or special district local
 4810 governments if satisfaction of the lien is a necessary precedent



4811 to the transfer of the property to a low-income person or very-
4812 low-income person, as those terms are defined in s. 420.9071,
4813 for the purpose of promoting home ownership. Contributions for
4814 lien removal must be received from a nonrelated third party.

4815 c. The project must be undertaken by an "eligible
4816 sponsor," which includes:

4817 (I) A community action program;

4818 (II) A nonprofit community-based development organization
4819 whose mission is the provision of housing for low-income
4820 households or very-low-income households or increasing
4821 entrepreneurial and job-development opportunities for low-income
4822 persons;

4823 (III) A neighborhood housing services corporation;

4824 (IV) A local housing authority created under chapter 421;

4825 (V) A community redevelopment agency created under s.
4826 163.356;

4827 (VI) A historic preservation district agency or
4828 organization;

4829 (VII) A regional workforce board;

4830 (VIII) A direct-support organization as provided in s.
4831 1009.983;

4832 (IX) An enterprise zone development agency created under
4833 s. 290.0056;

4834 (X) A community-based organization incorporated under
4835 chapter 617 which is recognized as educational, charitable, or
4836 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code



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4837 and whose bylaws and articles of incorporation include
4838 affordable housing, economic development, or community
4839 development as the primary mission of the corporation;

4840 (XI) Units of local government;

4841 (XII) Units of state government; or

4842 (XIII) Any other agency that the Department of Economic
4843 Opportunity designates by rule.

4844

4845 A contributing person may not have a financial interest in the
4846 eligible sponsor.

4847 d. The project must be located in an area designated a
4848 certified ~~an~~ enterprise zone or a Front Porch Florida Community,
4849 unless the project increases access to high-speed broadband
4850 capability for rural communities that have enterprise zones but
4851 is physically located outside the designated rural zone
4852 boundaries. Any project designed to construct or rehabilitate
4853 housing for low-income households or very-low-income households
4854 as those terms are defined in s. 420.9071 is exempt from the
4855 area requirement of this sub-subparagraph.

4856 e.(I) If, during the first 10 business days of the state
4857 fiscal year, eligible tax credit applications for projects that
4858 provide homeownership opportunities for low-income households or
4859 very-low-income households as those terms are defined in s.
4860 420.9071 are received for less than the annual tax credits
4861 available for those projects, the Department of Economic
4862 Opportunity shall grant tax credits for those applications and



4863 grant remaining tax credits on a first-come, first-served basis
4864 for subsequent eligible applications received before the end of
4865 the state fiscal year. If, during the first 10 business days of
4866 the state fiscal year, eligible tax credit applications for
4867 projects that provide homeownership opportunities for low-income
4868 households or very-low-income households as those terms are
4869 defined in s. 420.9071 are received for more than the annual tax
4870 credits available for those projects, the Department of Economic
4871 Opportunity shall grant the tax credits for those applications
4872 as follows:

4873 (A) If tax credit applications submitted for approved
4874 projects of an eligible sponsor do not exceed \$200,000 in total,
4875 the credits shall be granted in full if the tax credit
4876 applications are approved.

4877 (B) If tax credit applications submitted for approved
4878 projects of an eligible sponsor exceed \$200,000 in total, the
4879 amount of tax credits granted pursuant to sub-sub-sub-
4880 subparagraph (A) shall be subtracted from the amount of
4881 available tax credits, and the remaining credits shall be
4882 granted to each approved tax credit application on a pro rata
4883 basis.

4884 (II) If, during the first 10 business days of the state
4885 fiscal year, eligible tax credit applications for projects other
4886 than those that provide homeownership opportunities for low-
4887 income households or very-low-income households as those terms
4888 are defined in s. 420.9071 are received for less than the annual



4889 tax credits available for those projects, the Department of
4890 Economic Opportunity shall grant tax credits for those
4891 applications and shall grant remaining tax credits on a first-
4892 come, first-served basis for subsequent eligible applications
4893 received before the end of the state fiscal year. If, during the
4894 first 10 business days of the state fiscal year, eligible tax
4895 credit applications for projects other than those that provide
4896 homeownership opportunities for low-income households or very-
4897 low-income households as those terms are defined in s. 420.9071
4898 are received for more than the annual tax credits available for
4899 those projects, the Department of Economic Opportunity shall
4900 grant the tax credits for those applications on a pro rata
4901 basis.

