



Finance & Tax Council

Wednesday, April 14, 2010

9:15 AM

404 HOB

Action Packet

**Larry Cretul
Speaker**

**Ellyn Setnor Bogdanoff
Chair**

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

Summary:

Finance & Tax Council

Wednesday April 14, 2010 09:15 am

CS/HB 325	Favorable With Council Substitute	Yeas: 12	Nays: 1
CS/HB 1129	Favorable	Yeas: 12	Nays: 0
CS/HB 1483	Favorable With Council Substitute	Yeas: 13	Nays: 0
CS/HB 1487	Favorable	Yeas: 13	Nays: 0
CS/HB 1509	Favorable With Council Substitute	Yeas: 12	Nays: 1
HB 7213	Favorable With Council Substitute	Yeas: 12	Nays: 2

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Ellyn Setnor Bogdanoff (Chair)	X		
Joseph Abruzzo	X		
Gary Aubuchon			X
Mackenson Bernard	X		
Chris Dorworth	X		
Keith Fitzgerald	X		
Erik Fresen	X		
Doug Holder	X		
Kurt Kelly	X		
H. Marlene O'Toole	X		
Ron Schultz			X
William Snyder	X		
Perry Thurston	X		
John Tobia	X		
James Waldman	X		
Michael Weinstein	X		
Totals:	14	0	2

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

CS/HB 325 : Uniform Traffic Control

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole			X		
Ron Schultz			X		
William Snyder		X			
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Appearances:

Uniform Traffic Control

Melissa Wandall - Proponent

Mark Wandall

6711 63rd Terrace E.

Bradenton FL 34203

Phone: (941) 545-3359

Uniform Traffic Control

Captain Mike Fewless - Proponent

Orange County Sheriff's Office

2500 W. Colonial Drive

Orlando FL 32805

Phone: (407) 254-7026

Red Light Cameras

Amy Mercer - Proponent

FL Police Chief's Association/Tampa PD

924 N. Gadsden Street

Tallahassee FL 32303

Phone: (850) 219-3631

Uniform Traffic Control

Burt Aaronson - Proponent

Palm Beach County

301 N. Olive Avenue, Suite 1101

West Palm Beach FL 33401

Phone: (561) 355-2205

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COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Finance & Tax Council
 2 Representative Reagan offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. This act may be cited as the "Mark Wandall
 7 Traffic Safety Act."

8 Section 2. Subsection (86) is added to section 316.003,
 9 Florida Statutes, to read:

10 316.003 Definitions.—The following words and phrases, when
 11 used in this chapter, shall have the meanings respectively
 12 ascribed to them in this section, except where the context
 13 otherwise requires:

14 (86) TRAFFIC INFRACTION DETECTOR.—A vehicle sensor
 15 installed to work in conjunction with a traffic control signal
 16 and a camera or cameras synchronized to automatically record two
 17 or more sequenced photographic or electronic images or streaming
 18 video of only the rear of a motor vehicle at the time the
 19 vehicle fails to stop behind the stop bar or clearly marked stop

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20 line when facing a traffic control signal steady red light. Any
21 notification under s. 316.0083(1)(b) or traffic citation issued
22 by the use of a traffic infraction detector must include a
23 photograph or other recorded image showing both the license tag
24 of the offending vehicle and the traffic control device being
25 violated.

26 Section 3. Section 316.0076, Florida Statutes, is created
27 to read:

28 316.0076 Regulation and use of cameras.—Regulation of the
29 use of cameras for enforcing the provisions of this chapter is
30 expressly preempted to the state. The regulation of the use of
31 cameras for enforcing the provisions of this chapter is not
32 required to comply with provisions of ch. 493.

33 Section 4. Subsection (7) is added to section 316.008,
34 Florida Statutes, to read:

35 316.008 Powers of local authorities.—

36 (7) (a) A county or municipality may use traffic infraction
37 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
38 driver fails to stop at a traffic signal on streets and highways
39 under their jurisdiction under s. 316.0083. Only a municipality
40 may install or authorize the installation of any such detectors
41 within the incorporated area of the municipality. Only a county
42 may install or authorize the installation of any such detectors
43 within the unincorporated area of the county.

44 (b) A county or municipality may use traffic infraction
45 detectors to enforce s. 316.074(1) or s. 316.075(1)(c)1. when a
46 driver fails to stop at a traffic signal on state roads under
47 the original jurisdiction of the Department of Transportation

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48 when permitted by the Department of Transportation and under s.
49 316.0083. Only a municipality may install or authorize the
50 installation of any such detectors within the incorporated area
51 of the municipality. Only a county may install or authorize the
52 installation of any such detectors within the unincorporated
53 area of the county.

54 Section 5. Section 316.0083, Florida Statutes, is created
55 to read:

56 316.0083 Mark Wandall Traffic Safety Program;
57 administration; report.-

58 (1)(a) For purposes of administering this section, the
59 department, a county, or a municipality may authorize a traffic
60 infraction enforcement officer under s. 316.640 to issue a
61 traffic citation for a violation of s. 316.074(1) or s.
62 316.075(1)(c)1. This paragraph does not prohibit a review of
63 information from a traffic infraction detector by an authorized
64 employee or agent of the department, county, or municipality
65 prior to issuing a traffic citation by a traffic infraction
66 enforcement officer. This paragraph does not prohibit the
67 department, county, or municipality from issuing a notification
68 to the registered owner of the motor vehicle involved in the
69 violation of s. 316.074(1) or s. 316.075(1)(c)1.

70 (b)1.a. Within 30 days of the violation, a notification
71 must be sent to the registered owner of the motor vehicle
72 involved in the violation specifying the remedies available
73 under s. 318.18(15) and that the violator may make payment of
74 the \$150 penalty to the department, county, or municipality
75 within 30 days after the date of the notification in order to

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76 avoid court fees, costs, and the issuance of a traffic citation.

77 The notification may be sent by first class or certified mail.

78 b. Included with the notification to the registered owner
79 of the motor vehicle involved in the infraction shall be a
80 notice that the owner has the right to review, either in person
81 or remotely, the photographic or electronic images or the
82 streaming video evidence that constitutes a rebuttable
83 presumption against the owner of the vehicle. The notice must
84 state the time and place and Internet location where the
85 evidence may be examined and observed.

86 2. Penalties assessed and collected by the department,
87 county, or municipality authorized to collect the funds provided
88 for in this paragraph, less the amount retained by the county or
89 municipality pursuant to subparagraph 3., shall be paid into the
90 State Treasury weekly. Payment by the department, county, or
91 municipality to the state shall be made by means of electronic
92 funds transfers. A county or municipality shall only pay to the
93 State Treasury that portion of the funds not to be retained by
94 the county or municipality pursuant to subparagraph 3.

95 3. Penalties to be assessed and collected by the
96 department, county, or municipality are as follows:

97 a. One hundred and fifty dollars for a violation of s.
98 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
99 stop at a traffic signal if enforcement is by the department's
100 traffic infraction enforcement officer. Seventy-five dollars
101 shall be deposited into the General Revenue Fund, \$25 shall be
102 remitted to the Department of Revenue for deposit into the
103 Department of Health Administrative Trust Fund, and \$50 shall be

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104 distributed to the county or municipality in which the violation
105 occurred. Funds deposited into the Department of Health
106 Administrative Trust Fund under this sub-subparagraph shall be
107 distributed as provided in s. 395.4036(1).

108 b. One hundred and fifty dollars for a violation of s.
109 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
110 stop at a traffic signal if enforcement is by a county or
111 municipal traffic infraction enforcement officer. Fifty dollars
112 shall be remitted by the county or municipality to the
113 Department of Revenue for deposit into the General Revenue Fund,
114 \$25 shall be remitted to the Department of Revenue for deposit
115 into the Department of Health Administrative Trust Fund, and \$75
116 shall be retained by the county or municipality enforcing the
117 ordinance enacted pursuant to this section. Funds deposited into
118 the Department of Health Administrative Trust Fund under this
119 sub-subparagraph shall be distributed as provided in s.
120 395.4036(1).

121 4. A traffic infraction enforcement officer may not
122 receive a commission from any revenue collected from violations
123 of a traffic infraction detector.

124 (c)1.a. A traffic citation issued under this section shall
125 be issued by mailing the traffic citation by certified mail to
126 the address of the registered owner of the motor vehicle
127 involved in the violation when payment has not been made within
128 30 days after notification under subparagraph (b)1.

129 b. Receipt of the traffic citation constitutes
130 notification under this paragraph.

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131 c. In the case of joint ownership of a motor vehicle, the
132 traffic citation shall be mailed to the first name appearing on
133 the registration, unless the first name appearing on the
134 registration is a business organization, in which case the
135 second name appearing on the registration may be used.

136 d. The traffic citation shall be mailed to the registered
137 owner of the motor vehicle involved in the violation no later
138 than 60 days after the date of the violation.

139 2. Included with the notification to the registered owner
140 of the motor vehicle involved in the infraction shall be a
141 notice that the owner has the right to review, either in person
142 or remotely, the photographic or electronic images or the
143 streaming video evidence that constitutes a rebuttable
144 presumption against the owner of the vehicle. The notice must
145 state the time and place and Internet location where the
146 evidence may be examined and observed.

147 (d)1. The owner of the motor vehicle involved in the
148 violation is responsible and liable for paying the uniform
149 traffic citation issued for a violation of s. 316.074(1) or s.
150 316.075(1)(c)1. when the driver failed to stop at a traffic
151 signal, unless the owner can establish that:

152 a. The motor vehicle passed through the intersection in
153 order to yield right-of-way to an emergency vehicle or as part
154 of a funeral procession;

155 b. The motor vehicle passed through the intersection at
156 the direction of a law enforcement officer;

157 c. The motor vehicle was, at the time of the violation, in
158 the care, custody, or control of another person;

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159 d. A uniform traffic citation was issued by a law
160 enforcement officer to the driver of the motor vehicle for the
161 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

162 2. In order to establish such facts, the owner of the
163 motor vehicle shall, within 30 days after the date of issuance
164 of the traffic citation, furnish to the appropriate governmental
165 entity an affidavit setting forth detailed information
166 supporting an exemption as provided in this paragraph.

167 a. An affidavit supporting an exemption under sub-
168 subparagraph 1.d. must include the name, address, date of birth,
169 and, if known, the driver's license number of the person who
170 leased, rented, or otherwise had care, custody, or control of
171 the motor vehicle at the time of the alleged violation. If the
172 vehicle was stolen at the time of the alleged offense, the
173 affidavit must include the police report indicating that the
174 vehicle was stolen.

175 b. If a traffic citation for a violation of s. 316.074(1)
176 or s. 316.075(1)(c)1. was issued at the location of the
177 violation by a law enforcement officer, the affidavit must
178 include the serial number of the uniform traffic citation.

179 3. Upon receipt of an affidavit, the person designated as
180 having care, custody, and control of the motor vehicle at the
181 time of the violation may be issued a traffic citation for a
182 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
183 failed to stop at a traffic signal. The affidavit is admissible
184 in a proceeding pursuant to this section for the purpose of
185 providing proof that the person identified in the affidavit was
186 in actual care, custody, or control of the motor vehicle. The

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187 owner of a leased vehicle for which a traffic citation is issued
188 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
189 driver failed to stop at a traffic signal is not responsible for
190 paying the traffic citation and is not required to submit an
191 affidavit as specified in this subsection if the motor vehicle
192 involved in the violation is registered in the name of the
193 lessee of such motor vehicle.

194 4. The submission of a false affidavit is a misdemeanor of
195 the second degree, punishable as provided in s. 775.082 or s.
196 775.083.

197 (e) The photographic or electronic images or streaming
198 video attached to the traffic citation is evidence that a
199 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
200 failed to stop at a traffic signal has occurred and is
201 admissible in any proceeding to enforce this section and raises
202 a rebuttable presumption that the motor vehicle named in the
203 report or shown in the photographic or electronic images or
204 streaming video evidence was used in violation of s. 316.074(1)
205 or s. 316.075(1)(c)1. when the driver failed to stop at a
206 traffic signal.

207 (2) This section supplements the enforcement of s.
208 316.074(1) or s. 316.075(1)(c)1. by law enforcement officers
209 when a driver fails to stop at a traffic signal and does not
210 prohibit a law enforcement officer from issuing a traffic
211 citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1.
212 when a driver fails to stop at a traffic signal in accordance
213 with normal traffic enforcement techniques.

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214 (3) (a) Each county or municipality that operates a traffic
215 infraction detector shall submit a report by October 1, 2012,
216 and annually thereafter, to the department which details the
217 results of using the traffic infraction detector and the
218 procedures for enforcement for the preceding state fiscal year.
219 The information submitted by the counties and municipalities
220 must include statistical data and information required by the
221 department to complete the report required under paragraph (b).

222 (b) On or before December 31, 2012, and annually
223 thereafter, the department shall provide a summary report to the
224 Governor, the President of the Senate, and the Speaker of the
225 House of Representatives regarding the use and operation of
226 traffic infraction detectors under this section, along with the
227 department's recommendations and any necessary legislation. The
228 summary report must include a review of the information
229 submitted to the department by the counties and municipalities
230 and must describe the enhancement of the traffic safety and
231 enforcement programs.

232 Section 6. Subsection (6) of section 316.0745, Florida
233 Statutes, is amended to read:

234 316.0745 Uniform signals and devices.—

235 (6) Any system of traffic control devices controlled and
236 operated from a remote location by electronic computers or
237 similar devices must ~~shall~~ meet all requirements established for
238 the uniform system, and, if where ~~where~~ such a system affects ~~systems~~
239 ~~affect~~ the movement of traffic on state roads, the design of the
240 system shall be reviewed and approved by the Department of
241 Transportation.

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242 Section 7. Section 316.07456, Florida Statutes, is created
243 to read:

244 316.07456 Transitional implementation.—Any traffic
245 infraction detector deployed on the highways, streets, and roads
246 of this state must meet specifications established by the
247 Department of Transportation and must be tested at regular
248 intervals according to procedures prescribed by the Department
249 of Transportation. However, any such equipment acquired by
250 purchase, lease, or other arrangement under an agreement entered
251 into by a county or municipality on or before October 1, 2011,
252 or equipment used to enforce an ordinance enacted by a county or
253 municipality on or before October 1, 2010, is not required to
254 meet the specifications established by the Department of
255 Transportation until July 1, 2011, or 180 days after the
256 issuance of the specifications, whichever occurs last.

257 Section 8. Section 316.0776, Florida Statutes, is created
258 to read:

259 316.0776 Traffic infraction detectors; placement and
260 installation.—

261 (1) Traffic infraction detectors are allowed on state
262 roads when permitted by the Department of Transportation and
263 under placement and installation specifications developed by the
264 Department of Transportation. Traffic infraction detectors are
265 allowed on streets and highways under the jurisdiction of
266 counties or municipalities and under placement and installation
267 specifications developed by the Department of Transportation.

268 (2) (a) If the department, county, or municipality installs
269 a traffic infraction detector at an intersection, the

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270 department, county, or municipality shall notify the public that
271 a traffic infraction device may be in use at that intersection
272 and must specifically include notification of camera enforcement
273 of violations concerning right turns. Such signage used to
274 notify the public must meet the specifications for uniform
275 signals and devices adopted by the Department of Transportation
276 pursuant to s. 316.0745.

277 (b) If the department, county, or municipality begins a
278 traffic infraction detector program in a county or municipality
279 that has never conducted such a program, the respective
280 department, county, or municipality shall also make a public
281 announcement and conduct a public awareness campaign of the
282 proposed use of traffic infraction detectors at least 30 days
283 before commencing the enforcement program.

284 Section 9. Paragraph (b) of subsection (1) and subsection
285 (5) of section 316.640, Florida Statutes, are amended to read:

286 316.640 Enforcement.—The enforcement of the traffic laws
287 of this state is vested as follows:

288 (1) STATE.—

289 (b)1. The Department of Transportation has authority to
290 enforce on all the streets and highways of this state all laws
291 applicable within its authority.

292 2.a. The Department of Transportation shall develop
293 training and qualifications standards for toll enforcement
294 officers whose sole authority is to enforce the payment of tolls
295 pursuant to s. 316.1001. Nothing in this subparagraph shall be
296 construed to permit the carrying of firearms or other weapons,
297 nor shall a toll enforcement officer have arrest authority.

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298 b. For the purpose of enforcing s. 316.1001, governmental
299 entities, as defined in s. 334.03, which own or operate a toll
300 facility may employ independent contractors or designate
301 employees as toll enforcement officers; however, any such toll
302 enforcement officer must successfully meet the training and
303 qualifications standards for toll enforcement officers
304 established by the Department of Transportation.

