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# Rules & Policy Committee

Monday, March 6, 2017

3:00 p.m.

Sumner Hall (404 HOB)

## MEETING PACKET

Richard Corcoran  
Speaker

Jose Oliva  
Chair

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

(AMENDED 3/3/2017 5:48:39PM)

Amended(1)

### Rules & Policy Committee

**Start Date and Time:** Monday, March 06, 2017 03:00 pm  
**End Date and Time:** Monday, March 06, 2017 06:00 pm  
**Location:** Sumner Hall (404 HOB)  
**Duration:** 3.00 hrs

#### Consideration of the following bill(s):

HB 9 Florida Tourism Industry Marketing Corporation by Renner  
CS/HB 7005 Economic Programs by Appropriations Committee, Careers & Competition Subcommittee, Renner

#### Actionable Items

Set Special Order Calendar(s)

Consideration of Recommendation to amend House Rule 5.14

**NOTICE FINALIZED on 03/03/2017 5:48PM by Hunter.Robert**



## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Careers & Competition Subcommittee	10 Y, 5 N	Willson	Anstead
1) Appropriations Committee	18 Y, 12 N, As CS	Proctor	Leznoff
2) Rules & Policy Committee		Hamby	Birtman

### SUMMARY ANALYSIS

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

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

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

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

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

The bill provides a recurring appropriation of \$25 million for the Florida Tourism Industry Marketing Corporation.

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

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h7005b.RPC

**DATE:** 2/28/2017

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

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

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

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

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

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

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

- ensuring that Florida's goals and policies relating to economic development, community planning and development, workforce development, and affordable housing are fully integrated with appropriate implementation strategies;
- recruiting new businesses to Florida and promoting the expansion of businesses by expediting permitting and location decisions, worker placement and training, and incentive awards;

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

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

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

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

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

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

- promoting viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities;
- coordinating with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval; and
- managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of various programs.<sup>7</sup>

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

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

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

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

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

According to a recent report<sup>13</sup> published by the Office of Program Policy Analysis and Government Accountability (OPPAGA), state funding has always far exceeded private sector funding.<sup>14</sup> Specifically, private sector cash contributions during the review period<sup>15</sup> rarely exceeded \$2 million,

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

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

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

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

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

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

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

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

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

while state appropriations averaged about \$20 million per year. Funds from other private sources (e.g., event revenue, other income) averaged approximately \$2.7 million per year.

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

EFI has the following duties:

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

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

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

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

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

Florida law directs the board of directors to "integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic

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

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

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

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

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

opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy."<sup>21</sup> To that end, Florida law authorizes the Board to:

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

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

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

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

VF's primary responsibilities include:

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

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

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

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

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

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

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



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

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

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

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

### **Economic Development Incentives**

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

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

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

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

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

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

<sup>29</sup> *Id.*

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

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

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

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

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

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

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**Tax Credits, Tax Refunds, Cash Grants**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Brownfield Redevelopment Bonus Refund**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

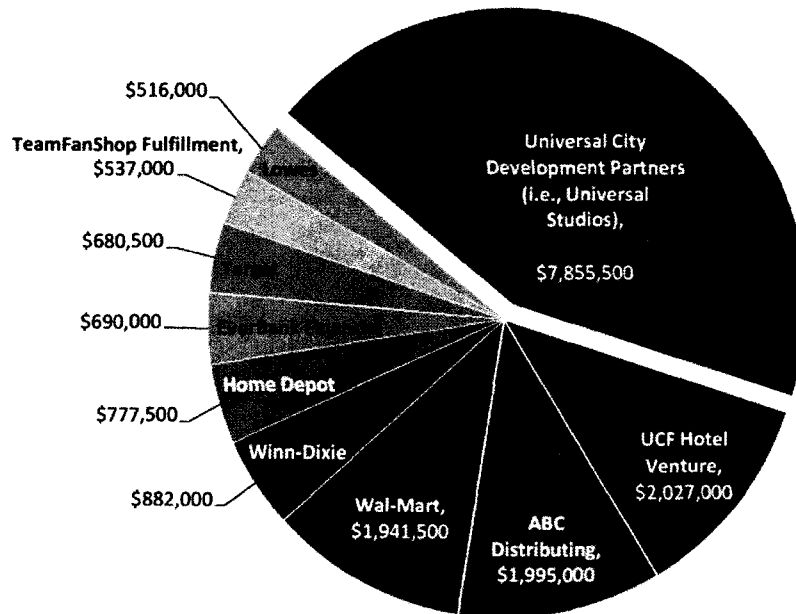
<sup>60</sup> s. 212.097(10)(c), F.S.

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

### **New Markets Development Program**

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Within seven business days of evaluating a project, DEO must recommend to the Governor that a project be approved or disapproved for an award. The Governor is authorized to award projects less

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

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

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

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

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

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

than \$2 million without Legislative approval. For project awards between \$2 million and \$5 million, the Governor must provide a written description and evaluation of a project award to the chair and vice chair of the LBC at least ten days prior to giving final approval for a project award. Project awards over \$5 million must be approved by the LBC prior to funds being released. Following approval, DEO is required to enter into a contract with the business which specifies the conditions for payment of funds.<sup>101</sup> The contract must include the total amount of funds awarded, the performance conditions for the project,<sup>102</sup> a baseline of current service with a measure of enhanced capability following the project, methodology for measuring performance, the schedule of payments, and sanctions for failure to meet performance conditions.<sup>103</sup>

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

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

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

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

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

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

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

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

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

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

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

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

Upon approval, DEO and the award recipient must enter into an agreement that specifies the amount of the award, the performance conditions and measures, and a schedule of payments and sanctions for failure to comply with performance conditions, including claw back provisions. Agreements signed on or after July 1, 2009, must also include, among other things, provisions related to job creation, reinvestment of royalty revenues, reporting requirements, and a process for amending the agreement.

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

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

## **OTHER INCENTIVES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Economic Gardening

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

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

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

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

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

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

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

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

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

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

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

### **Microfinance Loan Guarantee Program**

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

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

### **Sports Programs**

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Professional Sports Franchise Program**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Spring Training Baseball Franchise Program**

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

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

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

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

Currently, under s. 218.64(3), F.S., counties may use up to \$3 million annually of the local government half-cent sales tax allocated to that county for a number of purposes, including, as specified in s. 218.64(3)(a), F.S., "funding a certified applicant as a facility for a new or retained

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

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

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

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

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

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

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

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

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

professional sports franchise under s. 288.1162, F.S., or a certified applicant as defined in s. 288.11621, F.S., for a facility for a spring training franchise.”<sup>149</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **Sports Development Program**

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

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

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

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

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

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

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

The number of certified professional sports franchises, both new and retained, is limited to eight total franchises.

The statute tasks DEO with screening applications and provides two distinct application processes. The general application and approval process, found in s. 288.11625(4), F.S., includes a competitive evaluation and ranking component. The special application process, found in subsection s. 288.11625(11), F.S., modifies the general application and approval process by providing a separate process for any applications for new facilities or projects commenced between March 1, 2013, and July 1, 2014. The special application process specifically omits a competitive evaluation and ranking component and also permits the LBC, rather than the Legislature, to “approve” applications.

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

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

No applications have been approved under this program.

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

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

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

### **Entertainment Industry Incentives**

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

The Office of Film and Entertainment (OFE) within the DEO develops, markets, promotes, and provides services to Florida’s entertainment industry, including serving as a liaison between the industry and government entities and facilitating access to filming locations.<sup>161</sup> The Commissioner of Film and Entertainment is selected through a national search and must meet certain qualifications.

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

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

The OFE is assisted by the Florida Film and Entertainment Advisory Council (council), which is composed of seventeen members, of which seven members are appointed by the Governor, and five members each are appointed by the President of the Senate and the Speaker of the House of Representatives.<sup>162</sup>

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

### Entertainment Industry Incentive Programs

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

## **Other Programs**

### **Florida Opportunity Fund**

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

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

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

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

State law requires that the FOF invest in venture capital funds that are either based in the state, have a record of successful investments in the state, or have an office in the state staffed with a full-time professional investment executive. Similarly, federal law requires that all direct investments through

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

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

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

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

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

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

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

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

the Clean Energy Investment Program and Florida Venture Capital Program be awarded to companies with a Florida nexus.

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

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

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

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

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

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

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

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

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

## Florida Technology Seed Capital Fund

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Economic Development Transportation Projects (Road Fund)

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

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

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

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

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

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

Funds for approved transportation projects may be used for expenses that are necessary for building new, or improving existing, transportation facilities, as well as administrative costs and equipment purchases specified in the contract. Funds may not be expended for the relocation of a business from one community to another community within the state unless DOT determines that, without the relocation, the business will move outside the state or determines that the business has a compelling

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

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

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

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

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

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

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

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

economic reason for the relocation, such as creating additional jobs.<sup>195</sup> Approved projects are terminated if construction does not begin within four years after the date of the initial grant award.

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

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

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

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

## **International Trade & Development**

### **Export Assistance Program**

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

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

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

- **Target Sector Grants**  
Eligible companies may be reimbursed up to \$6,000 for expenses at qualified trade shows or exhibitions around the world. To qualify, the company must be in one of the following target sectors: Aviation & Aerospace, Clean Energy, Homeland Security & Defense, Life Sciences, Marine Industry, Professional Services (Healthcare, Architecture/Engineering, Software Development), or Manufacturing.
- **Gold Key/Matchmaker Grants**  
Companies are provided an opportunity to meet with pre-screened and pre-qualified potential buyers, importers, agents, and others with an interest in the companies' products or services. The grant covers up to \$1,000 for the cost of the matchmaking services. To qualify, the firm

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

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

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

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

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

must be in a qualified target sector (same as Target Sector Trade Grants) and either a new exporter, new to the interested foreign market, or an infrequent exporter (i.e., less than 50 export shipments per year).

- Export Marketing Plan Scholarship

Eligible companies receive a \$3,530 grant to cover the cost of a customized export marketing plan done by a Small Business Development International Trade Specialist. The export marketing plan provides the company with an in-depth strategic assessment of the firm's export opportunities. The company must be an infrequent exporter to qualify and personally cover \$500 of the cost of the plan.

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

### International Offices Program

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

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

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

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

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

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

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

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

## **Trust Funds**

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

Under current law, funds transferred from local governments for the purposes of the local financial support requirements of the QDSC and the QTI programs are deposited in the Economic Development Incentives Account within the Economic Development Trust Fund. Economic Development Incentives Account funds can only be used to pay tax refunds and make other payments authorized for the QDSC, QTI, and Brownfield Redevelopment Tax Refund programs.<sup>205</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The Capital Investment Tax Credit (CITC) established under s. 220.191, F.S.;
- The Qualified Target Industry Tax Refund (QTI) established under s. 288.106, F.S.;
- The Brownfield Redevelopment Bonus Refund (BFR) established under s. 288.107, F.S.;
- High-Impact Business Performance Grants (HIPI) established under s. 288.108, F.S.;
- The Quick Action Closing Fund (QACF) established under s. 288.1088, F.S.;
- The Innovation Incentive Program (IIP) established under s. 288.1089, F.S.;
- Enterprise Zone Program (EZ) incentives established under ss. 212.08(5) and (15), F.S.; and
- The New Markets Development Program established under ss. 288.991-288.992, F.S..<sup>214</sup>

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

## Effect of Proposed Changes

### Repeals

The bill repeals the following sections of Florida Statutes:

20.601	Agency Review; Department of Economic Opportunity.
212.0602	Education; limited exemption.
212.097	Urban High-Crime Area Job Tax Credit Program.

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

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

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

<http://edr.state.fl.us/Content/returnoninvestment/>

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220.1899	Entertainment industry tax credit.
220.191	Capital investment tax credit.
288.001	Florida Small Business Development Center Network.
288.012	State of Florida international offices, state protocol officer, and protocol manual.
288.017	Cooperative advertising matching grants program.
288.046	Quick-response training for economic development.
288.1045	Qualified defense contractor and space flight business tax refund program.
288.106	Tax Refund Program for Qualified Target Industry Businesses.
288.107	Brownfield Redevelopment Bonus Refunds.
288.108	High-Impact Business Program.
288.1081	Economic Gardening Business Loan and Technical Assistance Pilot Programs.
288.1088	Quick Action Closing Fund.
288.1089	Innovation Incentive Program.
288.111	Information concerning local manufacturing development programs.
288.1162	Professional Sports Franchises.
288.11621	Spring Training Baseball Franchises.
288.11625	Sports development.
288.11631	Retention of Major League Baseball Spring Training Baseball Franchises.
288.1169	International Game Fish Association World Center facility.
288.1201	State Economic Enhancement and Development Trust Fund.
288.122	Tourism Promotional Trust Fund.
288.125-.1258	Entertainment Industry Programs.
288.826	Florida International Trade and Promotion Trust Fund.
288.90-9614	Enterprise Florida, Inc.
288.95155	Florida Small Business Technology Growth Program.
288.9621	Florida Capital Formation Act.
288.96255	Florida Technology Seed Capital Fund.
288.9624	Florida Opportunity Fund.
288.9625	Institute for the Commercialization of Public Research.
288.991-.9922	New Markets Development Program Act.
288.9935	Microfinance Guarantee Program.
295.23	Veterans research and marketing campaign.
339.2821	Economic development transportation projects.
625.3255	Capital participation instrument.

### **Transfers to DEO**

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

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

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

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

### **Trust Funds**

The bill terminates the following trust funds:

- The State Economic Enhancement and Development Trust Fund (s. 288.1201, F.S.)
- Tourism Promotional Trust Fund (s. 288.122, F.S.)
- The Florida International Trade and Promotion Trust Fund (s. 288.826, F.S.)

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

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

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

### **Transitional Provision**

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

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

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

## VISIT Florida

The bill amends s. 288.1226, F.S., to provide additional accountability for VISIT Florida by:

- Requiring VISIT Florida to comply with state procurement laws in chapter 287.
- Limiting travel and per diem expenses of VISIT Florida employees to those of state employees under s. 112.061, F.S.
- Limiting compensation of VISIT Florida employees to no more than \$130,000 (the Governor's salary for Fiscal Year 2016-17 is \$130,273), provides that benefits of employees may not exceed the level provided as of January 1, 2017, and prohibiting bonuses for employees unless authorized by law.
- Prohibiting VISIT Florida employees or board members from receiving food, beverages, lodging, entertainment or gifts paid for by VISIT Florida funds or funds from a local tourist or economic development agency receiving revenue from a tax imposed pursuant to ss. 125.0104, 125.0108, or 212.0305, F.S.
- Prohibiting lodging expenses for an employee of VISIT Florida in excess of \$150 per day, excluding taxes. However, an employee may expend his or her own funds for any lodging expenses in excess of \$150 per day.
- Requiring VISIT Florida contracts with any entity, including a local government, private, or nonprofit entity, that receives public funds from the state or from a tax imposed pursuant to ss. 125.0104, s. 125.0108, or s. 212.0305, F.S., to contain performance standards, operating budgets and salaries of employees of the contracting entity to increase transparency of VISIT Florida contracts and partnership agreements.
- Indicating VISIT Florida is a governmental entity as defined in s. 215.985, F.S., and therefore, is subject to the Transparency Florida Act.
- Requiring VISIT Florida to post all contracts on the Chief Financial Officer's transparency website under s. 215.985, F.S., to be easily accessible to the public at no cost.
- Requiring the Governor to approve all out-of-state and international travel.
- Requiring VISIT Florida to take all steps necessary to provide all data that is used to develop tourism estimates and measures, including the source data, to the Office of Economic and Demographic Research to enhance their ability to evaluate the impact of tourism advertising spending by the state.
- Removing the public records exemption for marketing projects and research.
- Prohibiting the corporation from creating or establishing any other entity, corporation, or direct support organization.
- Prohibiting expending funds, public or private, that directly or indirectly, benefit only one company, corporation or business entity.

The bill amends s. 288.1226, F.S., to provide additional oversight of VISIT Florida by:

- Requiring VISIT Florida to place proposed contracts worth \$750,000 or more on 14-day legislative notice and review under s. 216.177, F.S. Upon objection by the chair or vice chair of the LBC or Speaker or Senate President, VISIT Florida would be prohibited from executing the contract.
  - VISIT Florida may not enter into multiple related contracts to avoid the \$750,000 threshold requirement.
- Requiring 25 percent of the operating budget appropriated in the General Appropriations Act for VISIT Florida to be released on July 1<sup>st</sup>, with the remainder released in accordance with a detailed operating budget submitted to the LBC each year by August 15<sup>th</sup>, if approved.
- Requiring Senate confirmation of the VISIT Florida President/CEO.

B. SECTION DIRECTORY:

Section	1	Amends	s. 11.45	Authority for Audits and Other Engagement
Section	2	Amends	s. 14.32	Office of Chief Inspector General
Section	3	Amends	s. 15.18	International and Cultural Relations
Section	4	Amends	s. 15.182	International Travel by State-Funded musical, cultural, or artistic organizations; notification to the Department of Economic Opportunity
Section	5	Amends	s. 20.60	Department of Economic Opportunity
Section	6	Repeals	s. 20.601	Agency Review; Department of Economic Opportunity
Section	7	Transfers		Type Two transfer of Enterprise Florida, Inc. to Department of Economic Opportunity
Section	8	Provides		Transitional provisions for terminated programs established pursuant to certain statutes
Section	9	Amends	s. 125.0104	Taxable privileges; exemptions; levy; rate
Section	10	Amends	s. 159.803	Definitions
Section	11	Amends	s. 166.231	Municipalities; public service tax
Section	12	Amends	s. 189.033	Independent special district services in disproportionately affected county; rate reduction for providers providing economic benefits
Section	13	Amends	s. 196.012	Definitions
Section	14	Amends	s. 196.101	Exemption for totally and permanently disabled persons
Section	15	Amends	s. 196.121	Homestead exemptions; forms
Section	16	Amends	s. 196.1995	Economic development ad valorem tax exemption
Section	17	Amends	s. 201.15	Distribution of taxes collected
Section	18	Amends	s. 212.031	Tax on rental or license fee for use of real property
Section	19	Amends	s. 212.06	Sales, storage, use tax; collectible from dealers; "dealer" defined; dealers to collect from purchasers; legislative intent as to scope of tax
Section	20	Repeals	s. 212.0602	Education; limited exemption
Section	21	Amends	s. 212.0606	Rental car surcharge
Section	22	Amends	s. 212.08	Sales, rental, use, consumption, distribution, and storage tax; specified exemptions
Section	23	Repeals	s. 212.097	Urban High-Crime Area Job Tax Credit Program
Section	24	Amends	s. 212.098	Rural Job Tax Credit Programs
Section	25	Amends	s. 212.20	Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected
Section	26	Amends	s. 218.61	Local government half-cent sales tax; designated proceeds; trust fund
Section	27	Amends	s. 218.64	Local government half-cent sales tax; uses; limitations
Section	28	Amends	s. 220.02	Legislative intent
Section	29	Amends	s. 220.13	"Adjusted federal income" defined
Section	30	Amends	s. 220.1895	Rural Job Tax Credit
Section	31	Repeals	s. 220.1899	Entertainment industry tax credit
Section	32	Repeals	s. 220.191	Capital investment tax credit
Section	33	Amends	s. 220.194	Corporate income tax credits for spaceflight projects
Section	34	Amends	s. 220.196	Research and development tax credits

Section	35	Amends	s. 272.11	Capitol information center
Section	36	Amends	s. 287.0947	Florida Advisory Council on Small and Minority Business Development; creation; membership; duties
Section	37	Amends	s. 288.0001	Economic development program evaluation
Section	38	Repeals	s. 288.001	The Florida Small Business Development Center Network
Section	39	Repeals	s. 288.012	State of Florida international offices; state protocol officer; protocol manual
Section	40	Repeals	s. 288.017	Cooperative advertising matching grants program
Section	41	Amends	s. 288.018	Regional Rural Development Grants Program
Section	42	Repeals	s. 288.046	Quick-response training; legislative intent
Section	43	Repeals	s. 288.047	Quick-response training for economic development
Section	44	Amends	s. 288.061	Economic development incentive application process
Section	45	Amends	s. 288.0655	Rural Infrastructure Fund
Section	46	Amends	s. 288.0656	Rural Economic Development Initiative
Section	47	Amends	s. 288.0658	Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission
Section	48	Amends	s. 288.075	Confidentiality of records
Section	49	Amends	s. 288.076	Return on investment reporting for economic development programs
Section	50	Amends	s. 288.095	Economic Development Trust Fund
Section	51	Repeals	s. 288.1045	Qualified defense contractor and space flight business tax refund program
Section	52	Repeals	s. 288.106	Tax refund program for qualified target industry businesses
Section	53	Repeals	s. 288.107	Brownfield redevelopment bonus refunds
Section	54	Repeals	s. 288.108	High-impact business
Section	55	Repeals	s. 288.1081	Economic Gardening Business Loan Pilot Program
Section	56	Repeals	s. 288.1082	Economic Gardening Technical Assistance Pilot Program
Section	57	Repeals	s. 288.1088	Quick Action Closing Fund
Section	58	Repeals	s. 288.1089	Innovation Incentive Program
Section	59	Repeals	s. 288.111	Information concerning local manufacturing development programs
Section	60	Repeals	s. 288.1162	Professional sports franchises; duties
Section	61	Repeals	s. 288.11621	Spring training baseball franchises
Section	62	Repeals	s. 288.11625	Sports development
Section	63	Repeals	s. 288.11631	Retention of Major League Baseball spring training baseball franchises
Section	64	Repeals	s. 288.1169	International Game Fish Association World Center facility
Section	65	Repeals	s. 288.1201	State Economic Enhancement and Development Trust Fund
Section	66	Terminates		State Economic Enhancement and Development Trust Fund
Section	67	Repeals	s. 288.122	Tourism Promotional Trust Fund
Section	68	Terminates		Tourism Promotional Trust Fund
Section	69	Amends	s. 288.1226	Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit
Section	70	Provides		\$25 million in recurring funds from General Revenue for VISIT Florida
Section	71	Amends	s. 288.1227	Welcome centers
Section	72	Repeals	s. 288.125	Definition of "entertainment industry"

Section	73	Repeals	s. 288.1251	Promotion and development of entertainment industry; Office of Film and Entertainment; creation; purpose; powers and duties
Section	74	Repeals	s. 288.1252	Florida Film and Entertainment Advisory Council; creation; purpose; membership; powers and duties
Section	75	Repeals	s. 288.1253	Travel and entertainment expenses
Section	76	Repeals	s. 288.1258	Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports
Section	77	Amends	s. 288.7015	Appointment of rules ombudsman; duties
Section	78	Amends	s. 288.706	Florida Minority Business Loan Mobilization Program
Section	79	Amends	s. 288.773	Florida Export Finance Corporation
Section	80	Amends	s. 288.776	Board of directors; powers and duties
Section	81	Amends	s. 288.7771	Annual report of Florida Export Finance Corporation
Section	82	Amends	s. 288.8017	Awards
Section	83	Amends	s. 288.816	Intergovernmental relations
Section	84	Repeals	s. 288.826	Florida International Trade and Promotion Trust Fund
Section	85	Terminates		Florida International Trade and Promotion Trust Fund within DEO
Section	86	Repeals	s. 288.901	Enterprise Florida, Inc.
Section	87	Repeals	s. 288.9015	Powers of Enterprise Florida, Inc.; board of directors.
Section	88	Repeals	s. 288.903	Duties of Enterprise Florida, Inc.
Section	89	Repeals	s. 288.904	Funding for Enterprise Florida, Inc.; performance and return on the public's investment.
Section	90	Repeals	s. 288.905	President and employees of Enterprise Florida, Inc.
Section	91	Repeals	s. 288.906	Annual report of Enterprise Florida, Inc., and its divisions; audits.
Section	92	Amends	s. 288.907	Annual Incentives Report
Section	93	Repeals	s. 288.911	Creation and implementation of a marketing and image campaign.
Section	94	Amends	s. 288.912	Inventory of communities seeking to recruit businesses
Section	95	Repeals	s. 288.92	Divisions of Enterprise Florida, Inc.
Section	96	Repeals	s. 288.923	Division of Tourism Marketing; definitions; responsibilities.
Section	97	Repeals	s. 288.95155	Florida Small Business Technology Growth Program.
Section	98	Repeals	s. 288.9519	Not-for-profit corporation.
Section	99	Amends	s. 288.9520	Public records exemption.
Section	100	Amends	s. 288.9603	Definitions
Section	101	Amends	s. 288.9604	Creation of the authority
Section	102	Amends	s. 288.9605	Corporation powers.
Section	103	Repeals	s. 288.9614	Authorized programs.
Section	104	Repeals	s. 288.9621	Florida Capital Formation Act
Section	105	Repeals	s. 288.9622	Findings and intent
Section	106	Repeals	s. 288.9623	Definitions.
Section	107	Repeals	s. 288.9624	Florida Opportunity Fund; creation; duties.
Section	108	Repeals	s. 288.9625	Institute for the Commercialization of Public Research.
Section	109	Repeals	s. 288.96255	Florida Technology Seed Capital Fund; creation; duties.
Section	110	Repeals	s. 288.9626	Exemptions from public records and public meetings requirements for the Florida Opportunity Fund.

Section	111	Repeals	s. 288.9627	Exemptions from public records and public meetings requirements for the Institute for the Commercialization of Public Research.
Section	112	Amends	s. 288.980	Military base retention; legislative intent; grants program.
Section	113	Repeals	s. 288.991	New Markets Development Program Act
Section	114	Repeals	s. 288.9912	New Markets Development Program; purpose.
Section	115	Repeals	s. 288.9913	Definitions.
Section	116	Repeals	s. 288.9914	Certification of qualified investments; investment issuance reporting.
Section	117	Repeals	s. 288.9915	Use of proceeds from qualified investments; recordkeeping.
Section	118	Repeals	s. 288.9916	New markets tax credit.
Section	119	Repeals	s. 288.9917	Community development entity reporting after a credit allowance date; certification of tax credit amount
Section	120	Repeals	s. 288.9918	Annual reporting by a community development entity
Section	121	Repeals	s. 288.9919	Audits and examinations; penalties
Section	122	Repeals	s. 288.9920	Recapture and penalties
Section	123	Repeals	s. 288.9921	Rulemaking
Section	124	Repeals	s. 288.9922	Expiration of the New Markets Development Program Act
Section	125	Amends	s. 288.9932	Definitions
Section	126	Amends	s. 288.9934	Microfinance Loan Program
Section	127	Repeals	s. 288.9935	Microfinance Guarantee Program
Section	128	Amends	s. 288.9936	Annual report of the Microfinance Loan Program
Section	129	Amends	s. 288.9937	Evaluation of programs
Section	130	Amends	s. 290.0056	Enterprise zone development agency
Section	131	Amends	s. 290.0065	State designation of enterprise zones
Section	132	Amends	s. 290.00677	Rural enterprise zones; special qualifications.
Section	133	Amends	s. 290.007	State incentives available in enterprise zones
Section	134	Amends	s. 290.053	Response to economic emergencies in small communities
Section	135	Amends	s. 295.22	Veterans Employment and Training Services Program
Section	136	Repeals	s. 295.23	Veterans research and marketing campaign
Section	137	Amends	s. 320.08058	Specialty license plates
Section	138	Amends	s. 331.3051	Duties of Space Florida
Section	139	Amends	s. 331.3081	Board of directors
Section	140	Amends	s. 339.08	Use of moneys in State Transportation Trust Fund
Section	141	Repeals	s. 339.2821	Economic development transportation projects
Section	142	Amends	s. 364.0135	Promotion of broadband adoption
Section	143	Amends	s. 376.82	Eligibility criteria and liability protection
Section	144	Amends	s. 377.703	Additional functions of the Department of Agriculture and Consumer Services
Section	145	Amends	s. 377.804	Renewable Energy and Energy-Efficient Technologies Grants Program
Section	146	Amends	s. 377.809	Energy Economic Zone Pilot Program
Section	147	Amends	s. 380.06	Developments of regional impact
Section	148	Amends	s. 380.0657	Expedited permitting process for economic development projects
Section	149	Amends	s. 403.42	Florida Clean Fuel Act

Section	150	Amends	s. 403.7032	Recycling
Section	151	Amends	s. 403.973	Expedited permitting; amendments to comprehensive plans.
Section	152	Amends	s. 443.091	Benefit eligibility conditions
Section	153	Amends	s. 445.004	CareerSource Florida, Inc.; creation; purpose; membership; duties and powers
Section	154	Amends	s. 445.045	Development of an Internet-based system for information technology industry promotion and workforce recruitment
Section	155	Amends	s. 446.44	Duties of Rural Workforce Services Program
Section	156	Amends	s. 477.0135	Exemptions.
Section	157	Amends	s. 570.81	Agricultural Economic Development Project Review Committee; powers and duties
Section	158	Amends	s. 570.85	Agritourism
Section	159	Amends	s. 624.5105	Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration
Section	160	Repeals	s. 625.3255	Capital participation instrument
Section	161	Amends	s. 657.042	Investment powers and limitations
Section	162	Amends	s. 658.67	Investment powers and limitations
Section	163	Amends	s. 1004.015	Higher Education Coordinating Council
Section	164	Amends	s. 1004.65	Florida College System institutions; governance, mission, and responsibilities
Section	165	Amends	s. 1004.78	Technology transfer centers at Florida College System institutions
Section	166	Amends	s. 1011.76	Small School District Stabilization Program
Section	167	Amends	s. 1011.80	Funds for operation of workforce education programs
Section	168	Amends	s. 1011.94	University Major Gifts Program
Section	169	Provides		Effective Date

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

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

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



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

*See fiscal comments section.*

2. Expenditures:

The bill provides for a recurring appropriation of \$25 million from the General Revenue Fund for VISIT Florida.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

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

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

*See fiscal comments section.*

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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

D. FISCAL COMMENTS:

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

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

over the years due to additional funds provided for the Quick Action Closing Fund by the Legislature and interest income earned. EFI remits interest payments earned on escrow funds to DEO quarterly.

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

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

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

##### 2. Other:

None

#### B. RULE-MAKING AUTHORITY:

None

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

None

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 21, 2017, the Appropriations Committee adopted a strike all amendment and reported the bill favorably as a committee substitute. The committee substitute:

- Provides additional accountability for VISIT Florida by:
  - Requiring VISIT Florida to comply with state procurement laws.
  - Limiting travel and per diem expenses of VISIT Florida employees to those of state employees.
  - Limiting compensation of VISIT Florida employees to \$130,000, freezing benefits of employees at current levels and prohibiting bonuses for employees unless authorized by law.
  - Prohibiting VISIT Florida employees or board members from receiving food, beverages, lodging, entertainment or gifts paid for by VISIT Florida funds or funds from a local tourist or economic development agency.
  - Requiring VISIT Florida contracts to contain performance standards, operating budgets and salaries of employees of the contracting entity to increase transparency of VISIT Florida contracts and partnership agreements.
  - Requiring VISIT Florida to post all contracts on the CFO Transparency website.
  - Requiring the Governor to approve all out-of-state and international travel.
  - Requiring the corporation to take all steps necessary to provide all data that is used to develop tourism estimates and measures, including the source data, to the Office of Economic and Demographic Research.

- Removing the public records exemption for marketing projects and research.
- Prohibiting the corporation from creating or establishing any other entity, corporation, or direct support organization.
- Prohibiting expending funds, public or private, that directly or indirectly, benefit only one company, corporation or business entity.
- Provides for additional legislative oversight of VISIT Florida by:
  - Requiring VISIT Florida to place proposed contracts worth \$750,000 or more on 14-day legislative consultation. Upon objection by the chair or vice chair of the LBC or Speaker or Senate President, VISIT Florida would be prohibited from entering into contract.
  - Requiring VISIT Florida to submit detailed operating budget to the LBC each year in order to obtain release of funds.
  - Requiring Senate confirmation of the VISIT Florida President/CEO.
- Provides \$25 million recurring appropriation for VISIT Florida.

The bill analysis is drafted to the committee substitute.