4902 3. Application requirements.—

4903 a. Any eligible sponsor seeking to participate in this
4904 program must submit a proposal to the Department of Economic
4905 Opportunity which sets forth the name of the sponsor, a
4906 description of the project, and the area in which the project is
4907 located, together with such supporting information as is
4908 prescribed by rule. The proposal must also contain a resolution
4909 from the local governmental unit in which the project is located
4910 certifying that the project is consistent with local plans and
4911 regulations.

4912 b. Any person seeking to participate in this program must
4913 submit an application for tax credit to the Department of
4914 Economic Opportunity which sets forth the name of the sponsor, a



4915 description of the project, and the type, value, and purpose of
4916 the contribution. The sponsor shall verify, in writing, the
4917 terms of the application and indicate its receipt of the
4918 contribution, and such verification must accompany the
4919 application for tax credit. The person must submit a separate
4920 tax credit application to the Department of Economic Opportunity
4921 for each individual contribution that it makes to each
4922 individual project.

4923 c. Any person who has received notification from the
4924 Department of Economic Opportunity that a tax credit has been
4925 approved must apply to the department to receive the refund.
4926 Application must be made on the form prescribed for claiming
4927 refunds of sales and use taxes and be accompanied by a copy of
4928 the notification. A person may submit only one application for
4929 refund to the department within a 12-month period.

4930 4. Administration.—

4931 a. The Department of Economic Opportunity may adopt rules
4932 necessary to administer this paragraph, including rules for the
4933 approval or disapproval of proposals by a person.

4934 b. The decision of the Department of Economic Opportunity
4935 must be in writing, and, if approved, the notification shall
4936 state the maximum credit allowable to the person. Upon approval,
4937 the Department of Economic Opportunity shall transmit a copy of
4938 the decision to the department.

4939 c. The Department of Economic Opportunity shall
4940 periodically monitor all projects in a manner consistent with



4941 available resources to ensure that resources are used in
4942 accordance with this paragraph; however, each project must be
4943 reviewed at least once every 2 years.

4944 d. The Department of Economic Opportunity shall, in
4945 consultation with the statewide and regional housing and
4946 financial intermediaries, market the availability of the
4947 community contribution tax credit program to community-based
4948 organizations.

4949 5. Expiration.—This paragraph expires June 30, 2016;
4950 however, any accrued credit carryover that is unused on that
4951 date may be used until the expiration of the 3-year carryover
4952 period for such credit.

4953 Section 54. Paragraph (g) of subsection (1) of section
4954 220.191, Florida Statutes, is amended to read:

4955 220.191 Capital investment tax credit.—

4956 (1) DEFINITIONS.—For purposes of this section:

4957 (g) "Qualifying project" means a facility in this state
4958 meeting one or more of the following criteria:

4959 1. A new or expanding facility in this state which creates
4960 at least 100 new jobs in this state and is in one of the high-
4961 impact sectors identified by Enterprise Florida, Inc., and
4962 certified by the Department of Economic Opportunity pursuant to
4963 s. 288.108(6), including, but not limited to, aviation,
4964 aerospace, automotive, and silicon technology industries.
4965 However, between July 1, 2011, and June 30, 2014, the
4966 requirement that a facility be in a high-impact sector is waived



4967 | for any otherwise eligible business from another state which
 4968 | locates all or a portion of its business to a Disproportionally
 4969 | Affected County. For purposes of this section, the term
 4970 | "Disproportionally Affected County" means Bay County, Escambia
 4971 | County, Franklin County, Gulf County, Okaloosa County, Santa
 4972 | Rosa County, Walton County, or Wakulla County.