305 3. For the purpose of enforcing s. 316.0083, the
306 department may employ independent contractors or designate
307 employees as traffic infraction enforcement officers. A traffic
308 infraction enforcement officer must successfully complete
309 instruction in traffic enforcement procedures and court
310 presentation through the Selective Traffic Enforcement Program
311 as approved by the Division of Criminal Justice Standards and
312 Training of the Department of Law Enforcement, or through a
313 similar program, but may not necessarily otherwise meet the
314 uniform minimum standards established by the Criminal Justice
315 Standards and Training Commission for law enforcement officers
316 or auxiliary law enforcement officers under s. 943.13. This
317 subparagraph does not authorize the carrying of firearms or
318 other weapons by a traffic infraction enforcement officer and
319 does not authorize a traffic infraction enforcement officer to
320 make arrests. The department's traffic infraction enforcement
321 officers must be physically located in the state.

322 (5) (a) Any sheriff's department or police department of a
323 municipality may employ, as a traffic infraction enforcement
324 officer, any individual who successfully completes instruction
325 in traffic enforcement procedures and court presentation through

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326 the Selective Traffic Enforcement Program as approved by the
327 Division of Criminal Justice Standards and Training of the
328 Department of Law Enforcement, or through a similar program, but
329 who does not necessarily otherwise meet the uniform minimum
330 standards established by the Criminal Justice Standards and
331 Training Commission for law enforcement officers or auxiliary
332 law enforcement officers under s. 943.13. Any such traffic
333 infraction enforcement officer who observes the commission of a
334 traffic infraction or, in the case of a parking infraction, who
335 observes an illegally parked vehicle may issue a traffic
336 citation for the infraction when, based upon personal
337 investigation, he or she has reasonable and probable grounds to
338 believe that an offense has been committed which constitutes a
339 noncriminal traffic infraction as defined in s. 318.14. In
340 addition, any such traffic infraction enforcement officer may
341 issue a traffic citation under s. 316.0083. For purposes of
342 enforcing s. 316.0083, any sheriff's department or police
343 department of a municipality may employ independent contractors
344 or designate employees as traffic infraction enforcement
345 officers. The traffic infraction enforcement officers must be
346 physically located in the county of the respective sheriff's or
347 police department.

348 (b) The traffic infraction enforcement officer shall be
349 employed in relationship to a selective traffic enforcement
350 program at a fixed location or as part of a crash investigation
351 team at the scene of a vehicle crash or in other types of
352 traffic infraction enforcement under the direction of a fully
353 qualified law enforcement officer; however, it is not necessary

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354 that the traffic infraction enforcement officer's duties be
355 performed under the immediate supervision of a fully qualified
356 law enforcement officer.

357 (c) This subsection does not permit the carrying of
358 firearms or other weapons, nor do traffic infraction enforcement
359 officers have arrest authority other than the authority to issue
360 a traffic citation as provided in this subsection.

361 Section 10. Subsection (3) of section 316.650, Florida
362 Statutes, is amended to read:

363 316.650 Traffic citations.—

364 (3)(a) Except for a traffic citation issued pursuant to s.
365 316.1001 or s. 316.0083, each traffic enforcement officer, upon
366 issuing a traffic citation to an alleged violator of any
367 provision of the motor vehicle laws of this state or of any
368 traffic ordinance of any municipality or town, shall deposit the
369 original traffic citation or, in the case of a traffic
370 enforcement agency that has an automated citation issuance
371 system, the chief administrative officer shall provide by an
372 electronic transmission a replica of the citation data to a
373 court having jurisdiction over the alleged offense or with its
374 traffic violations bureau within 5 days after issuance to the
375 violator.

376 (b) If a traffic citation is issued pursuant to s.
377 316.1001, a traffic enforcement officer may deposit the original
378 traffic citation or, in the case of a traffic enforcement agency
379 that has an automated citation system, may provide by an
380 electronic transmission a replica of the citation data to a
381 court having jurisdiction over the alleged offense or with its

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382 traffic violations bureau within 45 days after the date of
383 issuance of the citation to the violator. If the person cited
384 for the violation of s. 316.1001 makes the election provided by
385 s. 318.14(12) and pays the \$25 fine, or such other amount as
386 imposed by the governmental entity owning the applicable toll
387 facility, plus the amount of the unpaid toll that is shown on
388 the traffic citation directly to the governmental entity that
389 issued the citation, or on whose behalf the citation was issued,
390 in accordance with s. 318.14(12), the traffic citation will not
391 be submitted to the court, the disposition will be reported to
392 the department by the governmental entity that issued the
393 citation, or on whose behalf the citation was issued, and no
394 points will be assessed against the person's driver's license.

395 (c) If a traffic citation is issued under s. 316.0083, the
396 traffic infraction enforcement officer shall provide by
397 electronic transmission a replica of the traffic citation data
398 to the court having jurisdiction over the alleged offense or its
399 traffic violations bureau within 5 days after the date of
400 issuance of the traffic citation to the violator.

401 Section 11. Subsection (2) of section 318.14, Florida
402 Statutes, is amended to read:

403 318.14 Noncriminal traffic infractions; exception;
404 procedures.-

405 (2) Except as provided in ss. ~~s.~~ 316.1001(2) and
406 316.0083(3), any person cited for an infraction under this
407 section must sign and accept a citation indicating a promise to
408 appear. The officer may indicate on the traffic citation the

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409 time and location of the scheduled hearing and must indicate the
410 applicable civil penalty established in s. 318.18.

411 Section 12. Subsection (15) of section 318.18, Florida
412 Statutes, is amended to read:

413 318.18 Amount of penalties.—The penalties required for a
414 noncriminal disposition pursuant to s. 318.14 or a criminal
415 offense listed in s. 318.17 are as follows:

416 (15) (a) One hundred and fifty ~~twenty-five~~ dollars for a
417 violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver
418 has failed to stop at a traffic signal. Sixty dollars shall be
419 distributed as provided in s. 318.21, \$25 shall be distributed
420 to the General Revenue Fund, and the remaining \$65 shall be
421 remitted to the Department of Revenue for deposit into the
422 Administrative Trust Fund of the Department of Health.

423 (b) One hundred and fifty dollars for a violation of s.
424 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
425 stop at a traffic signal if enforced by a traffic infraction
426 enforcement officer pursuant to s. 316.0083. Moneys collected
427 pursuant to enforcement under s. 316.0083 shall be distributed
428 as provided in that section.

429 (b) If a person who is cited for a violation of s.
430 316.074(1) or s. 316.075(1)(c)1., as enforced by a traffic
431 infraction enforcement officer under s. 316.0083, presents
432 documentation from the appropriate governmental entity that the
433 traffic citation was in error, the clerk of court may dismiss
434 the case. The clerk of court shall not charge for this service.

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435 (c) A traffic infraction enforcement officer may not
436 receive a commission from any revenue collected from violations
437 detected through the use of a traffic infraction detector.

438 (d) Funds deposited into the Department of Health
439 Administrative Trust Fund under this subsection shall be
440 distributed as provided in s. 395.4036(1).

441 Section 13. Section 321.50, Florida Statutes, is created
442 to read:

443 321.50 Authorization to use traffic infraction detectors.-
444 The Department of Highway Safety and Motor Vehicles is
445 authorized to use traffic infraction detectors to enforce s.
446 316.074(1) or s. 316.075(1)(c)1. when a driver fails to stop on
447 state roads as defined in ch. 316 which are under the original
448 jurisdiction of the Department of Transportation, when permitted
449 by the Department of Transportation, and under s. 316.0083.

450 Section 14. Paragraph (d) of subsection (3) of section
451 322.27, Florida Statutes, is amended to read:

452 322.27 Authority of department to suspend or revoke
453 license.-

454 (3) There is established a point system for evaluation of
455 convictions of violations of motor vehicle laws or ordinances,
456 and violations of applicable provisions of s. 403.413(6)(b) when
457 such violations involve the use of motor vehicles, for the
458 determination of the continuing qualification of any person to
459 operate a motor vehicle. The department is authorized to suspend
460 the license of any person upon showing of its records or other
461 good and sufficient evidence that the licensee has been
462 convicted of violation of motor vehicle laws or ordinances, or

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463 applicable provisions of s. 403.413(6)(b), amounting to 12 or
464 more points as determined by the point system. The suspension
465 shall be for a period of not more than 1 year.

466 (d) The point system shall have as its basic element a
467 graduated scale of points assigning relative values to
468 convictions of the following violations:

469 1. Reckless driving, willful and wanton—4 points.

470 2. Leaving the scene of a crash resulting in property
471 damage of more than \$50—6 points.

472 3. Unlawful speed resulting in a crash—6 points.

473 4. Passing a stopped school bus—4 points.

474 5. Unlawful speed:

475 a. Not in excess of 15 miles per hour of lawful or posted
476 speed—3 points.

477 b. In excess of 15 miles per hour of lawful or posted
478 speed—4 points.

479 6. A violation of a traffic control signal device as
480 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

481 However, no points shall be imposed for a violation of s.
482 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
483 stop at a traffic signal and when enforced by a traffic
484 infraction enforcement officer. In addition, a violation of s.
485 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
486 stop at a traffic signal and when enforced by a traffic
487 infraction enforcement officer may not be used for purposes of
488 setting motor vehicle insurance rates.

489 7. All other moving violations (including parking on a
490 highway outside the limits of a municipality)—3 points. However,

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491 no points shall be imposed for a violation of s. 316.0741 or s.
492 316.2065(12).

493 8. Any moving violation covered above, excluding unlawful
494 speed, resulting in a crash-4 points.

495 9. Any conviction under s. 403.413(6)(b)-3 points.

496 10. Any conviction under s. 316.0775(2)-4 points.

497 Section 16. If any provision of this act or its
498 application to any person or circumstance is held invalid, the
499 invalidity does not affect other provisions or applications of
500 this act which can be given effect without the invalid provision
501 or application, and to this end the provisions of this act are
502 severable.

503 Section 17. This act shall take effect July 1, 2010.

504

505

506

T I T L E A M E N D M E N T

507 Remove the entire title and insert:

508 A bill to be entitled

509 An act relating to uniform traffic control; providing a
510 short title; amending s. 316.003, F.S.; defining the term
511 "traffic infraction detector"; creating s. 316.0076,
512 F.S.; preempting to the state the use of cameras to
513 enforce traffic laws; amending s. 316.008, F.S.;
514 authorizing counties and municipalities to use traffic
515 infraction detectors under certain circumstances;
516 creating s. 316.0083, F.S.; creating the Mark Wandall
517 Traffic Safety Program; authorizing the Department of
518

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 325 (2010)

Amendment No.

519 Highway Safety and Motor Vehicles, a county, or a
520 municipality to use a traffic infraction detector to
521 identify a motor vehicle that fails to stop at a traffic
522 control signal steady red light; requiring authorization
523 of a traffic infraction enforcement officer to issue and
524 enforce a citation for such violation; requiring
525 notification to be sent to the registered owner of the
526 motor vehicle involved in the violation; providing
527 requirements for the notification; providing for
528 collection of penalties; providing for distribution of
529 penalties collected; prohibiting a traffic infraction
530 enforcement officer from receiving a commission from any
531 revenue collected from violations detected through the
532 use of a traffic infraction detector; providing
533 procedures for issuance, disposition, and enforcement of
534 citations; providing for exemptions; providing that
535 certain evidence is admissible for enforcement; providing
536 penalties for submission of a false affidavit; providing
537 that the act does not preclude the issuance of citations
538 by law enforcement officers; requiring reports from
539 participating municipalities and counties to the
540 department; requiring the department to make reports to
541 the Governor and Legislature; amending s. 316.0745, F.S.;
542 revising a provision that requires certain remotely
543 operated traffic control devices to meet certain
544 specifications; creating s. 316.07456, F.S.; requiring
545 traffic infraction detectors to meet specifications
546 established by the Department of Transportation;

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 325 (2010)

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547 providing that a traffic infraction detector acquired by
548 purchase, lease, or other arrangement under an agreement
549 entered into by a county or municipality on or before a
550 specified date is not required to meet the established
551 specifications until a specified date; creating s.
552 316.0776, F.S.; providing for the placement and
553 installation of detectors on certain roads when permitted
554 by and under the specifications of the department;
555 requiring that if the state, county, or municipality
556 installs a traffic infraction detector at an
557 intersection, the state, county, or municipality shall
558 notify the public that a traffic infraction device may be
559 in use at that intersection; requiring that such signage
560 posted at the intersection meet the specifications for
561 uniform signals and devices adopted by the Department of
562 Transportation; requiring that traffic infraction
563 detectors meet specifications established by the
564 Department of Transportation; requiring a public
565 awareness campaign if such detectors are to be used;
566 amending s. 316.640, F.S.; requiring the Department of
567 Transportation to develop training and qualification
568 standards for traffic infraction enforcement officers;
569 authorizing counties and municipalities to use
570 independent contractors as traffic infraction enforcement
571 officers; amending s. 316.650, F.S.; requiring a traffic
572 enforcement officer to provide to the court a replica of
573 the citation data by electronic transmission under
574 certain conditions; amending s. 318.14, F.S.; providing

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 325 (2010)

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575 an exception from provisions requiring a person cited for
576 an infraction for failing to stop at a traffic control
577 signal steady red light to sign and accept a citation
578 indicating a promise to appear; amending s. 318.18, F.S.;
579 increasing certain fines; providing for penalties for
580 infractions enforced by a traffic infraction enforcement
581 officer; providing for distribution of fines; allowing
582 the clerk of court to dismiss certain cases upon
583 receiving documentation that the uniform traffic citation
584 was issued in error; prohibiting the receipt of
585 commissions by traffic infraction enforcement officers;
586 creating s. 321.50, F.S.; authorizing the Department of
587 Highway Safety and Motor Vehicles to use traffic
588 infraction detectors under certain circumstances;
589 amending s. 322.27, F.S.; providing that no points may be
590 assessed against the driver's license for infractions
591 enforced by a traffic infraction enforcement officer;
592 providing that infractions enforced by a traffic
593 infraction enforcement officer may not be used for
594 purposes of setting motor vehicle insurance rates;
595 providing for severability; providing an effective date.

Amendment No. *1a*

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Finance and Tax Council
2 Representative(s) Bogdanoff offered the following:

3

4 **Amendment to Amendment (1) by Representative Reagan**

5 Between lines 231 and 232, insert:

6 (4) Violations of 316.074(1) or 316.075(1)(c)(1) when a driver
7 fails to stop at a traffic signal prior to making a right or
8 left run, where such turns are allowed, may not be enforced by
9 the use of a traffic infraction detector.

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

CS/HB 1129 : City of Tamarac, Broward County

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth			X		
Keith Fitzgerald			X		
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz			X		
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 12		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

CS/HB 1483 : Spring Hill Fire Rescue and Emergency Medical Services District, Hernando County

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth			X		
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz			X		
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Finance & Tax Council
 2 Representative(s) Snyder offered the following:

Amendment (with directory and title amendments)

Remove lines 473-480

D I R E C T O R Y A M E N D M E N T

Remove lines 11-12 and insert:

Section 1. Subsection (2) of section 2 of chapter 2009-
261, Laws of Florida, is amended

T I T L E A M E N D M E N T

Remove lines 5-6 and insert:
district boundaries; providing an

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

CS/HB 1487 : Spring Lake Improvement District, Highlands County

Favorable

	<i>Yea</i>	<i>Nay</i>	<i>No Vote</i>	<i>Absentee Yea</i>	<i>Absentee Nay</i>
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth			X		
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz			X		
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman	X				
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 13		Total Nays: 0			

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

CS/HB 1509 : Economic Development

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole			X		
Ron Schultz			X		
William Snyder	X				
Perry Thurston	X				
John Tobia	X				
James Waldman		X			
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 12		Total Nays: 1			

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

Amendment No.

COUNCIL/COMMITTEE ACTION

ADOPTED — (Y/N)
ADOPTED AS AMENDED ✓ (Y/N)
ADOPTED W/O OBJECTION — (Y/N)
FAILED TO ADOPT — (Y/N)
WITHDRAWN — (Y/N)
OTHER —

1 Council/Committee hearing bill: Finance & Tax Council
2 Representative(s) Weatherford offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Effective July 1, 2010, section 125.045,
7 Florida Statutes, is amended to read:

8 125.045 County economic development powers.—

9 (1) The Legislature finds and declares that this state
10 faces increasing competition from other states and other
11 countries for the location and retention of private enterprises
12 within its borders. Furthermore, the Legislature finds that
13 there is a need to enhance and expand economic activity in the
14 counties of this state by attracting and retaining manufacturing
15 development, business enterprise management, and other
16 activities conducive to economic promotion, in order to provide
17 a stronger, more balanced, and stable economy in the state; to
18 enhance and preserve purchasing power and employment
19 opportunities for the residents of this state; and to improve

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20 the welfare and competitive position of the state. The
21 Legislature declares that it is necessary and in the public
22 interest to facilitate the growth and creation of business
23 enterprises in the counties of the state.