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

26 | 125.0104, 159.803, 166.231, 189.033, 196.012, 196.101,  
 27 | 196.121, and 196.1995, F.S.; conforming provisions to  
 28 | changes made by the act; conforming cross-references;  
 29 | amending s. 201.15, F.S.; providing that certain funds  
 30 | shall be transferred to the General Revenue Fund;  
 31 | conforming provisions to changes made by the act;  
 32 | amending ss. 212.031 and 212.06, F.S.; conforming  
 33 | provisions to changes made by the act; repealing s.  
 34 | 212.0602, F.S., relating to an exemption from sales  
 35 | and use taxes for certain education-related purchases  
 36 | or leases; amending ss. 212.0606 and 212.08, F.S.;  
 37 | conforming provisions to changes made by the act;  
 38 | repealing s. 212.097, F.S., relating to the Urban  
 39 | High-Crime Area Job Tax Credit Program; amending ss.  
 40 | 212.098, 212.20, 218.61, 218.64, 220.02, 220.13, and  
 41 | 220.1895, F.S.; conforming provisions to changes made  
 42 | by the act; repealing ss. 220.1899 and 220.191, F.S.,  
 43 | relating to an entertainment industry tax credit and a  
 44 | capital investment tax credit, respectively; amending  
 45 | s. 220.194, F.S.; conforming a cross-reference;  
 46 | amending ss. 220.196, 272.11, 287.0947, and 288.0001,  
 47 | F.S.; conforming provisions to changes made by the  
 48 | act; repealing ss. 288.001, 288.012, and 288.017,  
 49 | F.S., relating to the Florida Small Business  
 50 | Development Center Network, the State of Florida

51 international offices, and a cooperative advertising  
 52 matching grants program, respectively; amending s.  
 53 288.018, F.S.; conforming provisions to changes made  
 54 by the act; repealing ss. 288.046 and 288.047, F.S.,  
 55 relating to quick-response training for economic  
 56 development; amending s. 288.061, F.S.; conforming  
 57 provisions to changes made by the act; amending s.  
 58 288.0655, F.S.; conforming a cross-reference;  
 59 conforming provisions to changes made by the act;  
 60 amending ss. 288.0656, 288.0658, 288.075, 288.076, and  
 61 288.095, F.S.; conforming provisions to changes made  
 62 by the act; repealing ss. 288.1045, 288.106, 288.107,  
 63 288.108, 288.1081, 288.1082, 288.1088, and 288.1089,  
 64 F.S., relating to the qualified defense contractor and  
 65 space flight business tax refund program, a tax refund  
 66 program for qualified target industry businesses,  
 67 brownfield redevelopment bonus refunds, high-impact  
 68 business, the Economic Gardening Business Loan Pilot  
 69 Program, the Economic Gardening Technical Assistance  
 70 Pilot Program, the Quick Action Closing Fund, and the  
 71 Innovation Incentive Program, respectively; amending  
 72 s. 288.111, F.S.; conforming a provision to changes  
 73 made by the act; repealing ss. 288.1162, 288.11621,  
 74 288.11625, and 288.11631, F.S., relating to  
 75 professional sports franchises, spring training

76 | baseball franchises, sports development, and retention  
 77 | of Major League Baseball spring training baseball  
 78 | franchises, respectively; repealing ss. 288.1169,  
 79 | 288.1201, and 288.122, F.S., relating to the  
 80 | International Game Fish Association World Center  
 81 | facility, the State Economic Enhancement and  
 82 | Development Trust Fund, and the Tourism Promotional  
 83 | Trust Fund, respectively; terminating such trust  
 84 | funds; transferring the balances and revenues of such  
 85 | trust funds to the General Revenue Fund; requiring the  
 86 | department to pay outstanding debts and obligations of  
 87 | such trust funds; requiring the Chief Financial  
 88 | Officer to close out and remove such trust funds from  
 89 | state accounting systems; amending s. 288.1226, F.S.;  
 90 | providing that the Florida Tourism Industry Marketing  
 91 | Corporation is a direct-support organization of the  
 92 | Department of Economic Opportunity; revising purposes  
 93 | for which the corporation is an agency; requiring the  
 94 | corporation to comply with certain per diem and travel  
 95 | expense provisions; providing that the corporation is  
 96 | an agency for certain purposes; authorizing  
 97 | reimbursement for per diem and travel expenses for  
 98 | board members of the corporation; requiring such  
 99 | expenses to be paid out of corporation funds;  
 100 | providing that certain contracts are subject to

101 | specified notice and review procedures; limiting  
 102 | compensation paid and benefits provided by the  
 103 | corporation; requiring the approval of the Governor  
 104 | for certain out-of-state or international travel;  
 105 | requiring Senate confirmation of the president and  
 106 | chief executive officer of the corporation;  
 107 | prohibiting the corporation from creating or  
 108 | establishing any other entity, corporation, or direct-  
 109 | support organization; requiring a report to the  
 110 | department; removing a public records exemption;  
 111 | prohibiting the expenditure of corporation funds for  
 112 | certain purposes; prohibiting the acceptance or  
 113 | receipt of certain items or services from certain  
 114 | entities; specifying a procedure for the release of  
 115 | appropriated funds; providing that the corporation is  
 116 | subject to the Transparency Florida Act; requiring the  
 117 | inclusion of specified information in certain  
 118 | contracts and on the corporation's website; requiring  
 119 | specified website functionality; requiring annual  
 120 | reports containing specified financial data to be  
 121 | provided by marketing partners to the corporation;  
 122 | conforming provisions to changes made by the act;  
 123 | providing an appropriation; amending s. 288.12265,  
 124 | F.S.; transferring responsibility for administering  
 125 | and operating welcome centers from Enterprise Florida,



126 Inc., to the Department of Economic Opportunity;  
 127 repealing ss. 288.125, 288.1251, 288.1252, 288.1253,  
 128 and 288.1258, F.S., relating to a definition of the  
 129 term "entertainment industry," the promotion and  
 130 development of the entertainment industry by the  
 131 Office of Film and Entertainment, the Florida Film and  
 132 Entertainment Advisory Council, and certain travel and  
 133 entertainment expenses, and entertainment industry  
 134 qualified production companies, respectively; amending  
 135 ss. 288.7015 and 288.706, F.S.; conforming provisions  
 136 to changes made by the act; amending ss. 288.773,  
 137 288.776, 288.7771, 288.8017, and 288.816, F.S.;

138 conforming provisions to changes made by the act;  
 139 repealing s. 288.826, F.S., relating to the Florida  
 140 International Trade and Promotion Trust Fund;  
 141 terminating such trust fund; transferring the balances  
 142 and revenues of such trust fund to the General Revenue  
 143 Fund; requiring the department to pay outstanding  
 144 debts and obligations of such trust fund; requiring  
 145 the Chief Financial Officer to close out and remove  
 146 such trust fund from state accounting systems;  
 147 repealing ss. 288.901, 288.9015, 288.903, 288.904,  
 148 288.905, and 288.906, F.S., relating to Enterprise  
 149 Florida, Inc., powers of board of directors of  
 150 Enterprise Florida, Inc., duties of Enterprise

151 Florida, Inc., funding for Enterprise Florida, Inc.,  
 152 the president and employees of Enterprise Florida,  
 153 Inc., and the annual report and audits of Enterprise  
 154 Florida, Inc., and its divisions, respectively;  
 155 transferring, renumbering, and amending s. 288.907,  
 156 F.S.; conforming provisions to changes made by the  
 157 act; repealing s. 288.911, F.S., relating to the  
 158 creation and implementation of a marketing and image  
 159 campaign; transferring, renumbering, and amending s.  
 160 288.912, F.S.; conforming provisions to changes made  
 161 by the act; repealing s. 288.92, F.S., relating to the  
 162 divisions of Enterprise Florida, Inc.; amending s.  
 163 288.923, F.S.; conforming provisions to changes made  
 164 by the act; repealing ss. 288.95155 and 288.9519,  
 165 F.S., relating to the Florida Small Business  
 166 Technology Growth Program and a not-for-profit  
 167 corporation intended to promote the competitiveness  
 168 and profitability of high-technology business and  
 169 industry, respectively; amending ss. 288.9520,  
 170 288.9603, 288.9604, and 288.9605, F.S.; conforming  
 171 provisions to changes made by the act; repealing ss.  
 172 288.9614, 288.9621, 288.9622, 288.9623, 288.9624,  
 173 288.9625, 288.96255, 288.9626, and 288.9627, F.S.,  
 174 relating to the Florida Capital Formation Act and  
 175 findings and intent and definitions relating thereto,

176 | the Florida Opportunity Fund, the Institute for the  
 177 | Commercialization of Public Research, the Florida  
 178 | Technology Seed Capital Fund, and exemptions from  
 179 | public records and public meetings requirements for  
 180 | such fund and institute, respectively; amending s.  
 181 | 288.980, F.S.; conforming a provision to changes made  
 182 | by the act; repealing ss. 288.991, 288.9912, 288.9913,  
 183 | 288.9914, 288.9915, 288.9916, 288.9917, 288.9918,  
 184 | 288.9919, 288.9920, 288.9921, and 288.9922, F.S.,  
 185 | relating to the New Markets Development Program;  
 186 | amending ss. 288.9932 and 288.9934, F.S.; conforming  
 187 | provisions to changes made by the act; repealing s.  
 188 | 288.9935, F.S., relating to the Microfinance Guarantee  
 189 | Program; amending ss. 288.9936, 288.9937, 290.0056,  
 190 | 290.0065, 290.00677, 290.007, 290.053, and 295.22,  
 191 | F.S.; conforming provisions to changes made by the  
 192 | act; conforming cross-references; repealing s. 295.23,  
 193 | F.S., relating to the veterans research and marketing  
 194 | campaign; amending ss. 320.08058, 331.3051, 331.3081,  
 195 | and 339.08, F.S.; conforming provisions to changes  
 196 | made by the act; repealing s. 339.2821, F.S., relating  
 197 | to economic development transportation projects;  
 198 | amending ss. 364.0135, 376.82, 377.703, 377.804,  
 199 | 377.809, 380.06, 380.0657, 403.42, 403.7032, 403.973,  
 200 | 443.091, 445.004, 445.045, 446.44, 477.0135, 570.81,

201 570.85, and 624.5105, F.S.; conforming provisions to  
 202 changes made by the act; conforming a cross-reference;  
 203 repealing s. 625.3255, F.S., relating to a capital  
 204 participation instrument; amending ss. 657.042,  
 205 658.67, 1004.015, 1004.65, 1004.78, 1011.76, 1011.80,  
 206 and 1011.94, F.S.; conforming provisions to changes  
 207 made by the act; conforming a cross-reference;  
 208 providing an effective date.

209  
 210 WHEREAS, economic development incentives foster unfair  
 211 competition by benefitting select firms and industries, and

212 WHEREAS, economic development incentives often subsidize  
 213 private companies and their shareholders for economic actions  
 214 they would have taken regardless of such incentives, and

215 WHEREAS, economic development incentives cause market  
 216 distortions which result in inefficiencies and inequities in the  
 217 marketplace, and

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

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

225 WHEREAS, economic development scholars and professionals

226 | lack consensus on how influential economic development and  
 227 | business incentives are on the economy, generally, or on a  
 228 | business when choosing its location, NOW, THEREFORE,  
 229 |

230 | Be It Enacted by the Legislature of the State of Florida:  
 231 |

232 | Section 1. Paragraph (i) of subsection (3) of section  
 233 | 11.45, Florida Statutes, is amended to read:

234 | 11.45 Definitions; duties; authorities; reports; rules.—

235 | (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
 236 | Auditor General may, pursuant to his or her own authority, or at  
 237 | the direction of the Legislative Auditing Committee, conduct  
 238 | audits or other engagements as determined appropriate by the  
 239 | Auditor General of:

240 | ~~(i) Enterprise Florida, Inc., including any of its boards,~~  
 241 | ~~advisory committees, or similar groups created by Enterprise~~  
 242 | ~~Florida, Inc., and programs. The audit report may not reveal the~~  
 243 | ~~identity of any person who has anonymously made a donation to~~  
 244 | ~~Enterprise Florida, Inc., pursuant to this paragraph. The~~  
 245 | ~~identity of a donor or prospective donor to Enterprise Florida,~~  
 246 | ~~Inc., who desires to remain anonymous and all information~~  
 247 | ~~identifying such donor or prospective donor are confidential and~~  
 248 | ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I~~  
 249 | ~~of the State Constitution. Such anonymity shall be maintained in~~  
 250 | ~~the auditor's report.~~

251 Section 2. Paragraph (a) of subsection (3) of section  
 252 14.32, Florida Statutes, is amended to read:

253 14.32 Office of Chief Inspector General.—

254 (3) Related to public-private partnerships, the Chief  
 255 Inspector General:

256 (a) Shall advise public-private partnerships, ~~including~~  
 257 ~~Enterprise Florida, Inc.,~~ in their development, utilization, and  
 258 improvement of internal control measures necessary to ensure  
 259 fiscal accountability.

260 Section 3. Section 15.18, Florida Statutes, is amended to  
 261 read:

262 15.18 International and cultural relations.—The Divisions  
 263 of Cultural Affairs, Historical Resources, and Library and  
 264 Information Services of the Department of State promote programs  
 265 having substantial cultural, artistic, and indirect economic  
 266 significance that emphasize American creativity. The Secretary  
 267 of State, as the head administrator of these divisions, shall  
 268 hereafter be known as "Florida's Chief Cultural Officer." As  
 269 this officer, the Secretary of State is encouraged to initiate  
 270 and develop relationships between the state and foreign cultural  
 271 officers, their representatives, and other foreign governmental  
 272 officials in order to promote Florida as the center of American  
 273 creativity. The Secretary of State shall coordinate  
 274 international activities pursuant to this section with  
 275 ~~Enterprise Florida, Inc.,~~ and any other organization the

276 secretary deems appropriate. For the accomplishment of this  
 277 purpose, the Secretary of State shall have the power and  
 278 authority to:

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

281 (2) Plan and carry out activities designed to cause  
 282 improved cultural and governmental programs and exchanges with  
 283 foreign countries.

284 (3) Plan and implement cultural and social activities for  
 285 visiting foreign heads of state, diplomats, dignitaries, and  
 286 exchange groups.

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

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

293 (6) Provide, arrange, and make expenditures for the  
 294 achievement of any or all of the purposes specified in this  
 295 section.

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

298 15.182 International travel by state-funded musical,  
 299 cultural, or artistic organizations; notification to the  
 300 Department of Economic Opportunity.—

301           (2) The Department of Economic Opportunity, ~~in conjunction~~  
 302 ~~with Enterprise Florida, Inc.~~, shall act as an intermediary  
 303 between performing musical, cultural, and artistic organizations  
 304 and Florida businesses to encourage and coordinate joint  
 305 undertakings. Such coordination may include, but is not limited  
 306 to, encouraging business and industry to sponsor cultural  
 307 events, assistance with travel of such organizations, and  
 308 coordinating travel schedules of cultural performance groups and  
 309 international trade missions.

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

313           20.60 Department of Economic Opportunity; creation; powers  
 314 and duties.—

315           (4) The purpose of the department is to assist the  
 316 Governor in working with the Legislature, state agencies,  
 317 business leaders, and economic development professionals to  
 318 formulate and implement coherent and consistent policies and  
 319 strategies designed to promote economic opportunities for all  
 320 Floridians. To accomplish such purposes, the department shall:

321           (a) Facilitate the direct involvement of the Governor and  
 322 the Lieutenant Governor in economic development and workforce  
 323 development projects designed to create, expand, and retain  
 324 businesses in this state, to recruit business from around the  
 325 world, and to facilitate other job-creating efforts.



326 (b) Recruit new businesses to this state and promote the  
 327 expansion of existing businesses by expediting permitting and  
 328 location decisions, worker placement and training, and incentive  
 329 awards.

330 (c) Promote viable, sustainable communities by providing  
 331 technical assistance and guidance on growth and development  
 332 issues, grants, and other assistance to local communities.

333 (d) Ensure that the state's goals and policies relating to  
 334 economic development, workforce development, community planning  
 335 and development, and affordable housing are fully integrated  
 336 with appropriate implementation strategies.

337 (e) Manage the activities of public-private partnerships  
 338 and state agencies in order to avoid duplication and promote  
 339 coordinated and consistent implementation of programs in areas  
 340 including, but not limited to, tourism; international trade and  
 341 investment; business recruitment, creation, retention, and  
 342 expansion; minority and small business development; rural  
 343 community development; commercialization of products, services,  
 344 or ideas developed in public universities or other public  
 345 institutions; and the development and promotion of professional  
 346 and amateur sporting events.

347 (f) Coordinate with state agencies on the processing of  
 348 state development approvals or permits to minimize the  
 349 duplication of information provided by the applicant and the  
 350 time before approval or disapproval.

351 ~~(5) The divisions within the department have specific~~  
 352 ~~responsibilities to achieve the duties, responsibilities, and~~  
 353 ~~goals of the department. Specifically:~~

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

355 (g)1. Analyze and evaluate business prospects identified  
 356 by the Governor and, the executive director of the department,  
 357 ~~and Enterprise Florida, Inc.~~

358 (h)2. Administer certain tax refund, tax credit, and grant  
 359 programs created in law. Notwithstanding any other provision of  
 360 law, the department may expend interest earned from the  
 361 investment of program funds deposited in the Grants and  
 362 Donations Trust Fund to contract for the administration of those  
 363 programs, or portions of the programs, assigned to the  
 364 department by law, by the appropriations process, or by the  
 365 Governor. Such expenditures shall be subject to review under  
 366 chapter 216.

367 (i)3. Develop measurement protocols for the state  
 368 incentive programs and for the contracted entities which will be  
 369 used to determine their performance and competitive value to the  
 370 state. Performance measures, benchmarks, and sanctions must be  
 371 developed in consultation with the legislative appropriations  
 372 committees and the appropriate substantive committees, and are  
 373 subject to the review and approval process provided in s.  
 374 216.177. The approved performance measures, standards, and  
 375 sanctions shall be included and made a part of the strategic

376 | plan for contracts entered into for delivery of programs  
 377 | authorized by this section.

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

380 |            1.a. Strategies for the promotion of business formation,  
 381 | expansion, recruitment, and retention through aggressive  
 382 | marketing, international development, and export assistance,  
 383 | which lead to more and better jobs and higher wages for all  
 384 | geographic regions, disadvantaged communities, and populations  
 385 | of the state, including rural areas, minority businesses, and  
 386 | urban core areas.

387 |            2.b. The development of realistic policies and programs to  
 388 | further the economic diversity of the state, its regions, and  
 389 | their associated industrial clusters.

390 |            3.e. Specific provisions for the stimulation of economic  
 391 | development and job creation in rural areas and midsize cities  
 392 | and counties of the state, including strategies for rural  
 393 | marketing and the development of infrastructure in rural areas.

394 |            4.d. Provisions for the promotion of the successful long-  
 395 | term economic development of the state with increased emphasis  
 396 | in market research and information.

397 |            5.e. Plans for the generation of foreign investment in the  
 398 | state which create jobs paying above-average wages and which  
 399 | result in reverse investment in the state, including programs  
 400 | that establish viable overseas markets, assist in meeting the

401 financing requirements of export-ready firms, broaden  
 402 opportunities for international joint venture relationships, use  
 403 the resources of academic and other institutions, coordinate  
 404 trade assistance and facilitation services, and facilitate  
 405 availability of and access to education and training programs  
 406 that assure requisite skills and competencies necessary to  
 407 compete successfully in the global marketplace.

408 6.f. The identification of business sectors that are of  
 409 current or future importance to the state's economy and to the  
 410 state's global business image, and development of specific  
 411 strategies to promote the development of such sectors.

412 7.g. Strategies for talent development necessary in the  
 413 state to encourage economic development growth, taking into  
 414 account factors such as the state's talent supply chain,  
 415 education and training opportunities, and available workforce.

416 (k)5. Update the strategic plan every 5 years.

417 (l)6. Involve ~~Enterprise Florida, Inc.~~ CareerSource  
 418 Florida, Inc.; local governments; the general public; local and  
 419 regional economic development organizations; other local, state,  
 420 and federal economic, international, and workforce development  
 421 entities; the business community; and educational institutions  
 422 to assist with the strategic plan.

423 (5) The divisions within the department have specific  
 424 responsibilities to achieve the duties, responsibilities, and  
 425 goals of the department. Specifically:

426 |        (a)~~(b)~~ The Division of Community Development shall:  
427 |            1. Assist local governments and their communities in  
428 | finding creative planning solutions to help them foster vibrant,  
429 | healthy communities, while protecting the functions of important  
430 | state resources and facilities.  
431 |            2. Administer state and federal grant programs as provided  
432 | by law to provide community development and project planning  
433 | activities to maintain viable communities, revitalize existing  
434 | communities, and expand economic development and employment  
435 | opportunities, including:  
436 |            a. The Community Services Block Grant Program.  
437 |            b. The Community Development Block Grant Program in  
438 | chapter 290.  
439 |            c. The Low-Income Home Energy Assistance Program in  
440 | chapter 409.  
441 |            d. The Weatherization Assistance Program in chapter 409.  
442 |            e. The Neighborhood Stabilization Program.  
443 |            f. The local comprehensive planning process and the  
444 | development of regional impact process.  
445 |            g. The Front Porch Florida Initiative through the Office  
446 | of Urban Opportunity, which is created within the division. The  
447 | purpose of the office is to administer the Front Porch Florida  
448 | initiative, a comprehensive, community-based urban core  
449 | redevelopment program that enables urban core residents to craft  
450 | solutions to the unique challenges of each designated community.

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

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

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

457 2. Ensure that the state appropriately administers federal  
 458 and state workforce funding by administering plans and policies  
 459 of CareerSource Florida, Inc., under contract with CareerSource  
 460 Florida, Inc. The operating budget and midyear amendments  
 461 thereto must be part of such contract.

462 a. All program and fiscal instructions to local workforce  
 463 development boards shall emanate from the Department of Economic  
 464 Opportunity pursuant to plans and policies of CareerSource  
 465 Florida, Inc., which shall be responsible for all policy  
 466 directions to the local workforce development boards.

467 b. Unless otherwise provided by agreement with  
 468 CareerSource Florida, Inc., administrative and personnel  
 469 policies of the Department of Economic Opportunity apply.

470 3. Implement the state's reemployment assistance program.  
 471 The Department of Economic Opportunity shall ensure that the  
 472 state appropriately administers the reemployment assistance  
 473 program pursuant to state and federal law.

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

476           (9) The executive director shall:  
 477           (b) Serve as the manager for the state with respect to  
 478 contracts with the Florida Tourism Industry Marketing  
 479 Corporation ~~Enterprise Florida, Inc., the Institute for the~~  
 480 ~~Commercialization of Public Research, and all applicable direct-~~  
 481 ~~support organizations.~~ To accomplish the provisions of this  
 482 section and applicable provisions of chapter 288, and  
 483 notwithstanding the provisions of part I of chapter 287, the  
 484 director shall enter into specific contracts with the Florida  
 485 Tourism Industry Marketing Corporation ~~Enterprise Florida, Inc.,~~  
 486 ~~the Institute for the Commercialization of Public Research, and~~  
 487 ~~other appropriate direct-support organizations.~~ Such contracts  
 488 may be for multiyear terms and shall include specific  
 489 performance measures for each year. ~~For purposes of this~~  
 490 ~~section, the Florida Tourism Industry Marketing Corporation is~~  
 491 ~~not an appropriate direct-support organization.~~

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

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

499           (b) The report must incorporate annual reports of other  
 500 programs, including:

501 | 1. The displaced homemaker program established under s.  
502 | 446.50.

503 | 2. Information provided by the Department of Revenue under  
504 | s. 290.014.

505 | 3. Information provided by enterprise zone development  
506 | agencies under s. 290.0056 and an analysis of the activities and  
507 | accomplishments of each enterprise zone.

508 | ~~4. The Economic Gardening Business Loan Pilot Program~~  
509 | ~~established under s. 288.1081 and the Economic Gardening~~  
510 | ~~Technical Assistance Pilot Program established under s.~~  
511 | ~~288.1082.~~

512 | 4.5. A detailed report of the performance of the Black  
513 | Business Loan Program and a cumulative summary of quarterly  
514 | report data required under s. 288.714.

515 | ~~5.6.~~ The Rural Economic Development Initiative established  
516 | under s. 288.0656.

517 | ~~6.7.~~ The Florida Unique Abilities Partner Program.

518 | (11) The department shall establish annual performance  
519 | standards for ~~Enterprise Florida, Inc.,~~ CareerSource Florida,  
520 | Inc., the Florida Tourism Industry Marketing Corporation, and  
521 | Space Florida and report annually on how these performance  
522 | measures are being met in the annual report required under  
523 | subsection (10).

524 | Section 6. Section 20.601, Florida Statutes, is repealed.

525 | Section 7. (1) All duties, functions, records, pending



526 issues, existing contracts, administrative authority,  
 527 administrative rules, and unexpended balances of appropriations,  
 528 allocations, and other public funds relating to the programs in  
 529 Enterprise Florida, Inc., are transferred by a type two transfer  
 530 to the Department of Economic Opportunity.

531 (2) (a) The Florida Sports Foundation, incorporated under  
 532 chapter 617, Florida Statutes, which was previously merged into  
 533 and transferred to Enterprise Florida, Inc., may enter into an  
 534 agreement with the Department of Economic Opportunity to  
 535 continue any existing program, activity, duty, or function  
 536 necessary for the operation of the foundation.

537 (b) Any funds held in trust which were donated to or  
 538 earned by the Florida Sports Foundation may be used by the  
 539 foundation for the original purposes for which the funds were  
 540 received.

541 (3) (a) The Florida Tourism Industry Marketing Corporation  
 542 may enter into an agreement with the Department of Economic  
 543 Opportunity to continue any existing program, activity, duty, or  
 544 function necessary for the operation of the corporation.

545 (b) Any funds held in trust which were donated to or  
 546 earned by the Florida Tourism Industry Marketing Corporation may  
 547 be used by the corporation for the original purposes for which  
 548 the funds were received.

549 (4) It is the intent of the Legislature that the changes  
 550 made by this act be accomplished with minimal disruption of

551 services provided to the public and with minimal disruption to  
 552 employees of any organization.

553 Section 8. For programs established pursuant to ss.  
 554 212.08(5)g), 212.097, 220.1899, 220.191, 288.047, 288.1045,  
 555 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1088,  
 556 288.1089, 288.1162, 288.11621, 288.11625, 288.11631,  
 557 288.1254(11), 288.9916, and 339.2821, Florida Statutes, no new  
 558 or additional applications or certifications shall be approved,  
 559 no new letters of certification may be issued, no new contracts  
 560 or agreements may be executed, and no new awards may be made.  
 561 All certifications are rescinded except for those certified  
 562 applicants or projects that continue to meet the criteria in  
 563 effect before July 1, 2017. Any existing contracts or agreements  
 564 authorized under any of these programs shall continue in full  
 565 force and effect in accordance with the statutory requirements  
 566 in effect when the contract or agreement was executed or last  
 567 modified. However, no further modifications, extensions, or  
 568 waivers may be made or granted relating to such contracts or  
 569 agreements except computations by the Department of Revenue of  
 570 the income generated by or arising out of the qualifying  
 571 project.

572 Section 9. Paragraph (n) of subsection (3) of section  
 573 125.0104, Florida Statutes, is amended to read:

574 125.0104 Tourist development tax; procedure for levying;  
 575 authorized uses; referendum; enforcement.-

576 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—  
 577 (n) In addition to any other tax that is imposed under  
 578 this section, a county that has imposed the tax under paragraph  
 579 (1) may impose an additional tax that is no greater than 1  
 580 percent on the exercise of the privilege described in paragraph  
 581 (a) by a majority plus one vote of the membership of the board  
 582 of county commissioners in order to:

583 1. Pay the debt service on bonds issued to finance:  
 584 a. The construction, reconstruction, or renovation of a  
 585 facility either publicly owned and operated, or publicly owned  
 586 and operated by the owner of a professional sports franchise or  
 587 other lessee with sufficient expertise or financial capability  
 588 to operate such facility, and to pay the planning and design  
 589 costs incurred prior to the issuance of such bonds for a new  
 590 professional sports franchise ~~as defined in s. 288.1162.~~ As used  
 591 in this sub-subparagraph, the term "new professional sports  
 592 franchise" means a professional sports franchise that was not  
 593 based in this state before April 1, 1987.

594 b. The acquisition, construction, reconstruction, or  
 595 renovation of a facility either publicly owned and operated, or  
 596 publicly owned and operated by the owner of a professional  
 597 sports franchise or other lessee with sufficient expertise or  
 598 financial capability to operate such facility, and to pay the  
 599 planning and design costs incurred prior to the issuance of such  
 600 bonds for a retained spring training franchise.

601           2. Promote and advertise tourism in the State of Florida  
 602 and nationally and internationally; however, if tax revenues are  
 603 expended for an activity, service, venue, or event, the  
 604 activity, service, venue, or event shall have as one of its main  
 605 purposes the attraction of tourists as evidenced by the  
 606 promotion of the activity, service, venue, or event to tourists.

607  
 608 A county that imposes the tax authorized in this paragraph may  
 609 not expend any ad valorem tax revenues for the acquisition,  
 610 construction, reconstruction, or renovation of a facility for  
 611 which tax revenues are used pursuant to subparagraph 1. The  
 612 provision of paragraph (b) which prohibits any county authorized  
 613 to levy a convention development tax pursuant to s. 212.0305  
 614 from levying more than the 2-percent tax authorized by this  
 615 section shall not apply to the additional tax authorized by this  
 616 paragraph in counties which levy convention development taxes  
 617 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to  
 618 the adoption of the additional tax authorized in this paragraph.  
 619 The effective date of the levy and imposition of the tax  
 620 authorized under this paragraph is the first day of the second  
 621 month following approval of the ordinance by the board of county  
 622 commissioners or the first day of any subsequent month specified  
 623 in the ordinance. A certified copy of such ordinance shall be  
 624 furnished by the county to the Department of Revenue within 10  
 625 days after approval of the ordinance.

626 Section 10. Subsection (11) of section 159.803, Florida  
 627 Statutes, is amended to read:

628 159.803 Definitions.—As used in this part, the term:

629 (11) "Florida First Business project" means any project  
 630 which is certified by the Department of Economic Opportunity as  
 631 eligible to receive an allocation from the Florida First  
 632 Business allocation pool established pursuant to s. 159.8083.  
 633 The Department of Economic Opportunity may certify ~~those~~  
 634 ~~projects meeting the criteria set forth in s. 288.106(4)(b) or~~  
 635 any project providing a substantial economic benefit to this  
 636 state.

637 Section 11. Paragraph (a) of subsection (8) of section  
 638 166.231, Florida Statutes, is amended to read:

639 166.231 Municipalities; public service tax.—

640 (8)(a) Beginning July 1, 1995, a municipality may by  
 641 ordinance exempt not less than 50 percent of the tax imposed  
 642 under this section on purchasers of electrical energy who are  
 643 determined to be eligible for the exemption provided by s.  
 644 212.08(14) ~~212.08(15)~~ by the Department of Revenue. The  
 645 exemption shall be administered as provided in that section. A  
 646 copy of any ordinance adopted pursuant to this subsection shall  
 647 be provided to the Department of Revenue not less than 14 days  
 648 prior to its effective date.

649 Section 12. Section 189.033, Florida Statutes, is amended  
 650 to read:

651 189.033 Independent special district services in  
 652 disproportionately affected county; rate reduction for providers  
 653 providing economic benefits.—If the governing body of an  
 654 independent special district that provides water, wastewater,  
 655 and sanitation services in a disproportionately affected county~~7~~  
 656 ~~as defined in s. 288.106(8)~~, determines that a new user or the  
 657 expansion of an existing user of one or more of its utility  
 658 systems will provide a significant benefit to the community in  
 659 terms of increased job opportunities, economies of scale, or  
 660 economic development in the area, the governing body may  
 661 authorize a reduction of its rates, fees, or charges for that  
 662 user for a specified period of time. A governing body that  
 663 exercises this power must do so by resolution that states the  
 664 anticipated economic benefit justifying the reduction as well as  
 665 the period of time that the reduction will remain in place. As  
 666 used in this section, the term "disproportionally affected  
 667 county" means Bay County, Escambia County, Franklin County, Gulf  
 668 County, Okaloosa County, Santa Rosa County, Walton County, or  
 669 Wakulla County.

670 Section 13. Subsections (11) through (19) of section  
 671 196.012, Florida Statutes, are renumbered as subsections (12)  
 672 through (20), respectively, a new subsection (11) is added to  
 673 that section, and paragraph (a) of present subsection (14),  
 674 paragraph (a) of present subsection (15), and present subsection  
 675 (16) of that section are amended to read:

676 196.012 Definitions.—For the purpose of this chapter, the  
 677 following terms are defined as follows, except where the context  
 678 clearly indicates otherwise:

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

683 (a) Future growth.—The industry forecast indicates strong  
 684 expectation for future growth in employment and output,  
 685 according to the most recent available data. Special  
 686 consideration should be given to businesses that export goods  
 687 to, or provide services in, international markets and businesses  
 688 that replace domestic and international imports of goods or  
 689 services.

690 (b) Stability.—The industry is not subject to periodic  
 691 layoffs, whether due to seasonality or sensitivity to volatile  
 692 economic variables such as weather. The industry is also  
 693 relatively resistant to recession, so that the demand for  
 694 products of this industry is not typically subject to decline  
 695 during an economic downturn.

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

698 (d) Market and resource independent.—The industry business  
 699 location is not dependent on markets or resources in the state  
 700 as indicated by industry analysis, except for businesses in the

701 renewable energy industry.

702 (e) Industrial base diversification and strengthening.—The  
 703 industry contributes toward expanding or diversifying the  
 704 state's or area's economic base, as indicated by analysis of  
 705 employment and output shares compared to national and regional  
 706 trends. Special consideration should be given to industries that  
 707 strengthen regional economies by adding value to basic products  
 708 or building regional industrial clusters as indicated by  
 709 industry analysis. Special consideration should also be given to  
 710 the development of strong industrial clusters that include  
 711 defense and homeland security businesses.

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

717  
 718 The term does not include any business engaged in retail  
 719 industry activities; any electrical utility company as defined  
 720 in s. 366.02(2); any phosphate or other solid minerals  
 721 severance, mining, or processing operation; any oil or gas  
 722 exploration or production operation; or any business subject to  
 723 regulation by the Division of Hotels and Restaurants of the  
 724 Department of Business and Professional Regulation. Any business  
 725 within NAICS code 5611 or 5614, office administrative services



726 | and business support services, respectively, may be considered a  
 727 | target industry business only after the local governing body and  
 728 | the Department of Economic Opportunity determine that the  
 729 | community in which the business may locate has conditions  
 730 | affecting the fiscal and economic viability of the local  
 731 | community or area, including, but not limited to, low per capita  
 732 | income, high unemployment, high underemployment, and a lack of  
 733 | year-round stable employment opportunities, and such conditions  
 734 | may be improved by the business locating in such community. By  
 735 | January 1 of every 3rd year, beginning January 1, 2011, the  
 736 | Department of Economic Opportunity, in consultation with  
 737 | economic development organizations, the State University System,  
 738 | local governments, employee and employer organizations, market  
 739 | analysts, and economists, shall review and, as appropriate,  
 740 | revise the list of target industries and submit the list to the  
 741 | Governor, the President of the Senate, and the Speaker of the  
 742 | House of Representatives.

743 |        ~~(15)~~~~(14)~~ "New business" means:

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

749 |           a. manufactures, processes, compounds, fabricates, or  
 750 | produces for sale items of tangible personal property at a fixed

751 location and which comprises an industrial or manufacturing  
 752 plant; or

753 b. Is a target industry business as defined in subsection  
 754 (11) ~~s. 288.106(2)(q)~~;

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

761 3. An office space in this state owned and used by a  
 762 business or organization newly domiciled in this state; provided  
 763 such office space houses 50 or more full-time employees of such  
 764 business or organization; provided that such business or  
 765 organization office first begins operation on a site clearly  
 766 separate from any other commercial or industrial operation owned  
 767 by the same business or organization.

768 (16)~~(15)~~ "Expansion of an existing business" means:

769 (a)1. A business or organization establishing 10 or more  
 770 new jobs to employ 10 or more full-time employees in this state,  
 771 paying an average wage for such new jobs that is above the  
 772 average wage in the area, which principally engages in any of  
 773 the operations referred to in subparagraph (15)(a)1. ~~(14)(a)1.~~;

774 or

775 2. A business or organization establishing 25 or more new

776 jobs to employ 25 or more full-time employees in this state, the  
 777 sales factor of which, as defined by s. 220.15(5), for the  
 778 facility with respect to which it requests an economic  
 779 development ad valorem tax exemption is less than 0.50 for each  
 780 year the exemption is claimed; provided that such business  
 781 increases operations on a site located within the same county,  
 782 municipality, or both colocated with a commercial or industrial  
 783 operation owned by the same business or organization under  
 784 common control with the same business or organization, resulting  
 785 in a net increase in employment of not less than 10 percent or  
 786 an increase in productive output or sales of not less than 10  
 787 percent.

788 (17)~~(16)~~ "Permanent resident" means a person who has  
 789 established a permanent residence as defined in subsection (18)  
 790 ~~(17)~~.

791 Section 14. Subsection (2) of section 196.101, Florida  
 792 Statutes, is amended to read:

793 196.101 Exemption for totally and permanently disabled  
 794 persons.-

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

800 Section 15. Subsection (2) of section 196.121, Florida

801 Statutes, is amended to read:

802 196.121 Homestead exemptions; forms.—

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

808 Section 16. Subsections (6) and (11) of section 196.1995,  
 809 Florida Statutes, are amended to read:

810 196.1995 Economic development ad valorem tax exemption.—

811 (6) With respect to a new business as defined in ~~by~~ s.  
 812 196.012(15)(c) ~~196.012(14)(c)~~, the municipality annexing the  
 813 property on which the business is situated may grant an economic  
 814 development ad valorem tax exemption under this section to that  
 815 business for a period that will expire upon the expiration of  
 816 the exemption granted by the county. If the county renews the  
 817 exemption under subsection (7), the municipality may also extend  
 818 its exemption. A municipal economic development ad valorem tax  
 819 exemption granted under this subsection may not extend beyond  
 820 the duration of the county exemption.

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

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

826 (b) The total amount of revenue available to the county or  
 827 municipality from ad valorem tax sources for the current fiscal  
 828 year, the total amount of revenue lost to the county or  
 829 municipality for the current fiscal year by virtue of economic  
 830 development ad valorem tax exemptions currently in effect, and  
 831 the estimated revenue loss to the county or municipality for the  
 832 current fiscal year attributable to the exemption of the  
 833 business named in the ordinance;

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

838 (d) A finding that the business named in the ordinance  
 839 meets the requirements of s. 196.012(15) or (16) ~~196.012(14) or~~  
 840 ~~(15)~~.

841 Section 17. Paragraphs (a), (c), and (d) of subsection (4)  
 842 of section 201.15, Florida Statutes, are amended to read:

843 201.15 Distribution of taxes collected.—All taxes  
 844 collected under this chapter are hereby pledged and shall be  
 845 first made available to make payments when due on bonds issued  
 846 pursuant to s. 215.618 or s. 215.619, or any other bonds  
 847 authorized to be issued on a parity basis with such bonds. Such  
 848 pledge and availability for the payment of these bonds shall  
 849 have priority over any requirement for the payment of service  
 850 charges or costs of collection and enforcement under this

851 section. All taxes collected under this chapter, except taxes  
 852 distributed to the Land Acquisition Trust Fund pursuant to  
 853 subsections (1) and (2), are subject to the service charge  
 854 imposed in s. 215.20(1). Before distribution pursuant to this  
 855 section, the Department of Revenue shall deduct amounts  
 856 necessary to pay the costs of the collection and enforcement of  
 857 the tax levied by this chapter. The costs and service charge may  
 858 not be levied against any portion of taxes pledged to debt  
 859 service on bonds to the extent that the costs and service charge  
 860 are required to pay any amounts relating to the bonds. All of  
 861 the costs of the collection and enforcement of the tax levied by  
 862 this chapter and the service charge shall be available and  
 863 transferred to the extent necessary to pay debt service and any  
 864 other amounts payable with respect to bonds authorized before  
 865 January 1, 2017, secured by revenues distributed pursuant to  
 866 this section. All taxes remaining after deduction of costs shall  
 867 be distributed as follows:

868 (4) After the required distributions to the Land  
 869 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
 870 deduction of the service charge imposed pursuant to s.  
 871 215.20(1), the remainder shall be distributed as follows:

872 (a) The lesser of 24.18442 percent of the remainder or  
 873 \$541.75 million in each fiscal year shall be paid into the State  
 874 Treasury to the credit of the State Transportation Trust Fund.  
 875 Of such funds, \$75 million for each fiscal year shall be

876 transferred to the General Revenue Fund ~~State Economic~~  
877 ~~Enhancement and Development Trust Fund within the Department of~~  
878 ~~Economic Opportunity~~. Notwithstanding any other law, the  
879 remaining amount credited to the State Transportation Trust Fund  
880 shall be used for:

881 1. Capital funding for the New Starts Transit Program,  
882 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
883 341.051, in the amount of 10 percent of the funds;

884 2. The Small County Outreach Program specified in s.  
885 339.2818, in the amount of 10 percent of the funds;

886 3. The Strategic Intermodal System specified in ss.  
887 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent  
888 of the funds after deduction of the payments required pursuant  
889 to subparagraphs 1. and 2.; and

890 4. The Transportation Regional Incentive Program specified  
891 in s. 339.2819, in the amount of 25 percent of the funds after  
892 deduction of the payments required pursuant to subparagraphs 1.  
893 and 2. The first \$60 million of the funds allocated pursuant to  
894 this subparagraph shall be allocated annually to the Florida  
895 Rail Enterprise for the purposes established in s. 341.303(5).