4973 | 2. A new or expanded facility in this state which is
 4974 | engaged in a target industry designated pursuant to the
 4975 | procedure specified in s. 288.106(2) and which is induced by
 4976 | this credit to create or retain at least 1,000 jobs in this
 4977 | state, provided that at least 100 of those jobs are new, pay an
 4978 | annual average wage of at least 130 percent of the average
 4979 | private sector wage in the area as defined in s. 288.106(2), and
 4980 | make a cumulative capital investment of at least \$100 million.
 4981 | Jobs may be considered retained only if there is significant
 4982 | evidence that the loss of jobs is imminent. Notwithstanding
 4983 | subsection (2), annual credits against the tax imposed by this
 4984 | chapter may not exceed 50 percent of the increased annual
 4985 | corporate income tax liability or the premium tax liability
 4986 | generated by or arising out of a project qualifying under this
 4987 | subparagraph. A facility that qualifies under this subparagraph
 4988 | for an annual credit against the tax imposed by this chapter may
 4989 | take the tax credit for a period not to exceed 5 years.

4990 | 3. A new or expanded headquarters facility in this state
 4991 | which locates in a certified ~~an~~ enterprise zone and brownfield
 4992 | area and is induced by this credit to create at least 1,500 jobs



4993 | which on average pay at least 200 percent of the statewide
 4994 | average annual private sector wage, as published by the
 4995 | Department of Economic Opportunity, and which new or expanded
 4996 | headquarters facility makes a cumulative capital investment in
 4997 | this state of at least \$250 million.

4998 | Section 55. Paragraph (d) of subsection (2) of section
 4999 | 220.183, Florida Statutes, is amended to read:

5000 | 220.183 Community contribution tax credit.—

5001 | (2) ELIGIBILITY REQUIREMENTS.—

5002 | (d) The project shall be located in a certified ~~an area~~
 5003 | ~~designated as an~~ enterprise zone or a Front Porch Florida
 5004 | Community. Any project designed to construct or rehabilitate
 5005 | housing for low-income or very-low-income households as defined
 5006 | in s. 420.9071(19) and (28) is exempt from the area requirement
 5007 | of this paragraph. This section does not preclude projects that
 5008 | propose to construct or rehabilitate housing for low-income or
 5009 | very-low-income households on scattered sites. Any project
 5010 | designed to provide increased access to high-speed broadband
 5011 | capabilities which includes coverage of a rural enterprise zone
 5012 | may locate the project's infrastructure in any area of a rural
 5013 | county.

5014 | Section 56. Paragraphs (a), (b), and (e) of subsection (2)
 5015 | of section 288.0001, Florida Statutes, are amended to read:

5016 | 288.0001 Economic Development Programs Evaluation.—The
 5017 | Office of Economic and Demographic Research and the Office of
 5018 | Program Policy Analysis and Government Accountability (OPPAGA)



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5019 shall develop and present to the Governor, the President of the
5020 Senate, the Speaker of the House of Representatives, and the
5021 chairs of the legislative appropriations committees the Economic
5022 Development Programs Evaluation.

5023 (2) The Office of Economic and Demographic Research and
5024 OPPAGA shall provide a detailed analysis of economic development
5025 programs as provided in the following schedule:

5026 (a) By January 1, 2014, and every 3 years thereafter, an
5027 analysis of the following:

5028 1. The capital investment tax credit established under s.
5029 220.191.

5030 2. The qualified target industry tax refund established
5031 under s. 288.106.

5032 3. The brownfield redevelopment bonus refund established
5033 under s. 288.107.

5034 4. High-impact business performance grants established
5035 under s. 288.108.

5036 5. The Quick Action Closing Fund established under s.
5037 288.1088.

5038 6. The Innovation Incentive Program established under s.
5039 288.1089.

5040 7. Enterprise zone program incentives established under
5041 ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.

5042 8. The New Markets Development Program established under
5043 ss. 288.991-288.9922.

5044 9. The enterprise zone certification program established



5045 | under s. 290.60.

5046 | (b) By January 1, 2015, and every 3 years thereafter, an
5047 | analysis of the following:

5048 | 1. The entertainment industry financial incentive program
5049 | established under s. 288.1254.