24 (2) The governing body of a county may expend public funds
25 to attract and retain business enterprises, and the use of
26 public funds toward the achievement of such economic development
27 goals constitutes a public purpose. The provisions of this
28 chapter which confer powers and duties on the governing body of
29 a county, including any powers not specifically prohibited by
30 law which can be exercised by the governing body of a county,
31 must be liberally construed in order to effectively carry out
32 the purposes of this section.

33 (3) For the purposes of this section, it constitutes a
34 public purpose to expend public funds for economic development
35 activities, including, but not limited to, developing or
36 improving local infrastructure, issuing bonds to finance or
37 refinance the cost of capital projects for industrial or
38 manufacturing plants, leasing or conveying real property, and
39 making grants to private enterprises for the expansion of
40 businesses existing in the community or the attraction of new
41 businesses to the community.

42 (4) A contract between the governing body of a county or
43 other entity engaged in economic development activities on
44 behalf of the county and an economic development agency must
45 require the agency or entity receiving county funds to submit a
46 report to the governing body of the county detailing how county
47 funds were spent and detailing the results of the economic

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48 development agency's or entity's efforts on behalf of the
49 county. The county shall include the report as an addendum to
50 the county's annual financial audit.

51 (5) (a) By January 15, 2011, and annually thereafter, each
52 county shall report to the Legislative Committee on
53 Intergovernmental Relations or its successor entity the economic
54 development incentives given to any business during the county's
55 previous fiscal year. Economic development incentives include:

56 1. Direct financial incentives of monetary assistance
57 provided to a business from the county or through an
58 organization authorized by the county. Such incentives include
59 grants, loans, equity investments, loan insurance and
60 guarantees, and training subsidies.

61 2. Indirect incentives in the form of grants and loans
62 provided to businesses and community organizations that provide
63 support to businesses or promote business investment or
64 development.

65 3. Fee-based or tax-based incentives, including credits,
66 refunds, exemptions, and property tax abatement or assessment
67 reductions.

68 4. Below-market rate leases or deeds for real property.

69 5. Any other inducement provided to a business in order
70 for the business to create or retain jobs, relocate to or remain
71 in the county, or expand its current operations in the county.

72 (b) A county shall report its economic development
73 incentives in the format specified by the Legislative Committee
74 on Intergovernmental Relations or its successor entity.

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75 (c) The Legislative Committee on Intergovernmental
76 Relations or its successor entity shall compile the economic
77 development incentives provided by each county in a manner that
78 shows the total of each class of economic development incentives
79 provided by each county and all counties.

80 (d) If a county did not provide any economic development
81 incentives during its previous fiscal year, the governing body
82 of the county must report to the Legislative Committee on
83 Intergovernmental Relations or its successor entity that the
84 county did not provide any incentives.

85 Section 2. Subsection (11) of section 159.803, Florida
86 Statutes, is amended to read:

87 159.803 Definitions.—As used in this part, the term:

88 (11) "Florida First Business project" means any project
89 which is certified by the Office of Tourism, Trade, and Economic
90 Development as eligible to receive an allocation from the
91 Florida First Business allocation pool established pursuant to
92 s. 159.8083. The Office of Tourism, Trade, and Economic
93 Development may certify those projects meeting the criteria set
94 forth in s. 288.106(4)~~(3)~~(b) or any project providing a
95 substantial economic benefit to this state.

96 Section 3. Effective July 1, 2010, subsection (9) of
97 section 166.021, Florida Statutes, is amended to read:

98 166.021 Powers.—

99 (9)(a) The Legislature finds and declares that this state
100 faces increasing competition from other states and other
101 countries for the location and retention of private enterprises
102 within its borders. Furthermore, the Legislature finds that

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103 | there is a need to enhance and expand economic activity in the
104 | municipalities of this state by attracting and retaining
105 | manufacturing development, business enterprise management, and
106 | other activities conducive to economic promotion, in order to
107 | provide a stronger, more balanced, and stable economy in the
108 | state, to enhance and preserve purchasing power and employment
109 | opportunities for the residents of this state, and to improve
110 | the welfare and competitive position of the state. The
111 | Legislature declares that it is necessary and in the public
112 | interest to facilitate the growth and creation of business
113 | enterprises in the municipalities of the state.

114 | (b) The governing body of a municipality may expend public
115 | funds to attract and retain business enterprises, and the use of
116 | public funds toward the achievement of such economic development
117 | goals constitutes a public purpose. The provisions of this
118 | chapter which confer powers and duties on the governing body of
119 | a municipality, including any powers not specifically prohibited
120 | by law which can be exercised by the governing body of a
121 | municipality, shall be liberally construed in order to
122 | effectively carry out the purposes of this subsection.

123 | (c) For the purposes of this subsection, it constitutes a
124 | public purpose to expend public funds for economic development
125 | activities, including, but not limited to, developing or
126 | improving local infrastructure, issuing bonds to finance or
127 | refinance the cost of capital projects for industrial or
128 | manufacturing plants, leasing or conveying real property, and
129 | making grants to private enterprises for the expansion of

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130 businesses existing in the community or the attraction of new
131 businesses to the community.

132 (d) A contract between the governing body of a
133 municipality or other entity engaged in economic development
134 activities on behalf of the municipality and an economic
135 development agency must require the agency or entity receiving
136 municipal funds to submit a report to the governing body of the
137 municipality detailing how municipal funds were spent and
138 detailing the results of the economic development agency's or
139 entity's efforts on behalf of the municipality. The municipality
140 shall include the report as an addendum to the municipality's
141 annual financial audit.

142 (e)1. By January 15, 2011, and annually thereafter, each
143 municipality having annual revenues or expenditures greater than
144 \$250,000 shall report to the Legislative Committee on
145 Intergovernmental Relations or its successor entity the economic
146 development incentives given to any business during the
147 municipality's previous fiscal year. Economic development
148 incentives include:

149 a. Direct financial incentives of monetary assistance
150 provided to a business from the municipality or through an
151 organization authorized by the municipality. Such incentives
152 include grants, loans, equity investments, loan insurance and
153 guarantees, and training subsidies.

154 b. Indirect incentives in the form of grants and loans
155 provided to businesses and community organizations that provide
156 support to businesses or promote business investment or
157 development.

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158 c. Fee-based or tax-based incentives, including credits,
159 refunds, exemptions, and property tax abatement or assessment
160 reductions.

161 d. Below-market rate leases or deeds for real property.

162 e. Any other inducement provided to a business in order
163 for the business to create or retain jobs, relocate to or remain
164 in the municipality, or expand its current operations in the
165 municipality.

166 2. A municipality shall report its economic development
167 incentives in the format specified by the Legislative Committee
168 on Intergovernmental Relations or its successor entity.

169 3. The Legislative Committee on Intergovernmental
170 Relations or its successor entity shall compile the economic
171 development incentives provided by each municipality in a manner
172 that shows the total of each class of economic development
173 incentives provided by each municipality and all municipalities.

174 4. If a municipality did not provide any economic
175 development incentives during its previous fiscal year, the
176 governing body of the municipality must report to the
177 Legislative Committee on Intergovernmental Relations or its
178 successor entity that the municipality did not provide any
179 incentives.

180 ~~(f)(d) Nothing contained in This subsection does not limit~~
181 ~~shall be construed as a limitation on the home rule powers~~
182 ~~granted by the State Constitution to for municipalities.~~

183 Section 4. Subsection (7) of section 196.1995, Florida
184 Statutes, is amended to read:

185 196.1995 Economic development ad valorem tax exemption.—

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186 (7) The authority to grant exemptions under this section
187 expires ~~will expire~~ 10 years after the date such authority was
188 approved in an election, but such authority may be renewed for
189 subsequent another 10-year periods if each 10-year renewal is
190 approved ~~period~~ in a referendum called and held pursuant to this
191 section.

192 Section 5. Paragraph (h) of subsection (1) of section
193 220.191, Florida Statutes, is amended to read:

194 220.191 Capital investment tax credit.-

195 (1) DEFINITIONS.-For purposes of this section:

196 (h) "Qualifying project" means:

197 1. A new or expanding facility in this state which creates
198 at least 100 new jobs in this state and is in one of the high-
199 impact sectors identified by Enterprise Florida, Inc., and
200 certified by the office pursuant to s. 288.108(6), including,
201 but not limited to, aviation, aerospace, automotive, and silicon
202 technology industries;

203 2. A new or expanded facility in this state which is
204 engaged in a target industry designated pursuant to the
205 procedure specified in s. 288.106(2)(t)~~(1)~~~~(e)~~ and which is
206 induced by this credit to create or retain at least 1,000 jobs
207 in this state, provided that at least 100 of those jobs are new,
208 pay an annual average wage of at least 130 percent of the
209 average private sector wage in the area as defined in s.
210 288.106(2)~~(1)~~, and make a cumulative capital investment of at
211 least \$100 million after July 1, 2005. Jobs may be considered
212 retained only if there is significant evidence that the loss of
213 jobs is imminent. Notwithstanding subsection (2), annual credits

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214 against the tax imposed by this chapter shall not exceed 50
215 percent of the increased annual corporate income tax liability
216 or the premium tax liability generated by or arising out of a
217 project qualifying under this subparagraph. A facility that
218 qualifies under this subparagraph for an annual credit against
219 the tax imposed by this chapter may take the tax credit for a
220 period not to exceed 5 years; or

221 3. A new or expanded headquarters facility in this state
222 which locates in an enterprise zone and brownfield area and is
223 induced by this credit to create at least 1,500 jobs which on
224 average pay at least 200 percent of the statewide average annual
225 private sector wage, as published by the Agency for Workforce
226 Innovation or its successor, and which new or expanded
227 headquarters facility makes a cumulative capital investment in
228 this state of at least \$250 million.

229 Section 6. Subsection (1) of section 288.018, Florida
230 Statutes, is amended to read:

231 288.018 Regional Rural Development Grants Program.—

232 (1) The Office of Tourism, Trade, and Economic Development
233 shall establish a matching grant program to provide funding to
234 regionally based economic development organizations representing
235 rural counties and communities for the purpose of building the
236 professional capacity of their organizations. Such matching
237 grants may also be used by an economic development organization
238 to provide technical assistance to businesses within the rural
239 counties and communities that it serves. The Office of Tourism,
240 Trade, and Economic Development is authorized to approve, on an
241 annual basis, grants to such regionally based economic

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242 development organizations. The maximum amount an organization
243 may receive in any year will be \$35,000, or \$100,000 in a rural
244 area of critical economic concern recommended by the Rural
245 Economic Development Initiative and designated by the Governor,
246 and must be matched each year by an equivalent amount of
247 nonstate resources.

248 Section 7. Paragraph (j) of subsection (1) of section
249 288.1045, Florida Statutes, is amended to read:

250 288.1045 Qualified defense contractor and space flight
251 business tax refund program.—

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

253 (j) "Jobs" means full-time equivalent positions,
254 including, but not limited to, positions obtained from a
255 temporary employment agency or employee leasing company or
256 through a union agreement or coemployment under a professional
257 employer organization agreement, that consistent with the use of
258 such terms by the Agency for Workforce Innovation for the
259 purpose of unemployment compensation tax, created or retained as
260 a direct result directly from ~~of~~ a project in this state. This
261 number does not include temporary construction jobs involved
262 with the construction of facilities for the project.

263 Section 8. Section 288.106, Florida Statutes, is amended
264 to read:

265 288.106 Tax refund program for qualified target industry
266 businesses.—

267 (1) LEGISLATIVE FINDINGS AND DECLARATIONS.—The Legislature
268 finds that retaining and expanding existing businesses in the
269 state, encouraging the creation of new businesses in the state,

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270 attracting new businesses from outside the state, and generally
271 providing conditions favorable for the growth of target
272 industries creates high-quality, high-wage employment
273 opportunities for residents of the state and strengthens the
274 state's economic foundation. The Legislature also finds that
275 incentives narrowly focused in application and scope tend to be
276 more effective in achieving the state's economic development
277 goals. The Legislature further finds that higher-wage jobs
278 reduce the state's share of hidden costs, such as public
279 assistance and subsidized health care associated with low-wage
280 jobs. Therefore, the Legislature declares that it is the policy
281 of the state to encourage the growth of higher-wage jobs and a
282 diverse economic base by providing state tax refunds to
283 qualified target industry businesses that originate or expand in
284 the state or that relocate to the state.

285 (2)~~(1)~~ DEFINITIONS.—As used in this section:

286 (a) "Account" means the Economic Development Incentives
287 Account within the Economic Development Trust Fund established
288 under s. 288.095.

289 (b)~~(a)~~ "Authorized local economic development agency"
290 means a ~~any~~ public or private entity, including an ~~entity~~ ~~these~~
291 defined in s. 288.075, authorized by a county or municipality to
292 promote the general business or industrial interests of that
293 county or municipality.

294 (c)~~(b)~~ "Average private sector wage in the area" means the
295 statewide private sector average wage or the average of all
296 private sector wages and salaries in the county or in the
297 standard metropolitan area in which the business is located.

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298 ~~(d)-(e)~~ "Business" means an employing unit, as defined in
299 s. 443.036, that ~~which~~ is registered for unemployment
300 compensation purposes with the state agency providing
301 unemployment tax collection services under contract with the
302 Agency for Workforce Innovation through an interagency agreement
303 pursuant to s. 443.1316, or a subcategory or division of an
304 employing unit that ~~which~~ is accepted by the state agency
305 providing unemployment tax collection services as a reporting
306 unit.

307 ~~(e)-(d)~~ "Corporate headquarters business" means an
308 international, national, or regional headquarters office of a
309 multinational or multistate business enterprise or national
310 trade association, whether separate from or connected with other
311 facilities used by such business.

312 ~~(f)-(n)~~ "Director" means the Director of the Office of
313 Tourism, Trade, and Economic Development.

314 ~~(g)-(f)~~ "Enterprise zone" means an area designated as an
315 enterprise zone pursuant to s. 290.0065.

316 ~~(h)-(g)~~ "Expansion of an existing business" means the
317 expansion of an existing Florida business by or through
318 additions to real and personal property, resulting in a net
319 increase in employment of not less than 10 percent at such
320 business.

321 ~~(i)-(h)~~ "Fiscal year" means the fiscal year of the state.

322 ~~(j)-(i)~~ "Jobs" means full-time equivalent positions,
323 including, but not limited to, positions obtained from a
324 temporary employment agency or employee leasing company or
325 through a union agreement or coemployment under a professional

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326 ~~employer organization agreement, that result as that term is~~
327 ~~consistent with terms used by the Agency for Workforce~~
328 ~~Innovation and the United States Department of Labor for~~
329 ~~purposes of unemployment compensation tax administration and~~
330 ~~employment estimation, resulting directly from a project in this~~
331 state. The term does not include temporary construction jobs
332 involved with the construction of facilities for the project or
333 any jobs previously included in any application for tax refunds
334 under s. 288.1045 or this section.

335 ~~(k)(j)~~ "Local financial support" means funding from local
336 sources, public or private, ~~that which~~ is paid to the Economic
337 Development Trust Fund and ~~that which~~ is equal to 20 percent of
338 the annual tax refund for a qualified target industry business.
339 A qualified target industry business may not provide, directly
340 or indirectly, more than 5 percent of such funding in any fiscal
341 year. The sources of such funding may not include, directly or
342 indirectly, state funds appropriated from the General Revenue
343 Fund or any state trust fund, excluding tax revenues shared with
344 local governments pursuant to law.

345 ~~(l)(k)~~ "Local financial support exemption option" means
346 the option to exercise an exemption from the local financial
347 support requirement available to any applicant whose project is
348 located in a brownfield area, a rural city, or a rural community
349 ~~county with a population of 75,000 or fewer or a county with a~~
350 ~~population of 125,000 or fewer which is contiguous to a county~~
351 ~~with a population of 75,000 or fewer~~. Any applicant that
352 exercises this option is ~~shall~~ not be eligible for more than 80

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353 percent of the total tax refunds allowed such applicant under
354 this section.

355 ~~(m)-(l)~~ "New business" means a business that applies for a
356 tax refund under this section before beginning operations ~~which~~
357 ~~heretofore did not exist in this state, first beginning~~
358 ~~operations on a site located in this state and~~ that is a legal
359 entity ~~clearly~~ separate from any other commercial or industrial
360 operations owned by the same business.

361 ~~(n)-(e)~~ "Office" means the Office of Tourism, Trade, and
362 Economic Development.