896 (c) Eleven and twenty-four hundredths percent of the  
897 remainder in each fiscal year shall be paid into the State  
898 Treasury to the credit of the State Housing Trust Fund. Of such  
899 funds, the first \$35 million shall be transferred annually,  
900 subject to any distribution required under subsection (5), to

901 | the General Revenue Fund ~~State Economic Enhancement and~~  
 902 | ~~Development Trust Fund within the Department of Economic~~  
 903 | ~~Opportunity~~. The remainder shall be used as follows:

904 |       1. Half of that amount shall be used for the purposes for  
 905 | which the State Housing Trust Fund was created and exists by  
 906 | law.

907 |       2. Half of that amount shall be paid into the State  
 908 | Treasury to the credit of the Local Government Housing Trust  
 909 | Fund and used for the purposes for which the Local Government  
 910 | Housing Trust Fund was created and exists by law.

911 |       (d) Twelve and ninety-three hundredths percent of the  
 912 | remainder in each fiscal year shall be paid into the State  
 913 | Treasury to the credit of the State Housing Trust Fund. Of such  
 914 | funds, the first \$40 million shall be transferred annually,  
 915 | subject to any distribution required under subsection (5), to  
 916 | the General Revenue Fund ~~State Economic Enhancement and~~  
 917 | ~~Development Trust Fund within the Department of Economic~~  
 918 | ~~Opportunity~~. The remainder shall be used as follows:

919 |       1. Twelve and one-half percent of that amount shall be  
 920 | deposited into the State Housing Trust Fund and expended by the  
 921 | Department of Economic Opportunity and the Florida Housing  
 922 | Finance Corporation for the purposes for which the State Housing  
 923 | Trust Fund was created and exists by law.

924 |       2. Eighty-seven and one-half percent of that amount shall  
 925 | be distributed to the Local Government Housing Trust Fund and



926 used for the purposes for which the Local Government Housing  
 927 Trust Fund was created and exists by law. Funds from this  
 928 category may also be used to provide for state and local  
 929 services to assist the homeless.

930 Section 18. Paragraph (a) of subsection (1) of section  
 931 212.031, Florida Statutes, is amended to read:

932 212.031 Tax on rental or license fee for use of real  
 933 property.-

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

- 938 1. Assessed as agricultural property under s. 193.461.
- 939 2. Used exclusively as dwelling units.
- 940 3. Property subject to tax on parking, docking, or storage  
 941 spaces under s. 212.03(6).

942 4. Recreational property or the common elements of a  
 943 condominium when subject to a lease between the developer or  
 944 owner thereof and the condominium association in its own right  
 945 or as agent for the owners of individual condominium units or  
 946 the owners of individual condominium units. However, only the  
 947 lease payments on such property shall be exempt from the tax  
 948 imposed by this chapter, and any other use made by the owner or  
 949 the condominium association shall be fully taxable under this  
 950 chapter.

951           5. A public or private street or right-of-way and poles,  
 952 conduits, fixtures, and similar improvements located on such  
 953 streets or rights-of-way, occupied or used by a utility or  
 954 provider of communications services, as defined by s. 202.11,  
 955 for utility or communications or television purposes. For  
 956 purposes of this subparagraph, the term "utility" means any  
 957 person providing utility services as defined in s. 203.012. This  
 958 exception also applies to property, wherever located, on which  
 959 the following are placed: towers, antennas, cables, accessory  
 960 structures, or equipment, not including switching equipment,  
 961 used in the provision of mobile communications services as  
 962 defined in s. 202.11. For purposes of this chapter, towers used  
 963 in the provision of mobile communications services, as defined  
 964 in s. 202.11, are considered to be fixtures.

965           6. A public street or road which is used for  
 966 transportation purposes.

967           7. Property used at an airport exclusively for the purpose  
 968 of aircraft landing or aircraft taxiing or property used by an  
 969 airline for the purpose of loading or unloading passengers or  
 970 property onto or from aircraft or for fueling aircraft.

971           8.a. Property used at a port authority, as defined in s.  
 972 315.02(2), exclusively for the purpose of oceangoing vessels or  
 973 tugs docking, or such vessels mooring on property used by a port  
 974 authority for the purpose of loading or unloading passengers or  
 975 cargo onto or from such a vessel, or property used at a port

976 authority for fueling such vessels, or to the extent that the  
 977 amount paid for the use of any property at the port is based on  
 978 the charge for the amount of tonnage actually imported or  
 979 exported through the port by a tenant.

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

984 ~~9. Property used as an integral part of the performance of~~  
 985 ~~qualified production services. As used in this subparagraph, the~~  
 986 ~~term "qualified production services" means any activity or~~  
 987 ~~service performed directly in connection with the production of~~  
 988 ~~a qualified motion picture, as defined in s. 212.06(1)(b), and~~  
 989 ~~includes:~~

990 ~~a. Photography, sound and recording, casting, location~~  
 991 ~~managing and scouting, shooting, creation of special and optical~~  
 992 ~~effects, animation, adaptation (language, media, electronic, or~~  
 993 ~~otherwise), technological modifications, computer graphics, set~~  
 994 ~~and stage support (such as electricians, lighting designers and~~  
 995 ~~operators, greensmen, prop managers and assistants, and grips),~~  
 996 ~~wardrobe (design, preparation, and management), hair and makeup~~  
 997 ~~(design, production, and application), performing (such as~~  
 998 ~~acting, dancing, and playing), designing and executing stunts,~~  
 999 ~~coaching, consulting, writing, scoring, composing,~~  
 1000 ~~choreographing, script supervising, directing, producing,~~

1001 ~~transmitting dailies, dubbing, mixing, editing, cutting,~~  
 1002 ~~looping, printing, processing, duplicating, storing, and~~  
 1003 ~~distributing;~~

1004 ~~b. The design, planning, engineering, construction,~~  
 1005 ~~alteration, repair, and maintenance of real or personal property~~  
 1006 ~~including stages, sets, props, models, paintings, and facilities~~  
 1007 ~~principally required for the performance of those services~~  
 1008 ~~listed in sub-subparagraph a.; and~~

1009 ~~c. Property management services directly related to~~  
 1010 ~~property used in connection with the services described in sub-~~  
 1011 ~~subparagraphs a. and b.~~

1012

1013 ~~This exemption will inure to the taxpayer upon presentation of~~  
 1014 ~~the certificate of exemption issued to the taxpayer under the~~  
 1015 ~~provisions of s. 288.1258.~~

1016 9.10. ~~Leased, subleased, licensed, or rented to a person~~  
 1017 ~~providing food and drink concessionaire services within the~~  
 1018 ~~premises of a convention hall, exhibition hall, auditorium,~~  
 1019 ~~stadium, theater, arena, civic center, performing arts center,~~  
 1020 ~~publicly owned recreational facility, or any business operated~~  
 1021 ~~under a permit issued pursuant to chapter 550. A person~~  
 1022 ~~providing retail concessionaire services involving the sale of~~  
 1023 ~~food and drink or other tangible personal property within the~~  
 1024 ~~premises of an airport shall be subject to tax on the rental of~~  
 1025 ~~real property used for that purpose, but shall not be subject to~~

1026 | the tax on any license to use the property. For purposes of this  
 1027 | subparagraph, the term "sale" shall not include the leasing of  
 1028 | tangible personal property.

1029 |        ~~10.11.~~ Property occupied pursuant to an instrument calling  
 1030 | for payments which the department has declared, in a Technical  
 1031 | Assistance Advisement issued on or before March 15, 1993, to be  
 1032 | nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
 1033 | Administrative Code; provided that this subparagraph shall only  
 1034 | apply to property occupied by the same person before and after  
 1035 | the execution of the subject instrument and only to those  
 1036 | payments made pursuant to such instrument, exclusive of renewals  
 1037 | and extensions thereof occurring after March 15, 1993.

1038 |        ~~11.12.~~ Property used or occupied predominantly for space  
 1039 | flight business purposes. As used in this subparagraph, "space  
 1040 | flight business" means the manufacturing, processing, or  
 1041 | assembly of a space facility, space propulsion system, space  
 1042 | vehicle, satellite, or station of any kind possessing the  
 1043 | capacity for space flight, as defined by s. 212.02(23), or  
 1044 | components thereof, and also means the following activities  
 1045 | supporting space flight: vehicle launch activities, flight  
 1046 | operations, ground control or ground support, and all  
 1047 | administrative activities directly related thereto. Property  
 1048 | shall be deemed to be used or occupied predominantly for space  
 1049 | flight business purposes if more than 50 percent of the  
 1050 | property, or improvements thereon, is used for one or more space

1051 flight business purposes. Possession by a landlord, lessor, or  
 1052 licensor of a signed written statement from the tenant, lessee,  
 1053 or licensee claiming the exemption shall relieve the landlord,  
 1054 lessor, or licensor from the responsibility of collecting the  
 1055 tax, and the department shall look solely to the tenant, lessee,  
 1056 or licensee for recovery of such tax if it determines that the  
 1057 exemption was not applicable.

1058 ~~12.13.~~ Rented, leased, subleased, or licensed to a person  
 1059 providing telecommunications, data systems management, or  
 1060 Internet services at a publicly or privately owned convention  
 1061 hall, civic center, or meeting space at a public lodging  
 1062 establishment as defined in s. 509.013. This subparagraph  
 1063 applies only to that portion of the rental, lease, or license  
 1064 payment that is based upon a percentage of sales, revenue  
 1065 sharing, or royalty payments and not based upon a fixed price.  
 1066 This subparagraph is intended to be clarifying and remedial in  
 1067 nature and shall apply retroactively. This subparagraph does not  
 1068 provide a basis for an assessment of any tax not paid, or create  
 1069 a right to a refund of any tax paid, pursuant to this section  
 1070 before July 1, 2010.

1071 Section 19. Paragraph (b) of subsection (1) of section  
 1072 212.06, Florida Statutes, is amended to read:

1073 212.06 Sales, storage, use tax; collectible from dealers;  
 1074 "dealer" defined; dealers to collect from purchasers;  
 1075 legislative intent as to scope of tax.-

1076 (1)  
 1077 (b) Except as otherwise provided, any person who  
 1078 manufactures, produces, compounds, processes, or fabricates in  
 1079 any manner tangible personal property for his or her own use  
 1080 shall pay a tax upon the cost of the product manufactured,  
 1081 produced, compounded, processed, or fabricated without any  
 1082 deduction therefrom on account of the cost of material used,  
 1083 labor or service costs, or transportation charges,  
 1084 notwithstanding the provisions of s. 212.02 defining "cost  
 1085 price." However, the tax levied under this paragraph shall not  
 1086 be imposed upon any person who manufactures or produces  
 1087 electrical power or energy, steam energy, or other energy at a  
 1088 single location, when such power or energy is used directly and  
 1089 exclusively at such location, or at other locations if the  
 1090 energy is transferred through facilities of the owner in the  
 1091 operation of machinery or equipment that is used to manufacture,  
 1092 process, compound, produce, fabricate, or prepare for shipment  
 1093 tangible personal property for sale or to operate pollution  
 1094 control equipment, maintenance equipment, or monitoring or  
 1095 control equipment used in such operations. The manufacture or  
 1096 production of electrical power or energy that is used for space  
 1097 heating, lighting, office equipment, or air-conditioning or any  
 1098 other, nonprocessing, noncompounding, nonproducing,  
 1099 nonfabricating, or nonshipping activity is taxable. Electrical  
 1100 power or energy consumed or dissipated in the transmission or

1101 distribution of electrical power or energy for resale is also  
 1102 not taxable. ~~Fabrication labor shall not be taxable when a~~  
 1103 ~~person is using his or her own equipment and personnel, for his~~  
 1104 ~~or her own account, as a producer, subproducer, or coproducer of~~  
 1105 ~~a qualified motion picture. For purposes of this chapter, the~~  
 1106 ~~term "qualified motion picture" means all or any part of a~~  
 1107 ~~series of related images, either on film, tape, or other~~  
 1108 ~~embodiment, including, but not limited to, all items comprising~~  
 1109 ~~part of the original work and film-related products derived~~  
 1110 ~~therefrom as well as duplicates and prints thereof and all sound~~  
 1111 ~~recordings created to accompany a motion picture, which is~~  
 1112 ~~produced, adapted, or altered for exploitation in, on, or~~  
 1113 ~~through any medium or device and at any location, primarily for~~  
 1114 ~~entertainment, commercial, industrial, or educational purposes.~~  
 1115 ~~This exemption for fabrication labor associated with production~~  
 1116 ~~of a qualified motion picture will inure to the taxpayer upon~~  
 1117 ~~presentation of the certificate of exemption issued to the~~  
 1118 ~~taxpayer under the provisions of s. 288.1258. A person who~~  
 1119 manufactures factory-built buildings for his or her own use in  
 1120 the performance of contracts for the construction or improvement  
 1121 of real property shall pay a tax only upon the person's cost  
 1122 price of items used in the manufacture of such buildings.

1123 Section 20. Section 212.0602, Florida Statutes, is  
 1124 repealed.

1125 Section 21. Paragraph (a) of subsection (3) of section



1126 | 212.0606, Florida Statutes, is amended to read:

1127 |       212.0606 Rental car surcharge.—

1128 |       (3)(a) Notwithstanding s. 212.20, and less the costs of  
 1129 | administration, 80 percent of the proceeds of this surcharge  
 1130 | shall be deposited in the State Transportation Trust Fund, ~~15.75~~  
 1131 | ~~percent of the proceeds of this surcharge shall be deposited in~~  
 1132 | ~~the Tourism Promotional Trust Fund created in s. 288.122, and 20~~  
 1133 | ~~4.25~~ percent of the proceeds of this surcharge shall be  
 1134 | deposited in the General Revenue Fund ~~Florida International~~  
 1135 | ~~Trade and Promotion Trust Fund~~. For the purposes of this  
 1136 | subsection, "proceeds" of the surcharge means all funds  
 1137 | collected and received by the department under this section,  
 1138 | including interest and penalties on delinquent surcharges. The  
 1139 | department shall provide the Department of Transportation rental  
 1140 | car surcharge revenue information for the previous state fiscal  
 1141 | year by September 1 of each year.

1142 |       Section 22. Paragraphs (g) through (q) of subsection (5)  
 1143 | of section 212.08, Florida Statutes, are redesignated as  
 1144 | paragraphs (f) through (p), respectively, subsections (12)  
 1145 | through (18) are renumbered as subsections (11) through (17),  
 1146 | respectively, and paragraph (f) and present paragraphs (h) and  
 1147 | (j) of subsection (5), subsection (12), and paragraph (f) of  
 1148 | present subsection (15) of that section are amended to read:

1149 |       212.08 Sales, rental, use, consumption, distribution, and  
 1150 | storage tax; specified exemptions.—The sale at retail, the

1151 rental, the use, the consumption, the distribution, and the  
 1152 storage to be used or consumed in this state of the following  
 1153 are hereby specifically exempt from the tax imposed by this  
 1154 chapter.

1155 (5) EXEMPTIONS; ACCOUNT OF USE.—

1156 ~~(f) Motion picture or video equipment used in motion~~  
 1157 ~~picture or television production activities and sound recording~~  
 1158 ~~equipment used in the production of master tapes and master~~  
 1159 ~~records.—~~

1160 ~~1. Motion picture or video equipment and sound recording~~  
 1161 ~~equipment purchased or leased for use in this state in~~  
 1162 ~~production activities is exempt from the tax imposed by this~~  
 1163 ~~chapter. The exemption provided by this paragraph shall inure to~~  
 1164 ~~the taxpayer upon presentation of the certificate of exemption~~  
 1165 ~~issued to the taxpayer under the provisions of s. 288.1258.~~

1166 ~~2. For the purpose of the exemption provided in~~  
 1167 ~~subparagraph 1.:~~

1168 ~~a. "Motion picture or video equipment" and "sound~~  
 1169 ~~recording equipment" includes only tangible personal property or~~  
 1170 ~~other property that has a depreciable life of 3 years or more~~  
 1171 ~~and that is used by the lessee or purchaser exclusively as an~~  
 1172 ~~integral part of production activities; however, motion picture~~  
 1173 ~~or video equipment and sound recording equipment does not~~  
 1174 ~~include supplies, tape, records, film, or video tape used in~~  
 1175 ~~productions or other similar items; vehicles or vessels; or~~

1176 ~~general office equipment not specifically suited to production~~  
 1177 ~~activities. In addition, the term does not include equipment~~  
 1178 ~~purchased or leased by television or radio broadcasting or cable~~  
 1179 ~~companies licensed by the Federal Communications Commission.~~  
 1180 ~~Furthermore, a building and its structural components are not~~  
 1181 ~~motion picture or video equipment and sound recording equipment~~  
 1182 ~~unless the building or structural component is so closely~~  
 1183 ~~related to the motion picture or video equipment and sound~~  
 1184 ~~recording equipment that it houses or supports that the building~~  
 1185 ~~or structural component can be expected to be replaced when the~~  
 1186 ~~motion picture or video equipment and sound recording equipment~~  
 1187 ~~are replaced. Heating and air-conditioning systems are not~~  
 1188 ~~motion picture or video equipment and sound recording equipment~~  
 1189 ~~unless the sole justification for their installation is to meet~~  
 1190 ~~the requirements of the production activities, even though the~~  
 1191 ~~system may provide incidental comfort to employees or serve, to~~  
 1192 ~~an insubstantial degree, nonproduction activities.~~

1193 ~~b. "Production activities" means activities directed~~  
 1194 ~~toward the preparation of a:~~  
 1195 ~~(I) Master tape or master record embodying sound; or~~  
 1196 ~~(II) Motion picture or television production which is~~  
 1197 ~~produced for theatrical, commercial, advertising, or educational~~  
 1198 ~~purposes and utilizes live or animated actions or a combination~~  
 1199 ~~of live and animated actions. The motion picture or television~~  
 1200 ~~production shall be commercially produced for sale or for~~

1201 ~~showing on screens or broadcasting on television and may be on~~  
 1202 ~~film or video tape.~~

1203 (g)~~(h)~~ Business property used in an enterprise zone.—

1204 1. Business property purchased for use by businesses  
 1205 located in an enterprise zone which is subsequently used in an  
 1206 enterprise zone shall be exempt from the tax imposed by this  
 1207 chapter. This exemption inures to the business only through a  
 1208 refund of previously paid taxes. A refund shall be authorized  
 1209 upon an affirmative showing by the taxpayer to the satisfaction  
 1210 of the department that the requirements of this paragraph have  
 1211 been met.

1212 2. To receive a refund, the business must file under oath  
 1213 with the governing body or enterprise zone development agency  
 1214 having jurisdiction over the enterprise zone where the business  
 1215 is located, as applicable, an application which includes:

1216 a. The name and address of the business claiming the  
 1217 refund.

1218 b. The identifying number assigned pursuant to s. 290.0065  
 1219 to the enterprise zone in which the business is located.

1220 c. A specific description of the property for which a  
 1221 refund is sought, including its serial number or other permanent  
 1222 identification number.

1223 d. The location of the property.

1224 e. The sales invoice or other proof of purchase of the  
 1225 property, showing the amount of sales tax paid, the date of

1226 purchase, and the name and address of the sales tax dealer from  
 1227 whom the property was purchased.

1228 f. Whether the business is a small business as defined by  
 1229 s. 288.703.

1230 g. If applicable, the name and address of each permanent  
 1231 employee of the business, including, for each employee who is a  
 1232 resident of an enterprise zone, the identifying number assigned  
 1233 pursuant to s. 290.0065 to the enterprise zone in which the  
 1234 employee resides.

1235 3. Within 10 working days after receipt of an application,  
 1236 the governing body or enterprise zone development agency shall  
 1237 review the application to determine if it contains all the  
 1238 information required pursuant to subparagraph 2. and meets the  
 1239 criteria set out in this paragraph. The governing body or agency  
 1240 shall certify all applications that contain the information  
 1241 required pursuant to subparagraph 2. and meet the criteria set  
 1242 out in this paragraph as eligible to receive a refund. If  
 1243 applicable, the governing body or agency shall also certify if  
 1244 20 percent of the employees of the business are residents of an  
 1245 enterprise zone, excluding temporary and part-time employees.  
 1246 The certification shall be in writing, and a copy of the  
 1247 certification shall be transmitted to the executive director of  
 1248 the Department of Revenue. The business shall be responsible for  
 1249 forwarding a certified application to the department within the  
 1250 time specified in subparagraph 4.

1251 4. An application for a refund pursuant to this paragraph  
 1252 must be submitted to the department within 6 months after the  
 1253 tax is due on the business property that is purchased.

1254 5. The amount refunded on purchases of business property  
 1255 under this paragraph shall be the lesser of 97 percent of the  
 1256 sales tax paid on such business property or \$5,000, or, if no  
 1257 less than 20 percent of the employees of the business are  
 1258 residents of an enterprise zone, excluding temporary and part-  
 1259 time employees, the amount refunded on purchases of business  
 1260 property under this paragraph shall be the lesser of 97 percent  
 1261 of the sales tax paid on such business property or \$10,000. A  
 1262 refund approved pursuant to this paragraph shall be made within  
 1263 30 days after formal approval by the department of the  
 1264 application for the refund. A refund may not be granted under  
 1265 this paragraph unless the amount to be refunded exceeds \$100 in  
 1266 sales tax paid on purchases made within a 60-day time period.

1267 6. The department shall adopt rules governing the manner  
 1268 and form of refund applications and may establish guidelines as  
 1269 to the requisites for an affirmative showing of qualification  
 1270 for exemption under this paragraph.

1271 7. If the department determines that the business property  
 1272 is used outside an enterprise zone within 3 years from the date  
 1273 of purchase, the amount of taxes refunded to the business  
 1274 purchasing such business property shall immediately be due and  
 1275 payable to the department by the business, together with the

1276 appropriate interest and penalty, computed from the date of  
 1277 purchase, in the manner provided by this chapter.

1278 Notwithstanding this subparagraph, business property used  
 1279 exclusively in:

- 1280 a. Licensed commercial fishing vessels,
- 1281 b. Fishing guide boats, or
- 1282 c. Ecotourism guide boats

1283  
 1284 that leave and return to a fixed location within an area  
 1285 designated under s. 379.2353, Florida Statutes 2010, are  
 1286 eligible for the exemption provided under this paragraph if all  
 1287 requirements of this paragraph are met. Such vessels and boats  
 1288 must be owned by a business that is eligible to receive the  
 1289 exemption provided under this paragraph. This exemption does not  
 1290 apply to the purchase of a vessel or boat.

1291 8. The department shall deduct an amount equal to 10  
 1292 percent of each refund granted under this paragraph from the  
 1293 amount transferred into the Local Government Half-cent Sales Tax  
 1294 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
 1295 which the business property is located and shall transfer that  
 1296 amount to the General Revenue Fund.

1297 9. For the purposes of this exemption, "business property"  
 1298 means new or used property defined as "recovery property" in s.  
 1299 168(c) of the Internal Revenue Code of 1954, as amended, except:

- 1300 a. Property classified as 3-year property under s.

1301 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;  
 1302 b. Industrial machinery and equipment as defined in sub-  
 1303 subparagraph (b)6.a. and eligible for exemption under paragraph  
 1304 (b);

1305 c. Building materials as defined in sub-subparagraph  
 1306 (f)8.a. ~~(g)8.a.~~; and

1307 d. Business property having a sales price of under \$5,000  
 1308 per unit.

1309 10. This paragraph expires on the date specified in s.  
 1310 290.016 for the expiration of the Florida Enterprise Zone Act.

1311 (i)~~(j)~~ Machinery and equipment used in semiconductor,  
 1312 defense, or space technology production.-

1313 1.a. Industrial machinery and equipment used in  
 1314 semiconductor technology facilities certified under subparagraph  
 1315 5. to manufacture, process, compound, or produce semiconductor  
 1316 technology products for sale or for use by these facilities are  
 1317 exempt from the tax imposed by this chapter. For purposes of  
 1318 this paragraph, industrial machinery and equipment includes  
 1319 molds, dies, machine tooling, other appurtenances or accessories  
 1320 to machinery and equipment, testing equipment, test beds,  
 1321 computers, and software, whether purchased or self-fabricated,  
 1322 and, if self-fabricated, includes materials and labor for  
 1323 design, fabrication, and assembly.

1324 b. Industrial machinery and equipment used in defense or  
 1325 space technology facilities certified under subparagraph 5. to



1326 design, manufacture, assemble, process, compound, or produce  
 1327 defense technology products or space technology products for  
 1328 sale or for use by these facilities are exempt from the tax  
 1329 imposed by this chapter.

1330 2. Building materials purchased for use in manufacturing  
 1331 or expanding clean rooms in semiconductor-manufacturing  
 1332 facilities are exempt from the tax imposed by this chapter.

1333 3. In addition to meeting the criteria mandated by  
 1334 subparagraph 1. or subparagraph 2., a business must be certified  
 1335 by the Department of Economic Opportunity in order to qualify  
 1336 for exemption under this paragraph.

1337 4. For items purchased tax-exempt pursuant to this  
 1338 paragraph, possession of a written certification from the  
 1339 purchaser, certifying the purchaser's entitlement to the  
 1340 exemption, relieves the seller of the responsibility of  
 1341 collecting the tax on the sale of such items, and the department  
 1342 shall look solely to the purchaser for recovery of the tax if it  
 1343 determines that the purchaser was not entitled to the exemption.

1344 5.a. To be eligible to receive the exemption provided by  
 1345 subparagraph 1. or subparagraph 2., a qualifying business entity  
 1346 shall initially apply to the Department of Economic Opportunity  
 1347 ~~Enterprise Florida, Inc.~~ The original certification is valid for  
 1348 a period of 2 years. In lieu of submitting a new application,  
 1349 the original certification may be renewed biennially by  
 1350 submitting to the Department of Economic Opportunity a

1351 statement, certified under oath, that there has not been a  
 1352 material change in the conditions or circumstances entitling the  
 1353 business entity to the original certification. The initial  
 1354 application and the certification renewal statement shall be  
 1355 developed by the Department of Economic Opportunity.

1356 b. The ~~Division of Strategic Business Development of the~~  
 1357 Department of Economic Opportunity shall review each submitted  
 1358 initial application and determine whether or not the application  
 1359 is complete within 5 working days. Once complete, the department  
 1360 ~~division~~ shall, within 10 working days, evaluate the application  
 1361 and recommend approval or disapproval ~~to the Department of~~  
 1362 ~~Economic Opportunity.~~

1363 c. Upon receipt of the initial application and  
 1364 recommendation ~~from the division~~ or upon receipt of a  
 1365 certification renewal statement, the Department of Economic  
 1366 Opportunity shall certify within 5 working days those applicants  
 1367 who are found to meet the requirements of this section and  
 1368 notify the applicant of the original certification or  
 1369 certification renewal. If the Department of Economic Opportunity  
 1370 finds that the applicant does not meet the requirements, it  
 1371 shall notify the applicant ~~and Enterprise Florida, Inc.,~~ within  
 1372 10 working days that the application for certification has been  
 1373 denied and the reasons for denial. The Department of Economic  
 1374 Opportunity has final approval authority for certification under  
 1375 this section.

1376           d. The initial application and certification renewal  
 1377 statement must indicate, for program evaluation purposes only,  
 1378 the average number of full-time equivalent employees at the  
 1379 facility over the preceding calendar year, the average wage and  
 1380 benefits paid to those employees over the preceding calendar  
 1381 year, the total investment made in real and tangible personal  
 1382 property over the preceding calendar year, and the total value  
 1383 of tax-exempt purchases and taxes exempted during the previous  
 1384 year. The department shall assist the Department of Economic  
 1385 Opportunity in evaluating and verifying information provided in  
 1386 the application for exemption.

1387           e. The Department of Economic Opportunity may use the  
 1388 information reported on the initial application and  
 1389 certification renewal statement for evaluation purposes only.

1390           6. A business certified to receive this exemption may  
 1391 elect to designate one or more state universities or community  
 1392 colleges as recipients of up to 100 percent of the amount of the  
 1393 exemption. To receive these funds, the institution must agree to  
 1394 match the funds with equivalent cash, programs, services, or  
 1395 other in-kind support on a one-to-one basis for research and  
 1396 development projects requested by the certified business. The  
 1397 rights to any patents, royalties, or real or intellectual  
 1398 property must be vested in the business unless otherwise agreed  
 1399 to by the business and the university or community college.

1400           7. As used in this paragraph, the term:

1401 a. "Semiconductor technology products" means raw  
 1402 semiconductor wafers or semiconductor thin films that are  
 1403 transformed into semiconductor memory or logic wafers, including  
 1404 wafers containing mixed memory and logic circuits; related  
 1405 assembly and test operations; active-matrix flat panel displays;  
 1406 semiconductor chips; semiconductor lasers; optoelectronic  
 1407 elements; and related semiconductor technology products as  
 1408 determined by the Department of Economic Opportunity.

1409 b. "Clean rooms" means manufacturing facilities enclosed  
 1410 in a manner that meets the clean manufacturing requirements  
 1411 necessary for high-technology semiconductor-manufacturing  
 1412 environments.

1413 c. "Defense technology products" means products that have  
 1414 a military application, including, but not limited to, weapons,  
 1415 weapons systems, guidance systems, surveillance systems,  
 1416 communications or information systems, munitions, aircraft,  
 1417 vessels, or boats, or components thereof, which are intended for  
 1418 military use and manufactured in performance of a contract with  
 1419 the United States Department of Defense or the military branch  
 1420 of a recognized foreign government or a subcontract thereunder  
 1421 which relates to matters of national defense.

1422 d. "Space technology products" means products that are  
 1423 specifically designed or manufactured for application in space  
 1424 activities, including, but not limited to, space launch  
 1425 vehicles, space flight vehicles, missiles, satellites or

1426 research payloads, avionics, and associated control systems and  
 1427 processing systems and components of any of the foregoing. The  
 1428 term does not include products that are designed or manufactured  
 1429 for general commercial aviation or other uses even though those  
 1430 products may also serve an incidental use in space applications.

1431 ~~(12) PARTIAL EXEMPTION; MASTER TAPES, RECORDS, FILMS, OR~~  
 1432 ~~VIDEO TAPES.~~

1433 ~~(a) There are exempt from the taxes imposed by this~~  
 1434 ~~chapter the gross receipts from the sale or lease of, and the~~  
 1435 ~~storage, use, or other consumption in this state of, master~~  
 1436 ~~tapes or master records embodying sound, or master films or~~  
 1437 ~~master video tapes; except that amounts paid to recording~~  
 1438 ~~studios or motion picture or television studios for the tangible~~  
 1439 ~~elements of such master tapes, records, films, or video tapes~~  
 1440 ~~are taxable as otherwise provided in this chapter. This~~  
 1441 ~~exemption will inure to the taxpayer upon presentation of the~~  
 1442 ~~certificate of exemption issued to the taxpayer under the~~  
 1443 ~~provisions of s. 288.1258.~~

1444 ~~(b) For the purposes of this subsection, the term:~~

1445 ~~1. "Amounts paid for the tangible elements" does not~~  
 1446 ~~include any amounts paid for the copyrightable, artistic, or~~  
 1447 ~~other intangible elements of such master tapes, records, films,~~  
 1448 ~~or video tapes, whether designated as royalties or otherwise,~~  
 1449 ~~including, but not limited to, services rendered in producing,~~  
 1450 ~~fabricating, processing, or imprinting tangible personal~~

1451 ~~property or any other services or production expenses in~~  
 1452 ~~connection therewith which may otherwise be construed as~~  
 1453 ~~constituting a "sale" under s. 212.02.~~

1454 ~~2. "Master films or master video tapes" means films or~~  
 1455 ~~video tapes utilized by the motion picture and television~~  
 1456 ~~production industries in making visual images for reproduction.~~

1457 ~~3. "Master tapes or master records embodying sound" means~~  
 1458 ~~tapes, records, and other devices utilized by the recording~~  
 1459 ~~industry in making recordings embodying sound.~~

1460 ~~4. "Motion picture or television studio" means a facility~~  
 1461 ~~in which film or video tape productions or parts of productions~~  
 1462 ~~are made and which contains the necessary equipment and~~  
 1463 ~~personnel for this purpose and includes a mobile unit or vehicle~~  
 1464 ~~that is equipped in much the same manner as a stationary studio~~  
 1465 ~~and used in the making of film or video tape productions.~~

1466 ~~5. "Recording studio" means a place where, by means of~~  
 1467 ~~mechanical or electronic devices, voices, music, or other sounds~~  
 1468 ~~are transmitted to tapes, records, or other devices capable of~~  
 1469 ~~reproducing sound.~~

1470 ~~6. "Recording industry" means any person engaged in an~~  
 1471 ~~occupation or business of making recordings embodying sound for~~  
 1472 ~~a livelihood or for a profit.~~

1473 ~~7. "Motion picture or television production industry"~~  
 1474 ~~means any person engaged in an occupation or business for a~~  
 1475 ~~livelihood or for profit of making visual motion picture or~~

1476 | ~~television visual images for showing on screen or television for~~  
 1477 | ~~theatrical, commercial, advertising, or educational purposes.~~

1478 | (14)~~(15)~~ ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.—

1479 | (f) For the purpose of the exemption provided in this  
 1480 | subsection, the term "qualified business" means a business which  
 1481 | is:

1482 | 1. First occupying a new structure to which electrical  
 1483 | service, other than that used for construction purposes, has not  
 1484 | been previously provided or furnished;

1485 | 2. Newly occupying an existing, remodeled, renovated, or  
 1486 | rehabilitated structure to which electrical service, other than  
 1487 | that used for remodeling, renovation, or rehabilitation of the  
 1488 | structure, has not been provided or furnished in the three  
 1489 | preceding billing periods; or

1490 | 3. Occupying a new, remodeled, rebuilt, renovated, or  
 1491 | rehabilitated structure for which a refund has been granted  
 1492 | pursuant to paragraph (5) (f) ~~(5) (g)~~.

1493 | Section 23. Section 212.097, Florida Statutes, is  
 1494 | repealed.

1495 | Section 24. Paragraph (a) of subsection (1) of section  
 1496 | 212.098, Florida Statutes, is amended to read:

1497 | 212.098 Rural Job Tax Credit Program.—

1498 | (1) As used in this section, the term:

1499 | (a) "Eligible business" means any sole proprietorship,  
 1500 | firm, partnership, or corporation that is located in a qualified

1501 county and is predominantly engaged in, or is headquarters for a  
 1502 business predominantly engaged in, activities usually provided  
 1503 for consideration by firms classified within the following  
 1504 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
 1505 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
 1506 (public warehousing and storage); SIC 70 (hotels and other  
 1507 lodging places); SIC 7391 (research and development); SIC 781  
 1508 (motion picture production and allied services); SIC 7992  
 1509 (public golf courses); and SIC 7996 (amusement parks); ~~and a~~  
 1510 ~~targeted industry eligible for the qualified target industry~~  
 1511 ~~business tax refund under s. 288.106.~~ A call center or similar  
 1512 customer service operation that services a multistate market or  
 1513 an international market is also an eligible business. In  
 1514 addition, the Department of Economic Opportunity may, as part of  
 1515 its final budget request submitted pursuant to s. 216.023,  
 1516 recommend additions to or deletions from the list of standard  
 1517 industrial classifications used to determine an eligible  
 1518 business, and the Legislature may implement such  
 1519 recommendations. Excluded from eligible receipts are receipts  
 1520 from retail sales, except such receipts for hotels and other  
 1521 lodging places classified in SIC 70, public golf courses in SIC  
 1522 7992, and amusement parks in SIC 7996. For purposes of this  
 1523 paragraph, the term "predominantly" means that more than 50  
 1524 percent of the business's gross receipts from all sources is  
 1525 generated by those activities usually provided for consideration



1526 | by firms in the specified standard industrial classification.  
 1527 | The determination of whether the business is located in a  
 1528 | qualified county and the tier ranking of that county must be  
 1529 | based on the date of application for the credit under this  
 1530 | section. Commonly owned and controlled entities are to be  
 1531 | considered a single business entity.