5050 | 2. The entertainment industry sales tax exemption program
5051 | established under s. 288.1258.

5052 | 3. The Florida Tourism Industry Marketing Corporation
5053 | ~~VISIT Florida~~ and its programs established or funded under ss.
5054 | 288.122, 288.1226, 288.12265, and 288.124.

5055 | 4. The Florida Sports Foundation and related programs
5056 | established under ss. 288.1162, 288.11621, 288.1166, 288.1167,
5057 | 288.1168, ~~288.1169~~, and 288.1171.

5058 | (e) Beginning January 1, 2018, and every 3 years
5059 | thereafter, an analysis of the Sports Development Program
5060 | established under s. 288.11625 and the retention of Major League
5061 | Baseball spring training baseball franchises under s. 288.11631.

5062 | Section 57. Subsection (3) of section 288.018, Florida
5063 | Statutes, is amended to read:

5064 | 288.018 Regional Rural Development Grants Program.—

5065 | (3) The department may also contract for the development
5066 | of a certified ~~an~~ enterprise zone web portal or websites for
5067 | each certified enterprise zone which will be used to market the
5068 | program for job creation in disadvantaged urban and rural
5069 | certified enterprise zones. Each certified enterprise zone web
5070 | page should include downloadable links to state forms and



5071 information, as well as local message boards that help
5072 businesses and residents receive information concerning zone
5073 boundaries, job openings, zone programs, and neighborhood
5074 improvement activities.

5075 Section 58. Subsection (4) of section 288.047, Florida
5076 Statutes, is amended to read:

5077 288.047 Quick-response training for economic development.—

5078 (4) For the first 6 months of each fiscal year, Workforce
5079 Florida, Inc., shall set aside 30 percent of the amount
5080 appropriated for the Quick-Response Training Program by the
5081 Legislature to fund instructional programs for businesses
5082 located in a certified ~~an~~ enterprise zone or brownfield area.
5083 Any unencumbered funds remaining undisbursed from this set-aside
5084 at the end of the 6-month period may be used to provide funding
5085 for any program qualifying for funding pursuant to this section.

5086 Section 59. Paragraph (b) of subsection (2) of section
5087 288.11621, Florida Statutes, is amended to read:

5088 288.11621 Spring training baseball franchises.—

5089 (2) CERTIFICATION PROCESS.—

5090 (b) The department shall competitively evaluate
5091 applications for state funding of a facility for a spring
5092 training franchise. The total number of certifications may not
5093 exceed 10 at any time. The evaluation criteria must include,
5094 with priority given in descending order to, the following items:

5095 1. The anticipated effect on the economy of the local
5096 community where the spring training facility is to be built,



5097 including projections on paid attendance, local and state tax
5098 collections generated by spring training games, and direct and
5099 indirect job creation resulting from the spring training
5100 activities. Priority shall be given to applicants who can
5101 demonstrate the largest projected economic impact.

5102 2. The amount of the local matching funds committed to a
5103 facility relative to the amount of state funding sought, with
5104 priority given to applicants that commit the largest amount of
5105 local matching funds relative to the amount of state funding
5106 sought.

5107 3. The potential for the facility to serve multiple uses.

5108 4. The intended use of the funds by the applicant, with
5109 priority given to the funds being used to acquire a facility,
5110 construct a new facility, or renovate an existing facility.

5111 5. The length of time that a spring training franchise has
5112 been under an agreement to conduct spring training activities
5113 within an applicant's geographic location or jurisdiction, with
5114 priority given to applicants having agreements with the same
5115 franchise for the longest period of time.

5116 6. The length of time that an applicant's facility has
5117 been used by one or more spring training franchises, with
5118 priority given to applicants whose facilities have been in
5119 continuous use as facilities for spring training the longest.

5120 7. The term remaining on a lease between an applicant and
5121 a spring training franchise for a facility, with priority given
5122 to applicants having the shortest lease terms remaining.



5123 8. The length of time that a spring training franchise
 5124 agrees to use an applicant's facility if an application is
 5125 granted under this section, with priority given to applicants
 5126 having agreements for the longest future use.