363 ~~(o)-(m)~~ "Project" means the creation of a new business or
364 expansion of an existing business.

365 ~~(p)-(q)~~ "Qualified target industry business" means a target
366 industry business ~~that has been~~ approved by the office ~~director~~
367 to be eligible for tax refunds under ~~pursuant to~~ this section.

368 ~~(q)~~ "Return on investment" means the gain in state
369 revenues as a percentage of the state's investment. The state's
370 investment includes state grants, tax exemptions, tax refunds,
371 tax credits, and other state incentives.

372 ~~(r)~~ "Rural county" means a county with a population of
373 ~~75,000 or fewer or a county with a population of 100,000 or~~
374 ~~fewer which is contiguous to a county with a population of~~
375 ~~75,000 or fewer.~~

376 ~~(r)-(s)~~ "Rural city" means a city having ~~with~~ a population
377 of 10,000 or fewer ~~less~~, or a city having ~~with~~ a population of
378 greater than 10,000 but fewer ~~less~~ than 20,000 that ~~which~~ has
379 been determined by the office of ~~Tourism, Trade, and Economic~~
380 ~~Development~~ to have economic characteristics such as, but not

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381 limited to, a significant percentage of residents on public
382 assistance, a significant percentage of residents with income
383 below the poverty level, or a significant percentage of the
384 city's employment base in agriculture-related industries.

385 ~~(s)(t)~~ "Rural community" means:

386 1. A county having ~~with~~ a population of 75,000 or fewer.

387 2. A county having ~~with~~ a population of 125,000 or fewer
388 that ~~which~~ is contiguous to a county having ~~with~~ a population of
389 75,000 or fewer.

390 3. A municipality within a county described in
391 subparagraph 1. or subparagraph 2.

392
393 For purposes of this paragraph, population shall be determined
394 in accordance with the most recent official estimate pursuant to
395 s. 186.901.

396 ~~(t)(e)~~ "Target industry business" means a corporate
397 headquarters business or any business that is engaged in one of
398 the target industries identified pursuant to the following
399 criteria developed by the office in consultation with Enterprise
400 Florida, Inc.:

401 1. Future growth.—Industry forecasts should indicate
402 strong expectation for future growth in both employment and
403 output, according to the most recent available data. Special
404 consideration should be given to businesses that export goods
405 ~~Florida's growing access to, or provide services in,~~
406 international markets and businesses that replace domestic and
407 international ~~or to replacing imports of goods or services.~~

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408 2. Stability.—The industry should not be subject to
409 periodic layoffs, whether due to seasonality or sensitivity to
410 volatile economic variables such as weather. The industry should
411 also be relatively resistant to recession, so that the demand
412 for products of this industry is not typically necessarily
413 subject to decline during an economic downturn.

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

416 4. Market and resource independent.—The location of
417 industry businesses should not be dependent on Florida markets
418 or resources as indicated by industry analysis, except for
419 businesses in the renewable energy industry. ~~Special~~
420 ~~consideration should be given to the development of strong~~
421 ~~industrial clusters which include defense and homeland security~~
422 ~~businesses.~~

423 5. Industrial base diversification and strengthening.—The
424 industry should contribute toward expanding or diversifying the
425 state's or area's economic base, as indicated by analysis of
426 employment and output shares compared to national and regional
427 trends. Special consideration should be given to industries that
428 strengthen regional economies by adding value to basic products
429 or building regional industrial clusters as indicated by
430 industry analysis. Special consideration should also be given to
431 the development of strong industrial clusters that include
432 defense and homeland security businesses.

433 6. Economic benefits.—The industry is expected to ~~should~~
434 have strong positive impacts on or benefits to the state or ~~and~~
435 regional economies.

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436
437 The term does office, ~~in consultation with Enterprise Florida,~~
438 ~~Inc., shall develop a list of such target industries annually~~
439 ~~and submit such list as part of the final agency legislative~~
440 ~~budget request submitted pursuant to s. 216.023(1). A target~~
441 ~~industry business may not include any business industry engaged~~
442 ~~in retail industry activities; any electrical utility company;~~
443 ~~any phosphate or other solid minerals severance, mining, or~~
444 ~~processing operation; any oil or gas exploration or production~~
445 ~~operation; or any business firm subject to regulation by the~~
446 ~~Division of Hotels and Restaurants of the Department of Business~~
447 ~~and Professional Regulation. By January 1 of every 3rd year,~~
448 ~~beginning January 1, 2011, the office, in consultation with~~
449 ~~Enterprise Florida, Inc., economic development organizations,~~
450 ~~the State University System, local governments, employee and~~
451 ~~employer organizations, market analysts, and economists, shall~~
452 ~~review and, as appropriate, revise the list of such target~~
453 ~~industries and submit the list to the Governor, the President of~~
454 ~~the Senate, and the Speaker of the House of Representatives.~~

455 ~~(u)(p)~~ "Taxable year" means taxable year as defined in s.
456 220.03(1)(y).

457 ~~(3)(2)~~ TAX REFUND; ELIGIBLE AMOUNTS.—

458 (a) There shall be allowed, from the account, a refund to
459 a qualified target industry business for the amount of eligible
460 taxes certified by the office that ~~director which~~ were paid by
461 the such business. The total amount of refunds for all fiscal
462 years for each qualified target industry business must be
463 determined pursuant to subsection ~~(4)~~ ~~(3)~~. The annual amount of

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464 a refund to a qualified target industry business must be
465 determined pursuant to subsection (6) ~~(5)~~.

466 (b) 1. Upon approval by the office director, a qualified
467 target industry business shall be allowed tax refund payments
468 equal to \$3,000 multiplied by ~~times~~ the number of jobs specified
469 in the tax refund agreement under subparagraph (5) ~~(4)~~ (a)1., or
470 equal to \$6,000 multiplied by ~~times~~ the number of jobs if the
471 project is located in a rural community county or an enterprise
472 zone.

473 2.a. ~~Further~~, A qualified target industry business shall
474 be allowed additional tax refund payments equal to \$1,000
475 multiplied by ~~times~~ the number of jobs specified in the tax
476 refund agreement under subparagraph (5) ~~(4)~~ (a)1. ~~r~~ if such jobs
477 pay an annual average wage of at least 150 percent of the
478 average private sector wage in the area or if the local
479 financial support is equal to that of the state's incentive
480 award under subparagraph (b)1, or equal to \$2,000 multiplied by
481 ~~times~~ the number of jobs if such jobs pay an annual average wage
482 of at least 200 percent of the average private sector wage in
483 the area.

484 b. A qualified target industry business shall be allowed a
485 tax refund payment in addition to the payments authorized in
486 sub-subparagraphs 1. and 2. equal to \$2,000 multiplied by the
487 number of jobs specified in the tax refund agreement under
488 subparagraph (5) (a)1., for one of the following:

489 i. If the business falls within one of the high-impact
490 sectors designated under s. 288.108.

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491 ii. If the business increases exports of its goods through
492 a Florida seaport or a Florida airport by at least 10 percent in
493 value or tonnage in each of the years that the business receives
494 a tax refund under this section. For purposes of this sub-
495 subparagraph, Florida seaports are limited to the ports of
496 Jacksonville, Tampa, Port Everglades, Miami, Port Canaveral, Ft.
497 Pierce, Palm Beach, Port Manatee, Port St. Joe, Panama City, St.
498 Petersburg, Pensacola, Fernandina, and Key West.

499 (c) A qualified target industry business may not receive
500 refund payments of more than 25 percent of the total tax refunds
501 specified in the tax refund agreement under subparagraph
502 (5)(4)(a)1. in any fiscal year. Further, a qualified target
503 industry business may not receive more than \$1.5 million in
504 refunds under this section in any single fiscal year, or more
505 than \$2.5 million in any single fiscal year if the project is
506 located in an enterprise zone. A qualified target industry
507 business may not receive more than \$5 million in refund payments
508 under this section in all fiscal years, or more than \$7.5
509 million if the project is located in an enterprise zone. Funds
510 made available pursuant to this section may not be expended in
511 connection with the relocation of a business from one community
512 to another community in this state unless the Office of Tourism,
513 Trade, and Economic Development determines that without such
514 relocation the business will move outside this state or
515 determines that the business has a compelling economic rationale
516 for the relocation and that the relocation will create
517 additional jobs.

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518 ~~(d)(e)~~ After entering into a tax refund agreement under
519 subsection (5) ~~(4)~~, a qualified target industry business may:

520 1. Receive refunds from the account for the following
521 taxes due and paid by that business beginning with the first
522 taxable year of the business that ~~which~~ begins after entering
523 into the agreement:

524 a. Corporate income taxes under chapter 220.

525 b. Insurance premium tax under s. 624.509.

526 2. Receive refunds from the account for the following
527 taxes due and paid by that business after entering into the
528 agreement:

529 a. Taxes on sales, use, and other transactions under
530 chapter 212.

531 b. Intangible personal property taxes under chapter 199.

532 c. Emergency excise taxes under chapter 221.

533 d. Excise taxes on documents under chapter 201.

534 e. Ad valorem taxes paid, as defined in s. 220.03(1).

535 f. State communications services taxes administered under
536 chapter 202. This provision does not apply to the gross receipts
537 tax imposed under chapter 203 and administered under chapter 202
538 or the local communications services tax authorized under s.
539 202.19.

540
541 ~~The addition of state communications services taxes administered~~
542 ~~under chapter 202 is remedial in nature and retroactive to~~
543 ~~October 1, 2001. The office may make supplemental tax refund~~
544 ~~payments to allow for tax refunds for communications services~~

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545 ~~taxes paid by an eligible qualified target industry business~~
546 ~~after October 1, 2001.~~

547 ~~(e)(d)~~ However, a qualified target industry business may
548 not receive a refund under this section for any amount of
549 credit, refund, or exemption previously granted to that business
550 for any of the such taxes listed in paragraph (d). If a refund
551 for such taxes is provided by the office, which taxes are
552 subsequently adjusted by the application of any credit, refund,
553 or exemption granted to the qualified target industry business
554 other than as provided in this section, the business shall
555 reimburse the account for the amount of that credit, refund, or
556 exemption. A qualified target industry business shall notify and
557 tender payment to the office within 20 days after receiving any
558 credit, refund, or exemption other than one provided in this
559 section.

560 (f) Refunds made available under this section may not be
561 expended in connection with the relocation of a business from
562 one community to another community in the state unless the
563 office determines that, without such relocation, the business
564 will move outside the state or determines that the business has
565 a compelling economic rationale for relocation and that the
566 relocation will create additional jobs.

567 ~~(g)(e)~~ A qualified target industry business that
568 fraudulently claims a refund under this section:

569 1. Is liable for repayment of the amount of the refund to
570 the account, plus a mandatory penalty in the amount of 200
571 percent of the tax refund which shall be deposited into the
572 General Revenue Fund.

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573 2. Commits ~~is guilty of~~ a felony of the third degree,
574 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

575 ~~(4)~~ ~~(3)~~ APPLICATION AND APPROVAL PROCESS.—

576 (a) To apply for certification as a qualified target
577 industry business under this section, the business must file an
578 application with the office before the business decides ~~has made~~
579 ~~the decision~~ to locate a ~~new business~~ in this state or before
580 the business decides ~~had made the decision~~ to expand its an
581 existing operations ~~business~~ in this state. The application must
582 ~~shall~~ include, but need is ~~is~~ not be limited to, the following
583 information:

584 1. The applicant's federal employer identification number
585 and, if applicable, ~~the applicant's~~ state sales tax registration
586 number.

587 2. The proposed permanent location of the applicant's
588 facility in this state at which the project ~~is or~~ is to be
589 located.

590 3. A description of the type of business activity or
591 product covered by the project, including a minimum of a five-
592 digit NAICS code for all activities included in the project. As
593 used in this paragraph, "NAICS" means those classifications
594 contained in the North American Industry Classification System,
595 as published in 2007 by the Office of Management and Budget,
596 Executive Office of the President, and updated periodically.

597 4. The proposed number of net new full-time equivalent
598 Florida jobs at the qualified target industry business as of
599 December 31 of each year included in the project and the average
600 wage of those jobs. If more than one type of business activity

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601 or product is included in the project, the number of jobs and
602 average wage for those jobs must be separately stated for each
603 type of business activity or product.

604 5. The total number of full-time equivalent employees
605 employed by the applicant in this state, if applicable.

606 6. The anticipated commencement date of the project.

607 7. A brief statement explaining ~~concerning~~ the role that
608 the estimated tax refunds to be requested will play in the
609 decision of the applicant to locate or expand in this state.

610 8. An estimate of the proportion of the sales resulting
611 from the project that will be made outside this state.

612 9. A resolution adopted by the governing board of the
613 county or municipality in which the project will be located,
614 which resolution recommends that the project ~~certain types of~~
615 ~~businesses~~ be approved as a qualified target industry business
616 and specifies ~~states~~ that the commitments of local financial
617 support necessary for the target industry business exist. Before
618 ~~In advance of~~ the passage of such resolution, the office may
619 also accept an official letter from an authorized local economic
620 development agency that endorses the proposed target industry
621 project and pledges that sources of local financial support for
622 such project exist. For the purposes of making pledges of local
623 financial support under this subparagraph ~~subsection~~, the
624 authorized local economic development agency shall be officially
625 designated by the passage of a one-time resolution by the local
626 governing board ~~authority~~.

627 10. Any additional information requested by the office.

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628 (b) To qualify for review by the office, the application
629 of a target industry business must, at a minimum, establish the
630 following to the satisfaction of the office:

631 1.a. The jobs proposed to be created ~~provided~~ under the
632 application, pursuant to subparagraph (a)4., must pay an
633 estimated annual average wage equaling at least 115 percent of
634 the average private sector wage in the area where the business
635 is to be located or the statewide private sector average wage.
636 In determining the average annual wage, the office shall include
637 only new proposed jobs, and wages for existing jobs shall be
638 excluded from this calculation.

639 b. The office may waive the average wage requirement at
640 the request of the local governing body recommending the project
641 and Enterprise Florida, Inc. The office may waive the wage
642 requirement ~~may only be waived~~ for a project located in a
643 brownfield area designated under s. 376.80, ~~or in a rural city,~~
644 rural community, or county or in an enterprise zone, or for a
645 manufacturing project at any location within the state if the
646 jobs proposed to be created pay an estimated annual average wage
647 equaling at least 100 percent of the average private sector wage
648 in the area where the business is to be located, and only if
649 ~~when~~ the merits of the individual project or the specific
650 circumstances in the community in relationship to the project
651 warrant such action. If the local governing body and Enterprise
652 Florida, Inc., make such a recommendation, it must be
653 transmitted in writing, and the specific justification for the
654 waiver recommendation must be explained. If the office director
655 elects to waive the wage requirement, the waiver must be stated

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656 in writing, and the reasons for granting the waiver must be
657 explained.

658 2. The target industry business's project must result in
659 the creation of at least 10 jobs at the such project and, in the
660 case of if an expansion of an existing business, must result in
661 a net increase in employment of at least 10 percent at the
662 business. ~~Notwithstanding the definition of the term "expansion~~
663 ~~of an existing business" in paragraph (1)(g),~~ At the request of
664 the local governing body recommending the project and Enterprise
665 Florida, Inc., the office may waive this requirement for a
666 business ~~define an "expansion of an existing business"~~ in a
667 rural community or ~~an~~ enterprise zone ~~as the expansion of a~~
668 ~~business resulting in a net increase in employment of less than~~
669 ~~10 percent at such business~~ if the merits of the individual
670 project or the specific circumstances in the community in
671 relationship to the project warrant such action. If the local
672 governing body and Enterprise Florida, Inc., make such a
673 request, the request must be transmitted in writing, and the
674 specific justification for the request must be explained. If the
675 office ~~director~~ elects to grant the request, the grant must be
676 stated in writing, and the reason for granting the request must
677 be explained.

678 3. The business activity or product for the applicant's
679 project must be is within an industry ~~or industries that have~~
680 ~~been~~ identified by the office as a target industry business ~~to~~
681 ~~be high-value added industries that~~ contributes ~~contribute to~~
682 ~~the area and~~ to the economic growth of the state and the area in
683 which the business is located, that produces ~~produce~~ a higher

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684 standard of living for residents of this state in the new global
685 economy, or that can be shown to make an equivalent contribution
686 to the area's area and state's economic progress. ~~The director~~
687 ~~must approve requests to waive the wage requirement for~~
688 ~~brownfield areas designated under s. 376.80 unless it is~~
689 ~~demonstrated that such action is not in the public interest.~~

690 (c) Each application meeting the requirements of paragraph
691 (b) must be submitted to the office for determination of
692 eligibility. The office shall review and evaluate each
693 application based on, but not limited to, the following
694 criteria:

695 1. Expected contributions to the state's economy,
696 consistent with the state strategic economic development plan
697 adopted by Enterprise Florida, Inc., taking into account the
698 long-term effects of the project and of the applicant on the
699 state economy.