1532 |         Section 25. Paragraph (d) of subsection (6) of section  
 1533 | 212.20, Florida Statutes, is amended to read:

1534 |         212.20 Funds collected, disposition; additional powers of  
 1535 | department; operational expense; refund of taxes adjudicated  
 1536 | unconstitutionally collected.-

1537 |         (6) Distribution of all proceeds under this chapter and  
 1538 | ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1539 |         (d) The proceeds of all other taxes and fees imposed  
 1540 | pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 1541 | and (2)(b) shall be distributed as follows:

1542 |         1. In any fiscal year, the greater of \$500 million, minus  
 1543 | an amount equal to 4.6 percent of the proceeds of the taxes  
 1544 | collected pursuant to chapter 201, or 5.2 percent of all other  
 1545 | taxes and fees imposed pursuant to this chapter or remitted  
 1546 | pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 1547 | monthly installments into the General Revenue Fund.

1548 |         2. After the distribution under subparagraph 1., 8.9744  
 1549 | percent of the amount remitted by a sales tax dealer located  
 1550 | within a participating county pursuant to s. 218.61 shall be

1551 transferred into the Local Government Half-cent Sales Tax  
 1552 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
 1553 transferred shall be reduced by 0.1 percent, and the department  
 1554 shall distribute this amount to the Public Employees Relations  
 1555 Commission Trust Fund less \$5,000 each month, which shall be  
 1556 added to the amount calculated in subparagraph 3. and  
 1557 distributed accordingly.

1558 3. After the distribution under subparagraphs 1. and 2.,  
 1559 0.0966 percent shall be transferred to the Local Government  
 1560 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
 1561 to s. 218.65.

1562 4. After the distributions under subparagraphs 1., 2., and  
 1563 3., 2.0810 percent of the available proceeds shall be  
 1564 transferred monthly to the Revenue Sharing Trust Fund for  
 1565 Counties pursuant to s. 218.215.

1566 5. After the distributions under subparagraphs 1., 2., and  
 1567 3., 1.3653 percent of the available proceeds shall be  
 1568 transferred monthly to the Revenue Sharing Trust Fund for  
 1569 Municipalities pursuant to s. 218.215. If the total revenue to  
 1570 be distributed pursuant to this subparagraph is at least as  
 1571 great as the amount due from the Revenue Sharing Trust Fund for  
 1572 Municipalities and the former Municipal Financial Assistance  
 1573 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 1574 receive less than the amount due from the Revenue Sharing Trust  
 1575 Fund for Municipalities and the former Municipal Financial

1576 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 1577 total proceeds to be distributed are less than the amount  
 1578 received in combination-from the Revenue Sharing Trust Fund for  
 1579 Municipalities and the former Municipal Financial Assistance  
 1580 Trust Fund in state fiscal year 1999-2000, each municipality  
 1581 shall receive an amount proportionate to the amount it was due  
 1582 in state fiscal year 1999-2000.

1583 6. Of the remaining proceeds:

1584 a. In each fiscal year, the sum of \$29,915,500 shall be  
 1585 divided into as many equal parts as there are counties in the  
 1586 state, and one part shall be distributed to each county. The  
 1587 distribution among the several counties must begin each fiscal  
 1588 year on or before January 5th and continue monthly for a total  
 1589 of 4 months. If a local or special law required that any moneys  
 1590 accruing to a county in fiscal year 1999-2000 under the then-  
 1591 existing provisions of s. 550.135 be paid directly to the  
 1592 district school board, special district, or a municipal  
 1593 government, such payment must continue until the local or  
 1594 special law is amended or repealed. The state covenants with  
 1595 holders of bonds or other instruments of indebtedness issued by  
 1596 local governments, special districts, or district school boards  
 1597 before July 1, 2000, that it is not the intent of this  
 1598 subparagraph to adversely affect the rights of those holders or  
 1599 relieve local governments, special districts, or district school  
 1600 boards of the duty to meet their obligations as a result of

1601 previous pledges or assignments or trusts entered into which  
 1602 obligated funds received from the distribution to county  
 1603 governments under then-existing s. 550.135. This distribution  
 1604 specifically is in lieu of funds distributed under s. 550.135  
 1605 before July 1, 2000.

1606       b. The department shall distribute \$166,667 monthly to  
 1607 each applicant certified as a facility for a new or retained  
 1608 professional sports franchise pursuant to former s. 288.1162. Up  
 1609 to \$41,667 shall be distributed monthly by the department to  
 1610 each certified applicant as defined in former s. 288.11621 for a  
 1611 facility for a spring training franchise. However, not more than  
 1612 \$416,670 may be distributed monthly in the aggregate to all  
 1613 certified applicants for facilities for spring training  
 1614 franchises. Distributions begin 60 days after such certification  
 1615 and continue for not more than 30 years, except as otherwise  
 1616 provided in former s. 288.11621. A certified applicant  
 1617 identified in this sub-subparagraph may not receive more in  
 1618 distributions than expended by the applicant for the public  
 1619 purposes provided in former s. 288.1162(5) or former s.  
 1620 288.11621(3).

1621       c. Beginning 30 days after notice by the Department of  
 1622 Economic Opportunity to the Department of Revenue that an  
 1623 applicant has been certified as the professional golf hall of  
 1624 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
 1625 shall be distributed monthly, for up to 300 months, to the

1626 applicant.

1627 ~~d. Beginning 30 days after notice by the Department of~~  
 1628 ~~Economic Opportunity to the Department of Revenue that the~~  
 1629 ~~applicant has been certified as the International Game Fish~~  
 1630 ~~Association World Center facility pursuant to s. 288.1169, and~~  
 1631 ~~the facility is open to the public, \$83,333 shall be distributed~~  
 1632 ~~monthly, for up to 168 months, to the applicant. This~~  
 1633 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
 1634 ~~lump sum payment of \$999,996 shall be made after certification~~  
 1635 ~~and before July 1, 2000.~~

1636 d.e. The department shall distribute up to \$83,333 monthly  
 1637 to each certified applicant as defined in former s. 288.11631  
 1638 for a facility used by a single spring training franchise, or up  
 1639 to \$166,667 monthly to each certified applicant as defined in  
 1640 former s. 288.11631 for a facility used by more than one spring  
 1641 training franchise. Monthly distributions begin 60 days after  
 1642 such certification or July 1, 2016, whichever is later, and  
 1643 continue for not more than 20 years to each certified applicant  
 1644 as defined in former s. 288.11631 for a facility used by a  
 1645 single spring training franchise or not more than 25 years to  
 1646 each certified applicant as defined in former s. 288.11631 for a  
 1647 facility used by more than one spring training franchise. A  
 1648 certified applicant identified in this sub-subparagraph may not  
 1649 receive more in distributions than expended by the applicant for  
 1650 the public purposes provided in former s. 288.11631(3).

1651 ~~f. Beginning 45 days after notice by the Department of~~  
 1652 ~~Economic Opportunity to the Department of Revenue that an~~  
 1653 ~~applicant has been approved by the Legislature and certified by~~  
 1654 ~~the Department of Economic Opportunity under s. 288.11625 or~~  
 1655 ~~upon a date specified by the Department of Economic Opportunity~~  
 1656 ~~as provided under s. 288.11625(6)(d), the department shall~~  
 1657 ~~distribute each month an amount equal to one-twelfth of the~~  
 1658 ~~annual distribution amount certified by the Department of~~  
 1659 ~~Economic Opportunity for the applicant. The department may not~~  
 1660 ~~distribute more than \$7 million in the 2014-2015 fiscal year or~~  
 1661 ~~more than \$13 million annually thereafter under this sub-~~  
 1662 ~~subparagraph.~~

1663 ~~e.g.~~ Beginning December 1, 2015, and ending June 30, 2016,  
 1664 the department shall distribute \$26,286 monthly to the State  
 1665 Transportation Trust Fund. Beginning July 1, 2016, the  
 1666 department shall distribute \$15,333 monthly to the State  
 1667 Transportation Trust Fund.

1668 7. All other proceeds must remain in the General Revenue  
 1669 Fund.

1670 Section 26. Subsection (2) of section 218.61, Florida  
 1671 Statutes, is amended to read:

1672 218.61 Local government half-cent sales tax; designated  
 1673 proceeds; trust fund.-

1674 (2) Money remitted by a sales tax dealer located within  
 1675 the county and transferred into the Local Government Half-cent

1676 Sales Tax Clearing Trust Fund shall be earmarked for  
 1677 distribution to the governing body of that county and of each  
 1678 municipality within that county. ~~Such distributions shall be~~  
 1679 ~~made after funding is provided pursuant to s. 218.64(3), if~~  
 1680 ~~applicable.~~ Such moneys shall be known as the "local government  
 1681 half-cent sales tax."

1682 Section 27. Subsection (4) of section 218.64, Florida  
 1683 Statutes, is renumbered as subsection (3), and present  
 1684 subsections (2) and (3) of that section are amended to read:

1685 218.64 Local government half-cent sales tax; uses;  
 1686 limitations.—

1687 (2) Municipalities shall expend their portions of the  
 1688 local government half-cent sales tax only for municipality-wide  
 1689 programs, ~~for reimbursing the state as required pursuant to s.~~  
 1690 ~~288.11625,~~ or for municipality-wide property tax or municipal  
 1691 utility tax relief. All utility tax rate reductions afforded by  
 1692 participation in the local government half-cent sales tax shall  
 1693 be applied uniformly across all types of taxed utility services.

1694 (3) Subject to ordinances enacted by the majority of the  
 1695 members of the county governing authority and by the majority of  
 1696 the members of the governing authorities of municipalities  
 1697 representing at least 50 percent of the municipal population of  
 1698 such county, counties may use up to \$3 million annually of the  
 1699 local government half-cent sales tax allocated to that county  
 1700 for ~~any of the following purposes:~~

1701 ~~(a) Funding a certified applicant as a facility for a new~~  
 1702 ~~or retained professional sports franchise under s. 288.1162 or a~~  
 1703 ~~certified applicant as defined in s. 288.11621 for a facility~~  
 1704 ~~for a spring training franchise. It is the Legislature's intent~~  
 1705 ~~that the provisions of s. 288.1162, including, but not limited~~  
 1706 ~~to, the evaluation process by the Department of Economic~~  
 1707 ~~Opportunity except for the limitation on the number of certified~~  
 1708 ~~applicants or facilities as provided in that section and the~~  
 1709 ~~restrictions set forth in s. 288.1162(8), shall apply to an~~  
 1710 ~~applicant's facility to be funded by local government as~~  
 1711 ~~provided in this subsection.~~

1712 ~~(b)~~ funding a certified applicant as a "motorsport  
 1713 entertainment complex," as provided for in s. 288.1171. Funding  
 1714 for each franchise or motorsport complex shall begin 60 days  
 1715 after certification and shall continue for not more than 30  
 1716 years.

1717 ~~(c) Reimbursing the state as required under s. 288.11625.~~  
 1718 Section 28. Subsection (8) of section 220.02, Florida  
 1719 Statutes, is amended to read:

1720 220.02 Legislative intent.—

1721 (8) It is the intent of the Legislature that credits  
 1722 against either the corporate income tax or the franchise tax be  
 1723 applied in the following order: those enumerated in s. 631.828,  
 1724 those enumerated in former s. 220.191, those enumerated in s.  
 1725 220.181, those enumerated in s. 220.183, those enumerated in s.



1726 220.182, those enumerated in s. 220.1895, those enumerated in s.  
 1727 220.195, those enumerated in s. 220.184, those enumerated in s.  
 1728 220.186, those enumerated in s. 220.1845, those enumerated in s.  
 1729 220.19, those enumerated in s. 220.185, those enumerated in s.  
 1730 220.1875, those enumerated in s. 220.192, those enumerated in s.  
 1731 220.193, those enumerated in former s. 288.9916, those  
 1732 enumerated in former s. 220.1899, those enumerated in s.  
 1733 220.194, and those enumerated in s. 220.196.

1734 Section 29. Paragraph (a) of subsection (1) of section  
 1735 220.13, Florida Statutes, is amended to read:

1736 220.13 "Adjusted federal income" defined.—

1737 (1) The term "adjusted federal income" means an amount  
 1738 equal to the taxpayer's taxable income as defined in subsection  
 1739 (2), or such taxable income of more than one taxpayer as  
 1740 provided in s. 220.131, for the taxable year, adjusted as  
 1741 follows:

1742 (a) Additions.—There shall be added to such taxable  
 1743 income:

1744 1. The amount of any tax upon or measured by income,  
 1745 excluding taxes based on gross receipts or revenues, paid or  
 1746 accrued as a liability to the District of Columbia or any state  
 1747 of the United States which is deductible from gross income in  
 1748 the computation of taxable income for the taxable year.

1749 2. The amount of interest which is excluded from taxable  
 1750 income under s. 103(a) of the Internal Revenue Code or any other

1751 federal law, less the associated expenses disallowed in the  
 1752 computation of taxable income under s. 265 of the Internal  
 1753 Revenue Code or any other law, excluding 60 percent of any  
 1754 amounts included in alternative minimum taxable income, as  
 1755 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
 1756 taxpayer pays tax under s. 220.11(3).

1757 3. In the case of a regulated investment company or real  
 1758 estate investment trust, an amount equal to the excess of the  
 1759 net long-term capital gain for the taxable year over the amount  
 1760 of the capital gain dividends attributable to the taxable year.

1761 4. That portion of the wages or salaries paid or incurred  
 1762 for the taxable year which is equal to the amount of the credit  
 1763 allowable for the taxable year under s. 220.181. This  
 1764 subparagraph shall expire on the date specified in s. 290.016  
 1765 for the expiration of the Florida Enterprise Zone Act.

1766 5. That portion of the ad valorem school taxes paid or  
 1767 incurred for the taxable year which is equal to the amount of  
 1768 the credit allowable for the taxable year under s. 220.182. This  
 1769 subparagraph shall expire on the date specified in s. 290.016  
 1770 for the expiration of the Florida Enterprise Zone Act.

1771 6. The amount taken as a credit under s. 220.195 which is  
 1772 deductible from gross income in the computation of taxable  
 1773 income for the taxable year.

1774 7. That portion of assessments to fund a guaranty  
 1775 association incurred for the taxable year which is equal to the

1776 amount of the credit allowable for the taxable year.

1777 8. In the case of a nonprofit corporation which holds a  
 1778 pari-mutuel permit and which is exempt from federal income tax  
 1779 as a farmers' cooperative, an amount equal to the excess of the  
 1780 gross income attributable to the pari-mutuel operations over the  
 1781 attributable expenses for the taxable year.

1782 9. The amount taken as a credit for the taxable year under  
 1783 s. 220.1895.

1784 10. Up to nine percent of the eligible basis of any  
 1785 designated project which is equal to the credit allowable for  
 1786 the taxable year under s. 220.185.

1787 11. The amount taken as a credit for the taxable year  
 1788 under s. 220.1875. The addition in this subparagraph is intended  
 1789 to ensure that the same amount is not allowed for the tax  
 1790 purposes of this state as both a deduction from income and a  
 1791 credit against the tax. This addition is not intended to result  
 1792 in adding the same expense back to income more than once.

1793 12. The amount taken as a credit for the taxable year  
 1794 under s. 220.192.

1795 13. The amount taken as a credit for the taxable year  
 1796 under s. 220.193.

1797 ~~14. Any portion of a qualified investment, as defined in~~  
 1798 ~~s. 288.9913, which is claimed as a deduction by the taxpayer and~~  
 1799 ~~taken as a credit against income tax pursuant to s. 288.9916.~~

1800 14.15. The costs to acquire a tax credit pursuant to s.

1801 | 288.1254(5) that are deducted from or otherwise reduce federal  
 1802 | taxable income for the taxable year.

1803 | 15.16. The amount taken as a credit for the taxable year  
 1804 | pursuant to s. 220.194.

1805 | 16.17. The amount taken as a credit for the taxable year  
 1806 | under s. 220.196. The addition in this subparagraph is intended  
 1807 | to ensure that the same amount is not allowed for the tax  
 1808 | purposes of this state as both a deduction from income and a  
 1809 | credit against the tax. The addition is not intended to result  
 1810 | in adding the same expense back to income more than once.

1811 | Section 30. Section 220.1895, Florida Statutes, is amended  
 1812 | to read:

1813 | 220.1895 Rural Job Tax Credit ~~and Urban High-Crime Area~~  
 1814 | ~~Job Tax Credit.~~—There shall be allowed a credit against the tax  
 1815 | imposed by this chapter amounts approved by the Department of  
 1816 | Economic Opportunity pursuant to the Rural Job Tax Credit  
 1817 | Program in s. 212.098 ~~and the Urban High-Crime Area Job Tax~~  
 1818 | ~~Credit Program in s. 212.097.~~ A corporation that uses its credit  
 1819 | against the tax imposed by this chapter may not take the credit  
 1820 | against the tax imposed by chapter 212. If any credit granted  
 1821 | under this section is not fully used in the first year for which  
 1822 | it becomes available, the unused amount may be carried forward  
 1823 | for a period not to exceed 5 years. The carryover may be used in  
 1824 | a subsequent year when the tax imposed by this chapter for such  
 1825 | year exceeds the credit for such year under this section after

1826 applying the other credits and unused credit carryovers in the  
 1827 order provided in s. 220.02(8).

1828 Section 31. Section 220.1899, Florida Statutes, is  
 1829 repealed.

1830 Section 32. Section 220.191, Florida Statutes, is  
 1831 repealed.

1832 Section 33. Subsection (9) of section 220.194, Florida  
 1833 Statutes, is amended to read:

1834 220.194 Corporate income tax credits for spaceflight  
 1835 projects.-

1836 (9) ANNUAL REPORT.-Beginning in 2014, the Department of  
 1837 Economic Opportunity, in cooperation with Space Florida and the  
 1838 department, shall include in the annual incentives report  
 1839 required under s. 288.0065 ~~288.907~~ a summary of activities  
 1840 relating to the Florida Space Business Incentives Act  
 1841 established under this section.

1842 Section 34. Subsection (1) and paragraph (a) of subsection  
 1843 (2) of section 220.196, Florida Statutes, are amended to read:

1844 220.196 Research and development tax credit.-

1845 (1) DEFINITIONS.-As used in this section, the term:

1846 (a) "Base amount" means the average of the business  
 1847 enterprise's qualified research expenses in this state allowed  
 1848 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
 1849 taxable year for which the credit is determined. The qualified  
 1850 research expenses taken into account in computing the base

1851 amount shall be determined on a basis consistent with the  
 1852 determination of qualified research expenses for the taxable  
 1853 year.

1854 (b) "Business enterprise" means any corporation as defined  
 1855 in s. 220.03 which meets the definition of a target industry  
 1856 business as defined in paragraph (c) s. 288.106.

1857 (c) "Target industry business" means a corporate  
 1858 headquarters business or any business that is engaged in one of  
 1859 the target industries identified pursuant to the following  
 1860 criteria developed by the Department of Economic Opportunity:

1861 1. Future growth.—The industry forecast indicates strong  
 1862 expectation for future growth in employment and output,  
 1863 according to the most recent available data. Special  
 1864 consideration shall be given to businesses that export goods to,  
 1865 or provide services in, international markets and businesses  
 1866 that replace domestic and international imports of goods or  
 1867 services.

1868 2. Stability.—The industry is not subject to periodic  
 1869 layoffs, whether due to seasonality or sensitivity to volatile  
 1870 economic variables such as weather. The industry is also  
 1871 relatively resistant to recession, so that the demand for  
 1872 products of this industry is not typically subject to decline  
 1873 during an economic downturn.

1874 3. High wage.—The industry pays relatively high wages  
 1875 compared to statewide or area averages.

1876 4. Market and resource independent.—The industry business  
 1877 location is not dependent on markets or resources in the state  
 1878 as indicated by industry analysis, except for businesses in the  
 1879 renewable energy industry.

1880 5. Industrial base diversification and strengthening.—The  
 1881 industry contributes toward expanding or diversifying the  
 1882 state's or area's economic base, as indicated by analysis of  
 1883 employment and output shares compared to national and regional  
 1884 trends. Special consideration shall be given to industries that  
 1885 strengthen regional economies by adding value to basic products  
 1886 or building regional industrial clusters as indicated by  
 1887 industry analysis. Special consideration shall also be given to  
 1888 the development of strong industrial clusters that include  
 1889 defense and homeland security businesses.

1890 6. Positive economic impact.—The industry has strong  
 1891 positive economic impacts on or benefits to the state or  
 1892 regional economies. Special consideration shall be given to  
 1893 industries that facilitate the development of the state as a hub  
 1894 for domestic and global trade and logistics.

1895  
 1896 The term does not include any business engaged in retail  
 1897 industry activities; any electrical utility company as defined  
 1898 in s. 366.02(2); any phosphate or other solid minerals  
 1899 severance, mining, or processing operation; any oil or gas  
 1900 exploration or production operation; or any business subject to

1901 regulation by the Division of Hotels and Restaurants of the  
 1902 Department of Business and Professional Regulation. Any business  
 1903 within NAICS code 5611 or 5614, office administrative services  
 1904 and business support services, respectively, may be considered a  
 1905 target industry business only after the local governing body and  
 1906 the Department of Economic Opportunity determine that the  
 1907 community in which the business may locate has conditions  
 1908 affecting the fiscal and economic viability of the local  
 1909 community or area, including, but not limited to, low per capita  
 1910 income, high unemployment, high underemployment, and a lack of  
 1911 year-round stable employment opportunities, and such conditions  
 1912 may be improved by the business locating in such community. By  
 1913 January 1 of every 3rd year, beginning January 1, 2011, the  
 1914 Department of Economic Opportunity, in consultation with  
 1915 economic development organizations, the State University System,  
 1916 local governments, employee and employer organizations, market  
 1917 analysts, and economists, shall review and, as appropriate,  
 1918 revise the list of target industries and submit the list to the  
 1919 Governor, the President of the Senate, and the Speaker of the  
 1920 House of Representatives.

1921 (d)~~(e)~~ "Qualified research expenses" means research  
 1922 expenses qualifying for the credit under 26 U.S.C. s. 41 for in-  
 1923 house research expenses incurred in this state or contract  
 1924 research expenses incurred in this state. The term does not  
 1925 include research conducted outside this state or research



1926 expenses that do not qualify for a credit under 26 U.S.C. s. 41.

1927 (2) TAX CREDIT.—

1928 (a) As provided in this section, a business enterprise is  
 1929 eligible for a credit against the tax imposed by this chapter if  
 1930 it:

1931 1. Has qualified research expenses in this state in the  
 1932 taxable year exceeding the base amount;

1933 2. Claims and is allowed a research credit for such  
 1934 qualified research expenses under 26 U.S.C. s. 41 for the same  
 1935 taxable year as subparagraph 1.; and

1936 3. Is a ~~qualified~~ target industry business as defined in  
 1937 paragraph (c) s. 288.106(2)(n). Only ~~qualified~~ target industry  
 1938 businesses in the manufacturing, life sciences, information  
 1939 technology, aviation and aerospace, homeland security and  
 1940 defense, cloud information technology, marine sciences,  
 1941 materials science, and nanotechnology industries may qualify for  
 1942 a tax credit under this section. A business applying for a  
 1943 credit pursuant to this section shall include a letter from the  
 1944 Department of Economic Opportunity certifying whether the  
 1945 business meets the requirements of this subparagraph with its  
 1946 application for credit. The Department of Economic Opportunity  
 1947 shall provide such a letter upon receiving a request.

1948 Section 35. Section 272.11, Florida Statutes, is amended  
 1949 to read:

1950 272.11 Capitol information center.—The Department of

1951 | Economic Opportunity ~~Enterprise Florida, Inc.~~, shall establish,  
 1952 | maintain, and operate a Capitol information center somewhere  
 1953 | within the area of the Capitol Center and employ personnel or  
 1954 | enter into contracts to maintain same.

1955 |         Section 36. Paragraph (f) of subsection (1) of section  
 1956 | 287.0947, Florida Statutes, is amended to read:

1957 |             287.0947 Florida Advisory Council on Small and Minority  
 1958 | Business Development; creation; membership; duties.—

1959 |             (1) The Secretary of Management Services may create the  
 1960 | Florida Advisory Council on Small and Minority Business  
 1961 | Development with the purpose of advising and assisting the  
 1962 | secretary in carrying out the secretary's duties with respect to  
 1963 | minority businesses and economic and business development. It is  
 1964 | the intent of the Legislature that the membership of such  
 1965 | council include practitioners, laypersons, financiers, and  
 1966 | others with business development experience who can provide  
 1967 | invaluable insight and expertise for this state in the  
 1968 | diversification of its markets and networking of business  
 1969 | opportunities. The council shall initially consist of 19  
 1970 | persons, each of whom is or has been actively engaged in small  
 1971 | and minority business development, either in private industry,  
 1972 | in governmental service, or as a scholar of recognized  
 1973 | achievement in the study of such matters. Initially, the council  
 1974 | shall consist of members representing all regions of the state  
 1975 | and shall include at least one member from each group identified

1976 within the definition of "minority person" in s. 288.703(4),  
 1977 considering also gender and nationality subgroups, and shall  
 1978 consist of the following:

1979 (f) A member from the Department of Economic Opportunity  
 1980 ~~board of directors of Enterprise Florida, Inc.~~

1981  
 1982 A candidate for appointment may be considered if eligible to be  
 1983 certified as an owner of a minority business enterprise, or if  
 1984 otherwise qualified under the criteria above. Vacancies may be  
 1985 filled by appointment of the secretary, in the manner of the  
 1986 original appointment.

1987 Section 37. Subsections (2) and (4) of section 288.0001,  
 1988 Florida Statutes, are amended to read:

1989 288.0001 Economic Development Programs Evaluation.—The  
 1990 Office of Economic and Demographic Research and the Office of  
 1991 Program Policy Analysis and Government Accountability (OPPAGA)  
 1992 shall develop and present to the Governor, the President of the  
 1993 Senate, the Speaker of the House of Representatives, and the  
 1994 chairs of the legislative appropriations committees the Economic  
 1995 Development Programs Evaluation.

1996 (2) The Office of Economic and Demographic Research and  
 1997 OPPAGA shall provide a detailed analysis of economic development  
 1998 programs as provided in the following schedule:

1999 (a) By January 1, 2014, and every 3 years thereafter, an  
 2000 analysis of the following:

2001 | ~~1. The capital investment tax credit established under s.~~  
 2002 | ~~220.191.~~

2003 | ~~2. The qualified target industry tax refund established~~  
 2004 | ~~under s. 288.106.~~

2005 | ~~3. The brownfield redevelopment bonus refund established~~  
 2006 | ~~under s. 288.107.~~

2007 | ~~4. High impact business performance grants established~~  
 2008 | ~~under s. 288.108.~~

2009 | ~~5. The Quick Action Closing Fund established under s.~~  
 2010 | ~~288.1088.~~

2011 | ~~6. The Innovation Incentive Program established under s.~~  
 2012 | ~~288.1089.~~

2013 | 1.7. Enterprise Zone Program incentives established under  
 2014 | ss. 212.08(5) and (14)~~(15)~~, 212.096, 220.181, and 220.182.

2015 | 2.8. The New Markets Development Program established under  
 2016 | ss. 288.991-288.9922.

2017 | (b) By January 1, 2015, and every 3 years thereafter, an  
 2018 | analysis of ~~the following:~~

2019 | 1. The entertainment industry financial incentive program  
 2020 | established under s. 288.1254.

2021 | ~~2. The entertainment industry sales tax exemption program~~  
 2022 | ~~established under s. 288.1258.~~

2023 | 2.3. VISIT Florida and its programs established or funded  
 2024 | under ss. ~~288.122~~, 288.1226, 288.12265, and 288.124.

2025 | 3.4. The Florida Sports Foundation and related programs

2026 established under ss. ~~288.1162, 288.11621,~~ 288.1166, 288.1167,  
 2027 288.1168, ~~288.1169,~~ and 288.1171.

2028 (c) By January 1, 2016, and every 3 years thereafter, an  
 2029 analysis of the following:

2030 ~~1. The qualified defense contractor and space flight~~  
 2031 ~~business tax refund program established under s. 288.1045.~~

2032 1.2. The tax exemption for semiconductor, defense, or  
 2033 space technology sales established under s. 212.08(5)(i)  
 2034 ~~212.08(5)(j).~~

2035 2.3. The Military Base Protection Program established  
 2036 under s. 288.980.

2037 3.4. The Manufacturing and Spaceport Investment Incentive  
 2038 Program formerly established under s. 288.1083.

2039 ~~5. The Quick Response Training Program established under~~  
 2040 ~~s. 288.047.~~

2041 4.6. The Incumbent Worker Training Program established  
 2042 under s. 445.003.

2043 ~~7. International trade and business development programs~~  
 2044 ~~established or funded under s. 288.826.~~

2045 (d) By January 1, 2019, and every 3 years thereafter, an  
 2046 analysis of the grant and entrepreneur initiative programs  
 2047 established under s. 295.22(3)(d) and (e).

2048 ~~(e) Beginning January 1, 2018, and every 3 years~~  
 2049 ~~thereafter, an analysis of the Sports Development Program~~  
 2050 ~~established under s. 288.11625.~~

2051 (4) Pursuant to the schedule established in subsection  
 2052 (2), OPPAGA shall evaluate each program over the previous 3  
 2053 years for its effectiveness and value to the taxpayers of this  
 2054 state and include recommendations on each program for  
 2055 consideration by the Legislature. The analysis may include  
 2056 relevant economic development reports or analyses prepared by  
 2057 the department ~~of Economic Opportunity, Enterprise Florida,~~  
 2058 ~~Inc.,~~ or local or regional economic development organizations,~~+~~  
 2059 interviews with the parties involved,~~+~~ or any other relevant  
 2060 data.

2061 Section 38. Section 288.001, Florida Statutes, is  
 2062 repealed.

2063 Section 39. Section 288.012, Florida Statutes, is  
 2064 repealed.

2065 Section 40. Section 288.017, Florida Statutes, is  
 2066 repealed.

2067 Section 41. Subsection (4) of section 288.018, Florida  
 2068 Statutes, is amended to read:

2069 288.018 Regional Rural Development Grants Program.—

2070 (4) The department may expend up to \$750,000 each fiscal  
 2071 year from funds appropriated to the Rural Community Development  
 2072 Revolving Loan Fund for the purposes outlined in this section.  
 2073 ~~The department may contract with Enterprise Florida, Inc., for~~  
 2074 ~~the administration of the purposes specified in this section.~~  
 2075 ~~Funds released to Enterprise Florida, Inc., for this purpose~~

2076 ~~shall be released quarterly and shall be calculated based on the~~  
 2077 ~~applications in process.~~

2078 Section 42. Section 288.046, Florida Statutes, is  
 2079 repealed.

2080 Section 43. Section 288.047, Florida Statutes, is  
 2081 repealed.

2082 Section 44. Subsections (1) and (4) of section 288.061,  
 2083 Florida Statutes, are amended to read:

2084 288.061 Economic development incentive application  
 2085 process.-

2086 (1) Upon receiving a submitted economic development  
 2087 incentive application, ~~the Division of Strategic Business~~  
 2088 ~~Development of the department of Economic Opportunity and~~  
 2089 ~~designated staff of Enterprise Florida, Inc.,~~ shall review the  
 2090 application to ensure that the application is complete, whether  
 2091 and what type of state and local permits may be necessary for  
 2092 the applicant's project, whether it is possible to waive such  
 2093 permits, and what state incentives and amounts of such  
 2094 incentives may be available to the applicant. The department  
 2095 shall recommend to the executive director to approve or  
 2096 disapprove an applicant business. If review of the application  
 2097 demonstrates that the application is incomplete, the executive  
 2098 director shall notify the applicant business within the first 5  
 2099 business days after receiving the application.

2100 (4) The department shall validate contractor performance

2101 and report such validation in the annual incentives report  
 2102 required under s. 288.0065 ~~288.907~~.

2103 Section 45. Subsection (5) of section 288.0655, Florida  
 2104 Statutes, is renumbered as subsection (4), and paragraph (e) of  
 2105 subsection (2) and subsections (3) and (4) of that section are  
 2106 amended to read:

2107 288.0655 Rural Infrastructure Fund.—

2108 (2)

2109 (e) To enable local governments to access the resources  
 2110 available pursuant to s. 403.973(17) ~~403.973(18)~~, the department  
 2111 may award grants for surveys, feasibility studies, and other  
 2112 activities related to the identification and preclearance review  
 2113 of land which is suitable for preclearance review. Authorized  
 2114 grants under this paragraph may not exceed \$75,000 each, except  
 2115 in the case of a project in a rural area of opportunity, in  
 2116 which case the grant may not exceed \$300,000. Any funds awarded  
 2117 under this paragraph must be matched at a level of 50 percent  
 2118 with local funds, except that any funds awarded for a project in  
 2119 a rural area of opportunity must be matched at a level of 33  
 2120 percent with local funds. If an application for funding is for a  
 2121 catalyst site, as defined in s. 288.0656, the requirement for  
 2122 local match may be waived pursuant to the process in s.  
 2123 288.06561. In evaluating applications under this paragraph, the  
 2124 department shall consider the extent to which the application  
 2125 seeks to minimize administrative and consultant expenses.



2126 (3) The department, in consultation with ~~Enterprise~~  
 2127 ~~Florida, Inc.~~, the Florida Tourism Industry Marketing  
 2128 Corporation, the Department of Environmental Protection, and the  
 2129 Florida Fish and Wildlife Conservation Commission, as  
 2130 appropriate, shall review and certify applications pursuant to  
 2131 s. 288.061. The review shall include an evaluation of the  
 2132 economic benefit of the projects and their long-term viability.  
 2133 The department shall have final approval for any grant under  
 2134 this section.

2135 ~~(4) By September 1, 2012, the department shall, in~~  
 2136 ~~consultation with the organizations listed in subsection (3),~~  
 2137 ~~and other organizations, reevaluate existing guidelines and~~  
 2138 ~~criteria governing submission of applications for funding,~~  
 2139 ~~review and evaluation of such applications, and approval of~~  
 2140 ~~funding under this section. The department shall consider~~  
 2141 ~~factors including, but not limited to, the project's potential~~  
 2142 ~~for enhanced job creation or increased capital investment, the~~  
 2143 ~~demonstration and level of local public and private commitment,~~  
 2144 ~~whether the project is located in an enterprise zone, in a~~  
 2145 ~~community development corporation service area, or in an urban~~  
 2146 ~~high-crime area as designated under s. 212.097, the unemployment~~  
 2147 ~~rate of the county in which the project would be located, and~~  
 2148 ~~the poverty rate of the community.~~

2149 Section 46. Paragraph (a) of subsection (6) and paragraphs  
 2150 (a) and (c) of subsection (7) of section 288.0656, Florida

2151 Statutes, are amended to read:

2152 288.0656 Rural Economic Development Initiative.—

2153 (6)(a) By August 1 of each year, the head of each of the  
 2154 following agencies and organizations shall designate a deputy  
 2155 secretary or higher-level staff person from within the agency or  
 2156 organization to serve as the REDI representative for the agency  
 2157 or organization:

- 2158 1. The Department of Transportation.
- 2159 2. The Department of Environmental Protection.
- 2160 3. The Department of Agriculture and Consumer Services.
- 2161 4. The Department of State.
- 2162 5. The Department of Health.
- 2163 6. The Department of Children and Families.
- 2164 7. The Department of Corrections.
- 2165 8. The Department of Education.
- 2166 9. The Department of Juvenile Justice.
- 2167 10. The Fish and Wildlife Conservation Commission.
- 2168 11. Each water management district.
- 2169 ~~12. Enterprise Florida, Inc.~~
- 2170 12.13. CareerSource Florida, Inc.
- 2171 13.14. VISIT Florida.
- 2172 14.15. The Florida Regional Planning Council Association.
- 2173 15.16. The Agency for Health Care Administration.
- 2174 16.17. The Institute of Food and Agricultural Sciences  
 2175 (IFAS).