5127 9. The net increase of total active recreation space owned
 5128 by the applicant after an acquisition of land for the facility,
 5129 with priority given to applicants having the largest percentage
 5130 increase of total active recreation space that will be available
 5131 for public use.

5132 10. The location of the facility in a brownfield, a
 5133 certified ~~an~~ enterprise zone, a community redevelopment area, or
 5134 other area of targeted development or revitalization included in
 5135 an urban infill redevelopment plan, with priority given to
 5136 applicants having facilities located in these areas.

5137 Section 60. Paragraph (b) of subsection (2) of section
 5138 288.11631, Florida Statutes, is amended to read:

5139 288.11631 Retention of Major League Baseball spring
 5140 training baseball franchises.—

5141 (2) CERTIFICATION PROCESS.—

5142 (b) The department shall evaluate applications for state
 5143 funding of the construction or renovation of the facility for a
 5144 spring training franchise. The evaluation criteria must include
 5145 the following items:

5146 1. The anticipated effect on the economy of the local
 5147 community where the facility is to be constructed or renovated,
 5148 including projections on paid attendance, local and state tax



5149 collections generated by spring training games, and direct and
 5150 indirect job creation resulting from the spring training
 5151 activities.

5152 2. The amount of the local matching funds committed to a
 5153 facility relative to the amount of state funding sought.

5154 3. The potential for the facility to be used as a multiple
 5155 purpose, year-round facility.

5156 4. The intended use of the funds by the applicant.

5157 5. The length of time that a spring training franchise has
 5158 been under an agreement to conduct spring training activities
 5159 within an applicant's geographic location or jurisdiction.

5160 6. The length of time that an applicant's facility has
 5161 been used by one or more spring training franchises, including
 5162 continuous use as facilities for spring training.

5163 7. The term remaining on a lease between an applicant and
 5164 a spring training franchise for a facility.

5165 8. The length of time that a spring training franchise
 5166 agrees to use an applicant's facility if an application is
 5167 granted under this section.

5168 9. The location of the facility in a brownfield, a
 5169 certified ~~an~~ enterprise zone, a community redevelopment area, or
 5170 other area of targeted development or revitalization included in
 5171 an urban infill redevelopment plan.

5172 Section 61. Paragraph (f) of subsection (2) of section
 5173 339.2821, Florida Statutes, is amended to read:

5174 339.2821 Economic development transportation projects.—



5175 (2) The department, in consultation with the Department of
 5176 Economic Opportunity, shall review each transportation project
 5177 for approval and funding. In the review, the department must
 5178 consider:

5179 (f) The location of the transportation project in a
 5180 certified ~~an~~ enterprise zone ~~as designated in s. 290.0055;~~

5181
 5182 The department may contact any agency it deems appropriate for
 5183 additional information regarding the approval of a
 5184 transportation project. A transportation project must be
 5185 approved by the department to be eligible for funding.

5186 Section 62. Paragraph (a) of subsection (3) of section
 5187 403.973, Florida Statutes, is amended to read:

5188 403.973 Expedited permitting; amendments to comprehensive
 5189 plans.—

5190 (3) (a) The secretary shall direct the creation of regional
 5191 permit action teams for the purpose of expediting review of
 5192 permit applications and local comprehensive plan amendments
 5193 submitted by:

5194 1. Businesses creating at least 50 jobs or a commercial or
 5195 industrial development project that will be occupied by
 5196 businesses that would individually or collectively create at
 5197 least 50 jobs; or

5198 2. Businesses creating at least 25 jobs if the project is
 5199 located in a certified ~~an~~ enterprise zone, or in a county having
 5200 a population of fewer than 75,000 or in a county having a



5201 population of fewer than 125,000 which is contiguous to a county
5202 having a population of fewer than 75,000, as determined by the
5203 most recent decennial census, residing in incorporated and
5204 unincorporated areas of the county.