700 2. The return on investment of the proposed award of tax
701 refunds under this section and the return on investment for
702 state incentives proposed for the project. The Office of
703 Economic and Demographic Research shall review and evaluate the
704 methodology and model used to calculate the return on investment
705 and report its findings by September 1 of every 3rd year,
706 beginning September 1, 2010, to the President of the Senate and
707 the Speaker of the House of Representatives economic benefit of
708 the jobs created by the project in this state, taking into
709 account the cost and average wage of each job created.

710 3. The amount of capital investment to be made by the
711 applicant in this state.

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712 4. The local financial commitment and support for the
713 project.

714 5. The effect of the project on the ~~local community,~~
715 ~~taking into account the~~ unemployment rate in ~~for~~ the county
716 where the project will be located.

717 6. The effect of the award ~~any tax refunds granted~~
718 ~~pursuant to this section~~ on the viability of the project and the
719 probability that the project would ~~will~~ be undertaken in this
720 state if such tax refunds are granted to the applicant, ~~taking~~
721 ~~into account the expected long-term commitment of the applicant~~
722 ~~to economic growth and employment in this state.~~

723 7. The expected long-term commitment of the applicant to
724 economic growth and employment in ~~to~~ this state resulting from
725 the project.

726 8. A review of the business's past activities in this
727 state or other states, including whether such business has been
728 subjected to criminal or civil fines and penalties. This
729 subparagraph does not require the disclosure of confidential
730 information.

731 (d) Applications shall be reviewed and certified pursuant
732 to s. 288.061. The office shall include in its review
733 projections of the tax refunds the business would be eligible to
734 receive in each fiscal year based on the creation and
735 maintenance of the net new Florida jobs specified in
736 subparagraph (a)4. as of December 31 of the preceding state
737 fiscal year. If appropriate, the office ~~director~~ shall enter
738 into a written agreement with the qualified target industry
739 business pursuant to subsection (5) ~~(4)~~.

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740 (e) The office ~~director~~ may not certify any target
741 industry business as a qualified target industry business if the
742 value of tax refunds to be included in that letter of
743 certification exceeds the available amount of authority to
744 certify new businesses as determined in s. 288.095(3). However,
745 if the commitments of local financial support represent less
746 than 20 percent of the eligible tax refund payments, or to
747 otherwise preserve the viability and fiscal integrity of the
748 program, the office ~~director~~ may certify a qualified target
749 industry business to receive tax refund payments of less than
750 the allowable amounts specified in paragraph (3) ~~(2)~~ (b). A letter
751 of certification that approves an application must specify the
752 maximum amount of tax refund that will be available to the
753 qualified industry business in each fiscal year and the total
754 amount of tax refunds that will be available to the business for
755 all fiscal years.

756 (f) This section does not create a presumption that an
757 applicant will ~~shall~~ receive any tax refunds under this section.
758 However, the office may issue nonbinding opinion letters, upon
759 the request of prospective applicants, as to the applicants'
760 eligibility and the potential amount of refunds.

761 (5) ~~(4)~~ TAX REFUND AGREEMENT.-

762 (a) Each qualified target industry business must enter
763 into a written agreement with the office that ~~which~~ specifies,
764 at a minimum:

765 1. The total number of full-time equivalent jobs in this
766 state that will be dedicated to the project, the average wage of
767 those jobs, the definitions that will apply for measuring the

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768 achievement of these terms during the pendency of the agreement,
769 and a time schedule or plan for when such jobs will be in place
770 and active in this state.

771 2. The maximum amount of tax refunds that ~~which~~ the
772 qualified target industry business is eligible to receive on the
773 project and the maximum amount of a tax refund that the
774 qualified target industry business is eligible to receive for
775 each fiscal year, based on the job creation and maintenance
776 schedule specified in subparagraph 1.

777 3. That the office may review and verify the financial and
778 personnel records of the qualified target industry business to
779 ascertain whether that business is in compliance with this
780 section.

781 4. The date by which, in each fiscal year, the qualified
782 target industry business may file a claim under subsection (6)
783 ~~(5)~~ to be considered to receive a tax refund in the following
784 fiscal year.

785 5. That local financial support will be annually available
786 and will be paid to the account. The office ~~director~~ may not
787 enter into a written agreement with a qualified target industry
788 business if the local financial support resolution is not passed
789 by the local governing body ~~authority~~ within 90 days after the
790 office ~~he or she~~ has issued the letter of certification under
791 subsection (4) ~~(3)~~.

792 6. That the office may conduct a review of the business to
793 evaluate whether the business is continuing to contribute to the
794 area's or state's economy.

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795 7. That in the event the business does not complete the
796 agreement, the business will provide the office with the reasons
797 the business was unable to complete the agreement.

798 (b) Compliance with the terms and conditions of the
799 agreement is a condition precedent for the receipt of a tax
800 refund each year. The failure to comply with the terms and
801 conditions of the tax refund agreement results in the loss of
802 eligibility for receipt of all tax refunds previously authorized
803 under this section and the revocation by the office ~~director~~ of
804 the certification of the business entity as a qualified target
805 industry business, unless the business is eligible to receive
806 and elects to accept a prorated refund under paragraph (6) (e)
807 ~~(5) (d)~~ or the office grants the business an economic recovery
808 extension ~~economic stimulus exemption~~.

809 1. A qualified target industry business may submit, ~~in~~
810 ~~writing,~~ a request to the office for an economic recovery
811 extension ~~economic stimulus exemption~~. The request must provide
812 quantitative evidence demonstrating how negative economic
813 conditions in the business's industry, the effects of ~~the impact~~
814 ~~of~~ a named hurricane or tropical storm, or specific acts of
815 terrorism affecting the qualified target industry business have
816 prevented the business from complying with the terms and
817 conditions of its tax refund agreement.

818 2. Upon receipt of a request under subparagraph 1., the
819 office has ~~director shall have~~ 45 days to notify the requesting
820 business, in writing, whether ~~if~~ its extension ~~exemption~~ has
821 been granted or denied. In determining whether ~~if~~ an extension
822 ~~exemption~~ should be granted, the office ~~director~~ shall consider

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823 the extent to which negative economic conditions in the
824 requesting business's industry have occurred in the state or the
825 effects of ~~the impact of~~ a named hurricane or tropical storm or
826 specific acts of terrorism affecting the qualified target
827 industry business have prevented the business from complying
828 with the terms and conditions of its tax refund agreement. The
829 office shall consider current employment statistics for this
830 state by industry, including whether the business's industry had
831 substantial job loss during the prior year, when determining
832 whether an extension ~~exemption~~ shall be granted.

833 3. As a condition for receiving a prorated refund under
834 paragraph (6) (e) ~~(5) (d)~~ or an economic recovery extension
835 ~~economic stimulus exemption~~ under this paragraph, a qualified
836 target industry business must agree to renegotiate its tax
837 refund agreement with the office to, at a minimum, ensure that
838 the terms of the agreement comply with current law and office
839 procedures governing application for and award of tax refunds.
840 Upon approving the award of a prorated refund or granting an
841 economic recovery extension ~~economic stimulus exemption~~, the
842 office shall renegotiate the tax refund agreement with the
843 business as required by this subparagraph. When amending the
844 agreement of a business receiving an economic recovery extension
845 ~~economic stimulus exemption~~, the office may extend the duration
846 of the agreement for a period not to exceed 2 years.

847 4. A qualified target industry business may submit a
848 request for an economic recovery extension ~~economic stimulus~~
849 ~~exemption~~ to the office in lieu of any tax refund claim

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850 scheduled to be submitted after January 1, 2009, but before July
851 1, 2012 ~~2011~~.

852 5. A qualified target industry business that receives an
853 economic recovery extension ~~economic-stimulus exemption~~ may not
854 receive a tax refund for the period covered by the extension
855 ~~exemption~~.

856 (c) The agreement must be signed by the director and by an
857 authorized officer of the qualified target industry business
858 within 120 days after the issuance of the letter of
859 certification under subsection (4) ~~(3)~~, but not before passage
860 and receipt of the resolution of local financial support. The
861 office may grant an extension of this period at the written
862 request of the qualified target industry business.

863 (d) The agreement must contain the following legend,
864 clearly printed on its face in bold type of not less than 10
865 points in size: "This agreement is not ~~neither~~ a general
866 obligation of the State of Florida, nor is it backed by the full
867 faith and credit of the State of Florida. Payment of tax refunds
868 is ~~are~~ conditioned on and subject to specific annual
869 appropriations by the Florida Legislature ~~of moneys~~ sufficient
870 to pay amounts authorized in section 288.106, Florida Statutes."

871 (6) ~~(5)~~ ANNUAL CLAIM FOR REFUND.-

872 (a) To be eligible to claim any scheduled tax refund, a
873 qualified target industry business that has entered into a tax
874 refund agreement with the office under subsection (5) ~~(4)~~ must
875 apply by January 31 of each fiscal year to the office for the
876 tax refund scheduled to be paid from the appropriation for the
877 fiscal year that begins on July 1 following the January 31

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878 claims-submission date. The office may, upon written request,
879 grant a 30-day extension of the filing date.

880 (b) The claim for refund by the qualified target industry
881 business must include a copy of all receipts pertaining to the
882 payment of taxes for which the refund is sought and data related
883 to achievement of each performance item specified in the tax
884 refund agreement. The amount requested as a tax refund may not
885 exceed the amount specified for the relevant fiscal year in that
886 agreement.

887 (c) The office may waive the requirement for proof of
888 taxes paid in future years for a qualified target industry
889 business that provides the office with proof that, in a single
890 year, the business has paid an amount of state taxes from the
891 categories in paragraph (3)(d) that is at least equal to the
892 total amount of tax refunds that the business may receive
893 through successful completion of its tax refund agreement.

894 ~~(d)(e)~~ A tax refund may not be approved for a qualified
895 target industry business unless the required local financial
896 support has been paid into the account for that refund. If the
897 local financial support provided is less than 20 percent of the
898 approved tax refund, the tax refund must be reduced. In no event
899 may the tax refund exceed an amount that is equal to 5 times the
900 amount of the local financial support received. Further, funding
901 from local sources includes any tax abatement granted to that
902 business under s. 196.1995 or the appraised market value of
903 municipal or county land conveyed or provided at a discount to
904 that business. The amount of any tax refund for such business
905 approved under this section must be reduced by the amount of any

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906 such tax abatement granted or the value of the land granted, ~~and~~
907 and the limitations in subsection (3) ~~(2)~~ and paragraph
908 (4) ~~(3)~~ (e) must be reduced by the amount of any such tax
909 abatement or the value of the land granted. A report listing all
910 sources of the local financial support shall be provided to the
911 office when such support is paid to the account.

912 ~~(e)~~ ~~(d)~~ A prorated tax refund, less a 5-percent penalty,
913 shall be approved for a qualified target industry business if
914 ~~provided~~ all other applicable requirements have been satisfied
915 and the business proves to the satisfaction of the office
916 ~~director~~ that:

917 1. It has achieved at least 80 percent of its projected
918 employment; and ~~that~~

919 2. The average wage paid by the business is at least 90
920 percent of the average wage specified in the tax refund
921 agreement, but in no case less than 115 percent of the average
922 private sector wage in the area available at the time of
923 certification, or 150 percent or 200 percent of the average
924 private sector wage if the business requested the additional
925 per-job tax refund authorized in paragraph (3) ~~(2)~~ (b) for wages
926 above those levels. The prorated tax refund shall be calculated
927 by multiplying the tax refund amount for which the qualified
928 target industry business would have been eligible, if all
929 applicable requirements had been satisfied, by the percentage of
930 the average employment specified in the tax refund agreement
931 which was achieved, and by the percentage of the average wages
932 specified in the tax refund agreement which was achieved.

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933 ~~(f)(e)~~ The office director, with such assistance as may be
934 required from ~~the office~~, the Department of Revenue, or the
935 Agency for Workforce Innovation, shall, by June 30 following the
936 scheduled date for submission of the tax refund claim, specify
937 by written order the approval or disapproval of the tax refund
938 claim and, if approved, the amount of the tax refund that is
939 authorized to be paid to the qualified target industry business
940 for the annual tax refund. The office may grant an extension of
941 this date on the request of the qualified target industry
942 business for the purpose of filing additional information in
943 support of the claim.

944 ~~(g)(f)~~ The total amount of tax refund claims approved by
945 the office director under this section in any fiscal year must
946 not exceed the amount authorized under s. 288.095(3).

947 ~~(h)(g)~~ This section does not create a presumption that a
948 tax refund claim will be approved and paid.

949 ~~(i)(h)~~ Upon approval of the tax refund under paragraphs
950 ~~(e)~~, (d), and (e), and (f), the Chief Financial Officer shall
951 issue a warrant for the amount specified in the written order.
952 If the written order is appealed, the Chief Financial Officer
953 may not issue a warrant for a refund to the qualified target
954 industry business until the conclusion of all appeals of that
955 order.

956 ~~(7)(6)~~ ADMINISTRATION.—

957 (a) The office may ~~is authorized to~~ verify information
958 provided in any claim submitted for tax credits under this
959 section with regard to employment and wage levels or the payment
960 of the taxes to the appropriate agency or authority, including

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961 the Department of Revenue, the Agency for Workforce Innovation,
962 or any local government or authority.

963 (b) To facilitate the process of monitoring and auditing
964 applications made under this section ~~program~~, the office may
965 provide a list of qualified target industry businesses to the
966 Department of Revenue, to the Agency for Workforce Innovation,
967 or to any local government or authority. The office may request
968 the assistance of those entities with respect to monitoring
969 jobs, wages, and the payment of the taxes listed in subsection
970 (3) ~~(2)~~.

971 (c) Funds specifically appropriated for ~~the tax~~ refunds
972 ~~refund program~~ for qualified target industry businesses under
973 this section may not be used by the office for any purpose other
974 than the payment of tax refunds authorized by this section.

975 (d) Beginning with tax refund agreements signed after July
976 1, 2010, the office shall attempt to ascertain the causes for
977 any business's failure to complete its agreement and shall
978 report its findings and recommendations to the Governor, the
979 President of the Senate, and the Speaker of the House of
980 Representatives. The report shall be submitted by December 1 of
981 each year beginning in 2011.

982 ~~(7) Notwithstanding paragraphs (4) (a) and (5) (c), the~~
983 ~~office may approve a waiver of the local financial support~~
984 ~~requirement for a business located in any of the following~~
985 ~~counties in which businesses received emergency loans~~
986 ~~administered by the office in response to the named hurricanes~~
987 ~~of 2004: Bay, Brevard, Charlotte, DeSoto, Escambia, Flagler,~~
988 ~~Glades, Hardee, Hendry, Highlands, Indian River, Lake, Lee,~~

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989 ~~Martin, Okaloosa, Okeechobee, Orange, Osceola, Palm Beach, Polk,~~
990 ~~Putnam, Santa Rosa, Seminole, St. Lucie, Volusia, and Walton. A~~
991 ~~waiver may be granted only if the office determines that the~~
992 ~~local financial support cannot be provided or that doing so~~
993 ~~would effect a demonstrable hardship on the unit of local~~
994 ~~government providing the local financial support. If the office~~
995 ~~grants a waiver of the local financial support requirement, the~~
996 ~~state shall pay 100 percent of the refund due to an eligible~~
997 ~~business. The waiver shall apply for tax refund applications~~
998 ~~made for fiscal years 2004-2005, 2005-2006, and 2006-2007.~~

999 (8) EXPIRATION.—An applicant may not be certified as
1000 qualified under this section after June 30, 2020 ~~2010~~. A tax
1001 refund agreement existing on that date shall continue in effect
1002 in accordance with its terms.

1003 Section 9. Paragraph (e) of subsection (1), subsection
1004 (2), paragraphs (a) and (d) of subsection (4), and paragraph (b)
1005 of subsection (5) of section 288.107, Florida Statutes, are
1006 amended to read:

1007 288.107 Brownfield redevelopment bonus refunds.—

1008 (1) DEFINITIONS.—As used in this section:

1009 (e) "Eligible business" means:

1010 1. A qualified target industry business as defined in s.
1011 288.106(2)(1)(e); or

1012 2. A business that can demonstrate a fixed capital
1013 investment of at least \$2 million in mixed-use business
1014 activities, including multiunit housing, commercial, retail, and
1015 industrial in brownfield areas, or at least \$500,000 in

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1016 brownfield areas that do not require site cleanup, and that
1017 ~~which~~ provides benefits to its employees.