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An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the executive director of the department.

(7)

(a) REDI may recommend to the Governor up to three rural areas of opportunity. The Governor may by executive order designate up to three rural areas of opportunity which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but are not limited to, ~~the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 339.2821, the brownfield redevelopment bonus refund under s. 288.107,~~ and the rural job tax credit program under ss. 212.098 and 220.1895.

(c) Each rural area of opportunity may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, ~~identified as a catalyst project by Enterprise Florida, Inc.,~~ and confirmed as a catalyst project by the department. All state agencies and departments shall use all available tools and resources to the extent permissible by law

2201 | to promote the creation and development of each catalyst project  
 2202 | and the development of catalyst sites.

2203 |         Section 47. Section 288.0658, Florida Statutes, is amended  
 2204 | to read:

2205 |         288.0658 Nature-based recreation; promotion and other  
 2206 | assistance by Fish and Wildlife Conservation Commission.—The  
 2207 | Florida Fish and Wildlife Conservation Commission is directed to  
 2208 | assist ~~Enterprise Florida, Inc.~~; the Florida Tourism Industry  
 2209 | Marketing Corporation, doing business as VISIT Florida;  
 2210 | convention and visitor bureaus; tourist development councils;  
 2211 | economic development organizations; and local governments  
 2212 | through the provision of marketing advice, technical expertise,  
 2213 | promotional support, and product development related to nature-  
 2214 | based recreation and sustainable use of natural resources. In  
 2215 | carrying out this responsibility, the Florida Fish and Wildlife  
 2216 | Conservation Commission shall focus its efforts on fostering  
 2217 | nature-based recreation in rural communities and regions  
 2218 | encompassing rural communities. As used in this section, the  
 2219 | term "nature-based recreation" means leisure activities related  
 2220 | to the state's lands, waters, and fish and wildlife resources,  
 2221 | including, but not limited to, wildlife viewing, fishing,  
 2222 | hiking, canoeing, kayaking, camping, hunting, backpacking, and  
 2223 | nature photography.

2224 |         Section 48. Subsection (6) of section 288.075, Florida  
 2225 | Statutes, is amended to read:

2226           288.075 Confidentiality of records.—  
 2227           (6) ECONOMIC INCENTIVE PROGRAMS.—  
 2228           (a) The following information held by an economic  
 2229 development agency pursuant to the administration of an economic  
 2230 incentive program for qualified businesses is confidential and  
 2231 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
 2232 Constitution for a period not to exceed the duration of the  
 2233 incentive agreement, including an agreement authorizing a tax  
 2234 refund or tax credit, or upon termination of the incentive  
 2235 agreement:  
 2236           1. The percentage of the business's sales occurring  
 2237 outside this state and, ~~for businesses applying under s.~~  
 2238 ~~288.1045, the percentage of the business's gross receipts~~  
 2239 ~~derived from Department of Defense contracts during the 5 years~~  
 2240 ~~immediately preceding the date the business's application is~~  
 2241 ~~submitted.~~  
 2242           2. An individual employee's personal identifying  
 2243 information that is held as evidence of the achievement or  
 2244 nonachievement of the wage requirements of the tax refund, tax  
 2245 credit, or incentive agreement programs or of the job creation  
 2246 requirements of such programs.  
 2247           3. The amount of:  
 2248           a. Taxes on sales, use, and other transactions paid  
 2249 pursuant to chapter 212;  
 2250           b. Corporate income taxes paid pursuant to chapter 220;

- 2251 c. Intangible personal property taxes paid pursuant to  
 2252 chapter 199;  
 2253 d. Insurance premium taxes paid pursuant to chapter 624;  
 2254 e. Excise taxes paid on documents pursuant to chapter 201;  
 2255 f. Ad valorem taxes paid, as defined in s. 220.03(1); or  
 2256 g. State communications services taxes paid pursuant to  
 2257 chapter 202.

2258

2259 However, an economic development agency may disclose in the  
 2260 annual incentives report required under s. 288.0065 ~~288.907~~ the  
 2261 aggregate amount of each tax identified in this subparagraph and  
 2262 paid by all businesses participating in each economic incentive  
 2263 program.

2264 (b)~~1.~~ The following information held by an economic  
 2265 development agency relating to a specific business participating  
 2266 in an economic incentive program is no longer confidential or  
 2267 exempt 180 days after a final project order for an economic  
 2268 incentive agreement is issued, until a date specified in the  
 2269 final project order, or if the information is otherwise  
 2270 disclosed, whichever occurs first:

2271 1.a. The name of the qualified business.

2272 2.b. The total number of jobs the business committed to  
 2273 create or retain.

2274 3.e. The total number of jobs created or retained by the  
 2275 business.

2276 ~~4.d.~~ Notwithstanding s. 213.053(2), the amount of tax  
 2277 refunds, tax credits, or incentives awarded to, claimed by, or,  
 2278 if applicable, refunded to the state by the business.

2279 ~~5.e.~~ The anticipated total annual wages of employees the  
 2280 business committed to hire or retain.

2281 ~~2. For a business applying for certification under s.~~  
 2282 ~~288.1045 which is based on obtaining a new Department of Defense~~  
 2283 ~~contract, the total number of jobs expected and the amount of~~  
 2284 ~~tax refunds claimed may not be released until the new Department~~  
 2285 ~~of Defense contract is awarded.~~

2286 Section 49. Subsections (7) through (10) of section  
 2287 288.076, Florida Statutes, are renumbered as subsections (6)  
 2288 through (9), respectively, and paragraphs (a), (c), and (e) of  
 2289 subsection (1) and present subsections (6) and (7) of that  
 2290 section are amended to read:

2291 288.076 Return on investment reporting for economic  
 2292 development programs.—

2293 (1) As used in this section, the term:

2294 (a) "Jobs" means full-time equivalent positions,  
 2295 including, but not limited to, positions obtained from a  
 2296 temporary employment agency or employee leasing company or  
 2297 through a union agreement or coemployment under a professional  
 2298 employer organization agreement that result directly from a  
 2299 project in this state. The term does not include temporary  
 2300 construction jobs involved with the construction of facilities

2301 for the project or any jobs previously included in any  
 2302 application for tax refunds ~~has the same meaning as provided in~~  
 2303 ~~s. 288.106(2)(i).~~

2304 (c) "Project" means the creation of a new business or  
 2305 expansion of an existing business ~~has the same meaning as~~  
 2306 ~~provided in s. 288.106(2)(m).~~

2307 (e) "State investment" means any state grants, tax  
 2308 exemptions, tax refunds, tax credits, or other state incentives  
 2309 provided to a business under a program administered by the  
 2310 department, ~~including the capital investment tax credit under s.~~  
 2311 ~~220.191.~~

2312 ~~(6) Annually, the department shall publish information~~  
 2313 ~~relating to the progress of Quick Action Closing Fund projects,~~  
 2314 ~~including the average number of days between the date the~~  
 2315 ~~department receives a completed application and the date on~~  
 2316 ~~which the application is approved.~~

2317 ~~(6)(7)(a)~~ Within 48 hours after expiration of the period  
 2318 of confidentiality provided under s. 288.075, the department  
 2319 shall publish the contract or agreement described in s. 288.061,  
 2320 redacted to protect the participant business from disclosure of  
 2321 information that remains confidential or exempt by law.

2322 ~~(b) Within 48 hours after submitting any report of~~  
 2323 ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~  
 2324 ~~concerning a business's failure to complete a tax refund~~  
 2325 ~~agreement pursuant to the tax refund program for qualified~~



2326 ~~target industry businesses, the department shall publish such~~  
 2327 ~~report.~~

2328 Section 50. Section 288.095, Florida Statutes, is amended  
 2329 to read:

2330 288.095 Economic Development Trust Fund.—

2331 (1) The Economic Development Trust Fund is created within  
 2332 the department ~~of Economic Opportunity~~. Moneys deposited into  
 2333 the fund must be used only to support the authorized activities  
 2334 and operations of the department.

2335 (2) There is created, within the Economic Development  
 2336 Trust Fund, the Economic Development Incentives Account. The  
 2337 Economic Development Incentives Account consists of moneys  
 2338 appropriated to the account for purposes of the tax incentives  
 2339 programs formerly authorized under ss. 288.1045 and 288.106, and  
 2340 local financial support provided under former ss. 288.1045 and  
 2341 288.106. Moneys in the Economic Development Incentives Account  
 2342 shall be subject to the provisions of s. 216.301(1)(a).

2343 (3)(a) ~~The department may approve applications for~~  
 2344 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
 2345 The total state share of tax refund payments may not exceed \$35  
 2346 million.

2347 (b) The total amount of tax refund claims approved for  
 2348 payment by the department based on actual project performance  
 2349 may not exceed the amount appropriated to the Economic  
 2350 Development Incentives Account for such purposes for the fiscal

2351 | year. Claims for tax refunds under former ss. 288.1045 and  
 2352 | 288.106 shall be paid in the order the claims are approved by  
 2353 | the department. In the event the Legislature does not  
 2354 | appropriate an amount sufficient to satisfy the tax refunds  
 2355 | under former ss. 288.1045 and 288.106 in a fiscal year, the  
 2356 | department shall pay the tax refunds from the appropriation for  
 2357 | the following fiscal year. By March 1 of each year, the  
 2358 | department shall notify the legislative appropriations  
 2359 | committees of the Senate and House of Representatives of any  
 2360 | anticipated shortfall in the amount of funds needed to satisfy  
 2361 | claims for tax refunds from the appropriation for the current  
 2362 | fiscal year.

2363 |       (c) Moneys in the Economic Development Incentives Account  
 2364 | may be used only to pay tax refunds and make other payments on  
 2365 | agreements executed prior to July 1, 2017, authorized under  
 2366 | former s. 288.1045, s. 288.106, or s. 288.107.

2367 |       (d) The department may adopt rules necessary to carry out  
 2368 | ~~the provisions of~~ this subsection, including rules providing for  
 2369 | the use of moneys in the Economic Development Incentives Account  
 2370 | and for the administration of the Economic Development  
 2371 | Incentives Account.

2372 |       Section 51. Section 288.1045, Florida Statutes, is  
 2373 | repealed.

2374 |       Section 52. Section 288.106, Florida Statutes, is  
 2375 | repealed.

2376 Section 53. Section 288.107, Florida Statutes, is  
 2377 repealed.

2378 Section 54. Section 288.108, Florida Statutes, is  
 2379 repealed.

2380 Section 55. Section 288.1081, Florida Statutes, is  
 2381 repealed.

2382 Section 56. Section 288.1082, Florida Statutes, is  
 2383 repealed.

2384 Section 57. Section 288.1088, Florida Statutes, is  
 2385 repealed.

2386 Section 58. Section 288.1089, Florida Statutes, is  
 2387 repealed.

2388 Section 59. Section 288.111, Florida Statutes, is amended  
 2389 to read:

2390 288.111 Information concerning local manufacturing  
 2391 development programs.—The department shall develop materials  
 2392 that identify each local government that establishes a local  
 2393 manufacturing development program under s. 163.3252. The  
 2394 materials, which the department may elect to develop and  
 2395 maintain in electronic format or in any other format deemed by  
 2396 the department to provide public access, must be updated at  
 2397 least annually. ~~Enterprise Florida, Inc., shall, and other State~~  
 2398 ~~agencies may,~~ distribute the materials to prospective, new,  
 2399 expanding, and relocating businesses seeking to conduct business  
 2400 in this state.

2401           Section 60. Section 288.1162, Florida Statutes, is  
 2402 repealed.

2403           Section 61. Section 288.11621, Florida Statutes, is  
 2404 repealed.

2405           Section 62. Section 288.11625, Florida Statutes, is  
 2406 repealed.

2407           Section 63. Section 288.11631, Florida Statutes, is  
 2408 repealed.

2409           Section 64. Section 288.1169, Florida Statutes, is  
 2410 repealed.

2411           Section 65. Section 288.1201, Florida Statutes, is  
 2412 repealed.

2413           Section 66. (1) The State Economic Enhancement and  
 2414 Development Trust Fund, FLAIR number 40-2-041, within the  
 2415 Department of Economic Opportunity is terminated.

2416           (2) All current balances remaining in, and all revenues  
 2417 of, the trust fund shall be transferred to the General Revenue  
 2418 Fund.

2419           (3) The Department of Economic Opportunity shall pay any  
 2420 outstanding debts and obligations of the terminated fund as soon  
 2421 as practicable, and the Chief Financial Officer shall close out  
 2422 and remove the terminated fund from various state accounting  
 2423 systems using generally accepted accounting principles  
 2424 concerning warrants outstanding, assets, and liabilities.

2425           Section 67. Section 288.122, Florida Statutes, is

2426 repealed.

2427 Section 68. (1) The Tourism Promotional Trust Fund, FLAIR  
 2428 number 40-2-722, within the Department of Economic Opportunity  
 2429 is terminated.

2430 (2) All current balances remaining in, and all revenues  
 2431 of, the trust fund shall be transferred to the General Revenue  
 2432 Fund.

2433 (3) The Department of Economic Opportunity shall pay any  
 2434 outstanding debts and obligations of the terminated fund as soon  
 2435 as practicable, and the Chief Financial Officer shall close out  
 2436 and remove the terminated fund from various state accounting  
 2437 systems using generally accepted accounting principles  
 2438 concerning warrants outstanding, assets, and liabilities.

2439 Section 69. Section 288.1226, Florida Statutes, is amended  
 2440 to read:

2441 288.1226 Florida Tourism Industry Marketing Corporation;  
 2442 use of property; board of directors; duties; audit.-

2443 (1) DEFINITIONS.—For the purposes of this section, the  
 2444 term "corporation" means the Florida Tourism Industry Marketing  
 2445 Corporation.

2446 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
 2447 Corporation is a direct-support organization of the Department  
 2448 of Economic Opportunity ~~Enterprise Florida, Inc.~~

2449 (a) The Florida Tourism Industry Marketing Corporation is  
 2450 a corporation not for profit, as defined in s. 501(c)(6) of the

2451 Internal Revenue Code of 1986, as amended, that is incorporated  
 2452 under the provisions of chapter 617 and approved by the  
 2453 Department of State.

2454 (b) The corporation is organized and operated exclusively  
 2455 to request, receive, hold, invest, and administer property and  
 2456 to manage and make expenditures for the operation of the  
 2457 activities, services, functions, and programs of this state  
 2458 which relate to the statewide, national, and international  
 2459 promotion and marketing of tourism.

2460 (c) 1. The corporation is not an agency for the purposes of  
 2461 chapters 120 ~~and~~, 216, and 287; ss. 255.21, 255.25, and 255.254,  
 2462 ~~relating to leasing of buildings; ss. 283.33 and 283.35,~~  
 2463 ~~relating to bids for printing; s. 215.31; and parts I, II, and~~  
 2464 ~~IV-VIII of chapter 112. However, the corporation shall comply~~  
 2465 ~~with the per diem and travel expense provisions of s. 112.061.~~

2466 2. The corporation is an agency for the purposes of  
 2467 chapter 287.

2468 (d) The corporation is subject to the provisions of  
 2469 chapter 119, relating to public meetings, and those provisions  
 2470 of chapter 286 relating to public meetings and records.

2471 (3) USE OF PROPERTY.—The Department of Economic  
 2472 Opportunity Enterprise Florida, Inc.:

2473 (a) Is authorized to permit the use of property and  
 2474 facilities of the department Enterprise Florida, Inc., by the  
 2475 corporation, subject to the provisions of this section.

2476 (b) Shall prescribe conditions with which the corporation  
 2477 must comply in order to use property and facilities of the  
 2478 department ~~Enterprise Florida, Inc.~~ Such conditions shall  
 2479 provide for budget and audit review and for oversight by the  
 2480 department ~~Enterprise Florida, Inc.~~

2481 (c) May not permit the use of property and facilities of  
 2482 the department ~~Enterprise Florida, Inc.~~, if the corporation does  
 2483 not provide equal employment opportunities to all persons,  
 2484 regardless of race, color, national origin, sex, age, or  
 2485 religion.

2486 (4) BOARD OF DIRECTORS.—The board of directors of the  
 2487 corporation shall be composed of 31 tourism-industry-related  
 2488 members, appointed by the corporation ~~Enterprise Florida, Inc.~~,  
 2489 in conjunction with the department. Board members shall serve  
 2490 without compensation, but are entitled to receive reimbursement  
 2491 for per diem and travel expenses pursuant to s. 112.061. Such  
 2492 expenses must be paid out of funds of the corporation.

2493 (a) The board shall consist of 16 members, appointed in  
 2494 such a manner as to equitably represent all geographic areas of  
 2495 the state, with no fewer than two members from any of the  
 2496 following regions:

- 2497 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
 2498 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,  
 2499 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.
- 2500 2. Region 2, composed of Alachua, Baker, Bradford, Clay,

2501 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
 2502 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
 2503 Taylor, and Union Counties.

2504 3. Region 3, composed of Brevard, Indian River, Lake,  
 2505 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
 2506 Volusia Counties.

2507 4. Region 4, composed of Citrus, Hernando, Hillsborough,  
 2508 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

2509 5. Region 5, composed of Charlotte, Collier, DeSoto,  
 2510 Glades, Hardee, Hendry, Highlands, and Lee Counties.

2511 6. Region 6, composed of Broward, Martin, Miami-Dade,  
 2512 Monroe, and Palm Beach Counties.

2513 (b) The 15 additional tourism-industry-related members  
 2514 shall include 1 representative from the statewide rental car  
 2515 industry; 7 representatives from tourist-related statewide  
 2516 associations, including those that represent hotels,  
 2517 campgrounds, county destination marketing organizations,  
 2518 museums, restaurants, retail, and attractions; 3 representatives  
 2519 from county destination marketing organizations; 1  
 2520 representative from the cruise industry; 1 representative from  
 2521 an automobile and travel services membership organization that  
 2522 has at least 2.8 million members in Florida; 1 representative  
 2523 from the airline industry; and 1 representative from the space  
 2524 tourism industry, who will each serve for a term of 2 years.

2525 (5) POWERS AND DUTIES.—The corporation, in the performance



2526 | of its duties:

2527 |       (a) May make and enter into contracts and assume such  
 2528 | other functions as are necessary to carry out the provisions of  
 2529 | the 4-year marketing plan required by s. 288.923, and the  
 2530 | corporation's contract with the department that ~~Enterprise~~  
 2531 | ~~Florida, Inc., which~~ are not inconsistent with this or any other  
 2532 | provision of law. A proposed contract with a total cost of  
 2533 | \$750,000 or more is subject to the notice and review procedures  
 2534 | in s. 216.177. If the chair or vice chair of the Legislative  
 2535 | Budget Commission, the President of the Senate, or the Speaker  
 2536 | of the House of Representatives timely advise the corporation in  
 2537 | writing that such proposed contract is contrary to legislative  
 2538 | policy and intent, the corporation may not execute such proposed  
 2539 | contract. The corporation may not enter into multiple related  
 2540 | contracts to avoid the requirements of this paragraph.

2541 |       (b) May develop a program to provide incentives and to  
 2542 | attract and recognize those entities which make significant  
 2543 | financial and promotional contributions towards the expanded  
 2544 | tourism promotion activities of the corporation.

2545 |       (c) May establish a cooperative marketing program with  
 2546 | other public and private entities which allows the use of the  
 2547 | VISIT Florida logo in tourism promotion campaigns which meet the  
 2548 | standards of the department ~~Enterprise Florida, Inc.~~, for which  
 2549 | the corporation may charge a reasonable fee.

2550 |       (d) May sue and be sued and appear and defend in all

2551 actions and proceedings in its corporate name to the same extent  
 2552 as a natural person.

2553 (e) May adopt, use, and alter a common corporate seal.  
 2554 However, such seal must always contain the words "corporation  
 2555 not for profit."

2556 (f) Shall elect or appoint such officers and agents as its  
 2557 affairs shall require and allow them reasonable compensation.  
 2558 However, each officer or agent, including the President and CEO,  
 2559 may not receive compensation, public or private, that exceeds  
 2560 \$130,000 per year.

2561 (g) Shall hire and establish salaries and personnel and  
 2562 employee benefit programs for such permanent and temporary  
 2563 employees as are necessary to carry out the provisions of the 4-  
 2564 year marketing plan and the corporation's contract with the  
 2565 department that ~~Enterprise Florida, Inc., which~~ are not  
 2566 inconsistent with this or any other provision of law. However,  
 2567 an employee may not receive compensation, public or private,  
 2568 that exceeds \$130,000 per year. Any retirement, life insurance,  
 2569 or health insurance benefits provided to employees of the  
 2570 corporation may not exceed the value of such benefits provided  
 2571 to employees of the corporation as of January 1, 2017. Any  
 2572 public or private payments of performance bonuses or severance  
 2573 pay to employees of the corporation are prohibited unless  
 2574 specifically authorized by law. The Governor shall review and  
 2575 approve or deny requests for out-of-state or international

2576 travel by employees and board members of the corporation and  
 2577 individuals whose travel will be paid for by the corporation,  
 2578 regardless of the source of the funds used for such travel.

2579 (h) Shall appoint a president and chief executive officer  
 2580 of the corporation who shall serve subject to confirmation by  
 2581 the Senate ~~provide staff support to the Division of Tourism~~  
 2582 ~~Promotion of Enterprise Florida, Inc. The president and chief~~  
 2583 ~~executive officer of the Florida Tourism Industry Marketing~~  
 2584 ~~Corporation shall serve without compensation as the director of~~  
 2585 ~~the division.~~

2586 (i) May adopt, change, amend, and repeal bylaws, not  
 2587 inconsistent with law or its articles of incorporation, for the  
 2588 administration of the provisions of the 4-year marketing plan  
 2589 and the corporation's contract with the department ~~Enterprise~~  
 2590 ~~Florida, Inc.~~

2591 (j) May conduct its affairs, carry on its operations, and  
 2592 have offices and exercise the powers granted by this act in any  
 2593 state, territory, district, or possession of the United States  
 2594 or any foreign country. When ~~Where~~ feasible, appropriate, and  
 2595 recommended by the 4-year marketing plan developed by the  
 2596 ~~Division of Tourism Promotion of Enterprise Florida, Inc.,~~ the  
 2597 corporation may collocate the programs of foreign tourism  
 2598 offices in cooperation with any foreign office operated by any  
 2599 agency of this state.

2600 (k) May appear on its own behalf before boards,

2601 commissions, departments, or other agencies of municipal,  
 2602 county, state, or federal government.

2603 (l) May request or accept any grant, payment, or gift, of  
 2604 funds or property made by this state or by the United States or  
 2605 any department or agency thereof or by any individual, firm,  
 2606 corporation, municipality, county, or organization for any or  
 2607 all of the purposes of the 4-year marketing plan and the  
 2608 corporation's contract with the department ~~Enterprise Florida,~~  
 2609 ~~Inc.~~, that are not inconsistent with this or any other provision  
 2610 of law. Such funds shall be deposited in a bank account  
 2611 established by the corporation's board of directors. The  
 2612 corporation may expend such funds in accordance with the terms  
 2613 and conditions of any such grant, payment, or gift, in the  
 2614 pursuit of its administration or in support of the programs it  
 2615 administers. The corporation shall separately account for the  
 2616 public funds and the private funds deposited into the  
 2617 corporation's bank account.

2618 (m) Shall establish a plan for participation in the  
 2619 corporation which will provide additional funding for the  
 2620 administration and duties of the corporation.

2621 (n) In the performance of its duties, may undertake, or  
 2622 contract for, marketing projects and advertising research  
 2623 projects.

2624 (o) In addition to any indemnification available under  
 2625 chapter 617, the corporation may indemnify, and purchase and

2626 maintain insurance on behalf of, directors, officers, and  
 2627 employees of the corporation against any personal liability or  
 2628 accountability by reason of actions taken while acting within  
 2629 the scope of their authority.

2630 (p) Shall not create or establish any other entity,  
 2631 corporation, or direct-support organization.

2632 (q) Shall not expend funds, public or private, that  
 2633 directly or indirectly, benefit only one company, corporation or  
 2634 business entity.

2635 (6) ANNUAL AUDIT.—The corporation shall provide for an  
 2636 annual financial audit in accordance with s. 215.981. The annual  
 2637 audit report shall be submitted to the Auditor General; the  
 2638 Office of Program Policy Analysis and Government Accountability;  
 2639 ~~Enterprise Florida, Inc.,~~ and the department for review. The  
 2640 Office of Program Policy Analysis and Government Accountability;  
 2641 ~~Enterprise Florida, Inc.,~~ the department; and the Auditor  
 2642 General have the authority to require and receive from the  
 2643 corporation or from its independent auditor any detail or  
 2644 supplemental data relative to the operation of the corporation.  
 2645 The department shall annually certify whether the corporation is  
 2646 operating in a manner and achieving the objectives that are  
 2647 consistent with the policies and goals of the department  
 2648 ~~Enterprise Florida, Inc.,~~ and its long-range marketing plan. The  
 2649 identity of a donor or prospective donor to the corporation who  
 2650 desires to remain anonymous and all information identifying such

2651 donor or prospective donor are confidential and exempt from the  
 2652 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 2653 Constitution. Such anonymity shall be maintained in the  
 2654 auditor's report.

2655 (7) REPORT.—The corporation shall provide a quarterly  
 2656 report to the department ~~Enterprise Florida, Inc.~~, which shall:

2657 (a) Measure the current vitality of the visitor industry  
 2658 of this state as compared to the vitality of such industry for  
 2659 the year to date and for comparable quarters of past years.  
 2660 Indicators of vitality shall be determined by the department  
 2661 ~~Enterprise Florida, Inc.~~, and shall include, but not be limited  
 2662 to, estimated visitor count and party size, length of stay,  
 2663 average expenditure per party, and visitor origin and  
 2664 destination.

2665 (b) Provide detailed, unaudited financial statements of  
 2666 sources and uses of public and private funds.

2667 (c) Measure progress towards annual goals and objectives  
 2668 set forth in the 4-year marketing plan.

2669 (d) Review all pertinent research findings.

2670 (e) Provide other measures of accountability as requested  
 2671 by the department ~~Enterprise Florida, Inc.~~

2672  
 2673 The corporation must take all steps necessary to provide all  
 2674 data that is used to develop the report, including source data,  
 2675 to the Office of Economic and Demographic Research.

2676           (8) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Notwithstanding  
 2677 per diem and travel expenses authorized pursuant s. 112.061,  
 2678 funds of the corporation may not be expended for food,  
 2679 beverages, lodging, entertainment, or gifts for employees of the  
 2680 corporation, board members of the corporation, or employees of a  
 2681 tourist or economic development entity that receives revenue  
 2682 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
 2683 212.0305. An employee or board member of the corporation may not  
 2684 accept or receive food, beverages, lodging, entertainment, or  
 2685 gifts from a tourist or economic development entity that  
 2686 receives revenue from a tax imposed pursuant to s. 125.0104, s.  
 2687 125.0108, or s. 212.0305 ~~PUBLIC RECORDS EXEMPTION.~~ ~~The identity~~  
 2688 ~~of any person who responds to a marketing project or advertising~~  
 2689 ~~research project conducted by the corporation in the performance~~  
 2690 ~~of its duties on behalf of Enterprise Florida, Inc., or trade~~  
 2691 ~~secrets as defined by s. 812.081 obtained pursuant to such~~  
 2692 ~~activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of~~  
 2693 ~~the State Constitution. This subsection is subject to the Open~~  
 2694 ~~Government Sunset Review Act in accordance with s. 119.15 and~~  
 2695 ~~shall stand repealed on October 2, 2021, unless reviewed and~~  
 2696 ~~saved from repeal through reenactment by the Legislature.~~  
 2697           (9) LODGING EXPENSES.—Lodging expenses for an employee of  
 2698 the corporation may not exceed \$150 per day, excluding taxes.  
 2699 However, an employee of the corporation may expend his or her  
 2700 own funds for any lodging expenses in excess of \$150 per day.

2701 |       (10) RELEASE OF APPROPRIATIONS.—Notwithstanding s.  
 2702 | 216.192, and in accordance with s. 216.351, the annual plan for  
 2703 | release of appropriations for the Department of Economic  
 2704 | Opportunity shall be quarterly. On July 1 of each fiscal year,  
 2705 | 25 percent of the original operating budget of the corporation  
 2706 | shall be released. The balance of the appropriation shall be  
 2707 | held in reserve. By August 15 of each fiscal year, the  
 2708 | Department of Economic Opportunity shall submit a proposed  
 2709 | operating budget for the corporation including amounts to be  
 2710 | expended on advertising, events, other operating capital outlay,  
 2711 | and salaries and benefits for each employee to the Legislative  
 2712 | Budget Commission. Upon approval of the plan by the Legislative  
 2713 | Budget Commission, the remainder of the operating budget for the  
 2714 | corporation shall be released pursuant to this subsection.

2715 |       (11) TRANSPARENCY.—

2716 |       (a) The corporation is a governmental entity as defined in  
 2717 | s. 215.985 and, therefore, is subject to the Transparency  
 2718 | Florida Act.

2719 |       (b) A contract entered into between the corporation and  
 2720 | any other entity, including a local government, private, or  
 2721 | nonprofit entity, that receives public funds from the state or  
 2722 | from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
 2723 | 212.0305 shall include:

- 2724 |           1. The purpose of the contract.
- 2725 |           2. Specific performance standards and responsibilities for



2726 each entity.

2727 3. A detailed project or contract budget, if applicable.

2728 4. The value of any services provided.

2729 5. The salaries of all employees and board members of the

2730 entity and the projected travel and entertainment expenses for

2731 such employees and board members.

2732 (c)1. If a marketing partner receives public funds from

2733 the state or from a tax imposed pursuant to s. 125.0104, s.

2734 125.0108, or s. 212.0305, the marketing partner shall annually

2735 report all public and private financial data to the corporation.

2736 2. The financial data shall include:

2737 a. The total amount of revenue received from public and

2738 private sources.

2739 b. The operating budget.

2740 c. Employee and board member salary and benefit details.

2741 d. An itemized account of all funds spent by a third party

2742 on behalf of the corporation or a board member or an employee of

2743 the corporation.

2744 e. Itemized travel and entertainment expenditures.

2745 (d) The following information must be posted on the

2746 corporation's website:

2747 1. A plain language version of each proposed and executed

2748 contract exceeding \$35,000 with a private entity, municipality,

2749 city, town, or vendor of services, supplies, or programs,

2750 including marketing, or for the purchase or lease or use of

2751 lands, facilities, or properties.

2752 2. Any agreement entered into between the corporation and  
 2753 any other entity, including a local government, private, or  
 2754 nonprofit entity, that receives public funds or funds from a tax  
 2755 imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305.

2756 3. Video recordings of each board meeting.

2757 4. A detailed report of expenditures following each  
 2758 marketing event paid for with the corporation's funds. Such  
 2759 report must be posted within 10 business days after the event.

2760 5. An annual itemized accounting of the total amount of  
 2761 funds spent by any third party on behalf of the corporation or  
 2762 any board member or employee of the corporation.

2763 6. An annual itemized accounting of the total amount of  
 2764 travel and entertainment expenditures by the corporation.

2765 (e) The corporation's website must:

2766 1. Allow users to navigate to related sites to view  
 2767 supporting details.

2768 2. Enable a taxpayer to email questions to the corporation  
 2769 and make such questions and the corporation's responses publicly  
 2770 viewable.

2771 (12) REPEAL.—This section is repealed October 1, 2019,  
 2772 unless reviewed and saved from repeal by the Legislature.

2773 Section 70. For the 2017-2018 fiscal year, the sum of \$25  
 2774 million in recurring funds is appropriated from the General  
 2775 Revenue Fund to the Department of Economic Opportunity for the

2776 | operation of VISIT Florida.

2777 | Section 71. Section 288.12265, Florida Statutes, is  
2778 | amended to read:

2779 | 288.12265 Welcome centers.—

2780 | (1) Responsibility for the welcome centers is assigned to  
2781 | the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~  
2782 | which shall contract with the Florida Tourism Industry Marketing  
2783 | Corporation to employ all welcome center staff.

2784 | (2) The Department of Economic Opportunity ~~Enterprise~~  
2785 | ~~Florida, Inc.,~~ shall administer and operate the welcome centers.  
2786 | Pursuant to a contract with the Department of Transportation,  
2787 | the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~  
2788 | shall be responsible for routine repair, replacement, or  
2789 | improvement and the day-to-day management of interior areas  
2790 | occupied by the welcome centers. All other repairs,  
2791 | replacements, or improvements to the welcome centers shall be  
2792 | the responsibility of the Department of Transportation. The  
2793 | Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~ may  
2794 | contract with the Florida Tourism Industry Marketing Corporation  
2795 | for the management and operation of the welcome centers.

2796 | Section 72. Section 288.125, Florida Statutes, is  
2797 | repealed.

2798 | Section 73. Section 288.1251, Florida Statutes, is  
2799 | repealed.

2800 | Section 74. Section 288.1252, Florida Statutes, is

2801 repealed.

2802 Section 75. Section 288.1253, Florida Statutes, is  
 2803 repealed.

2804 Section 76. Section 288.1258, Florida Statutes, is  
 2805 repealed.

2806 Section 77. Section 288.7015, Florida Statutes, is amended  
 2807 to read:

2808 288.7015 Appointment of rules ombudsman; duties.—The  
 2809 Governor shall appoint a rules ombudsman, as defined in s.  
 2810 288.703, in the Executive Office of the Governor, for  
 2811 considering the impact of agency rules on the state's citizens  
 2812 and businesses. ~~In carrying out duties as provided by law, the~~  
 2813 ~~ombudsman shall consult with Enterprise Florida, Inc., at which~~  
 2814 ~~point the department may recommend to improve the regulatory~~  
 2815 ~~environment of this state.~~ The duties of the rules ombudsman are  
 2816 to:

2817 (1) Carry out the responsibility provided in s.  
 2818 120.54(3)(b), with respect to small businesses.

2819 (2) Review state agency rules that adversely or  
 2820 disproportionately impact businesses, particularly those  
 2821 relating to small and minority businesses.

2822 (3) Make recommendations on any existing or proposed rules  
 2823 to alleviate unnecessary or disproportionate adverse effects to  
 2824 businesses.

2825 (4) Each state agency shall cooperate fully with the rules

2826 | ombudsman in identifying such rules. Further, each agency shall  
 2827 | take the necessary steps to waive, modify, or otherwise minimize  
 2828 | such adverse effects of any such rules. However, nothing in this  
 2829 | section authorizes any state agency to waive, modify, provide  
 2830 | exceptions to, or otherwise alter any rule that is:

2831 |       (a) Expressly required to implement or enforce any  
 2832 | statutory provision or the express legislative intent thereof;

2833 |       (b) Designed to protect persons against discrimination on  
 2834 | the basis of race, color, national origin, religion, sex, age,  
 2835 | handicap, or marital status; or

2836 |       (c) Likely to prevent a significant risk or danger to the  
 2837 | public health, the public safety, or the environment of the  
 2838 | state.

2839 |       (5) The modification or waiver of any such rule pursuant  
 2840 | to this section must be accomplished in accordance with the  
 2841 | provisions of chapter 120.

2842 |       Section 78. Subsection (11) of section 288.706, Florida  
 2843 | Statutes, is amended to read:

2844 |       288.706 Florida Minority Business Loan Mobilization  
 2845 | Program.—

2846 |       (11) The Department of Management Services shall  
 2847 | collaborate with ~~Enterprise Florida, Inc.,~~ and the department to  
 2848 | assist in the development and enhancement of black business  
 2849 | enterprises.