5205 Section 63. Paragraph (b) of subsection (6) of section
5206 624.509, Florida Statutes, is amended to read:

5207 624.509 Premium tax; rate and computation.—

5208 (6)

5209 (b) To the extent that any credits granted by subsection
5210 (5) remain as a result of the limitation set forth in paragraph
5211 (a), such excess credits related to salaries and wages of
5212 employees whose place of employment is located within a
5213 certified ~~an~~ enterprise zone created pursuant to chapter 290 may
5214 be transferred, in an aggregate amount not to exceed 25 percent
5215 of such excess salary credits, to any insurer that is a member
5216 of an affiliated group of corporations, as defined in sub-
5217 subparagraph (5)(b)4.a., that includes the original insurer
5218 qualifying for the credits under subsection (5). The amount of
5219 such excess credits to be transferred shall be calculated by
5220 multiplying the amount of such excess credits by a fraction, the
5221 numerator of which is the sum of the salaries qualifying for the
5222 credit allowed by subsection (5) of employees whose place of
5223 employment is located in a certified ~~an~~ enterprise zone and the
5224 denominator of which is the sum of the salaries qualifying for
5225 the credit allowed by subsection (5). Any such transferred
5226 credits shall be subject to the same provisions and limitations



5227 set forth within part IV of this chapter. The provisions of this
 5228 paragraph do not apply to an affiliated group of corporations
 5229 that participate in a common paymaster arrangement as defined in
 5230 s. 443.1216.

5231 Section 64. Paragraph (b) of subsection (1) of section
 5232 624.5091, Florida Statutes, is amended to read:

5233 624.5091 Retaliatory provision, insurers.—
 5234 (1)

5235 (b) As used in this subsection, the term "portion of the
 5236 remaining 20 percent" shall be calculated by multiplying the
 5237 remaining 20 percent by a fraction, the numerator of which is
 5238 the sum of the salaries qualifying for the credit allowed by s.
 5239 624.509(5) of employees whose place of employment is located in
 5240 a certified ~~an~~ enterprise zone created pursuant to chapter 290
 5241 and the denominator of which is the sum of the salaries
 5242 qualifying for the credit allowed by s. 624.509(5).

5243 Section 65. Paragraph (d) of subsection (2) of section
 5244 624.5105, Florida Statutes, is amended to read:

5245 624.5105 Community contribution tax credit; authorization;
 5246 limitations; eligibility and application requirements;
 5247 administration; definitions; expiration.—

5248 (2) ELIGIBILITY REQUIREMENTS.—

5249 (d) The project shall be located in a certified ~~an area~~
 5250 ~~designated as an~~ enterprise zone or a Front Porch Community. Any
 5251 project designed to construct or rehabilitate housing for low-
 5252 income or very-low-income households as defined in s.



5253 420.9071(19) and (28) is exempt from the area requirement of
5254 this paragraph.

5255 Section 66. Section 287.0935, Florida Statutes, is amended
5256 to read:

5257 287.0935 Surety bond insurers.—When the contract amount of
5258 a project that uses public funds does not exceed \$5 million
5259 ~~\$500,000 and when public funds are utilized for the project,~~ a
5260 person, the state, or a political subdivision may ~~shall~~ not
5261 refuse, ~~as surety for the project,~~ bid bonds, performance bonds,
5262 labor and materials payment bonds, or any other surety bonds as
5263 surety for the project if such bonds ~~which~~ are issued by a
5264 surety company that meets all ~~which fulfills each~~ of the
5265 following requirements ~~provisions~~:

5266 (1) The surety company is licensed to do business in this
5267 state. ~~the State of Florida;~~

5268 (2) The surety company holds a certificate of authority
5269 authorizing it to write surety bonds in this state. ~~;~~

5270 (3) The surety company has twice the minimum surplus and
5271 capital required by the Florida Insurance Code at the time the
5272 invitation to bid is issued, or is rated "A-" or higher by A. M.
5273 Best Company. ~~;~~

5274 (4) The surety company is otherwise in compliance with the
5275 provisions of the Florida Insurance Code. ~~;~~ ~~and~~

5276 (5) The surety company holds a currently valid certificate
5277 of authority issued by the United States Department of the
5278 Treasury under 31 U.S.C. ss. 9304-9308.



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Section 67. This act shall take effect July 1, 2015.