1018 (f) "Jobs" means full-time equivalent positions,
1019 including, but not limited to, positions obtained from a
1020 temporary employment agency or employee leasing company or
1021 through a union agreement or coemployment under a professional
1022 employer organization agreement, that ~~as that term is consistent~~
1023 ~~with terms used by the Agency for Workforce Innovation for the~~
1024 ~~purpose of unemployment compensation tax,~~ result resulting
1025 directly from a project in this state. The term does not include
1026 temporary construction jobs involved with the construction of
1027 facilities for the project and which are not associated with the
1028 implementation of the site rehabilitation as provided in s.
1029 376.80.

1030 (2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds
1031 shall be approved by the office as specified in the final order
1032 ~~issued by the director~~ and allowed from the account as follows:

1033 (a) A bonus refund of \$2,500 shall be allowed to any
1034 qualified target industry business as defined in ~~by~~ s. 288.106
1035 for each new Florida job created in a brownfield area that ~~which~~
1036 is claimed on the qualified target industry business's annual
1037 refund claim authorized in s. 288.106(6)~~(5)~~.

1038 (b) A bonus refund of up to \$2,500 shall be allowed to any
1039 other eligible business as defined in subparagraph (1)(e)2. for
1040 each new Florida job created in a brownfield area that ~~which~~ is
1041 claimed under an annual claim procedure similar to the annual
1042 refund claim authorized in s. 288.106(6)~~(5)~~. The amount of the

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1043 refund shall be equal to 20 percent of the average annual wage
1044 for the jobs created.

1045 (4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

1046 (a) To be eligible to receive a bonus refund for new
1047 Florida jobs created in a brownfield area, a business must have
1048 been certified as a qualified target industry business under s.
1049 288.106 or eligible business as defined in paragraph (1)(e) and
1050 must have indicated on the qualified target industry business
1051 tax refund application form submitted in accordance with s.
1052 288.106~~(4)-(3)~~ or other similar agreement for other eligible
1053 business as defined in paragraph (1)(e) that the project for
1054 which the application is submitted is or will be located in a
1055 brownfield area and that the business is applying for
1056 certification as a qualified brownfield business under this
1057 section, and must have signed a qualified target industry
1058 business tax refund agreement with the office that ~~which~~
1059 indicates that the business has been certified as a qualified
1060 target industry business located in a brownfield area and
1061 specifies the schedule of brownfield redevelopment bonus refunds
1062 that the business may be eligible to receive in each fiscal
1063 year.

1064 (d) After entering into a tax refund agreement as provided
1065 in s. 288.106 or other similar agreement for other eligible
1066 businesses as defined in paragraph (1)(e), an eligible business
1067 may receive brownfield redevelopment bonus refunds from the
1068 account pursuant to s. 288.106~~(3)(d)-(2)-(e)~~.

1069 (5) ADMINISTRATION.—

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1070 (b) To facilitate the process of monitoring and auditing
1071 applications made under this program, the office may provide a
1072 list of qualified target industry businesses to the Department
1073 of Revenue, to the Agency for Workforce Innovation, to the
1074 Department of Environmental Protection, or to any local
1075 government authority. The office may request the assistance of
1076 those entities with respect to monitoring the payment of the
1077 taxes listed in s. 288.106~~(3)(2)~~.

1078 Section 10. Paragraph (a) of subsection (2) and paragraph
1079 (b) of subsection (3) of section 288.108, Florida Statutes, are
1080 amended to read:

1081 288.108 High-impact business.—

1082 (2) DEFINITIONS.—As used in this section, the term:

1083 (a) "Eligible high-impact business" means a business in
1084 one of the high-impact sectors identified by Enterprise Florida,
1085 Inc., and certified by the Office of Tourism, Trade, and
1086 Economic Development as provided in subsection (5), which is
1087 making a cumulative investment in the state of at least \$50 ~~\$100~~
1088 million and creating at least 50 ~~100~~ new full-time equivalent
1089 jobs in the state or a research and development facility making
1090 a cumulative investment of at least \$25 ~~\$75~~ million and creating
1091 at least 25 ~~75~~ new full-time equivalent jobs. Such investment
1092 and employment must be achieved in a period not to exceed 3
1093 years after the date the business is certified as a qualified
1094 high-impact business.

1095 (g) "Jobs" means full-time equivalent positions,
1096 including, but not limited to, positions obtained from a
1097 temporary employment agency or employee leasing company or

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1098 through a union agreement or coemployment under a professional
1099 employer organization agreement, that as that term is consistent
1100 with terms used by the Agency for Workforce Innovation and the
1101 United States Department of Labor for purposes of unemployment
1102 compensation tax administration and employment estimation,
1103 result resulting directly from a project in this state. The term
1104 does not include temporary construction jobs involved in the
1105 construction of the project facility.

1106 (3) HIGH-IMPACT SECTOR PERFORMANCE GRANTS; ELIGIBLE
1107 AMOUNTS.—

1108 (b) The office may, in consultation with Enterprise
1109 Florida, Inc., negotiate qualified high-impact business
1110 performance grant awards for any single qualified high-impact
1111 business. In negotiating such awards, the office shall consider
1112 the following guidelines in conjunction with other relevant
1113 applicant impact and cost information and analysis as required
1114 in subsection (5). A qualified high-impact business making a
1115 cumulative investment of \$50 million and creating 50 jobs may be
1116 eligible for a total qualified high-impact business performance
1117 grant of \$500,000 to \$1 million. A qualified high-impact
1118 business making a cumulative investment of \$100 million and
1119 creating 100 jobs may be eligible for a total qualified high-
1120 impact business performance grant of \$1 million to \$2 million. A
1121 qualified high-impact business making a cumulative investment of
1122 \$800 million and creating 800 jobs may be eligible for a
1123 qualified high-impact business performance grant of \$10 million
1124 to \$12 million. A qualified high-impact business engaged in
1125 research and development making a cumulative investment of \$25

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1126 million and creating 25 jobs may be eligible for a total
1127 qualified high-impact business performance grant of \$700,000 to
1128 \$1 million. A qualified high-impact business, engaged in
1129 research and development, making a cumulative investment of \$75
1130 million, and creating 75 jobs may be eligible for a total
1131 qualified high-impact business performance grant of \$2 million
1132 to \$3 million. A qualified high-impact business, engaged in
1133 research and development, making a cumulative investment of \$150
1134 million, and creating 150 jobs may be eligible for a qualified
1135 high-impact business performance grant of \$3.5 million to \$4.5
1136 million.

1137 Section 11. Section 288.1088, Florida Statutes, is amended
1138 to read:

1139 288.1088 Quick Action Closing Fund.—

1140 (3) (a) Enterprise Florida, Inc., shall review applications
1141 pursuant to s. 288.061 and determine the eligibility of each
1142 project consistent with the criteria in subsection (2).

1143 Enterprise Florida, Inc., in consultation with the Office of
1144 Tourism, Trade, and Economic Development, may waive these
1145 criteria based on extraordinary circumstances or in rural areas
1146 of critical economic concern if the project would significantly
1147 benefit the local or regional economy.

1148 (b) Enterprise Florida, Inc., shall evaluate individual
1149 proposals for high-impact business facilities and forward
1150 recommendations regarding the use of moneys in the fund for such
1151 facilities to the director of the Office of Tourism, Trade, and
1152 Economic Development. Such evaluation and recommendation must
1153 include, but need not be limited to:

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- 1154 | 1. A description of the type of facility or
1155 | infrastructure, its operations, and the associated product or
1156 | service associated with the facility.
- 1157 | 2. The number of full-time-equivalent jobs that will be
1158 | created by the facility and the total estimated average annual
1159 | wages of those jobs or, in the case of privately developed rural
1160 | infrastructure, the types of business activities and jobs
1161 | stimulated by the investment.
- 1162 | 3. The cumulative amount of investment to be dedicated to
1163 | the facility within a specified period.
- 1164 | 4. A statement of any special impacts the facility is
1165 | expected to stimulate in a particular business sector in the
1166 | state or regional economy or in the state's universities and
1167 | community colleges.
- 1168 | 5. A statement of the role the incentive is expected to
1169 | play in the decision of the applicant business to locate or
1170 | expand in this state or for the private investor to provide
1171 | critical rural infrastructure.
- 1172 | 6. A report evaluating the quality and value of the
1173 | company submitting a proposal. The report must include:
- 1174 | a. A financial analysis of the company, including an
1175 | evaluation of the company's short-term liquidity ratio as
1176 | measured by its assets to liability, the company's profitability
1177 | ratio, and the company's long-term solvency as measured by its
1178 | debt-to-equity ratio;
- 1179 | b. The historical market performance of the company;
- 1180 | c. A review of any independent evaluations of the company;

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1181 d. A review of the latest audit of the company's financial
1182 statement and the related auditor's management letter; and

1183 e. A review of any other types of audits that are related
1184 to the internal and management controls of the company.

1185 ~~(c)(b)~~ Within 22 calendar days after receiving the
1186 evaluation and recommendation from Enterprise Florida, Inc., the
1187 director of the Office of Tourism, Trade, and Economic
1188 Development shall recommend to the Governor approval or
1189 disapproval of a project for receipt of funds from the Quick
1190 Action Closing Fund. In recommending a project, the director
1191 shall include proposed performance conditions that the project
1192 must meet to obtain incentive funds. The Governor shall provide
1193 the evaluation of projects recommended for approval to the
1194 President of the Senate and the Speaker of the House of
1195 Representatives and consult with the President of the Senate and
1196 the Speaker of the House of Representatives before giving final
1197 approval for a project. At least 14 days before releasing funds
1198 for a project, the Executive Office of the Governor shall
1199 recommend approval of the a project and the release of funds by
1200 delivering notice of such action pursuant to the legislative
1201 consultation and review requirements set forth in s. 216.177.
1202 The recommendation must include proposed performance conditions
1203 that the project must meet in order to obtain funds. If the
1204 President of the Senate or the Speaker of the House of
1205 Representatives timely advises the Executive Office of the
1206 Governor, in writing, that such action or proposed action
1207 exceeds the delegated authority of the Executive Office of the
1208 Governor or is contrary to legislative policy or intent, the

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1209 Executive Office of the Governor shall void the release of funds
1210 and instruct the Office of Tourism, Trade, and Economic
1211 Development to immediately change such action or proposed action
1212 until the Legislative Budget Commission or the Legislature
1213 addresses the issue.

1214 ~~(d)-(e)~~ Upon the approval of the Governor, the director of
1215 the Office of Tourism, Trade, and Economic Development and the
1216 business shall enter into a contract that sets forth the
1217 conditions for payment of moneys from the fund. The contract
1218 must include the total amount of funds awarded; the performance
1219 conditions that must be met to obtain the award, including, but
1220 not limited to, net new employment in the state, average salary,
1221 and total capital investment; demonstrate a baseline of current
1222 service and a measure of enhanced capability; the methodology
1223 for validating performance; the schedule of payments from the
1224 fund; and sanctions for failure to meet performance conditions.
1225 The contract must provide that payment of moneys from the fund
1226 is contingent upon sufficient appropriation of funds by the
1227 Legislature ~~and upon sufficient release of appropriated funds by~~
1228 ~~the Legislative Budget Commission.~~

1229 ~~(e)-(d)~~ Enterprise Florida, Inc., shall validate contractor
1230 performance. Such validation shall be reported within 6 months
1231 after completion of the contract to the Governor, President of
1232 the Senate, and the Speaker of the House of Representatives.

1233 (4) (a) A Quick Action Closing Fund business that, pursuant
1234 to its contract, submits reports to the Office of Tourism,
1235 Trade, and Economic Development on or after January 1, 2010, but
1236 no later than June 30, 2011, on the status of the business's

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1237 compliance with the performance conditions of its contract may
1238 submit a written request to the Office of Tourism, Trade, and
1239 Economic Development for renegotiation of the contract. The
1240 request must provide quantitative evidence demonstrating how
1241 negative economic conditions in the business's industry have
1242 prevented the business from complying with the terms and
1243 conditions of the contract. The request must also include
1244 proposed adjusted performance conditions that result in new job
1245 creation and meet the requirements of subsection (2). Adjusted
1246 performance conditions may not include any additional waiver
1247 requests.

1248 (b) Within 45 days after receiving a Quick Action Closing
1249 Fund business's request to renegotiate its contract, the
1250 director of the Office of Tourism, Trade, and Economic
1251 Development must provide written notice to the business of
1252 whether the request for renegotiation is granted or denied. In
1253 making such a determination, the director shall consider the
1254 extent to which negative economic conditions in the business's
1255 industry occurred in the state, the proposed adjusted
1256 performance conditions, and the business's efforts to comply
1257 with the contract.

1258 (c) Upon granting a business's request to renegotiate, the
1259 Office of Tourism, Trade, and Economic Development, together
1260 with Enterprise Florida, Inc., shall determine the economic
1261 impact of the adjusted performance conditions and notify the
1262 business of the adjusted award amount associated with the
1263 proposed adjusted performance conditions. The Quick Action
1264 Closing Fund business must renegotiate its contract with the

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1265 Office of Tourism, Trade, and Economic Development for the
1266 adjusted amount and agree to return the difference between the
1267 original Quick Action Closing Fund award and the adjusted award
1268 without interest or penalties. When renegotiating a contract
1269 with a Quick Action Closing Fund business, the Office of
1270 Tourism, Trade, and Economic Development may extend the duration
1271 of the contract for a period not to exceed 2 years. Any funds
1272 returned pursuant to this paragraph shall be reappropriated to
1273 the Office of Tourism, Trade, and Economic Development for the
1274 Quick Action Closing Fund.

1275 (d) This subsection expires June 30, 2011.

1276 (5) Funds appropriated by the Legislature for purposes of
1277 implementing this section shall be placed in reserve and may
1278 only be released pursuant to the legislative consultation and
1279 review requirements set forth in s. 216.177. Notwithstanding s.
1280 216.301, funds appropriated for purposes of implementing this
1281 section, whether released or in reserve, shall not revert on
1282 June 30th of the fiscal year for which the funds are
1283 appropriated but shall revert on June 30th of the second fiscal
1284 year of the appropriation.

1285 Section 12. Paragraph (s) of subsection (2) of section
1286 288.1089, Florida Statutes, is amended to read:

1287 288.1089 Innovation Incentive Program.—

1288 (2) As used in this section, the term:

1289 (k) "Jobs" means full-time equivalent positions,
1290 including, but not limited to, positions obtained from a
1291 temporary employment agency or employee leasing company or
1292 through a union agreement or coemployment under a professional

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1293 ~~employer organization agreement, that as that term is consistent~~
1294 ~~with terms used by the Agency for Workforce Innovation and the~~
1295 ~~United States Department of Labor for purposes of unemployment~~
1296 ~~compensation tax administration and employment estimation,~~
1297 result ~~resulting~~ directly from a project in this state. The term
1298 does not include temporary construction jobs.

1299 (s) "Rural area" means a rural city or, rural community,
1300 ~~or rural county~~ as defined in s. 288.106.

1301 Section 13. Section 290.00677, Florida Statutes, is
1302 amended to read:

1303 290.00677 Rural enterprise zones; special qualifications.-

1304 (1) Notwithstanding the enterprise zone residency
1305 requirements set out in s. 212.096(1)(c), eligible businesses as
1306 defined in ~~by~~ s. 212.096(1)(a), located in rural enterprise
1307 zones as defined in ~~by~~ s. 290.004, may receive the basic minimum
1308 credit provided under s. 212.096 for creating a new job and
1309 hiring a person residing within the jurisdiction of a rural
1310 community ~~county~~, as defined in ~~by~~ s. 288.106(2)(1)(~~r~~). All
1311 other provisions of s. 212.096, including, but not limited to,
1312 those relating to the award of enhanced credits, apply to such
1313 businesses.

1314 (2) Notwithstanding the enterprise zone residency
1315 requirements set out in s. 220.03(1)(q), businesses as defined
1316 in ~~by~~ s. 220.03(1)(c), located in rural enterprise zones as
1317 defined in s. 290.004, may receive the basic minimum credit
1318 provided under s. 220.181 for creating a new job and hiring a
1319 person residing within the jurisdiction of a rural community
1320 ~~county~~, as defined in ~~by~~ s. 288.106(2)(1)(~~r~~). All other

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1321 provisions of s. 220.181, including, but not limited to, those
1322 relating to the award of enhanced credits, apply to such
1323 businesses.