2850 |       Section 79. Subsection (1) of section 288.773, Florida

2851 Statutes, is amended to read:

2852       288.773 Florida Export Finance Corporation.—The Florida  
 2853 Export Finance Corporation is hereby created as a corporation  
 2854 not for profit, to be incorporated under the provisions of  
 2855 chapter 617 and approved by the Department of State. The  
 2856 corporation is organized on a nonstock basis. The purpose of the  
 2857 corporation is to expand employment and income opportunities for  
 2858 residents of this state through increased exports of goods and  
 2859 services, by providing businesses domiciled in this state  
 2860 information and technical assistance on export opportunities,  
 2861 exporting techniques, and financial assistance through  
 2862 guarantees and direct loan originations for sale in support of  
 2863 export transactions. The corporation shall have the power and  
 2864 authority to carry out the following functions:

2865       (1) To coordinate the efforts of the corporation with  
 2866 programs and goals of the United States Export-Import Bank, the  
 2867 International Trade Administration of the United States  
 2868 Department of Commerce, the Foreign Credit Insurance  
 2869 Association, the department ~~Enterprise Florida, Inc.,~~ and other  
 2870 private and public programs and organizations, domestic and  
 2871 foreign, designed to provide export assistance and export-  
 2872 related financing.

2873       Section 80. Paragraph (a) of subsection (1) and paragraphs  
 2874 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
 2875 Statutes, are amended to read:

2876 288.776 Board of directors; powers and duties.—  
 2877 (1) (a) The corporation shall have a board of directors  
 2878 consisting of 15 members representing all geographic areas of  
 2879 the state. Minority and gender representation must be considered  
 2880 when making appointments to the board. The board membership must  
 2881 include:  
 2882 1. A representative of the following businesses, all of  
 2883 which must be registered to do business in this state: a foreign  
 2884 bank, a state bank, a federal bank, an insurance company  
 2885 involved in covering trade financing risks, and a small or  
 2886 medium-sized exporter.  
 2887 2. The following persons or their designee: the executive  
 2888 director of the department ~~President of Enterprise Florida,~~  
 2889 ~~Inc.~~, the Chief Financial Officer, the Secretary of State, and a  
 2890 senior official of the United States Department of Commerce.  
 2891 (3) The board shall:  
 2892 (a) Prior to the expenditure of funds from the export  
 2893 finance account, adopt bylaws, rules, and policies which are  
 2894 necessary to carry out the responsibilities under this part,  
 2895 particularly with respect to the implementation of the  
 2896 corporation's programs to insure, coinsure, lend, provide loan  
 2897 guarantees, and make direct, guaranteed, or collateralized loans  
 2898 by the corporation to support export transactions. The  
 2899 corporation's bylaws, rules, and policies shall be reviewed and  
 2900 approved by the department ~~Enterprise Florida, Inc.~~, prior to

2901 final adoption by the board.

2902 (c) Issue an annual report to the department ~~Enterprise~~  
 2903 ~~Florida, Inc.,~~ on the activities of the corporation, including  
 2904 an evaluation of activities and recommendations for change. The  
 2905 evaluation shall include the corporation's impact on the  
 2906 following:

2907 1. Participation of private banks and other private  
 2908 organizations and individuals in the corporation's export  
 2909 financing programs.

2910 2. Access of small and medium-sized businesses in this  
 2911 state to federal export financing programs.

2912 3. Export volume of the small and medium-sized businesses  
 2913 in this state accessing the corporation's programs.

2914 4. Other economic and social benefits to international  
 2915 programs in this state.

2916 (g) Consult with the department ~~Enterprise Florida, Inc.,~~  
 2917 or any state or federal agency, to ensure that the respective  
 2918 loan guarantee or working capital loan origination programs are  
 2919 not duplicative and that each program makes full use of, to the  
 2920 extent practicable, the resources of the other.

2921 Section 81. Section 288.7771, Florida Statutes, is amended  
 2922 to read:

2923 288.7771 Annual report of Florida Export Finance  
 2924 Corporation.—The corporation shall annually prepare and submit  
 2925 to the department ~~Enterprise Florida, Inc., for inclusion in its~~



2926 ~~annual report required under s. 288.906,~~ a complete and detailed  
 2927 report setting forth:

2928 (1) The report required in s. 288.776(3).

2929 (2) Its assets and liabilities at the end of its most  
 2930 recent fiscal year.

2931 Section 82. Paragraph (d) of subsection (1) of section  
 2932 288.8017, Florida Statutes, is amended to read:

2933 288.8017 Awards.—

2934 (1) Triumph Gulf Coast, Inc., shall make awards from  
 2935 available earnings and principal derived under s. 288.8013(2) to  
 2936 projects or programs that meet the priorities for economic  
 2937 recovery, diversification, and enhancement of the  
 2938 disproportionately affected counties, notwithstanding s. 377.43.  
 2939 Awards may be provided for:

2940 (d) Local match requirements of ss. 288.0655 and  
 2941 ~~288.0659, 288.1045, and 288.106~~ for projects in the  
 2942 disproportionately affected counties;

2943 Section 83. Subsections (4) and (6) of section 288.816,  
 2944 Florida Statutes, are amended to read:

2945 288.816 Intergovernmental relations.—

2946 (4) The state protocol officer shall serve as a contact  
 2947 for the state with the Florida Washington Office, the Florida  
 2948 Congressional Delegation, and United States Government agencies  
 2949 with respect to laws or policies which may affect the interests  
 2950 of the state in the area of international relations. All

2951 | inquiries received regarding international economic trade  
 2952 | development or reverse investment opportunities shall be  
 2953 | referred to the department ~~Enterprise Florida, Inc.~~ In addition,  
 2954 | the state protocol officer shall serve as liaison with other  
 2955 | states with respect to international programs of interest to  
 2956 | Florida. The state protocol officer shall also investigate and  
 2957 | make suggestions regarding possible areas of joint action or  
 2958 | regional cooperation with these states.

2959 |       (6) The department ~~and Enterprise Florida, Inc.,~~ shall  
 2960 | help to contribute an international perspective to the state's  
 2961 | development efforts.

2962 |       Section 84. Section 288.826, Florida Statutes, is  
 2963 | repealed.

2964 |       Section 85. (1) The Florida International Trade and  
 2965 | Promotion Trust Fund, FLAIR number 40-2-338, within the  
 2966 | Department of Economic Opportunity is terminated.

2967 |       (2) All current balances remaining in, and all revenues  
 2968 | of, the trust fund shall be transferred to the General Revenue  
 2969 | Fund.

2970 |       (3) The Department of Economic Opportunity shall pay any  
 2971 | outstanding debts and obligations of the terminated trust fund  
 2972 | as soon as practicable, and the Chief Financial Officer shall  
 2973 | close out and remove the terminated trust fund from various  
 2974 | state accounting systems using generally accepted accounting  
 2975 | principles concerning warrants outstanding, assets, and

2976 liabilities.

2977 Section 86. Section 288.901, Florida Statutes, is

2978 repealed.

2979 Section 87. Section 288.9015, Florida Statutes, is

2980 repealed.

2981 Section 88. Section 288.903, Florida Statutes, is

2982 repealed.

2983 Section 89. Section 288.904, Florida Statutes, is

2984 repealed.

2985 Section 90. Section 288.905, Florida Statutes, is

2986 repealed.

2987 Section 91. Section 288.906, Florida Statutes, is

2988 repealed.

2989 Section 92. Section 288.907, Florida Statutes, is

2990 transferred, renumbered as section 288.0065, Florida Statutes,

2991 and amended to read:

2992 288.0065 ~~288.907~~ Annual incentives report.—By December 30

2993 of each year, ~~Enterprise Florida, Inc., in conjunction with the~~

2994 department, shall provide the Governor, the President of the

2995 Senate, and the Speaker of the House of Representatives a

2996 detailed incentives report quantifying the economic benefits for

2997 all of the economic development incentive programs offered by

2998 the state ~~marketed by Enterprise Florida, Inc.~~ The annual

2999 incentives report must include:

3000 (1) For each incentive program:

- 3001 (a) A brief description of the incentive program.
- 3002 (b) The amount of awards granted, by year, since inception  
 3003 and the annual amount actually transferred from the state  
 3004 treasury to businesses or for the benefit of businesses for each  
 3005 of the previous 3 years.
- 3006 ~~(c) The actual amount of private capital invested, actual  
 3007 number of jobs created, and actual wages paid for incentive  
 3008 agreements completed during the previous 3 years for each target  
 3009 industry sector.~~
- 3010 (2) For projects completed during the previous state  
 3011 fiscal year:
- 3012 (a) The number of economic development incentive  
 3013 applications received.
- 3014 ~~(b) The number of recommendations made to the department  
 3015 by Enterprise Florida, Inc., including the number recommended  
 3016 for approval and the number recommended for denial.~~
- 3017 (b)~~(c)~~ The number of final decisions issued by the  
 3018 department for approval and for denial.
- 3019 (c)~~(d)~~ The projects for which a tax refund, tax credit, or  
 3020 cash grant agreement was executed, identifying for each project:
- 3021 1. The number of jobs committed to be created.
- 3022 2. The amount of capital investments committed to be made.
- 3023 3. The annual average wage committed to be paid.
- 3024 4. The amount of state economic development incentives  
 3025 committed to the project from each incentive program under the

3026 project's terms of agreement with the Department of Economic  
 3027 Opportunity.

3028 5. The amount and type of local matching funds committed  
 3029 to the project.

3030 ~~(e) Tax refunds paid or other payments made funded out of~~  
 3031 ~~the Economic Development Incentives Account for each project.~~

3032 (d)~~(f)~~ The types of projects supported.

3033 (3) For economic development projects that received tax  
 3034 refunds, tax credits, or cash grants under the terms of an  
 3035 agreement for incentives:

3036 (a) The number of jobs actually created.

3037 (b) The amount of capital investments actually made.

3038 (c) The annual average wage paid.

3039 (4) For a project receiving economic development  
 3040 incentives approved by the department and receiving federal or  
 3041 local incentives, a description of the federal or local  
 3042 incentives, if available.

3043 (5) The number of withdrawn or terminated projects that  
 3044 did not fulfill the terms of their agreements with the  
 3045 department and, consequently, are not receiving incentives.

3046 ~~(6) For any agreements signed after July 1, 2010, findings~~  
 3047 ~~and recommendations on the efforts of the department to~~  
 3048 ~~ascertain the causes of any business's inability to complete its~~  
 3049 ~~agreement made under s. 288.106.~~

3050 (6)~~(7)~~ The amount of tax refunds, tax credits, or other

3051 | payments made to projects locating or expanding in state  
 3052 | enterprise zones, rural communities, brownfield areas, or  
 3053 | distressed urban communities. The report must include a separate  
 3054 | analysis of the impact of such tax refunds on state enterprise  
 3055 | zones designated under s. 290.0065, rural communities,  
 3056 | brownfield areas, and distressed urban communities.

3057 | ~~(8) The name of and tax refund amount for each business~~  
 3058 | ~~that has received a tax refund under s. 288.1045 or s. 288.106~~  
 3059 | ~~during the preceding fiscal year.~~

3060 | ~~(7)(9)~~ An identification of the ~~target industry businesses~~  
 3061 | ~~and~~ high-impact businesses.

3062 | ~~(8)(10)~~ A description of the trends relating to business  
 3063 | interest in, and usage of, the various incentives, and the  
 3064 | number of minority-owned or woman-owned businesses receiving  
 3065 | incentives.

3066 | ~~(9)(11)~~ An identification of incentive programs not used  
 3067 | and recommendations for program changes or program elimination.

3068 | ~~(10)(12)~~ Information related to the validation of  
 3069 | contractor performance required under s. 288.061.

3070 | ~~(11)(13) Beginning in 2014,~~ A summation of the activities  
 3071 | related to the Florida Space Business Incentives Act.

3072 | Section 93. Section 288.911, Florida Statutes, is  
 3073 | repealed.

3074 | Section 94. Section 288.912, Florida Statutes, is  
 3075 | transferred, renumbered as section 288.007, Florida Statutes,

3076 and amended to read:  
 3077 288.007 ~~288.912~~ Inventory of communities seeking to  
 3078 recruit businesses.—By September 30 of each year, a county or  
 3079 municipality that has a population of at least 25,000 or its  
 3080 local economic development organization must submit to the  
 3081 department ~~Enterprise Florida, Inc.,~~ a brief overview of the  
 3082 strengths, services, and economic development incentives that  
 3083 its community offers. The local government or its local economic  
 3084 development organization also must identify any industries that  
 3085 it is encouraging to locate or relocate to its area. A county or  
 3086 municipality having a population of 25,000 or fewer or its local  
 3087 economic development organization seeking to recruit businesses  
 3088 may submit information as required in this section and may  
 3089 participate in any activity or initiative resulting from the  
 3090 collection, analysis, and reporting of the information to the  
 3091 department ~~Enterprise Florida, Inc.,~~ pursuant to this section.  
 3092 Section 95. Section 288.92, Florida Statutes, is repealed.  
 3093 Section 96. Section 288.923, Florida Statutes, is amended  
 3094 to read:  
 3095 288.923 ~~Division of~~ Tourism marketing; definitions;  
 3096 responsibilities.—  
 3097 (1) ~~There is created within Enterprise Florida, Inc., the~~  
 3098 ~~Division of Tourism Marketing.~~  
 3099 (2) As used in this section, the term:  
 3100 (a) "Tourism marketing" means any effort exercised to

3101 attract domestic and international visitors from outside the  
 3102 state to destinations in this state and to stimulate Florida  
 3103 resident tourism to areas within the state.

3104 (b) "Tourist" means any person who participates in trade  
 3105 or recreation activities outside the county of his or her  
 3106 permanent residence or who rents or leases transient living  
 3107 quarters or accommodations as described in s. 125.0104(3)(a).

3108 (c) "County destination marketing organization" means a  
 3109 public or private agency that is funded by local option tourist  
 3110 development tax revenues under s. 125.0104, or local option  
 3111 convention development tax revenues under s. 212.0305, and is  
 3112 officially designated by a county commission to market and  
 3113 promote the area for tourism or convention business or, in any  
 3114 county that has not levied such taxes, a public or private  
 3115 agency that is officially designated by the county commission to  
 3116 market and promote the area for tourism or convention business.

3117 (d) "Direct-support organization" means the Florida  
 3118 Tourism Industry Marketing Corporation.

3119 ~~(2)(3)~~ The Department of Economic Opportunity Enterprise  
 3120 ~~Florida, Inc.,~~ shall contract with the Florida Tourism Industry  
 3121 Marketing Corporation, a direct-support organization established  
 3122 in s. 288.1226, to execute tourism promotion and marketing  
 3123 services, functions, and programs for the state, including, but  
 3124 not limited to, the activities prescribed by the 4-year  
 3125 marketing plan. ~~The division shall assist to maintain and~~



3126 ~~implement the contract.~~

3127 ~~(3)(4)~~ The department's ~~division's~~ responsibilities and  
 3128 duties include, but are not limited to:

3129 (a) Maintaining and implementing the contract with the  
 3130 Florida Tourism Industry Marketing Corporation.

3131 ~~(b) Advising the department and Enterprise Florida, Inc.,~~  
 3132 ~~or~~ Ensuring the development of domestic and international  
 3133 tourism marketing campaigns featuring Florida by the  
 3134 corporation.

3135 (c) Developing a 4-year marketing plan with the  
 3136 corporation.

3137 1. At a minimum, the marketing plan shall discuss the  
 3138 following:

- 3139 a. Continuation of overall tourism growth in this state.
- 3140 b. Expansion to new or under-represented tourist markets.
- 3141 c. Maintenance of traditional and loyal tourist markets.
- 3142 d. Coordination of efforts with county destination  
 3143 marketing organizations, other local government marketing  
 3144 groups, privately owned attractions and destinations, and other  
 3145 private sector partners to create a seamless, four-season  
 3146 advertising campaign for the state and its regions.

3147 e. Development of innovative techniques or promotions to  
 3148 build repeat visitation by targeted segments of the tourist  
 3149 population.

3150 f. Consideration of innovative sources of state funding

3151 for tourism marketing.

3152 g. Promotion of nature-based tourism and heritage tourism.

3153 h. Development of a component to address emergency  
3154 response to natural and manmade disasters from a marketing  
3155 standpoint.

3156 2. The plan shall be annual in construction and ongoing in  
3157 nature. Any annual revisions of the plan shall carry forward the  
3158 concepts of the remaining 3-year portion of the plan and  
3159 consider a continuum portion to preserve the 4-year timeframe of  
3160 the plan. The plan also shall include recommendations for  
3161 specific performance standards and measurable outcomes for the  
3162 ~~division and direct-support organization. The department, in~~  
3163 ~~consultation with the board of directors of Enterprise Florida,~~  
3164 ~~Inc.,~~ shall base the actual performance metrics on these  
3165 recommendations.

3166 3. The 4-year marketing plan shall be developed in  
3167 collaboration with the Florida Tourism Industry Marketing  
3168 Corporation. The plan shall be annually reviewed and approved by  
3169 the department ~~board of directors of Enterprise Florida, Inc.~~

3170 (d) Drafting and submitting an annual report ~~required by~~  
3171 ~~s. 288.92~~. The annual report shall set forth for the department  
3172 ~~division~~ and the direct-support organization:

3173 1. Operations and accomplishments during the fiscal year,  
3174 including the economic benefit of the state's investment and  
3175 effectiveness of the marketing plan.

3176 2. The 4-year marketing plan, including recommendations on  
3177 methods for implementing and funding the plan.

3178 3. The assets and liabilities of the direct-support  
3179 organization at the end of its most recent fiscal year.

3180 4. A copy of the annual financial and compliance audit  
3181 conducted under s. 288.1226(6).

3182 ~~(5) Notwithstanding s. 288.92, the division shall be~~  
3183 ~~staffed by the Florida Tourism Industry Marketing Corporation.~~  
3184 ~~Such staff shall not be considered to be employees of the~~  
3185 ~~division and shall remain employees of the Florida Tourism~~  
3186 ~~Industry Marketing Corporation. Section 288.905 does not apply~~  
3187 ~~to the Florida Tourism Industry Marketing Corporation.~~

3188 (4) ~~(6)~~ This section is repealed October 1, 2019, unless  
3189 reviewed and saved from repeal by the Legislature.

3190 Section 97. Section 288.95155, Florida Statutes, is  
3191 repealed.

3192 Section 98. Section 288.9519, Florida Statutes, is  
3193 repealed.

3194 Section 99. Section 288.9520, Florida Statutes, is amended  
3195 to read:

3196 288.9520 Public records exemption.—Materials that relate  
3197 to methods of manufacture or production, potential trade  
3198 secrets, potentially patentable material, actual trade secrets,  
3199 business transactions, financial and proprietary information,  
3200 and agreements or proposals to receive funding that are

3201 received, generated, ascertained, or discovered by the  
 3202 department ~~Enterprise Florida, Inc.~~, including its affiliates or  
 3203 subsidiaries and partnership participants, such as private  
 3204 enterprises, educational institutions, and other organizations,  
 3205 are confidential and exempt from the provisions of s. 119.07(1)  
 3206 and s. 24(a), Art. I of the State Constitution, except that a  
 3207 recipient of department ~~Enterprise Florida, Inc.~~, research funds  
 3208 shall make available, upon request, the title and description of  
 3209 the research project, the name of the researcher, and the amount  
 3210 and source of funding provided for the project.

3211 Section 100. Subsection (10) of section 288.9603, Florida  
 3212 Statutes, is amended to read:

3213 288.9603 Definitions.—

3214 ~~(10) "Partnership" means Enterprise Florida, Inc.~~

3215 Section 101. Subsection (2) of section 288.9604, Florida  
 3216 Statutes, is amended to read:

3217 288.9604 Creation of the authority.—

3218 (2) The Governor, subject to confirmation by the Senate,  
 3219 shall appoint the board of directors of the corporation, who  
 3220 shall be five in number. The terms of office for the directors  
 3221 shall be for 4 years from the date of their appointment. A  
 3222 vacancy occurring during a term shall be filled for the  
 3223 unexpired term. A director shall be eligible for reappointment.  
 3224 At least three of the directors of the corporation shall be  
 3225 bankers who have been selected by the Governor ~~from a list of~~

3226 ~~bankers who were nominated by Enterprise Florida, Inc.,~~ and one  
 3227 of the directors shall be an economic development specialist.

3228 Section 102. Paragraph (v) of subsection (2) of section  
 3229 288.9605, Florida Statutes, is amended to read:

3230 288.9605 Corporation powers.—

3231 (2) The corporation is authorized and empowered to:

3232 ~~(v) Enter into investment agreements with Enterprise~~  
 3233 ~~Florida, Inc., concerning the issuance of bonds and other forms~~  
 3234 ~~of indebtedness and capital.~~

3235 Section 103. Section 288.9614, Florida Statutes, is  
 3236 repealed.

3237 Section 104. Section 288.9621, Florida Statutes, is  
 3238 repealed.

3239 Section 105. Section 288.9622, Florida Statutes, is  
 3240 repealed.

3241 Section 106. Section 288.9623, Florida Statutes, is  
 3242 repealed.

3243 Section 107. Section 288.9624, Florida Statutes, is  
 3244 repealed.

3245 Section 108. Section 288.9625, Florida Statutes, is  
 3246 repealed.

3247 Section 109. Section 288.96255, Florida Statutes, is  
 3248 repealed.

3249 Section 110. Section 288.9626, Florida Statutes, is  
 3250 repealed.

3251 Section 111. Section 288.9627, Florida Statutes, is  
 3252 repealed.

3253 Section 112. Paragraph (b) of subsection (1) of section  
 3254 288.980, Florida Statutes, is amended to read:

3255 288.980 Military base retention; legislative intent;  
 3256 grants program.-

3257 (1)

3258 ~~(b) The Florida Defense Alliance, an organization within~~  
 3259 ~~Enterprise Florida, Inc., is designated as the organization to~~  
 3260 ~~ensure that Florida, its resident military bases and missions,~~  
 3261 ~~and its military host communities are in competitive positions~~  
 3262 ~~as the United States continues its defense realignment and~~  
 3263 ~~downsizing. The defense alliance shall serve as an overall~~  
 3264 ~~advisory body for defense-related activity of Enterprise~~  
 3265 ~~Florida, Inc. The Florida Defense Alliance may receive funding~~  
 3266 ~~from appropriations made for that purpose administered by the~~  
 3267 ~~department.~~

3268 Section 113. Section 288.991, Florida Statutes, is  
 3269 repealed.

3270 Section 114. Section 288.9912, Florida Statutes, is  
 3271 repealed.

3272 Section 115. Section 288.9913, Florida Statutes, is  
 3273 repealed.

3274 Section 116. Section 288.9914, Florida Statutes, is  
 3275 repealed.

3276 Section 117. Section 288.9915, Florida Statutes, is  
 3277 repealed.

3278 Section 118. Section 288.9916, Florida Statutes, is  
 3279 repealed.

3280 Section 119. Section 288.9917, Florida Statutes, is  
 3281 repealed.

3282 Section 120. Section 288.9918, Florida Statutes, is  
 3283 repealed.

3284 Section 121. Section 288.9919, Florida Statutes, is  
 3285 repealed.

3286 Section 122. Section 288.9920, Florida Statutes, is  
 3287 repealed.

3288 Section 123. Section 288.9921, Florida Statutes, is  
 3289 repealed.

3290 Section 124. Section 288.9922, Florida Statutes, is  
 3291 repealed.

3292 Section 125. Subsection (4) of section 288.9932, Florida  
 3293 Statutes, is amended to read:  
 3294 288.9932 Definitions.—As used in this part, the term:  
 3295 ~~(4) "Network" means the Florida Small Business Development~~  
 3296 ~~Center Network.~~

3297 Section 126. Paragraphs (e) and (f) of subsection (4) and  
 3298 paragraph (b) of subsection (8) of section 288.9934, Florida  
 3299 Statutes, are amended to read:  
 3300 288.9934 Microfinance Loan Program.—

3301 (4) CONTRACT AND AWARD OF FUNDS.—

3302 ~~(e) Within 30 days of executing its contract with the~~  
 3303 ~~department, the loan administrator must enter into a memorandum~~  
 3304 ~~of understanding with the network:~~

3305 ~~1. For the provision of business management training,~~  
 3306 ~~business development training, and technical assistance to~~  
 3307 ~~entrepreneurs and small businesses that receive microloans under~~  
 3308 ~~this part; and~~

3309 ~~2. To promote the program to underserved entrepreneurs and~~  
 3310 ~~small businesses.~~

3311 ~~(f) By September 1, 2014, the department shall review~~  
 3312 ~~industry best practices and determine the minimum business~~  
 3313 ~~management training, business development training, and~~  
 3314 ~~technical assistance that must be provided by the network to~~  
 3315 ~~achieve the goals of this part.~~

3316 (8) AUDITS AND REPORTING.—

3317 (b) The loan administrator shall submit quarterly reports  
 3318 to the department as required by s. 288.9936(2) ~~288.9936(3)~~.

3319 Section 127. Section 288.9935, Florida Statutes, is  
 3320 repealed.

3321 Section 128. Paragraph (p) of subsection (1) and  
 3322 subsection (2) of section 288.9936, Florida Statutes, are  
 3323 amended to read:

3324 288.9936 Annual report of the Microfinance Loan Program.—

3325 (1) The department shall include in the report required by



3326 s. 20.60(10) a complete and detailed annual report on the  
 3327 Microfinance Loan Program. The report must include:

3328 ~~(p) A description and evaluation of the technical~~  
 3329 ~~assistance and business management and development training~~  
 3330 ~~provided by the network pursuant to its memorandum of~~  
 3331 ~~understanding with the loan administrator.~~

3332 ~~(2) The department shall submit the report provided to the~~  
 3333 ~~department from Enterprise Florida, Inc., pursuant to s.~~  
 3334 ~~288.9935(8) for inclusion in the department's annual report~~  
 3335 ~~required under s. 20.60(10).~~

3336 Section 129. Section 288.9937, Florida Statutes, is  
 3337 amended to read:

3338 288.9937 Evaluation of programs.—The Office of Economic  
 3339 and Demographic Research shall analyze, evaluate, and determine  
 3340 the economic benefits, as defined in s. 288.005, of the first 3  
 3341 years of the Microfinance Loan Program ~~and the Microfinance~~  
 3342 ~~Guarantee Program~~. The analysis must also evaluate the number of  
 3343 jobs created, the increase or decrease in personal income, and  
 3344 the impact on state gross domestic product from the direct,  
 3345 indirect, and induced effects of the state's investment. The  
 3346 analysis must also identify any inefficiencies in the program  
 3347 ~~programs~~ and provide recommendations for changes to the program  
 3348 ~~programs~~. The office shall submit a report to the President of  
 3349 the Senate and the Speaker of the House of Representatives by  
 3350 January 1, 2018. This section expires January 31, 2018.

3351 Section 130. Paragraph (h) of subsection (8) and paragraph  
 3352 (a) of subsection (9) of section 290.0056, Florida Statutes, are  
 3353 amended to read:

3354 290.0056 Enterprise zone development agency.—

3355 (8) The enterprise zone development agency shall have the  
 3356 following powers and responsibilities:

3357 (h) To work with the department ~~and Enterprise Florida,~~  
 3358 ~~Inc.,~~ to ensure that the enterprise zone coordinator receives  
 3359 training on an annual basis.

3360 (9) The following powers and responsibilities shall be  
 3361 performed by the governing body creating the enterprise zone  
 3362 development agency acting as the managing agent of the  
 3363 enterprise zone development agency, or, contingent upon approval  
 3364 by such governing body, such powers and responsibilities shall  
 3365 be performed by the enterprise zone development agency:

3366 (a) To review, process, and certify applications for state  
 3367 enterprise zone tax incentives pursuant to ss. 212.08(5)(f) and  
 3368 (g) ~~212.08(5)(g), (h),~~ and (15); 212.096; 220.181; and 220.182.

3369 Section 131. Paragraph (b) of subsection (4) and  
 3370 subsection (7) of section 290.0065, Florida Statutes, are  
 3371 amended to read:

3372 290.0065 State designation of enterprise zones.—

3373 (4)

3374 (b) ~~In consultation with Enterprise Florida, Inc.,~~ The  
 3375 department shall, based on the enterprise zone profile and the

3376 grounds for redesignation expressed in the resolution, determine  
 3377 whether the enterprise zone merits redesignation. The department  
 3378 may also examine and consider the following:

3379 1. Progress made, if any, in the enterprise zone's  
 3380 strategic plan.

3381 2. Use of enterprise zone incentives during the life of  
 3382 the enterprise zone.

3383

3384 If the department determines that the enterprise zone merits  
 3385 redesignation, the department shall notify the governing body in  
 3386 writing of its approval of redesignation.

3387 (7) Upon approval by the department of a resolution  
 3388 authorizing an area to be an enterprise zone pursuant to this  
 3389 section, the department shall assign a unique identifying number  
 3390 to that resolution. ~~The department shall provide the Department~~  
 3391 ~~of Revenue and Enterprise Florida, Inc., with a copy of each~~  
 3392 ~~resolution approved, together with its identifying number.~~

3393 Section 132. Section 290.00677, Florida Statutes, is  
 3394 amended to read:

3395 290.00677 Rural enterprise zones; special qualifications.-

3396 (1) Notwithstanding the enterprise zone residency  
 3397 requirements set out in s. 212.096(1)(c), eligible businesses as  
 3398 defined in s. 212.096(1)(a) located in rural enterprise zones as  
 3399 defined in s. 290.004 may receive the basic minimum credit  
 3400 provided under s. 212.096 for creating a new job and hiring a

3401 person residing within the jurisdiction of a rural community ~~as~~  
 3402 ~~defined in s. 288.106(2)~~. All other provisions of s. 212.096,  
 3403 including, but not limited to, those relating to the award of  
 3404 enhanced credits, apply to such businesses.

3405 (2) Notwithstanding the enterprise zone residency  
 3406 requirements set out in s. 220.03(1)(q), businesses as defined  
 3407 in s. 220.03(1)(c) located in rural enterprise zones as defined  
 3408 in s. 290.004 may receive the basic minimum credit provided  
 3409 under s. 220.181 for creating a new job and hiring a person  
 3410 residing within the jurisdiction of a rural community ~~as defined~~  
 3411 ~~in s. 288.106(2)~~. All other provisions of s. 220.181, including,  
 3412 but not limited to, those relating to the award of enhanced  
 3413 credits, apply to such businesses.

3414 (3) As used in this section, the term "rural community"  
 3415 means:

3416 (a) A county having a population of 75,000 or fewer.

3417 (b) A county having a population of 125,000 or fewer that  
 3418 is contiguous to a county having a population of 75,000 or  
 3419 fewer.

3420 (c) A municipality within a county described in paragraph  
 3421 (a) or paragraph (b).

3422  
 3423 For purposes of this subsection, population shall be determined  
 3424 in accordance with the most recent official estimate pursuant to  
 3425 s. 186.901.

3426 Section 133. Subsections (4), (5), and (6) of section  
 3427 290.007, Florida Statutes, are amended to read:

3428 290.007 State incentives available in enterprise zones.—  
 3429 The following incentives are provided by the state to encourage  
 3430 the revitalization of enterprise zones:

3431 (4) The sales tax exemption for building materials used in  
 3432 the rehabilitation of real property in enterprise zones provided  
 3433 in s. 212.08(5)(f) ~~212.08(5)(g)~~.

3434 (5) The sales tax exemption for business equipment used in  
 3435 an enterprise zone provided in s. 212.08(5)(g) ~~212.08(5)(h)~~.

3436 (6) The sales tax exemption for electrical energy used in  
 3437 an enterprise zone provided in s. 212.08(14) ~~212.08(15)~~.

3438 Section 134. Subsections (3) and (4) of section 290.053,  
 3439 Florida Statutes, are amended to read:

3440 290.053 Response to economic emergencies in small  
 3441 communities.—

3442 (3) A local government entity shall notify the Governor  
 3443 and ~~the Department of Economic Opportunity, and Enterprise~~  
 3444 ~~Florida, Inc.,~~ when one or more of the conditions specified in  
 3445 subsection (2) have occurred or will occur if action is not  
 3446 taken to assist the local governmental entity or the affected  
 3447 community.

3448 (4) Upon notification that one or more of the conditions  
 3449 described in subsection (2) exist, the Governor or his or her  
 3450 designee shall contact the local governmental entity to

3451 determine what actions have been taken by the local governmental  
 3452 entity or the affected community to resolve the economic  
 3453 emergency. The Governor may waive the eligibility criteria of  
 3454 any program or activity administered by the Department of  
 3455 Economic Opportunity ~~or Enterprise Florida, Inc.~~, to provide  
 3456 economic relief to the affected community by granting  
 3457 participation in such programs or activities. The Governor shall  
 3458 consult with the President of the Senate and the Speaker of the  
 3459 House of Representatives and shall take other action, as  
 3460 necessary, to resolve the economic emergency in the most  
 3461 expedient manner possible. All actions taken pursuant to this  
 3462 section shall be within current appropriations and shall have no  
 3463 annualized impact beyond normal growth.

3464 Section 135. Paragraphs (a), (d), and (e) of subsection  
 3465 (3) and subsection (4) of section 295.22, Florida Statutes, are  
 3466 amended to read:

3467 295.22 Veterans Employment and Training Services Program.—

3468 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
 3469 administer the Veterans Employment and Training Services Program  
 3470 and perform all of the following functions:

3471 (a) Conduct marketing and recruiting efforts directed at  
 3472 veterans who reside in or who have an interest in relocating to  
 3473 this state and who are seeking employment. Marketing must  
 3474 include information related to how a veteran's military  
 3475 experience can be valuable to a business. Such efforts may

3476 include attending veteran job fairs and events, hosting events  
 3477 for veterans or the business community, and using digital and  
 3478 social media and direct mail campaigns. ~~The corporation shall~~  
 3479 ~~also include such marketing as part of its main marketing~~  
 3480 ~~campaign.~~

3481 (d) Create a grant program to provide funding to assist  
 3482 veterans in meeting the workforce-skill needs of businesses  
 3483 seeking to hire veterans, establish criteria for approval of  
 3484 requests for funding, and maximize the use of funding for this  
 3485 program. Grant funds may be used only in the absence of  
 3486 available veteran-specific federally funded programs. Grants may  
 3487 fund specialized training specific to a particular business.

3488 1. Grant funds may be allocated to any training provider  
 3489 selected by the business, including a career center, a Florida  
 3490 College System institution, a state university, or an in-house  
 3491 training provider of the business. If grant funds are used to  
 3492 provide a technical certificate, a licensure, or a degree, funds  
 3493 may be allocated only upon a review that includes, but is not  
 3494 limited to, documentation of accreditation and licensure.

3495 Instruction funded through the program terminates when  
 3496 participants demonstrate competence at the level specified in  
 3497 the request but may not exceed 48 months. Preference shall be  
 3498 given to ~~target industry businesses, as defined in s. 288.106,~~  
 3499 ~~and to~~ businesses in the defense supply, cloud virtualization,  
 3500 or commercial aviation manufacturing industries.

3501           2. Costs and expenditures for the grant program must be  
 3502 documented and separated from those incurred by the training  
 3503 provider. Costs and expenditures shall be limited to \$8,000 per  
 3504 veteran trainee. Eligible costs and expenditures include:

- 3505           a. Tuition and fees.
- 3506           b. Curriculum development.
- 3507           c. Books and classroom materials.
- 3508           d. Rental fees for facilities at public colleges and  
 3509 universities, including virtual training labs.
- 3510           e. Overhead or indirect costs not to exceed 5 percent of  
 3511 the grant amount.

3512           3. Before funds are allocated for a request pursuant to  
 3513 this section, the corporation shall prepare a grant agreement  
 3514 between the business requesting funds, the educational  
 3515 institution or training provider receiving funding through the  
 3516 program, and the corporation. Such agreement must include, but  
 3517 need not be limited to:

- 3518           a. Identification of the personnel necessary to conduct  
 3519 the instructional program, the qualifications of such personnel,  
 3520 and the respective responsibilities of the parties for paying  
 3521 costs associated with the employment of such personnel.
- 3522           b. Identification of the match provided by the business,  
 3523 including cash and in-kind contributions, equal to at least 50  
 3524 percent of the total grant amount.
- 3525           c. Identification of the estimated duration of the



3526 instructional program.

3527 d. Identification of all direct, training-related costs.

3528 e. Identification of special program requirements that are  
3529 not otherwise addressed in the agreement.

3530 f. Permission to access aggregate information specific to  
3531 the wages and performance of participants upon the completion of  
3532 instruction for evaluation purposes. The agreement must specify  
3533 that any evaluation published subsequent to the instruction may  
3534 not identify the employer or any individual participant.