1324 Section 14. Effective July 1, 2010, section 373.441,
1325 Florida Statutes, is amended to read:

1326 373.441 Role of counties, municipalities, and local
1327 pollution control programs in permit processing; delegation.—

1328 (1) The department ~~in consultation with the water~~
1329 ~~management districts~~ shall, by December 1, 1994, adopt rules to
1330 guide the participation of counties, municipalities, and local
1331 pollution control programs in an efficient, streamlined
1332 permitting system. Such rules must ~~shall~~ seek to increase
1333 governmental efficiency, ~~shall~~ maintain environmental standards,
1334 and ~~shall~~ include consideration of ~~the following~~:

1335 (a) Provisions under which the environmental resource
1336 permit program are ~~shall be~~ delegated, upon approval of the
1337 department ~~and the appropriate water management districts~~, only
1338 to a county, municipality, or local pollution control program
1339 that ~~which~~ has the financial, technical, and administrative
1340 capabilities and desire to implement and enforce the program;

1341 (b) Provisions under which a locally delegated permit
1342 program may have stricter environmental standards than state
1343 standards;

1344 (c) Provisions for identifying and reconciling any
1345 duplicative permitting by January 1, 1995;

1346 (d) Provisions for timely and cost-efficient notification
1347 by the reviewing agency of permit applications, and permit
1348 requirements, to counties, municipalities, local pollution

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1349 control programs, the department, or water management districts,
1350 as appropriate;

1351 (e) Provisions for ensuring the consistency of permit
1352 applications with local comprehensive plans;

1353 (f) Provisions for the partial delegation of the
1354 environmental resource permit program to counties,
1355 municipalities, or local pollution control programs, and
1356 standards and criteria to be employed in the implementation of
1357 such delegation by counties, municipalities, and local pollution
1358 control programs;

1359 (g) Special provisions under which the environmental
1360 resource permit program may be delegated to counties having with
1361 populations of 75,000 or fewer less, or municipalities with, or
1362 local pollution control programs serving, populations of 50,000
1363 or fewer less; and

1364 (h) Provisions for the applicability of chapter 120 to
1365 local government programs when the environmental resource permit
1366 program is delegated to counties, municipalities, or local
1367 pollution control programs; and

1368 (i) Provisions for a local government to petition the
1369 Governor and Cabinet for the review of a request for a
1370 delegation of authority which has not been approved or denied
1371 within 1 year after being initiated.

1372 (2) Any denial by the department of a local government's
1373 request for a delegation of authority must provide specific
1374 detail of those statutory or rule provisions that were not
1375 satisfied. Such detail shall also include specific actions that
1376 can be taken in order to allow for the delegation of authority.

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1377 A local government, upon being denied a request for a delegation
1378 of authority, may petition the Governor and Cabinet for a review
1379 of the request. The Governor and Cabinet may reverse the
1380 decision of the department and may provide any necessary
1381 conditions to allow the delegation of authority to occur.

1382 (3) Delegation of authority shall be approved if the local
1383 government meets the requirements set forth in rule 62-344,
1384 Florida Administrative Code. This section does not require a
1385 local government to seek delegation of the environmental
1386 resource permit program.

1387 (4)(2) Nothing in this section affects or modifies land
1388 development regulations adopted by a local government to
1389 implement its comprehensive plan pursuant to chapter 163.

1390 (5)(3) The department shall review environmental resource
1391 permit applications for electrical distribution and transmission
1392 lines and other facilities related to the production,
1393 transmission, and distribution of electricity which are not
1394 certified under ss. 403.52-403.5365, the Florida Electric
1395 Transmission Line Siting Act, regulated under this part.

1396 Section 15. Effective July 1, 2010, subsection (41) is
1397 added to section 403.061, Florida Statutes, to read:

1398 403.061 Department; powers and duties.—The department
1399 shall have the power and the duty to control and prohibit
1400 pollution of air and water in accordance with the law and rules
1401 adopted and promulgated by it and, for this purpose, to:

1402 (41) Expand the use of online self-certification for
1403 appropriate exemptions and general permits issued by the
1404 department or the water management districts if such expansion

Amendment No.

1405 is economically feasible. Notwithstanding any other provisions
1406 of law, a local government may not specify the method or form
1407 for documenting that a project qualifies for an exemption or
1408 meets the requirements for a permit under chapter 161, chapter
1409 253, chapter 373, or this chapter. This preclusion of local
1410 government authority extends to Internet-based department
1411 programs that provide for self-certification.

1412
1413 The department shall implement such programs in conjunction with
1414 its other powers and duties and shall place special emphasis on
1415 reducing and eliminating contamination that presents a threat to
1416 humans, animals or plants, or to the environment.

1417 Section 16. (1) Except as provided in subsection (4), a
1418 development order issued by a local government, building permit,
1419 and any permit issued by the Department of Environmental
1420 Protection or by a water management district pursuant to part IV
1421 of chapter 373, Florida Statutes, which has an expiration date
1422 from September 1, 2008, through January 1, 2012, is extended and
1423 renewed for a period of 2 years following its previously
1424 scheduled date of expiration. This 2-year extension also applies
1425 to build-out dates including any extension of a build-out date
1426 that was granted previously under s. 380.06(19)(c), Florida
1427 Statutes. This section does not prohibit conversion from the
1428 construction phase to the operation phase upon completion of
1429 construction. This extension is in addition to a 2-year permit
1430 extension under s. 14 of chapter 2009-96, Laws of Florida.

1431 (2) The commencement and completion dates for any required
1432 mitigation associated with a phased construction project are

Amendment No.

1433 extended such that mitigation takes place in the same timeframe
1434 relative to the phase as originally permitted.

1435 (3) The holder of a valid permit or other authorization
1436 that is eligible for the 2-year extension must notify the
1437 authorizing agency in writing by December 31, 2010, identifying
1438 the specific authorization for which the holder intends to use
1439 the extension and the anticipated timeframe for acting on the
1440 authorization.

1441 (4) The extension provided for in subsection (1) does not
1442 apply to:

1443 (a) A permit or other authorization under any programmatic
1444 or regional general permit issued by the Army Corps of
1445 Engineers.

1446 (b) A permit or other authorization held by an owner or
1447 operator determined to be in significant noncompliance with the
1448 conditions of the permit or authorization as established through
1449 the issuance of a warning letter or notice of violation, the
1450 initiation of formal enforcement, or other equivalent action by
1451 the authorizing agency.

1452 (c) A permit or other authorization, if granted an
1453 extension that would delay or prevent compliance with a court
1454 order.

1455 (5) Permits extended under this section shall continue to
1456 be governed by rules in effect at the time the permit was
1457 issued, except if it can be demonstrated that the rules in
1458 effect at the time the permit was issued would create an
1459 immediate threat to public safety or health. This provision
1460 applies to any modification of the plans, terms, and conditions

Amendment No.

1461 of the permit which lessens the environmental impact, except
1462 that any such modification does not extend the time limit beyond
1463 2 additional years.

1464 (6) This section does not impair the authority of a county
1465 or municipality to require the owner of a property that has
1466 notified the county or municipality of the owner's intention to
1467 receive the extension of time granted by this section to
1468 maintain and secure the property in a safe and sanitary
1469 condition in compliance with applicable laws and ordinances.

1470 Section 17. (1) The Legislature finds that it is in the
1471 best interests of the state to identify surplus properties and
1472 dispose of properties owned by the state which are unnecessary
1473 to achieving the state's responsibilities which may cost more to
1474 maintain than the revenue generated, which serve no public
1475 purpose, or from which the state could derive a substantially
1476 similar public purpose under private ownership.

1477 (2) On or before July 1, 2010, and annually thereafter,
1478 all state agencies owning or operating state-owned real property
1479 shall submit inventory data to the Department of Environmental
1480 Protection in a format prescribed by the department.

1481 (3) By October 1, 2010, and annually thereafter, the
1482 Department of Environmental Protection shall submit to the
1483 Governor, the President of the Senate, and the Speaker of the
1484 House of Representatives a report that lists state-owned real
1485 property recommended for disposition.

1486 Section 18. Except as otherwise provided, this act shall
1487 take effect upon becoming a law.

1488

Amendment No.

T I T L E A M E N D M E N T

Remove the entire title and insert:

An act relating to economic development; amending s. 125.045, F.S.; requiring an agency or entity that receives county funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the county to include the report in its annual financial audit; requiring counties to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Relations or successor entity; amending s. 159.803, F.S.; conforming cross-references; amending s. 166.021, F.S.; requiring an agency or entity that receives municipal funds for economic development purposes pursuant to a contract to submit a report on the use of the funds; requiring the municipality to include the report in its annual financial audit; requiring municipalities to report on the provision of economic development incentives to businesses to the Legislative Committee on Intergovernmental Affairs or successor entity; amending s. 196.1995, F.S.; authorizing counties and municipalities to extend economic development ad valorem tax exemptions under certain circumstances; amending s. 220.191, F.S.; conforming cross-references; amending s. 288.018, F.S.; revising the allowable uses for matching grants awarded under the Regional Rural Development Grants Program; amending s. 288.1045, F.S.; revising the definition of

Amendment No.

1517 "jobs"; amending s. 288.106, F.S.; providing legislative
1518 findings and declarations; revising and providing
1519 definitions; revising the amounts of tax refund payments
1520 allowable under the tax refund program for qualified
1521 target industry businesses; revising criteria for the
1522 waiver of wage requirements under the tax refund program
1523 for qualified target industry businesses; establishing a
1524 schedule for the Office of Tourism, Trade, and Economic
1525 Development to review and revise the list of target
1526 industries and submit a report to the Governor and
1527 Legislature; revising the criteria for evaluating
1528 applications for the program; requiring consideration of
1529 the state's return on investment in evaluating
1530 applications for participation in the program; requiring
1531 the Office of Economic and Demographic Research to submit
1532 reports to the Legislature evaluating the calculation of
1533 the state's return on investment for the program;
1534 requiring that additional provisions be included in tax
1535 refund agreements; redesignating the economic-stimulus
1536 exemption as the "economic recovery extension"; revising
1537 the date by which qualified target industry businesses may
1538 request economic recovery extensions; authorizing waiver
1539 of a requirement that qualified target industry businesses
1540 annually provide proof of taxes paid under certain
1541 conditions; requiring the Office of Tourism, Trade, and
1542 Economic Development to submit reports to the Governor and
1543 Legislature concerning the failure of qualified target
1544 industry businesses to complete their tax refund

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1509 (2010)

Amendment No.

1545 | agreements; deleting obsolete provisions; revising the
1546 | date by which a target industry business may be certified
1547 | as qualified for the program; conforming cross-references;
1548 | amending s. 288.107, F.S.; conforming cross-references;
1549 | revising the definition of "jobs"; amending s. 288.108,
1550 | F.S.; redefining the term "eligible high-impact business"
1551 | for purposes of high-impact sector performance grants;
1552 | revising the guidelines for negotiating the award of high-
1553 | impact sector performance grants; revising the definition
1554 | of "jobs"; amending s. 288.1088, F.S.; revising the
1555 | process for legislative consultation and review of Quick
1556 | Action Closing Fund projects; authorizing certain Quick
1557 | Action Closing Fund businesses to request renegotiation of
1558 | their contracts; providing for review and approval of the
1559 | requests; providing for the return of funds under certain
1560 | circumstances; providing for the reappropriation of
1561 | returned funds; providing for expiration; requiring that
1562 | certain funds be placed in reserve; providing for the
1563 | release of funds; providing for the reversion of funds;
1564 | amending s. 288.1089, F.S.; conforming provisions to
1565 | changes made by the act; revising the definition of
1566 | "jobs"; amending s. 290.00677, F.S.; conforming provisions
1567 | to changes made by the act; amending s. 373.441, F.S.;
1568 | revising provisions relating to adoption of rules relating
1569 | to permitting; requiring the Department of Environmental
1570 | Protection to adopt rules that authorize a local
1571 | government to petition the Governor and Cabinet for
1572 | certain delegation requests; requiring the Department of

Amendment No.

1573 Environmental Protection detail the statutes or rules that
1574 were not satisfied by a local government that made a
1575 request for delegation and to detail actions that could be
1576 taken to allow for delegation; authorizing a local
1577 government to petition the Governor and Cabinet to review
1578 the denial of a delegation request; providing that a
1579 delegation of authority must be approved if it meets
1580 certain rule requirements; amending s. 403.061, F.S.;
1581 directing the Department of Environmental Protection to
1582 expand the use of online self-certification for certain
1583 exemptions and permits; limiting the authority of a local
1584 government the method or form for documenting that a
1585 project qualifies for an exemption or meets the
1586 requirements for a permit; extending the expiration dates
1587 of certain permits issued by the Department of
1588 Environmental Protection or a water management district;
1589 extending certain previously granted build-out dates;
1590 providing an effective date.
1591

Amendment No. 1a

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
 ADOPTED AS AMENDED (Y/N)
 ADOPTED W/O OBJECTION (Y/N)
 FAILED TO ADOPT (Y/N)
 WITHDRAWN (Y/N)
 OTHER

1 Council/Committee hearing bill: Finance & Tax Council
 2 Representative(s) ~~Aubuchon~~ offered the following:

Alder

4 **Amendment to Amendment (1) by Representative Weatherford**
 5 **(with title amendment)**

6 Between lines 95 and 96, insert:

7 Section 2. Subsection (6) of section 212.20, Florida
 8 Statutes, is amended to read:

10 212.20 Funds collected, disposition; additional powers of
 11 department; operational expense; refund of taxes adjudicated
 12 unconstitutionally collected.-

13 (6) Distribution of all proceeds under this chapter and s.
 14 202.18(1)(b) and (2)(b) shall be as follows:

15 (a) Proceeds from the convention development taxes
 16 authorized under s. 212.0305 shall be reallocated to the
 17 Convention Development Tax Clearing Trust Fund.

Amendment No. 1a

18 (b) Proceeds from discretionary sales surtaxes imposed
19 pursuant to ss. 212.054 and 212.055 shall be reallocated to the
20 Discretionary Sales Surtax Clearing Trust Fund.

21 (c) Proceeds from the fees imposed under ss.
22 212.05(1)(h)3. and 212.18(3) shall remain with the General
23 Revenue Fund.

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

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

33 2. After the distribution under subparagraph 1., 8.814
34 percent of the amount remitted by a sales tax dealer located
35 within a participating county pursuant to s. 218.61 shall be
36 transferred into the Local Government Half-cent Sales Tax
37 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
38 transferred shall be reduced by 0.1 percent, and the department
39 shall distribute this amount to the Public Employees Relations
40 Commission Trust Fund less \$5,000 each month, which shall be
41 added to the amount calculated in subparagraph 3. and
42 distributed accordingly.

43 3. After the distribution under subparagraphs 1. and 2.,
44 0.095 percent shall be transferred to the Local Government Half-

Amendment No. 1a

45 cent Sales Tax Clearing Trust Fund and distributed pursuant to
46 s. 218.65.

47 4. After the distributions under subparagraphs 1., 2., and
48 3., 2.0440 percent of the available proceeds shall be
49 transferred monthly to the Revenue Sharing Trust Fund for
50 Counties pursuant to s. 218.215.

51 5. After the distributions under subparagraphs 1., 2., and
52 3., 1.3409 percent of the available proceeds shall be
53 transferred monthly to the Revenue Sharing Trust Fund for
54 Municipalities pursuant to s. 218.215. If the total revenue to
55 be distributed pursuant to this subparagraph is at least as
56 great as the amount due from the Revenue Sharing Trust Fund for
57 Municipalities and the former Municipal Financial Assistance
58 Trust Fund in state fiscal year 1999-2000, no municipality shall
59 receive less than the amount due from the Revenue Sharing Trust
60 Fund for Municipalities and the former Municipal Financial
61 Assistance Trust Fund in state fiscal year 1999-2000. If the
62 total proceeds to be distributed are less than the amount
63 received in combination from the Revenue Sharing Trust Fund for
64 Municipalities and the former Municipal Financial Assistance
65 Trust Fund in state fiscal year 1999-2000, each municipality
66 shall receive an amount proportionate to the amount it was due
67 in state fiscal year 1999-2000.

68 6. Of the remaining proceeds:

69 a. In each fiscal year, the sum of \$29,915,500 shall be
70 divided into as many equal parts as there are counties in the
71 state, and one part shall be distributed to each county. The
72 distribution among the several counties must begin each fiscal

Amendment No. 1a

73 year on or before January 5th and continue monthly for a total
74 of 4 months. If a local or special law required that any moneys
75 accruing to a county in fiscal year 1999-2000 under the then-
76 existing provisions of s. 550.135 be paid directly to the
77 district school board, special district, or a municipal
78 government, such payment must continue until the local or
79 special law is amended or repealed. The state covenants with
80 holders of bonds or other instruments of indebtedness issued by
81 local governments, special districts, or district school boards
82 before July 1, 2000, that it is not the intent of this
83 subparagraph to adversely affect the rights of those holders or
84 relieve local governments, special districts, or district school
85 boards of the duty to meet their obligations as a result of
86 previous pledges or assignments or trusts entered into which
87 obligated funds received from the distribution to county
88 governments under then-existing s. 550.135. This distribution
89 specifically is in lieu of funds distributed under s. 550.135
90 before July 1, 2000.

91 b. The department shall distribute \$166,667 monthly
92 pursuant to s. 288.1162 to each applicant that has been
93 certified as a "facility for a new professional sports
94 franchise" or a "facility for a retained professional sports
95 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
96 distributed monthly by the department to each applicant that has
97 been certified as a "facility for a retained spring training
98 franchise" pursuant to s. 288.1162; however, not more than
99 \$416,670 may be distributed monthly in the aggregate to all
100 certified facilities for a retained spring training franchise.

Amendment No. 1a

101 Distributions must begin 60 days following such certification
102 and shall continue for not more than 30 years. This paragraph
103 may not be construed to allow an applicant certified pursuant to
104 s. 288.1162 to receive more in distributions than actually
105 expended by the applicant for the public purposes provided for
106 in s. 288.1162(6).

107 c. Beginning 30 days after notice by the Office of
108 Tourism, Trade, and Economic Development to the Department of
109 Revenue that an applicant has been certified as the professional
110 golf hall of fame pursuant to s. 288.1168 and is open to the
111 public, \$166,667 shall be distributed monthly, for up to 300
112 months, to the applicant.

113 d. Beginning 30 days after notice by the Office of
114 Tourism, Trade, and Economic Development to the Department of
115 Revenue that the applicant has been certified as the
116 International Game Fish Association World Center facility
117 pursuant to s. 288.1169, and the facility is open to the public,
118 \$83,333 shall be distributed monthly, for up to 168 months, to
119 the applicant. This distribution is subject to reduction
120 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
121 made, after certification and before July 1, 2000.

122 e. Beginning when the National Swimming Center at Cape
123 Coral is open to the public, but no earlier than July 1, 2012,
124 \$125,000 shall be distributed monthly, for up to 240 months, to
125 the National Swimming Center at Cape Coral.

126 7. All other proceeds must remain in the General Revenue
127 Fund.

128

Amendment No. 1a

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T I T L E A M E N D M E N T

Remove line 1512 and insert:

under certain circumstances; amending s. 212.20, F.S.; providing
for distribution of proceeds; amending s. 220.191, F.S.;

Amendment No. 2a

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT / (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER

1 Council/Committee hearing bill: Finance & Tax Council
2 Representative(s) Fitzgerald offered the following:

3
4 **Amendment to Amendment (1) by Representative Weatherford**
5 **(with title amendment)**

6 Between lines 247 and 248, insert:

7 Section 7. Effective July 1, 2010, section 288.064,
8 Florida Statutes, is created to read:

9 288.064 Small Business Sustainability Program.—

10 (1) The Small Business Sustainability Program is
11 established within the Office of Tourism, Trade, and Economic
12 Development to facilitate the use of existing federal, state,
13 and local financial resources by providing local governments and
14 nonprofit organizations with the financial assistance to sustain
15 small businesses during times of economic distress. Funds
16 appropriated for the program may be used to match or guarantee
17 loans made available by the federal Small Business
18 Administration or other governmental entities.

Amendment No. 2a

19 (2) (a) The program shall provide for short-term or long-
20 term loans, loan guarantees, and loan-loss reserves to
21 facilitate loans to small businesses. As used in this section,
22 the term "small business" means any business with 10 or fewer
23 employees.

24 (b) A request for a loan or loan guarantee must be made by
25 application to the Office of Tourism, Trade, and Economic
26 Development. A loan or loan guarantee shall be made pursuant to
27 agreements specifying the terms and conditions agreed to between
28 the applicant and the Office of Tourism, Trade, and Economic
29 Development. A loan or loan guarantee is a legal obligation of
30 the applicant. All repayments of principal and interest shall be
31 returned to the loan fund and made available for loans to other
32 applicants. Preference for loans or loan guarantees shall be
33 given first to meet matching requirements of the Small Business
34 Administration or other federal entity making or guaranteeing
35 loans to small businesses.

36 (3) The Office of Tourism, Trade, and Economic Development
37 shall manage the funds and establish loan and loan guarantee
38 practices that include, but are not limited to, procedures for
39 establishing loan interest rates, uses of funding, application
40 procedures, and application review procedures. The Office of
41 Tourism, Trade, and Economic Development has the final authority
42 to approve any loan or guarantee provided under this section.

43 (4) Notwithstanding s. 216.301, any undisbursed balance of
44 the funds appropriated for the program at the end of a fiscal
45 year do not revert but shall be carried forward and remain

Amendment No. 2a

46 available for expenditure for the program during the following
47 fiscal year.

48 (5) The Office of Tourism, Trade, and Economic Development
49 may adopt rules to administer this section.

50 Section 8. Effective July 1, 2010, the sum of \$25 million
51 is appropriated from the General Revenue Fund to the Office of
52 Tourism, Trade, and Economic Development for the purpose of
53 administering the Small Business Sustainability Program pursuant
54 to s. 288.064, Florida Statutes, during the 2010-2011 fiscal
55 year.

56
57
58
59 -----
60 **T I T L E A M E N D M E N T**

61 Remove line 1515 and insert:
62 under the Regional Rural Development Grants Program; creating s.
63 288.064, F.S.; establishing the Small Business Sustainability
64 Program in the Office of Tourism, Trade, and Economic
65 Development; providing for the award of loans and loan
66 guarantees to small businesses; providing for administration of
67 the program; providing for the carryforward of undisbursed
68 funds; authorizing the office to adopt rules; providing an
69 appropriation

Amendment No. 3a

COUNCIL/COMMITTEE ACTION

ADOPTED (Y/N)
ADOPTED AS AMENDED (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT (Y/N)
WITHDRAWN (Y/N)
OTHER

1 Council/Committee hearing bill: Finance & Tax Council
2 Representative(s) Fitzgerald offered the following:

3
4 **Amendment to Amendment (1) by Representative Weatherford**
5 **(with title amendment)**

6 Between lines 1485 and 1486, insert:

7 Section 18. Effective July 1, 2010:

8 (1) The sum of \$17 million is appropriated from the
9 General Revenue Fund to the Department of Environmental
10 Protection for the purpose of carrying out the Drinking Water
11 State Revolving Fund Program established pursuant to s.
12 403.8532, Florida Statutes, during the 2010-2011 fiscal year.

13 (2) The sum of \$22 million is appropriated from the
14 General Revenue Fund to the Department of Environmental
15 Protection for the purpose of carrying out the Clean Water State
16 Revolving Fund Program established pursuant to s. 403.1835,
17 Florida Statutes, during the 2010-2011 fiscal year.

Amendment No. 3a

20

21

22

T I T L E A M E N D M E N T

23

Remove line 1590 and insert:

24

Providing appropriations; providing an effective date.

Amendment No. 4a

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/> (Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/> (Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/> (Y/N)
FAILED TO ADOPT	<input type="checkbox"/> (Y/N)
WITHDRAWN	<input type="checkbox"/> (Y/N)
OTHER	<input type="checkbox"/>

1 Council/Committee hearing bill: Finance & Tax Council

2 Representative(s) ~~Aubuchon~~ offered the following:

Holder

3
4 **Amendment to Amendment (1) by Representative Weatherford**
5 **(with title amendment)**

6 Between lines 95 and 96, insert:

7 Section 2. Subsection (6) of section 212.20, Florida
8 Statutes, is amended to read:

9
10 212.20 Funds collected, disposition; additional powers of
11 department; operational expense; refund of taxes adjudicated
12 unconstitutionally collected.-

13 (6) Distribution of all proceeds under this chapter and s.
14 202.18(1)(b) and (2)(b) shall be as follows:

15 (a) Proceeds from the convention development taxes
16 authorized under s. 212.0305 shall be reallocated to the
17 Convention Development Tax Clearing Trust Fund.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1509 (2010)

Amendment No. 4a

18 (b) Proceeds from discretionary sales surtaxes imposed
19 pursuant to ss. 212.054 and 212.055 shall be reallocated to the
20 Discretionary Sales Surtax Clearing Trust Fund.

21 (c) Proceeds from the fees imposed under ss.
22 212.05(1)(h)3. and 212.18(3) shall remain with the General
23 Revenue Fund.

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

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

33 2. After the distribution under subparagraph 1., 8.814
34 percent of the amount remitted by a sales tax dealer located
35 within a participating county pursuant to s. 218.61 shall be
36 transferred into the Local Government Half-cent Sales Tax
37 Clearing Trust Fund. Beginning July 1, 2003, the amount to be
38 transferred shall be reduced by 0.1 percent, and the department
39 shall distribute this amount to the Public Employees Relations
40 Commission Trust Fund less \$5,000 each month, which shall be
41 added to the amount calculated in subparagraph 3. and
42 distributed accordingly.

43 3. After the distribution under subparagraphs 1. and 2.,
44 0.095 percent shall be transferred to the Local Government Half-

Amendment No. 4a

45 cent Sales Tax Clearing Trust Fund and distributed pursuant to
46 s. 218.65.

47 4. After the distributions under subparagraphs 1., 2., and
48 3., 2.0440 percent of the available proceeds shall be
49 transferred monthly to the Revenue Sharing Trust Fund for
50 Counties pursuant to s. 218.215.

51 5. After the distributions under subparagraphs 1., 2., and
52 3., 1.3409 percent of the available proceeds shall be
53 transferred monthly to the Revenue Sharing Trust Fund for
54 Municipalities pursuant to s. 218.215. If the total revenue to
55 be distributed pursuant to this subparagraph is at least as
56 great as the amount due from the Revenue Sharing Trust Fund for
57 Municipalities and the former Municipal Financial Assistance
58 Trust Fund in state fiscal year 1999-2000, no municipality shall
59 receive less than the amount due from the Revenue Sharing Trust
60 Fund for Municipalities and the former Municipal Financial
61 Assistance Trust Fund in state fiscal year 1999-2000. If the
62 total proceeds to be distributed are less than the amount
63 received in combination from the Revenue Sharing Trust Fund for
64 Municipalities and the former Municipal Financial Assistance
65 Trust Fund in state fiscal year 1999-2000, each municipality
66 shall receive an amount proportionate to the amount it was due
67 in state fiscal year 1999-2000.

68 6. Of the remaining proceeds:

69 a. In each fiscal year, the sum of \$29,915,500 shall be
70 divided into as many equal parts as there are counties in the
71 state, and one part shall be distributed to each county. The
72 distribution among the several counties must begin each fiscal

Amendment No. 4a

73 | year on or before January 5th and continue monthly for a total
74 | of 4 months. If a local or special law required that any moneys
75 | accruing to a county in fiscal year 1999-2000 under the then-
76 | existing provisions of s. 550.135 be paid directly to the
77 | district school board, special district, or a municipal
78 | government, such payment must continue until the local or
79 | special law is amended or repealed. The state covenants with
80 | holders of bonds or other instruments of indebtedness issued by
81 | local governments, special districts, or district school boards
82 | before July 1, 2000, that it is not the intent of this
83 | subparagraph to adversely affect the rights of those holders or
84 | relieve local governments, special districts, or district school
85 | boards of the duty to meet their obligations as a result of
86 | previous pledges or assignments or trusts entered into which
87 | obligated funds received from the distribution to county
88 | governments under then-existing s. 550.135. This distribution
89 | specifically is in lieu of funds distributed under s. 550.135
90 | before July 1, 2000.

91 | b. The department shall distribute \$166,667 monthly
92 | pursuant to s. 288.1162 to each applicant that has been
93 | certified as a "facility for a new professional sports
94 | franchise" or a "facility for a retained professional sports
95 | franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
96 | distributed monthly by the department to each applicant that has
97 | been certified as a "facility for a retained spring training
98 | franchise" pursuant to s. 288.1162; however, not more than
99 | \$416,670 may be distributed monthly in the aggregate to all
100 | certified facilities for a retained spring training franchise.

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1509 (2010)

Amendment No. 4a

101 Distributions must begin 60 days following such certification
102 and shall continue for not more than 30 years. This paragraph
103 may not be construed to allow an applicant certified pursuant to
104 s. 288.1162 to receive more in distributions than actually
105 expended by the applicant for the public purposes provided for
106 in s. 288.1162(6).

107 c. Beginning 30 days after notice by the Office of
108 Tourism, Trade, and Economic Development to the Department of
109 Revenue that an applicant has been certified as the professional
110 golf hall of fame pursuant to s. 288.1168 and is open to the
111 public, \$166,667 shall be distributed monthly, for up to 300
112 months, to the applicant.

113 d. Beginning 30 days after notice by the Office of
114 Tourism, Trade, and Economic Development to the Department of
115 Revenue that the applicant has been certified as the
116 International Game Fish Association World Center facility
117 pursuant to s. 288.1169, and the facility is open to the public,
118 \$83,333 shall be distributed monthly, for up to 168 months, to
119 the applicant. This distribution is subject to reduction
120 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
121 made, after certification and before July 1, 2000.

122 e. Beginning when the National Swimming Center at Cape
123 Coral is open to the public, but no earlier than July 1, 2012,
124 subject to legislative appropriation, \$125,000 shall be
125 distributed monthly, for up to 240 months, to the National
126 Swimming Center at Cape Coral.

127 7. All other proceeds must remain in the General Revenue
128 Fund.

Amendment No. 4a

129

130

131

132

T I T L E A M E N D M E N T

133

Remove line 1512 and insert:

134

under certain circumstances; amending s. 212.20, F.S.; providing

135

for distribution of proceeds; amending s. 220.191, F.S.;

COUNCIL/COMMITTEE AMENDMENT

Bill No. CS/HB 1509 (2010)

Amendment No. 5a

19 Florida Statutes. The division shall adopt rules to administer
20 this section.

COUNCIL MEETING REPORT

Finance & Tax Council

4/14/2010 9:15:00AM

Location: 404 HOB

HB 7213 : Capital Formation for Infrastructure Projects

Favorable With Council Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Gary Aubuchon			X		
Mackenson Bernard	X				
Chris Dorworth	X				
Keith Fitzgerald	X				
Erik Fresen	X				
Doug Holder	X				
Kurt Kelly	X				
H. Marlene O'Toole	X				
Ron Schultz			X		
William Snyder	X				
Perry Thurston		X			
John Tobia	X				
James Waldman		X			
Michael Weinstein	X				
Ellyn Setnor Bogdanoff (Chair)	X				
Total Yeas: 12		Total Nays: 2			

Appearances:

Florida Infrastructure Fund
Louis Laubscher - Proponent
FL Opportunity Fund/Enterprise Florida
800 N. Magnolia Avenue
Orlando FL
Phone: (407) 956-5631

Committee meeting was reported out: Wednesday, April 14, 2010 12:59:28PM

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7213 (2010)

Amendment No. 1

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Finance and Tax
2 Representative(s) Eisnaugle offered the following:

3
4
5
6
7

Amendment

Remove line 163 and insert:

1. That fulfills a critical infrastructure need in the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7213 (2010)

Amendment No. 2

COUNCIL/COMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Finance & Tax Council

2 Representative(s) Eisnaugle offered the following:

3

4 **Amendment**

5 Remove lines 302-303 and insert:

6 2. Have the

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7213 (2010)

Amendment No. 3

COUNCIL/COMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Council/Committee hearing bill: Finance and Tax
2 Representative(s) Eisnaugle offered the following:

3

4 **Amendment**

5 Remove lines 340-343 and insert:
6 of the date of the partnership's notice.

Amendment No. 4

COUNCIL/COMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Finance and Tax
 2 Representative(s) Eisnaugle offered the following:

Amendment

5 Remove lines 379-384 and insert:

6 (7) (a) The Department of Revenue may not issue more than
 7 \$350 million in tax credits. The Trust may not approve tax
 8 credits in excess of the total capital invested through
 9 commitment agreements.

10 (b) The amount of tax credits that may be applied or
 11 claimed against state taxes in any one state fiscal year by a
 12 tax credit owner may not exceed an amount equal to \$87.5 million
 13 multiplied by a fraction the numerator of which is the amount of
 14 credits issued to such owner by the Department of Revenue and
 15 the denominator of which is the amount of all credits issued by
 16 the Department Revenue to all tax credit owners.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HB 7213 (2010)

Amendment No. 5

COUNCIL/COMMITTEE ACTION

ADOPTED	<input checked="" type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Council/Committee hearing bill: Finance & Tax Council
2 Representative(s) Eisnaugle offered the following:

3

4 **Amendment**

5 Between lines 412 and 413, insert:

6 (9) The provisions of Chapter 517 do not apply to the
7 certificates and credits transferred or sold pursuant to this
8 section.

9