3535 ~~4. A business may receive a grant under the Quick-Response~~  
3536 ~~Training Program created under s. 288.047 and a grant under this~~  
3537 ~~section for the same veteran trainee. If a business receives~~  
3538 ~~funds under both programs, one grant agreement may be entered~~  
3539 ~~into with CareerSource Florida, Inc., as the grant~~  
3540 ~~administrator.~~

3541 (e) Contract with one or more entities to administer an  
3542 entrepreneur initiative program for veterans in this state which  
3543 connects business leaders in the state with veterans seeking to  
3544 become entrepreneurs.

3545 1. The corporation shall award each contract in accordance  
3546 with the competitive bidding requirements in s. 287.057 to one  
3547 or more public or private universities that:

3548 a. Demonstrate the ability to implement the program and  
3549 the commitment of university resources, including financial  
3550 resources, to such programs.

3551           b. Have a military and veteran resource center.  
 3552           ~~e. Have a regional small business development center in~~  
 3553 ~~the Florida Small Business Development Center Network.~~

3554           c.d. As determined by the corporation, have been  
 3555 nationally recognized for commitment to the military and  
 3556 veterans.

3557           2. Each contract must include performance metrics,  
 3558 including a focus on employment and business creation. Each  
 3559 university must coordinate with any entrepreneurship center  
 3560 located at the university. The university may also work with an  
 3561 entity offering related programs to refer veterans or to provide  
 3562 services. The entrepreneur initiative program may include  
 3563 activities and assistance such as peer-to-peer learning  
 3564 sessions, mentoring, technical assistance, business roundtables,  
 3565 networking opportunities, support of student organizations,  
 3566 speaker series, or other tools within a virtual environment.

3567           ~~(4) DUTIES OF ENTERPRISE FLORIDA, INC. Enterprise Florida,~~  
 3568 ~~Inc., shall provide information about the corporation and its~~  
 3569 ~~services to prospective, new, expanding, and relocating~~  
 3570 ~~businesses seeking to conduct business in this state. Enterprise~~  
 3571 ~~Florida, Inc., shall, to the greatest extent possible,~~  
 3572 ~~collaborate with the corporation to meet the employment needs,~~  
 3573 ~~including meeting the job creation requirements, of any business~~  
 3574 ~~receiving assistance or services from Enterprise Florida, Inc.~~

3575           Section 136. Section 295.23, Florida Statutes, is

3576 repealed.

3577 Section 137. Paragraph (a) of subsection (6), paragraph  
 3578 (b) of subsection (9), paragraph (a) of subsection (35),  
 3579 subsection (60), and paragraph (b) of subsection (64) of section  
 3580 320.08058, Florida Statutes, are amended to read:

3581 320.08058 Specialty license plates.—

3582 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
 3583 PLATES.—

3584 (a) Because the United States Olympic Committee has  
 3585 selected this state to participate in a combined fundraising  
 3586 program that provides for one-half of all money raised through  
 3587 volunteer giving to stay in this state ~~and be administered by~~  
 3588 ~~Enterprise Florida, Inc.,~~ to support amateur sports, ~~and~~ because  
 3589 the United States Olympic Committee is a ~~and Enterprise Florida,~~  
 3590 ~~Inc.,~~ are nonprofit organization organizations dedicated to  
 3591 providing athletes with support and training and preparing  
 3592 athletes of all ages and skill levels for sports competition,  
 3593 and because ~~Enterprise Florida, Inc.,~~ ~~assists in the bidding for~~  
 3594 ~~sports competitions that provide significant impact to the~~  
 3595 ~~economy of this state,~~ and the Legislature supports the efforts  
 3596 of the United States Olympic Committee ~~and Enterprise Florida,~~  
 3597 ~~Inc.,~~ the Legislature establishes a Florida United States  
 3598 Olympic Committee license plate for the purpose of providing a  
 3599 continuous funding source to support this worthwhile effort.  
 3600 Florida United States Olympic Committee license plates must

3601 contain the official United States Olympic Committee logo and  
 3602 must bear a design and colors that are approved by the  
 3603 department. The word "Florida" must be centered at the top of  
 3604 the plate.

3605 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

3606 (b) The license plate annual use fees are to be annually  
 3607 distributed as follows:

3608 1. Fifty-five percent of the proceeds from the Florida  
 3609 Professional Sports Team plate must be deposited into the  
 3610 Professional Sports Development Trust Fund within the Department  
 3611 of Economic Opportunity. These funds must be used  
 3612 solely to attract and support major sports events in this state.  
 3613 As used in this subparagraph, the term "major sports events"  
 3614 means, but is not limited to, championship or all-star contests  
 3615 of Major League Baseball, the National Basketball Association,  
 3616 the National Football League, the National Hockey League, Major  
 3617 League Soccer, the men's and women's National Collegiate  
 3618 Athletic Association Final Four basketball championship, or a  
 3619 horseracing or dogracing Breeders' Cup. All funds must be used  
 3620 to support and promote major sporting events, and the uses must  
 3621 be approved by the Department of Economic Opportunity.

3622 2. The remaining proceeds of the Florida Professional  
 3623 Sports Team license plate must be allocated to the Florida  
 3624 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
 3625 deposited into the Professional Sports Development Trust Fund

3626 within the Department of Economic Opportunity. These funds must  
 3627 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
 3628 ~~Inc.~~, to promote the economic development of the sports  
 3629 industry; to distribute licensing and royalty fees to  
 3630 participating professional sports teams; to promote education  
 3631 programs in Florida schools that provide an awareness of the  
 3632 benefits of physical activity and nutrition standards; to  
 3633 partner with the Department of Education and the Department of  
 3634 Health to develop a program that recognizes schools whose  
 3635 students demonstrate excellent physical fitness or fitness  
 3636 improvement; to institute a grant program for communities  
 3637 bidding on minor sporting events that create an economic impact  
 3638 for the state; to distribute funds to Florida-based charities  
 3639 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
 3640 ~~Inc.~~, and the participating professional sports teams; and to  
 3641 fulfill the sports promotion responsibilities of the Department  
 3642 of Economic Opportunity.

3643 3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~,  
 3644 shall provide an annual financial audit in accordance with s.  
 3645 215.981 of its financial accounts and records by an independent  
 3646 certified public accountant pursuant to the contract established  
 3647 by the Department of Economic Opportunity. The auditor shall  
 3648 submit the audit report to the Department of Economic  
 3649 Opportunity for review and approval. If the audit report is  
 3650 approved, the Department of Economic Opportunity shall certify

3651 | the audit report to the Auditor General for review.

3652 |         4. Notwithstanding the provisions of subparagraphs 1. and  
 3653 | 2., proceeds from the Professional Sports Development Trust Fund  
 3654 | may also be used for operational expenses of the Florida Sports  
 3655 | Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
 3656 | the Sunshine State Games.

3657 |         (35) FLORIDA GOLF LICENSE PLATES.—

3658 |         (a) The Department of Highway Safety and Motor Vehicles  
 3659 | shall develop a Florida Golf license plate as provided in this  
 3660 | section. The word "Florida" must appear at the bottom of the  
 3661 | plate. The Dade Amateur Golf Association, following consultation  
 3662 | with the Florida Sports Foundation and the PGA TOUR, ~~Enterprise~~  
 3663 | ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
 3664 | revised sample plate for consideration by the department.

3665 |         (60) FLORIDA NASCAR LICENSE PLATES.—

3666 |         (a) The department shall develop a Florida NASCAR license  
 3667 | plate as provided in this section. Florida NASCAR license plates  
 3668 | must bear the colors and design approved by the department. The  
 3669 | word "Florida" must appear at the top of the plate, and the term  
 3670 | "NASCAR" must appear at the bottom of the plate. The National  
 3671 | Association for Stock Car Auto Racing, following consultation  
 3672 | with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
 3673 | submit a sample plate for consideration by the department.

3674 |         (b) The license plate annual use fees shall be distributed  
 3675 | to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The

3676 license plate annual use fees shall be annually allocated as  
 3677 follows:

3678 1. Up to 5 percent of the proceeds from the annual use  
 3679 fees may be used by the Department of Economic Opportunity  
 3680 ~~Enterprise Florida, Inc.~~, for the administration of the NASCAR  
 3681 license plate program.

3682 2. The National Association for Stock Car Auto Racing  
 3683 shall receive up to \$60,000 in proceeds from the annual use fees  
 3684 to be used to pay startup costs, including costs incurred in  
 3685 developing and issuing the plates. Thereafter, 10 percent of the  
 3686 proceeds from the annual use fees shall be provided to the  
 3687 association for the royalty rights for the use of its marks.

3688 3. The remaining proceeds from the annual use fees shall  
 3689 be distributed to the Florida Sports Foundation ~~Enterprise~~  
 3690 ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~  
 3691 ~~Inc.~~, will retain 15 percent to support its regional grant  
 3692 program, attracting sporting events to Florida; 20 percent to  
 3693 support the marketing of motorsports-related tourism in the  
 3694 state; and 50 percent to be paid to the NASCAR Foundation, a s.  
 3695 501(c)(3) charitable organization, to support Florida-based  
 3696 charitable organizations.

3697 (c) The Florida Sports Foundation ~~Enterprise Florida,~~  
 3698 ~~Inc.~~, shall provide an annual financial audit in accordance with  
 3699 s. 215.981 of its financial accounts and records by an  
 3700 independent certified public accountant pursuant to the contract

3701 established by the Department of Economic Opportunity. The  
 3702 auditor shall submit the audit report to the Department of  
 3703 Economic Opportunity for review and approval. If the audit  
 3704 report is approved, the Department of Economic Opportunity shall  
 3705 certify the audit report to the Auditor General for review.

3706 (64) FLORIDA TENNIS LICENSE PLATES.—

3707 (b) The department shall distribute the annual use fees to  
 3708 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
 3709 license plate annual use fees shall be annually allocated as  
 3710 follows:

3711 1. Up to 5 percent of the proceeds from the annual use  
 3712 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
 3713 ~~Florida, Inc.,~~ to administer the license plate program.

3714 2. The United States Tennis Association Florida Section  
 3715 Foundation shall receive the first \$60,000 in proceeds from the  
 3716 annual use fees to reimburse it for startup costs,  
 3717 administrative costs, and other costs it incurs in the  
 3718 development and approval process.

3719 3. Up to 5 percent of the proceeds from the annual use  
 3720 fees may be used for promoting and marketing the license plates.  
 3721 The remaining proceeds shall be available for grants by the  
 3722 United States Tennis Association Florida Section Foundation to  
 3723 nonprofit organizations to operate youth tennis programs and  
 3724 adaptive tennis programs for special populations of all ages,  
 3725 and for building, renovating, and maintaining public tennis



3726 courts.

3727 Section 138. Subsections (2), (3), and (6) of section

3728 331.3051, Florida Statutes, are amended to read:

3729 331.3051 Duties of Space Florida.—Space Florida shall:

3730 (2) Enter into agreement with the Department of Education,

3731 the Department of Transportation, ~~Enterprise Florida, Inc.~~, and

3732 CareerSource Florida, Inc., for the purpose of implementing this

3733 act.

3734 (3) ~~In cooperation with Enterprise Florida, Inc.~~ Develop

3735 a plan to retain, expand, attract, and create aerospace industry

3736 entities, public or private, which results in the creation of

3737 high-value-added businesses and jobs in this state.

3738 (6) ~~Develop, in cooperation with Enterprise Florida, Inc.,~~

3739 a plan to provide financing assistance to aerospace businesses.

3740 The plan may include the following activities:

3741 (a) Assembling, publishing, and disseminating information

3742 concerning financing opportunities and techniques for aerospace

3743 projects, programs, and activities; sources of public and

3744 private aerospace financing assistance; and sources of

3745 aerospace-related financing.

3746 (b) Organizing, hosting, and participating in seminars and

3747 other forums designed to disseminate information and technical

3748 assistance regarding aerospace-related financing.

3749 (c) Coordinating with programs and goals of the Department

3750 of Defense, the National Aeronautics and Space Administration,

3751 | the Export-Import Bank of the United States, the International  
 3752 | Trade Administration of the United States Department of  
 3753 | Commerce, the Foreign Credit Insurance Association, and other  
 3754 | private and public programs and organizations, domestic and  
 3755 | foreign.

3756 |         (d) Establishing a network of contacts among those  
 3757 | domestic and foreign public and private organizations that  
 3758 | provide information, technical assistance, and financial support  
 3759 | to the aerospace industry.

3760 |         (e) Financing aerospace business development projects or  
 3761 | initiatives using funds provided by the Legislature.

3762 |         Section 139. Section 331.3081, Florida Statutes, is  
 3763 | amended to read:

3764 |         331.3081 Board of directors.—Space Florida shall be  
 3765 | governed by a 13-member independent board of directors. The  
 3766 | Governor, or his or her designee, shall serve as an ex officio  
 3767 | voting member and chair of the board. The other 12 members shall  
 3768 | be appointed from the private sector, 6 of whom shall be  
 3769 | appointed by the Governor, 3 of whom shall be appointed by the  
 3770 | President of the Senate, and 3 of whom shall be appointed by the  
 3771 | Speaker of the House of Representatives ~~that consists of the~~  
 3772 | ~~members appointed to the board of directors of Enterprise~~  
 3773 | ~~Florida, Inc., by the Governor, the President of the Senate, and~~  
 3774 | ~~the Speaker of the House of Representatives pursuant to s.~~  
 3775 | ~~288.901(5)(a)7. and the Governor, who shall serve ex officio, or~~

3776 ~~who may appoint a designee to serve, as the chair and a voting~~  
 3777 ~~member of the board.~~

3778 Section 140. Paragraph (f) of subsection (1) of section  
 3779 339.08, Florida Statutes, is amended to read:

3780 339.08 Use of moneys in State Transportation Trust Fund.—

3781 (1) The department shall expend moneys in the State  
 3782 Transportation Trust Fund accruing to the department, in  
 3783 accordance with its annual budget. The use of such moneys shall  
 3784 be restricted to the following purposes:

3785 ~~(f) To pay the cost of economic development transportation~~  
 3786 ~~projects in accordance with s. 339.2821.~~

3787 Section 141. Section 339.2821, Florida Statutes, is  
 3788 repealed.

3789 Section 142. Subsection (2) of section 364.0135, Florida  
 3790 Statutes, is amended to read:

3791 364.0135 Promotion of broadband adoption.—

3792 (2) The Department of Management Services is authorized to  
 3793 work collaboratively with, and to receive staffing support and  
 3794 other resources from, ~~Enterprise Florida, Inc.,~~ state agencies,  
 3795 local governments, private businesses, and community  
 3796 organizations to:

3797 (a) Monitor the adoption of broadband Internet service in  
 3798 collaboration with communications service providers, including,  
 3799 but not limited to, wireless and wireline Internet service  
 3800 providers, to develop geographical information system maps at

3801 the census tract level that will:

3802       1. Identify geographic gaps in broadband services,

3803 including areas unserved by any broadband provider and areas

3804 served by a single broadband provider;

3805       2. Identify the download and upload transmission speeds

3806 made available to businesses and individuals in the state, at

3807 the census tract level of detail, using data rate benchmarks for

3808 broadband service used by the Federal Communications Commission

3809 to reflect different speed tiers; and

3810       3. Provide a baseline assessment of statewide broadband

3811 deployment in terms of percentage of households with broadband

3812 availability.

3813       (b) Create a strategic plan that has goals and strategies

3814 for increasing the use of broadband Internet service in the

3815 state.

3816       (c) Build and facilitate local technology planning teams

3817 or partnerships with members representing cross-sections of the

3818 community, which may include, but are not limited to,

3819 representatives from the following organizations and industries:

3820 libraries, K-12 education, colleges and universities, local

3821 health care providers, private businesses, community

3822 organizations, economic development organizations, local

3823 governments, tourism, parks and recreation, and agriculture.

3824       (d) Encourage the use of broadband Internet service,

3825 especially in the rural, unserved, and underserved communities

3826 of the state through grant programs having effective strategies  
 3827 to facilitate the statewide deployment of broadband Internet  
 3828 service. For any grants to be awarded, priority must be given to  
 3829 projects that:

3830 1. Provide access to broadband education, awareness,  
 3831 training, access, equipment, and support to libraries, schools,  
 3832 colleges and universities, health care providers, and community  
 3833 support organizations.

3834 2. Encourage the sustainable adoption of broadband in  
 3835 primarily unserved areas by removing barriers to entry.

3836 3. Work toward encouraging investments in establishing  
 3837 affordable and sustainable broadband Internet service in  
 3838 unserved areas of the state.

3839 4. Facilitate the development of applications, programs,  
 3840 and services, including, but not limited to, telework,  
 3841 telemedicine, and e-learning to increase the usage of, and  
 3842 demand for, broadband Internet service in the state.

3843 Section 143. Paragraph (d) of subsection (1) of section  
 3844 376.82, Florida Statutes, is amended to read:

3845 376.82 Eligibility criteria and liability protection.—

3846 (1) ELIGIBILITY.—Any person who has not caused or  
 3847 contributed to the contamination of a brownfield site on or  
 3848 after July 1, 1997, is eligible to participate in the brownfield  
 3849 program established in ss. 376.77-376.85, subject to the  
 3850 following:

3851 (d) After July 1, 1997, petroleum and drycleaning  
 3852 contamination sites shall not receive both restoration funding  
 3853 assistance available for the discharge under this chapter ~~and~~  
 3854 ~~any state assistance available under s. 288.107.~~ Nothing in this  
 3855 act shall affect the cleanup criteria, priority ranking, and  
 3856 other rights and obligations inherent in petroleum contamination  
 3857 and drycleaning contamination site rehabilitation under ss.  
 3858 376.30-376.317, or the availability of economic incentives  
 3859 otherwise provided for by law.

3860 Section 144. Paragraph (h) of subsection (2) of section  
 3861 377.703, Florida Statutes, is amended to read:

3862 377.703 Additional functions of the Department of  
 3863 Agriculture and Consumer Services.—

3864 (2) DUTIES.—The department shall perform the following  
 3865 functions, unless as otherwise provided, consistent with the  
 3866 development of a state energy policy:

3867 (h) The department shall promote the development and use  
 3868 of renewable energy resources, in conformance with chapter 187  
 3869 and s. 377.601, by:

3870 1. Establishing goals and strategies for increasing the  
 3871 use of renewable energy in this state.

3872 2. Aiding and promoting the commercialization of renewable  
 3873 energy resources, in cooperation with the Florida Energy Systems  
 3874 Consortium, the Florida Solar Energy Center, ~~Enterprise Florida,~~  
 3875 ~~Inc.~~ and any other federal, state, or local governmental agency

3876 | that may seek to promote research, development, and the  
 3877 | demonstration of renewable energy equipment and technology.

3878 |         3. Identifying barriers to greater use of renewable energy  
 3879 | resources in this state, and developing specific recommendations  
 3880 | for overcoming identified barriers, with findings and  
 3881 | recommendations to be submitted annually in the report to the  
 3882 | Governor and Legislature required under paragraph (f).

3883 |         4. In cooperation with the Department of Environmental  
 3884 | Protection, the Department of Transportation, the Department of  
 3885 | Economic Opportunity, ~~Enterprise Florida, Inc.~~, the Florida  
 3886 | Energy Systems Consortium, the Florida Solar Energy Center, and  
 3887 | the Florida Solar Energy Industries Association, investigating  
 3888 | opportunities, pursuant to the national Energy Policy Act of  
 3889 | 1992, the Housing and Community Development Act of 1992, and any  
 3890 | subsequent federal legislation, for renewable energy resources,  
 3891 | electric vehicles, and other renewable energy manufacturing,  
 3892 | distribution, installation, and financing efforts that enhance  
 3893 | this state's position as the leader in renewable energy  
 3894 | research, development, and use.

3895 |         5. Undertaking other initiatives to advance the  
 3896 | development and use of renewable energy resources in this state.

3897 |  
 3898 | In the exercise of its responsibilities under this paragraph,  
 3899 | the department shall seek the assistance of the renewable energy  
 3900 | industry in this state and other interested parties and may

3901 enter into contracts, retain professional consulting services,  
 3902 and expend funds appropriated by the Legislature for such  
 3903 purposes.

3904 Section 145. Subsection (5) of section 377.804, Florida  
 3905 Statutes, is amended to read:

3906 377.804 Renewable Energy and Energy-Efficient Technologies  
 3907 Grants Program.—

3908 (5) The department shall solicit the expertise of state  
 3909 agencies, ~~Enterprise Florida, Inc.,~~ and state universities, and  
 3910 may solicit the expertise of other public and private entities  
 3911 it deems appropriate, in evaluating project proposals. State  
 3912 agencies shall cooperate with the department and provide such  
 3913 assistance as requested.

3914 Section 146. Paragraph (a) of subsection (4) of section  
 3915 377.809, Florida Statutes, is amended to read:

3916 377.809 Energy Economic Zone Pilot Program.—

3917 (4)(a) Beginning July 1, 2012, all the incentives and  
 3918 benefits provided for enterprise zones pursuant to state law  
 3919 shall be available to the energy economic zones designated  
 3920 pursuant to this section on or before July 1, 2010. In order to  
 3921 provide incentives, by March 1, 2012, each local governing body  
 3922 that has jurisdiction over an energy economic zone must, by  
 3923 local ordinance, establish the boundary of the energy economic  
 3924 zone, specify applicable energy-efficiency standards, and  
 3925 determine eligibility criteria for the application of state and



3926 local incentives and benefits in the energy economic zone.  
 3927 ~~However, in order to receive benefits provided under s. 288.106,~~  
 3928 ~~a business must be a qualified target industry business under s.~~  
 3929 ~~288.106 for state purposes.~~ An energy economic zone's boundary  
 3930 may be revised by local ordinance. Such incentives and benefits  
 3931 include those in ss. ~~212.08,~~ 212.096, 220.181, 220.182, 220.183,  
 3932 ~~288.106,~~ and 624.5105 and the public utility discounts provided  
 3933 in s. 290.007(8). ~~The exemption provided in s. 212.08(5)(c)~~  
 3934 ~~shall be for renewable energy as defined in s. 377.803.~~ For  
 3935 purposes of this section, any applicable requirements for  
 3936 employee residency for higher refund or credit thresholds must  
 3937 be based on employee residency in the energy economic zone or an  
 3938 enterprise zone. A business in an energy economic zone may also  
 3939 be eligible for funding under s. ss. 288.047 and 445.003, ~~and a~~  
 3940 ~~transportation project in an energy economic zone shall be~~  
 3941 ~~provided priority in funding under s. 339.2821.~~ Other projects  
 3942 shall be given priority ranking to the extent practicable for  
 3943 grants administered under state energy programs.

3944 Section 147. Subsection (24) of section 380.06, Florida  
 3945 Statutes, is amended to read:

3946 380.06 Developments of regional impact.-

3947 (24) STATUTORY EXEMPTIONS.-

3948 (a) Any proposed hospital is exempt from this section.

3949 (b) Any proposed electrical transmission line or  
 3950 electrical power plant is exempt from this section.

3951 (c) Any proposed addition to an existing sports facility  
 3952 complex is exempt from this section if the addition meets the  
 3953 following characteristics:

3954 1. It would not operate concurrently with the scheduled  
 3955 hours of operation of the existing facility.

3956 2. Its seating capacity would be no more than 75 percent  
 3957 of the capacity of the existing facility.

3958 3. The sports facility complex property is owned by a  
 3959 public body before July 1, 1983.

3960

3961 This exemption does not apply to any pari-mutuel facility.

3962 (d) Any proposed addition or cumulative additions  
 3963 subsequent to July 1, 1988, to an existing sports facility  
 3964 complex owned by a state university is exempt if the increased  
 3965 seating capacity of the complex is no more than 30 percent of  
 3966 the capacity of the existing facility.

3967 (e) Any addition of permanent seats or parking spaces for  
 3968 an existing sports facility located on property owned by a  
 3969 public body before July 1, 1973, is exempt from this section if  
 3970 future additions do not expand existing permanent seating or  
 3971 parking capacity more than 15 percent annually in excess of the  
 3972 prior year's capacity.

3973 (f) Any increase in the seating capacity of an existing  
 3974 sports facility having a permanent seating capacity of at least  
 3975 50,000 spectators is exempt from this section, provided that

3976 such an increase does not increase permanent seating capacity by  
 3977 more than 5 percent per year and not to exceed a total of 10  
 3978 percent in any 5-year period, and provided that the sports  
 3979 facility notifies the appropriate local government within which  
 3980 the facility is located of the increase at least 6 months before  
 3981 the initial use of the increased seating, in order to permit the  
 3982 appropriate local government to develop a traffic management  
 3983 plan for the traffic generated by the increase. Any traffic  
 3984 management plan shall be consistent with the local comprehensive  
 3985 plan, the regional policy plan, and the state comprehensive  
 3986 plan.

3987 (g) Any expansion in the permanent seating capacity or  
 3988 additional improved parking facilities of an existing sports  
 3989 facility is exempt from this section, if the following  
 3990 conditions exist:

3991 1.a. The sports facility had a permanent seating capacity  
 3992 on January 1, 1991, of at least 41,000 spectator seats;

3993 b. The sum of such expansions in permanent seating  
 3994 capacity does not exceed a total of 10 percent in any 5-year  
 3995 period and does not exceed a cumulative total of 20 percent for  
 3996 any such expansions; or

3997 c. The increase in additional improved parking facilities  
 3998 is a one-time addition and does not exceed 3,500 parking spaces  
 3999 serving the sports facility; and

4000 2. The local government having jurisdiction of the sports

4001 facility includes in the development order or development permit  
 4002 approving such expansion under this paragraph a finding of fact  
 4003 that the proposed expansion is consistent with the  
 4004 transportation, water, sewer and stormwater drainage provisions  
 4005 of the approved local comprehensive plan and local land  
 4006 development regulations relating to those provisions.

4007  
 4008 Any owner or developer who intends to rely on this statutory  
 4009 exemption shall provide to the department a copy of the local  
 4010 government application for a development permit. Within 45 days  
 4011 after receipt of the application, the department shall render to  
 4012 the local government an advisory and nonbinding opinion, in  
 4013 writing, stating whether, in the department's opinion, the  
 4014 prescribed conditions exist for an exemption under this  
 4015 paragraph. The local government shall render the development  
 4016 order approving each such expansion to the department. The  
 4017 owner, developer, or department may appeal the local government  
 4018 development order pursuant to s. 380.07, within 45 days after  
 4019 the order is rendered. The scope of review shall be limited to  
 4020 the determination of whether the conditions prescribed in this  
 4021 paragraph exist. If any sports facility expansion undergoes  
 4022 development-of-regional-impact review, all previous expansions  
 4023 which were exempt under this paragraph shall be included in the  
 4024 development-of-regional-impact review.

4025 (h) Expansion to port harbors, spoil disposal sites,

4026 navigation channels, turning basins, harbor berths, and other  
 4027 related inwater harbor facilities of ports listed in s.  
 4028 403.021(9)(b), port transportation facilities and projects  
 4029 listed in s. 311.07(3)(b), and intermodal transportation  
 4030 facilities identified pursuant to s. 311.09(3) are exempt from  
 4031 this section when such expansions, projects, or facilities are  
 4032 consistent with comprehensive master plans that are in  
 4033 compliance with s. 163.3178.

4034 (i) Any proposed facility for the storage of any petroleum  
 4035 product or any expansion of an existing facility is exempt from  
 4036 this section.

4037 (j) Any renovation or redevelopment within the same land  
 4038 parcel which does not change land use or increase density or  
 4039 intensity of use.

4040 (k) Waterport and marina development, including dry  
 4041 storage facilities, are exempt from this section.

4042 (l) Any proposed development within an urban service  
 4043 boundary established under s. 163.3177(14), Florida Statutes  
 4044 (2010), which is not otherwise exempt pursuant to subsection  
 4045 (29), is exempt from this section if the local government having  
 4046 jurisdiction over the area where the development is proposed has  
 4047 adopted the urban service boundary and has entered into a  
 4048 binding agreement with jurisdictions that would be impacted and  
 4049 with the Department of Transportation regarding the mitigation  
 4050 of impacts on state and regional transportation facilities.

4051 (m) Any proposed development within a rural land  
 4052 stewardship area created under s. 163.3248.

4053 (n) The establishment, relocation, or expansion of any  
 4054 military installation as defined in s. 163.3175, is exempt from  
 4055 this section.

4056 (o) Any self-storage warehousing that does not allow  
 4057 retail or other services is exempt from this section.

4058 (p) Any proposed nursing home or assisted living facility  
 4059 is exempt from this section.

4060 (q) Any development identified in an airport master plan  
 4061 and adopted into the comprehensive plan pursuant to s.  
 4062 163.3177(6)(b)4. is exempt from this section.

4063 (r) Any development identified in a campus master plan and  
 4064 adopted pursuant to s. 1013.30 is exempt from this section.

4065 (s) Any development in a detailed specific area plan which  
 4066 is prepared and adopted pursuant to s. 163.3245 is exempt from  
 4067 this section.

4068 (t) Any proposed solid mineral mine and any proposed  
 4069 addition to, expansion of, or change to an existing solid  
 4070 mineral mine is exempt from this section. A mine owner will  
 4071 enter into a binding agreement with the Department of  
 4072 Transportation to mitigate impacts to strategic intermodal  
 4073 system facilities pursuant to the transportation thresholds in  
 4074 subsection (19) or rule 9J-2.045(6), Florida Administrative  
 4075 Code. Proposed changes to any previously approved solid mineral

4076 mine development-of-regional-impact development orders having  
4077 vested rights are is not subject to further review or approval  
4078 as a development-of-regional-impact or notice-of-proposed-change  
4079 review or approval pursuant to subsection (19), except for those  
4080 applications pending as of July 1, 2011, which shall be governed  
4081 by s. 380.115(2). Notwithstanding the foregoing, however,  
4082 pursuant to s. 380.115(1), previously approved solid mineral  
4083 mine development-of-regional-impact development orders shall  
4084 continue to enjoy vested rights and continue to be effective  
4085 unless rescinded by the developer. All local government  
4086 regulations of proposed solid mineral mines shall be applicable  
4087 to any new solid mineral mine or to any proposed addition to,  
4088 expansion of, or change to an existing solid mineral mine.

4089 (u) Notwithstanding any provisions in an agreement with or  
4090 among a local government, regional agency, or the state land  
4091 planning agency or in a local government's comprehensive plan to  
4092 the contrary, a project no longer subject to development-of-  
4093 regional-impact review under revised thresholds is not required  
4094 to undergo such review.

4095 (v) Any development within a county with a research and  
4096 education authority created by special act and that is also  
4097 within a research and development park that is operated or  
4098 managed by a research and development authority pursuant to part  
4099 V of chapter 159 is exempt from this section.

4100 (w) Any development in an energy economic zone designated

4101 | pursuant to s. 377.809 is exempt from this section upon approval  
 4102 | by its local governing body.

4103 |       ~~(x) Any proposed development that is located in a local~~  
 4104 | ~~government jurisdiction that does not qualify for an exemption~~  
 4105 | ~~based on the population and density criteria in paragraph~~  
 4106 | ~~(29)(a), that is approved as a comprehensive plan amendment~~  
 4107 | ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~  
 4108 | ~~an agreement pursuant to s. 288.106(5) is exempt from this~~  
 4109 | ~~section. This exemption shall only be effective upon a written~~  
 4110 | ~~agreement executed by the applicant, the local government, and~~  
 4111 | ~~the state land planning agency. The state land planning agency~~  
 4112 | ~~shall only be a party to the agreement upon a determination that~~  
 4113 | ~~the development is the subject of an agreement pursuant to s.~~  
 4114 | ~~288.106(5) and that the local government has the capacity to~~  
 4115 | ~~adequately assess the impacts of the proposed development. The~~  
 4116 | ~~local government shall only be a party to the agreement upon~~  
 4117 | ~~approval by the governing body of the local government and upon~~  
 4118 | ~~providing at least 21 days' notice to adjacent local governments~~  
 4119 | ~~that includes, at a minimum, information regarding the location,~~  
 4120 | ~~density and intensity of use, and timing of the proposed~~  
 4121 | ~~development. This exemption does not apply to areas within the~~  
 4122 | ~~boundary of any area of critical state concern designated~~  
 4123 | ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~  
 4124 | ~~Area as described in s. 369.316, or within 2 miles of the~~  
 4125 | ~~boundary of the Everglades Protection Area as defined in s.~~



4126 ~~373.4592(2).~~

4127

4128 If a use is exempt from review as a development of regional  
 4129 impact under paragraphs (a)-(u), but will be part of a larger  
 4130 project that is subject to review as a development of regional  
 4131 impact, the impact of the exempt use must be included in the  
 4132 review of the larger project, ~~unless such exempt use involves a~~  
 4133 ~~development of regional impact that includes a landowner,~~  
 4134 ~~tenant, or user that has entered into a funding agreement with~~  
 4135 ~~the Department of Economic Opportunity under the Innovation~~  
 4136 ~~Incentive Program and the agreement contemplates a state award~~  
 4137 ~~of at least \$50 million.~~

4138 Section 148. Subsections (1) and (5) of section 380.0657,  
 4139 Florida Statutes, are amended to read:

4140 380.0657 Expedited permitting process for economic  
 4141 development projects.—

4142 (1) The Department of Environmental Protection and, as  
 4143 appropriate, the water management districts created under  
 4144 chapter 373 shall adopt programs to expedite the processing of  
 4145 wetland resource and environmental resource permits for ~~economic~~  
 4146 ~~development projects that have been identified by a municipality~~  
 4147 ~~or county as meeting the definition of target industry~~  
 4148 ~~businesses under s. 288.106, or any intermodal logistics center~~  
 4149 receiving or sending cargo to or from Florida ports, with the  
 4150 exception of those projects requiring approval by the Board of

4151 Trustees of the Internal Improvement Trust Fund.

4152 (5) Notwithstanding the provisions of this section, permit  
 4153 applications for projects to be located in a charter county that  
 4154 has a population of 1.2 million or more and has entered into a  
 4155 delegation agreement with the Department of Environmental  
 4156 Protection or the applicable water management district to  
 4157 process environmental resource permits, wetland resource  
 4158 management permits, or surface water management permits pursuant  
 4159 to chapter 373 are eligible for expedited permitting under this  
 4160 section only upon designation by resolution of the charter  
 4161 county's governing board. ~~Before the governing board decides~~  
 4162 ~~that a project is eligible for expedited permitting, it may~~  
 4163 ~~require the county's economic development agency, or such other~~  
 4164 ~~agency that provides advice to the governing board on economic~~  
 4165 ~~matters, to review and recommend whether the project meets the~~  
 4166 ~~definition of a target industry business as defined in s.~~  
 4167 ~~288.106 and to identify the tangible benefits and impacts of the~~  
 4168 ~~project.~~ The governing board's decision shall be made without  
 4169 consideration of the project's geographic location within the  
 4170 charter county. ~~If the governing board designates the project as~~  
 4171 ~~a target industry business, the permit application for the~~  
 4172 ~~project shall be approved or denied within the timeframe~~  
 4173 ~~provided in subsection (4).~~

4174 Section 149. Paragraph (b) of subsection (3) of section  
 4175 403.42, Florida Statutes, is amended to read:

4176 403.42 Florida Clean Fuel Act.—  
 4177 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
 4178 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—  
 4179 (b)1. The advisory board shall consist of the Executive  
 4180 Director of the Department of Economic Opportunity, the  
 4181 Secretary of Environmental Protection, or a designee from that  
 4182 department, the Commissioner of Education, or a designee from  
 4183 that department, the Secretary of Transportation, or a designee  
 4184 from that department, the Commissioner of Agriculture, or a  
 4185 designee from that department, the Secretary of Management  
 4186 Services, or a designee from that department, and a  
 4187 representative of each of the following, who shall be appointed  
 4188 by the Secretary of Environmental Protection:  
 4189 a. The Florida biodiesel industry.  
 4190 b. The Florida electric utility industry.  
 4191 c. The Florida natural gas industry.  
 4192 d. The Florida propane gas industry.  
 4193 e. An automobile manufacturers' association.  
 4194 f. A Florida Clean Cities Coalition designated by the  
 4195 United States Department of Energy.  
 4196 ~~g. Enterprise Florida, Inc.~~  
 4197 g.h. EV Ready Broward.  
 4198 h.i. The Florida petroleum industry.  
 4199 i.j. The Florida League of Cities.  
 4200 j.k. The Florida Association of Counties.

4201 |       ~~k.l.~~ Floridians for Better Transportation.  
 4202 |       l.m. A motor vehicle manufacturer.  
 4203 |       ~~m.n.~~ Florida Local Environment Resource Agencies.  
 4204 |       ~~n.o.~~ Project for an Energy Efficient Florida.  
 4205 |       ~~o.p.~~ Florida Transportation Builders Association.  
 4206 |       2. The purpose of the advisory board is to serve as a  
 4207 | resource for the department and to provide the Governor, the  
 4208 | Legislature, and the Secretary of Environmental Protection with  
 4209 | private sector and other public agency perspectives on achieving  
 4210 | the goal of increasing the use of alternative fuel vehicles in  
 4211 | this state.  
 4212 |       3. Members shall be appointed to serve terms of 1 year  
 4213 | each, with reappointment at the discretion of the Secretary of  
 4214 | Environmental Protection. Vacancies shall be filled for the  
 4215 | remainder of the unexpired term in the same manner as the  
 4216 | original appointment.  
 4217 |       4. The board shall annually select a chairperson.  
 4218 |       5.a. The board shall meet at least once each quarter or  
 4219 | more often at the call of the chairperson or the Secretary of  
 4220 | Environmental Protection.  
 4221 |       b. Meetings are exempt from the notice requirements of  
 4222 | chapter 120, and sufficient notice shall be given to afford  
 4223 | interested persons reasonable notice under the circumstances.  
 4224 |       6. Members of the board are entitled to travel expenses  
 4225 | while engaged in the performance of board duties.

4226 7. The board shall terminate 5 years after the effective  
4227 date of this act.

4228 Section 150. Subsection (5) of section 403.7032, Florida  
4229 Statutes, is amended to read:

4230 403.7032 Recycling.—

4231 (5) The Department of Environmental Protection shall  
4232 create the Recycling Business Assistance Center by December 1,  
4233 2010. In carrying out its duties under this subsection, the  
4234 department shall consult with state agency personnel appointed  
4235 to serve as economic development liaisons under s. 288.021 ~~and~~  
4236 ~~seek technical assistance from Enterprise Florida, Inc.,~~ to  
4237 ensure the Recycling Business Assistance Center is positioned to  
4238 succeed. The purpose of the center shall be to serve as the  
4239 mechanism for coordination among state agencies and the private  
4240 sector in order to coordinate policy and overall strategic  
4241 planning for developing new markets and expanding and enhancing  
4242 existing markets for recyclable materials in this state, other  
4243 states, and foreign countries. The duties of the center must  
4244 include, at a minimum:

4245 (a) Identifying and developing new markets and expanding  
4246 and enhancing existing markets for recyclable materials.

4247 (b) Pursuing expanded end uses for recycled materials.

4248 (c) Targeting materials for concentrated market  
4249 development efforts.

4250 (d) Developing proposals for new incentives for market

4251 development, particularly focusing on targeted materials.

4252 (e) Providing guidance on issues such as permitting,  
 4253 finance options for recycling market development, site location,  
 4254 research and development, grant program criteria for recycled  
 4255 materials markets, recycling markets education and information,  
 4256 and minimum content.

4257 (f) Coordinating the efforts of various governmental  
 4258 entities having market development responsibilities in order to  
 4259 optimize supply and demand for recyclable materials.

4260 (g) Evaluating source-reduced products as they relate to  
 4261 state procurement policy. The evaluation shall include, but is  
 4262 not limited to, the environmental and economic impact of source-  
 4263 reduced product purchases to the state. For the purposes of this  
 4264 paragraph, the term "source-reduced" means any method, process,  
 4265 product, or technology that significantly or substantially  
 4266 reduces the volume or weight of a product while providing, at a  
 4267 minimum, equivalent or generally similar performance and service  
 4268 to and for the users of such materials.

4269 (h) Providing evaluation of solid waste management grants,  
 4270 pursuant to s. 403.7095, to reduce the flow of solid waste to  
 4271 disposal facilities and encourage the sustainable recovery of  
 4272 materials from Florida's waste stream.

4273 (i) Providing below-market financing for companies that  
 4274 manufacture products from recycled materials or convert  
 4275 recyclable materials into raw materials for use in manufacturing

4276 pursuant to the Florida Recycling Loan Program as administered  
 4277 by the Florida First Capital Finance Corporation.

4278 (j) Maintaining a continuously updated online directory  
 4279 listing the public and private entities that collect, transport,  
 4280 broker, process, or remanufacture recyclable materials in the  
 4281 state.

4282 (k) Providing information on the availability and benefits  
 4283 of using recycled materials to private entities and industries  
 4284 in the state.

4285 (l) Distributing any materials prepared in implementing  
 4286 this subsection to the public, private entities, industries,  
 4287 governmental entities, or other organizations upon request.

4288 (m) Coordinating with the Department of Economic  
 4289 Opportunity and its partners to provide job placement and job  
 4290 training services to job seekers through the state's workforce  
 4291 services programs.

4292 Section 151. Subsections (16) through (19) of section  
 4293 403.973, Florida Statutes, are renumbered as subsections (15)  
 4294 through (18), respectively, and present subsections (15) and  
 4295 (17) of that section are amended to read:

4296 403.973 Expedited permitting; amendments to comprehensive  
 4297 plans.—

4298 ~~(15) The Department of Economic Opportunity, working with~~  
 4299 ~~the agencies providing cooperative assistance and input~~  
 4300 ~~regarding the memoranda of agreement, shall review sites~~

4301 ~~proposed for the location of facilities that the Department of~~  
 4302 ~~Economic Opportunity has certified to be eligible for the~~  
 4303 ~~Innovation Incentive Program under s. 288.1089. Within 20 days~~  
 4304 ~~after the request for the review by the Department of Economic~~  
 4305 ~~Opportunity, the agencies shall provide to the Department of~~  
 4306 ~~Economic Opportunity a statement as to each site's necessary~~  
 4307 ~~permits under local, state, and federal law and an~~  
 4308 ~~identification of significant permitting issues, which if~~  
 4309 ~~unresolved, may result in the denial of an agency permit or~~  
 4310 ~~approval or any significant delay caused by the permitting~~  
 4311 ~~process.~~

4312 (16)~~(17)~~ The Department of Economic Opportunity shall be  
 4313 responsible for certifying a business as eligible for undergoing  
 4314 expedited review under this section. ~~Enterprise Florida, Inc., A~~  
 4315 ~~county or municipal government,~~ or the Rural Economic  
 4316 Development Initiative may recommend to the Department of  
 4317 Economic Opportunity that a project meeting the minimum job  
 4318 creation threshold undergo expedited review.

4319 Section 152. Paragraph (c) of subsection (1) of section  
 4320 443.091, Florida Statutes, is amended to read:

4321 443.091 Benefit eligibility conditions.—

4322 (1) An unemployed individual is eligible to receive  
 4323 benefits for any week only if the Department of Economic  
 4324 Opportunity finds that:

4325 (c) To make continued claims for benefits, she or he is



4326 reporting to the department in accordance with this paragraph  
 4327 and department rules. Department rules may not conflict with s.  
 4328 443.111(1)(b), which requires that each claimant continue to  
 4329 report regardless of any pending appeal relating to her or his  
 4330 eligibility or disqualification for benefits.

4331 1. For each week of unemployment claimed, each report  
 4332 must, at a minimum, include the name, address, and telephone  
 4333 number of each prospective employer contacted, or the date the  
 4334 claimant reported to a one-stop career center, pursuant to  
 4335 paragraph (d).

4336 2. The department shall offer an online assessment aimed  
 4337 at identifying an individual's skills, abilities, and career  
 4338 aptitude. The skills assessment must be voluntary, and the  
 4339 department shall allow a claimant to choose whether to take the  
 4340 skills assessment. The online assessment shall be made available  
 4341 to any person seeking services from a local workforce  
 4342 development board or a one-stop career center.

4343 a. If the claimant chooses to take the online assessment,  
 4344 the outcome of the assessment shall be made available to the  
 4345 claimant, local workforce development board, and one-stop career  
 4346 center. The department, local workforce development board, or  
 4347 one-stop career center shall use the assessment to develop a  
 4348 plan for referring individuals to training and employment  
 4349 opportunities. Aggregate data on assessment outcomes may be made  
 4350 available to CareerSource Florida, Inc., ~~and Enterprise Florida,~~

4351 ~~Inc.~~ for use in the development of policies related to  
 4352 education and training programs that will ensure that businesses  
 4353 in this state have access to a skilled and competent workforce.

4354 b. Individuals shall be informed of and offered services  
 4355 through the one-stop delivery system, including career  
 4356 counseling, the provision of skill match and job market  
 4357 information, and skills upgrade and other training  
 4358 opportunities, and shall be encouraged to participate in such  
 4359 services at no cost to the individuals. The department shall  
 4360 coordinate with CareerSource Florida, Inc., the local workforce  
 4361 development boards, and the one-stop career centers to identify,  
 4362 develop, and use best practices for improving the skills of  
 4363 individuals who choose to participate in skills upgrade and  
 4364 other training opportunities. The department may contract with  
 4365 an entity to create the online assessment in accordance with the  
 4366 competitive bidding requirements in s. 287.057. The online  
 4367 assessment must work seamlessly with the Reemployment Assistance  
 4368 Claims and Benefits Information System.

4369 Section 153. Paragraphs (b) through (g) of subsection (6)  
 4370 of section 445.004, Florida Statutes, are redesignated as  
 4371 paragraphs (a) through (f), respectively, and paragraph (d) of  
 4372 subsection (3), paragraphs (b) and (d) of subsection (5), and  
 4373 paragraph (a) of subsection (6) of that section are amended to  
 4374 read:

4375 445.004 CareerSource Florida, Inc.; creation; purpose;

4376 membership; duties and powers.—

4377 (3)

4378 (d) The board must include ~~the vice chairperson of the~~  
 4379 ~~board of directors of Enterprise Florida, Inc.,~~ and one member  
 4380 representing each of the Workforce Innovation and Opportunity  
 4381 Act partners, including the Division of Career and Adult  
 4382 Education, and other entities representing programs identified  
 4383 in the Workforce Innovation and Opportunity Act, as determined  
 4384 necessary.

4385 (5) CareerSource Florida, Inc., shall have all the powers  
 4386 and authority not explicitly prohibited by statute which are  
 4387 necessary or convenient to carry out and effectuate its purposes  
 4388 as determined by statute, Pub. L. No. 113-128, and the Governor,  
 4389 as well as its functions, duties, and responsibilities,  
 4390 including, but not limited to, the following:

4391 (b) Providing oversight and policy direction to ensure  
 4392 that the following programs are administered by the department  
 4393 in compliance with approved plans and under contract with  
 4394 CareerSource Florida, Inc.:

4395 1. Programs authorized under Title I of the Workforce  
 4396 Innovation and Opportunity Act, Pub. L. No. 113-128, with the  
 4397 exception of programs funded directly by the United States  
 4398 Department of Labor under Title I, s. 167.

4399 2. Programs authorized under the Wagner-Peyser Act of  
 4400 1933, as amended, 29 U.S.C. ss. 49 et seq.

4401 3. Activities authorized under Title II of the Trade Act  
 4402 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
 4403 Adjustment Assistance Program.

4404 4. Activities authorized under 38 U.S.C. chapter 41,  
 4405 including job counseling, training, and placement for veterans.

4406 5. Employment and training activities carried out under  
 4407 funds awarded to this state by the United States Department of  
 4408 Housing and Urban Development.

4409 6. Welfare transition services funded by the Temporary  
 4410 Assistance for Needy Families Program, created under the  
 4411 Personal Responsibility and Work Opportunity Reconciliation Act  
 4412 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
 4413 of the Social Security Act, as amended.

4414 7. Displaced homemaker programs, provided under s. 446.50.

4415 8. The Florida Bonding Program, provided under Pub. L. No.  
 4416 97-300, s. 164(a)(1).

4417 9. The Food Assistance Employment and Training Program,  
 4418 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
 4419 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
 4420 and the Hunger Prevention Act, Pub. L. No. 100-435.

4421 ~~10. The Quick-Response Training Program, provided under~~  
 4422 ~~ss. 288.046-288.047. Matching funds and in-kind contributions~~  
 4423 ~~that are provided by clients of the Quick-Response Training~~  
 4424 ~~Program shall count toward the requirements of s. 288.904,~~  
 4425 ~~pertaining to the return on investment from activities of~~

4426 | ~~Enterprise Florida, Inc.~~

4427 |       10.11. The Work Opportunity Tax Credit, provided under the  
 4428 | Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
 4429 | and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

4430 |       11.12. Offender placement services, provided under ss.  
 4431 | 944.707-944.708.

4432 |       (d) Contracting with public and private entities as  
 4433 | necessary to further the directives of this section. All  
 4434 | contracts executed by CareerSource Florida, Inc., must include  
 4435 | specific performance expectations and deliverables. All  
 4436 | CareerSource Florida, Inc., contracts, including those  
 4437 | solicited, managed, or paid by the department pursuant to s.  
 4438 | 20.60(5)(b) ~~20.60(5)(c)~~ are exempt from s. 112.061, but shall be  
 4439 | governed by subsection (1).

4440 |       (6) CareerSource Florida, Inc., may take action that it  
 4441 | deems necessary to achieve the purposes of this section,  
 4442 | including, but not limited to:

4443 |       (a) Creating a state employment, education, and training  
 4444 | policy that ensures that programs to prepare workers are  
 4445 | responsive to present and future business and industry needs ~~and~~  
 4446 | ~~complement the initiatives of Enterprise Florida, Inc.~~

4447 |       Section 154. Subsection (5) of section 445.045, Florida  
 4448 | Statutes, is amended to read:

4449 |       445.045 Development of an Internet-based system for  
 4450 | information technology industry promotion and workforce

4451 recruitment.—

4452 (5) In furtherance of the requirements of this section  
 4453 that the website promote and market the information technology  
 4454 industry by communicating information on the scope of the  
 4455 industry in this state, CareerSource Florida, Inc., shall  
 4456 ~~coordinate its efforts with the high technology industry~~  
 4457 ~~marketing efforts of Enterprise Florida, Inc., under s. 288.911.~~  
 4458 ~~Through links or actual content, the website developed under~~  
 4459 ~~this section shall serve as a forum for distributing the~~  
 4460 ~~marketing campaign developed by Enterprise Florida, Inc., under~~  
 4461 ~~s. 288.911. In addition, CareerSource Florida, Inc., shall~~  
 4462 solicit input from the not-for-profit corporation created to  
 4463 advocate on behalf of the information technology industry as an  
 4464 outgrowth of the Information Service Technology Development Task  
 4465 Force created under chapter 99-354, Laws of Florida.

4466 Section 155. Subsections (2) and (5) of section 446.44,  
 4467 Florida Statutes, are amended to read:

4468 446.44 Duties of Rural Workforce Services Program.—It  
 4469 shall be the direct responsibility of the Rural Workforce  
 4470 Services Program to promote and deliver employment and workforce  
 4471 services and resources to the rural undeveloped and  
 4472 underdeveloped counties of the state in an effort to:

4473 ~~(2) Assist Enterprise Florida, Inc., in attracting light,~~  
 4474 ~~pollution-free industry to the rural counties.~~

4475 (4) ~~(5)~~ Develop rural workforce programs that will be

4476 evaluated, planned, and implemented through communications and  
 4477 planning with appropriate:

4478 (a) Departments of state and federal governments.

4479 ~~(b) Units of Enterprise Florida, Inc.~~

4480 (b)(c) Agencies and organizations of the public and  
 4481 private sectors at the state, regional, and local levels.

4482 Section 156. Subsection (5) of section 477.0135, Florida  
 4483 Statutes, is amended to read:

4484 477.0135 Exemptions.—

4485 (5) A license is not required of any individual providing  
 4486 makeup, special effects, or cosmetology services to an actor,  
 4487 stunt person, musician, extra, or other talent during a  
 4488 production recognized by the Office of Film and Entertainment as  
 4489 a qualified production ~~as defined in s. 288.1254(1)~~. Such  
 4490 services are not required to be performed in a licensed salon.  
 4491 Individuals exempt under this subsection may not provide such  
 4492 services to the general public.

4493 Section 157. Subsection (1) of section 570.81, Florida  
 4494 Statutes, is amended to read:

4495 570.81 Agricultural Economic Development Project Review  
 4496 Committee; powers and duties.—

4497 (1) There is created an Agricultural Economic Development  
 4498 Project Review Committee consisting of five members appointed by  
 4499 the commissioner. The members shall be appointed based upon the  
 4500 recommendations submitted by each entity represented on the

4501 committee and shall include:

4502 (a) The commissioner or the commissioner's designee.

4503 (b) One representative from the Farm Credit Service.

4504 (c) One representative from the Department of Economic  
 4505 Opportunity ~~Enterprise Florida, Inc.~~

4506 (d) One representative from the Florida Farm Bureau  
 4507 Federation.

4508 (e) One agricultural economist from the Institute of Food  
 4509 and Agricultural Sciences or from Florida Agricultural and  
 4510 Mechanical University.

4511 Section 158. Subsection (2) of section 570.85, Florida  
 4512 Statutes, is amended to read:

4513 570.85 Agritourism.—

4514 (2) The Department of Agriculture and Consumer Services  
 4515 may provide marketing advice, technical expertise, promotional  
 4516 support, and product development related to agritourism to  
 4517 assist the following in their agritourism initiatives:

4518 ~~Enterprise Florida, Inc.~~ + convention and visitor bureaus, +  
 4519 tourist development councils, + economic development  
 4520 organizations, + and local governments. In carrying out this  
 4521 responsibility, the department shall focus its agritourism  
 4522 efforts on rural and urban communities.

4523 Section 159. Paragraph (c) of subsection (1) of section  
 4524 624.5105, Florida Statutes, is amended to read:

4525 624.5105 Community contribution tax credit; authorization;



4526 limitations; eligibility and application requirements;  
 4527 administration; definitions; expiration.—

4528 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

4529 (c) The total amount of tax credit which may be granted  
 4530 for all programs approved under this section and ss.  
 4531 212.08(5)(o) ~~212.08(5)(p)~~ and 220.183 is \$18.4 million in the  
 4532 2015-2016 fiscal year, \$21.4 million in the 2016-2017 fiscal  
 4533 year, and \$21.4 million in the 2017-2018 fiscal year for  
 4534 projects that provide housing opportunities for persons with  
 4535 special needs as defined in s. 420.0004 or homeownership  
 4536 opportunities for low-income or very-low-income households as  
 4537 defined in s. 420.9071 and \$3.5 million annually for all other  
 4538 projects.

4539 Section 160. Section 625.3255, Florida Statutes, is  
 4540 repealed.

4541 Section 161. Subsection (4) of section 657.042, Florida  
 4542 Statutes, is amended to read:

4543 657.042 Investment powers and limitations.—A credit union  
 4544 may invest its funds subject to the following definitions,  
 4545 restrictions, and limitations:

4546 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
 4547 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
 4548 the credit union may be invested in ~~any of the following:~~

4549 ~~(a)~~ Corporate obligations of any one corporation which is  
 4550 an affiliate or subsidiary of the credit union or a service

4551 corporation, except that the total investment in all such  
 4552 corporate obligations shall not exceed 10 percent of the capital  
 4553 of the credit union.

4554 ~~(b) Any capital participation instrument or evidence of~~  
 4555 ~~indebtedness issued by Enterprise Florida, Inc., pursuant to the~~  
 4556 ~~Florida Small and Minority Business Assistance Act.~~

4557 Section 162. Paragraph (f) of subsection (4) of section  
 4558 658.67, Florida Statutes, is amended to read:

4559 658.67 Investment powers and limitations.—A bank may  
 4560 invest its funds, and a trust company may invest its corporate  
 4561 funds, subject to the following definitions, restrictions, and  
 4562 limitations:

4563 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
 4564 LESS OF CAPITAL ACCOUNTS.—

4565 ~~(f) Up to 10 percent of the capital accounts of a bank or~~  
 4566 ~~trust company may be invested in any capital participation~~  
 4567 ~~instrument or evidence of indebtedness issued by Enterprise~~  
 4568 ~~Florida, Inc., pursuant to the Florida Small and Minority~~  
 4569 ~~Business Assistance Act.~~

4570 Section 163. Paragraph (h) of subsection (2) of section  
 4571 1004.015, Florida Statutes, is amended to read:

4572 1004.015 Higher Education Coordinating Council.—

4573 (2) Members of the council shall include:

4574 (h) The secretary of the Department of Economic  
 4575 Opportunity, or his or her designee ~~president of Enterprise~~

4576 ~~Florida, Inc., or a designated member of the Stakeholders~~  
 4577 ~~Council appointed by the president.~~

4578 Section 164. Paragraph (d) of subsection (5) of section  
 4579 1004.65, Florida Statutes, is amended to read:

4580 1004.65 Florida College System institutions; governance,  
 4581 mission, and responsibilities.—

4582 (5) The primary mission and responsibility of Florida  
 4583 College System institutions is responding to community needs for  
 4584 postsecondary academic education and career degree education.  
 4585 This mission and responsibility includes being responsible for:

4586 (d) Promoting economic development for the state within  
 4587 each Florida College System institution district through the  
 4588 provision of special programs, including, but not limited to,  
 4589 the:

4590 ~~1. Enterprise Florida-related programs.~~

4591 1.2. Technology transfer centers.

4592 2.3. Economic development centers.

4593 3.4. Workforce literacy programs.

4594 Section 165. Paragraph (b) of subsection (10) of section  
 4595 1004.78, Florida Statutes, is amended to read:

4596 1004.78 Technology transfer centers at Florida College  
 4597 System institutions.—

4598 (10) The State Board of Education may award grants to  
 4599 Florida College System institutions, or consortia of public and  
 4600 private colleges and universities and other public and private

4601 entities, for the purpose of supporting the objectives of this  
 4602 section. Grants awarded pursuant to this subsection shall be in  
 4603 accordance with rules of the State Board of Education. Such  
 4604 rules shall include the following provisions:

4605 (b) Grants to centers funded with state revenues  
 4606 appropriated specifically for technology transfer activities  
 4607 shall be reviewed and approved by the State Board of Education  
 4608 using proposal solicitation, evaluation, and selection  
 4609 procedures established by the state board in consultation with  
 4610 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~  
 4611 Such procedures may include designation of specific areas or  
 4612 applications of technology as priorities for the receipt of  
 4613 funding.

4614 Section 166. Subsection (4) of section 1011.76, Florida  
 4615 Statutes, is amended to read:

4616 1011.76 Small School District Stabilization Program.—

4617 (4) The Department of Education may award the school  
 4618 district a stabilization grant intended to protect the district  
 4619 from continued financial reductions. The amount of the grant  
 4620 will be determined by the Department of Education and may be  
 4621 equivalent to the amount of the decline in revenues projected  
 4622 for the next fiscal year. In addition, the Department of  
 4623 Economic Opportunity may implement a rural economic development  
 4624 initiative to identify the economic factors that are negatively  
 4625 impacting the community ~~and may consult with Enterprise Florida,~~

4626 ~~Inc., in developing a plan to assist the county with its~~  
 4627 ~~economic transition.~~ The grant will be available to the school  
 4628 district for a period of up to 5 years to the extent that  
 4629 funding is provided for such purpose in the General  
 4630 Appropriations Act.

4631 Section 167. Paragraph (c) of subsection (6) of section  
 4632 1011.80, Florida Statutes, is amended to read:

4633 1011.80 Funds for operation of workforce education  
 4634 programs.—

4635 (6)

4636 (c) A program is established to assist school districts  
 4637 and Florida College System institutions in responding to the  
 4638 needs of new and expanding businesses and thereby strengthening  
 4639 the state's workforce and economy. The program may be funded in  
 4640 the General Appropriations Act. The district or Florida College  
 4641 System institution shall use the program to provide customized  
 4642 training for businesses ~~which satisfies the requirements of s.~~  
 4643 ~~288.047.~~ Business firms whose employees receive the customized  
 4644 training must provide 50 percent of the cost of the training.  
 4645 Balances remaining in the program at the end of the fiscal year  
 4646 shall not revert to the general fund, but shall be carried over  
 4647 for 1 additional year and used for the purpose of serving  
 4648 incumbent worker training needs of area businesses with fewer  
 4649 than 100 employees. Priority shall be given to businesses that  
 4650 must increase or upgrade their use of technology to remain

4651 competitive.

4652 Section 168. Subsection (1) of section 1011.94, Florida  
 4653 Statutes, is amended to read:

4654 1011.94 University Major Gifts Program.—

4655 (1) There is established a University Major Gifts Program.  
 4656 The purpose of the program is to enable each university to  
 4657 provide donors with an incentive in the form of matching grants  
 4658 for donations for the establishment of permanent endowments and  
 4659 sales tax exemption matching funds received pursuant to s.  
 4660 212.08(5)(i) ~~212.08(5)(j)~~, which must be invested, with the  
 4661 proceeds of the investment used to support libraries and  
 4662 instruction and research programs, as defined by the Board of  
 4663 Governors.

4664 Section 169. This act shall take effect July 1, 2017.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

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

1 Committee/Subcommittee hearing bill: Rules & Policy Committee  
 2 Representative Renner offered the following:

**Amendment (with title amendment)**

5 Remove everything after the enacting clause and insert:

6 Section 1. Paragraph (i) of subsection (3) of section  
 7 11.45, Florida Statutes, is amended to read:

8 11.45 Definitions; duties; authorities; reports; rules.-

9 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.-The  
 10 Auditor General may, pursuant to his or her own authority, or at  
 11 the direction of the Legislative Auditing Committee, conduct  
 12 audits or other engagements as determined appropriate by the  
 13 Auditor General of:

14 ~~(i) Enterprise Florida, Inc., including any of its boards,~~  
 15 ~~advisory committees, or similar groups created by Enterprise~~  
 16 ~~Florida, Inc., and programs. The audit report may not reveal the~~

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17 ~~identity of any person who has anonymously made a donation to~~  
18 ~~Enterprise Florida, Inc., pursuant to this paragraph. The~~  
19 ~~identity of a donor or prospective donor to Enterprise Florida,~~  
20 ~~Inc., who desires to remain anonymous and all information~~  
21 ~~identifying such donor or prospective donor are confidential and~~  
22 ~~exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I~~  
23 ~~of the State Constitution. Such anonymity shall be maintained in~~  
24 ~~the auditor's report.~~

25 Section 2. Paragraph (a) of subsection (3) of section  
26 14.32, Florida Statutes, is amended to read:

27 14.32 Office of Chief Inspector General.—

28 (3) Related to public-private partnerships, the Chief  
29 Inspector General:

30 (a) Shall advise public-private partnerships, ~~including~~  
31 ~~Enterprise Florida, Inc.,~~ in their development, utilization, and  
32 improvement of internal control measures necessary to ensure  
33 fiscal accountability.

34 Section 3. Section 15.18, Florida Statutes, is amended to  
35 read:

36 15.18 International and cultural relations.—The Divisions  
37 of Cultural Affairs, Historical Resources, and Library and  
38 Information Services of the Department of State promote programs  
39 having substantial cultural, artistic, and indirect economic  
40 significance that emphasize American creativity. The Secretary  
41 of State, as the head administrator of these divisions, shall



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42 hereafter be known as "Florida's Chief Cultural Officer." As  
43 this officer, the Secretary of State is encouraged to initiate  
44 and develop relationships between the state and foreign cultural  
45 officers, their representatives, and other foreign governmental  
46 officials in order to promote Florida as the center of American  
47 creativity. The Secretary of State shall coordinate  
48 international activities pursuant to this section with  
49 ~~Enterprise Florida, Inc.,~~ and any other organization the  
50 secretary deems appropriate. For the accomplishment of this  
51 purpose, the Secretary of State shall have the power and  
52 authority to:

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

55 (2) Plan and carry out activities designed to cause  
56 improved cultural and governmental programs and exchanges with  
57 foreign countries.

58 (3) Plan and implement cultural and social activities for  
59 visiting foreign heads of state, diplomats, dignitaries, and  
60 exchange groups.

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

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

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67 (6) Provide, arrange, and make expenditures for the  
68 achievement of any or all of the purposes specified in this  
69 section.

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

72 15.182 International travel by state-funded musical,  
73 cultural, or artistic organizations; notification to the  
74 Department of Economic Opportunity.-

75 (2) The Department of Economic Opportunity, ~~in conjunction~~  
76 ~~with Enterprise Florida, Inc.,~~ shall act as an intermediary  
77 between performing musical, cultural, and artistic organizations  
78 and Florida businesses to encourage and coordinate joint  
79 undertakings. Such coordination may include, but is not limited  
80 to, encouraging business and industry to sponsor cultural  
81 events, assistance with travel of such organizations, and  
82 coordinating travel schedules of cultural performance groups and  
83 international trade missions.

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

87 20.60 Department of Economic Opportunity; creation; powers  
88 and duties.-

89 (4) The purpose of the department is to assist the  
90 Governor in working with the Legislature, state agencies,  
91 business leaders, and economic development professionals to

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92 formulate and implement coherent and consistent policies and  
93 strategies designed to promote economic opportunities for all  
94 Floridians. To accomplish such purposes, the department shall:

95 (a) Facilitate the direct involvement of the Governor and  
96 the Lieutenant Governor in economic development and workforce  
97 development projects designed to create, expand, and retain  
98 businesses in this state, to recruit business from around the  
99 world, and to facilitate other job-creating efforts.

100 (b) Recruit new businesses to this state and promote the  
101 expansion of existing businesses by expediting permitting and  
102 location decisions, worker placement and training, and incentive  
103 awards.

104 (c) Promote viable, sustainable communities by providing  
105 technical assistance and guidance on growth and development  
106 issues, grants, and other assistance to local communities.

107 (d) Ensure that the state's goals and policies relating to  
108 economic development, workforce development, community planning  
109 and development, and affordable housing are fully integrated  
110 with appropriate implementation strategies.

111 (e) Manage the activities of public-private partnerships  
112 and state agencies in order to avoid duplication and promote  
113 coordinated and consistent implementation of programs in areas  
114 including, but not limited to, tourism; international trade and  
115 investment; business recruitment, creation, retention, and  
116 expansion; minority and small business development; rural

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117 community development; commercialization of products, services,  
118 or ideas developed in public universities or other public  
119 institutions; and the development and promotion of professional  
120 and amateur sporting events.

121 (f) Coordinate with state agencies on the processing of  
122 state development approvals or permits to minimize the  
123 duplication of information provided by the applicant and the  
124 time before approval or disapproval.

125 ~~(5) The divisions within the department have specific~~  
126 ~~responsibilities to achieve the duties, responsibilities, and~~  
127 ~~goals of the department. Specifically:~~

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

129 (g)1. Analyze and evaluate business prospects identified  
130 by the Governor and the executive director of the department,  
131 ~~and Enterprise Florida, Inc.~~

132 (h)2. Administer certain tax refund, tax credit, and grant  
133 programs created in law. Notwithstanding any other provision of  
134 law, the department may expend interest earned from the  
135 investment of program funds deposited in the Grants and  
136 Donations Trust Fund to contract for the administration of those  
137 programs, or portions of the programs, assigned to the  
138 department by law, by the appropriations process, or by the  
139 Governor. Such expenditures shall be subject to review under  
140 chapter 216.

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141        ~~(i)3.~~ Develop measurement protocols for the state  
142 incentive programs and for the contracted entities which will be  
143 used to determine their performance and competitive value to the  
144 state. Performance measures, benchmarks, and sanctions must be  
145 developed in consultation with the legislative appropriations  
146 committees and the appropriate substantive committees, and are  
147 subject to the review and approval process provided in s.  
148 216.177. The approved performance measures, standards, and  
149 sanctions shall be included and made a part of the strategic  
150 plan for contracts entered into for delivery of programs  
151 authorized by this section.

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

154        ~~1.a.~~ Strategies for the promotion of business formation,  
155 expansion, recruitment, and retention through aggressive  
156 marketing, international development, and export assistance,  
157 which lead to more and better jobs and higher wages for all  
158 geographic regions, disadvantaged communities, and populations  
159 of the state, including rural areas, minority businesses, and  
160 urban core areas.

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

164        ~~3.e.~~ Specific provisions for the stimulation of economic  
165 development and job creation in rural areas and midsize cities

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166 and counties of the state, including strategies for rural  
167 marketing and the development of infrastructure in rural areas.

168 ~~4.d.~~ Provisions for the promotion of the successful long-  
169 term economic development of the state with increased emphasis  
170 in market research and information.

171 ~~5.e.~~ Plans for the generation of foreign investment in the  
172 state which create jobs paying above-average wages and which  
173 result in reverse investment in the state, including programs  
174 that establish viable overseas markets, assist in meeting the  
175 financing requirements of export-ready firms, broaden  
176 opportunities for international joint venture relationships, use  
177 the resources of academic and other institutions, coordinate  
178 trade assistance and facilitation services, and facilitate  
179 availability of and access to education and training programs  
180 that assure requisite skills and competencies necessary to  
181 compete successfully in the global marketplace.

182 ~~6.f.~~ The identification of business sectors that are of  
183 current or future importance to the state's economy and to the  
184 state's global business image, and development of specific  
185 strategies to promote the development of such sectors.

186 ~~7.g.~~ Strategies for talent development necessary in the  
187 state to encourage economic development growth, taking into  
188 account factors such as the state's talent supply chain,  
189 education and training opportunities, and available workforce.

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

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191 (1)6. Involve ~~Enterprise Florida, Inc.~~; CareerSource  
192 Florida, Inc.; local governments; the general public; local and  
193 regional economic development organizations; other local, state,  
194 and federal economic, international, and workforce development  
195 entities; the business community; and educational institutions  
196 to assist with the strategic plan.

197 (5) The divisions within the department have specific  
198 responsibilities to achieve the duties, responsibilities, and  
199 goals of the department. Specifically:

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

201 1. Assist local governments and their communities in  
202 finding creative planning solutions to help them foster vibrant,  
203 healthy communities, while protecting the functions of important  
204 state resources and facilities.

205 2. Administer state and federal grant programs as provided  
206 by law to provide community development and project planning  
207 activities to maintain viable communities, revitalize existing  
208 communities, and expand economic development and employment  
209 opportunities, including:

210 a. The Community Services Block Grant Program.

211 b. The Community Development Block Grant Program in  
212 chapter 290.

213 c. The Low-Income Home Energy Assistance Program in  
214 chapter 409.

215 d. The Weatherization Assistance Program in chapter 409.

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- 216 e. The Neighborhood Stabilization Program.
- 217 f. The local comprehensive planning process and the  
218 development of regional impact process.
- 219 g. The Front Porch Florida Initiative through the Office  
220 of Urban Opportunity, which is created within the division. The  
221 purpose of the office is to administer the Front Porch Florida  
222 initiative, a comprehensive, community-based urban core  
223 redevelopment program that enables urban core residents to craft  
224 solutions to the unique challenges of each designated community.
- 225 3. Assist in developing the 5-year statewide strategic  
226 plan required by this section.
- 227 ~~(b)(e)~~ The Division of Workforce Services shall:
- 228 1. Prepare and submit a unified budget request for  
229 workforce development in accordance with chapter 216 for, and in  
230 conjunction with, CareerSource Florida, Inc., and its board.
- 231 2. Ensure that the state appropriately administers federal  
232 and state workforce funding by administering plans and policies  
233 of CareerSource Florida, Inc., under contract with CareerSource  
234 Florida, Inc. The operating budget and midyear amendments  
235 thereto must be part of such contract.
- 236 a. All program and fiscal instructions to local workforce  
237 development boards shall emanate from the Department of Economic  
238 Opportunity pursuant to plans and policies of CareerSource  
239 Florida, Inc., which shall be responsible for all policy  
240 directions to the local workforce development boards.

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241 b. Unless otherwise provided by agreement with  
242 CareerSource Florida, Inc., administrative and personnel  
243 policies of the Department of Economic Opportunity apply.

244 3. Implement the state's reemployment assistance program.  
245 The Department of Economic Opportunity shall ensure that the  
246 state appropriately administers the reemployment assistance  
247 program pursuant to state and federal law.

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

250 (9) The executive director shall:

251 (b) Serve as the manager for the state with respect to  
252 contracts with the Florida Tourism Industry Marketing  
253 Corporation ~~Enterprise Florida, Inc., the Institute for the~~  
254 ~~Commercialization of Public Research, and all applicable direct-~~  
255 ~~support organizations.~~ To accomplish the provisions of this  
256 section and applicable provisions of chapter 288, and  
257 notwithstanding the provisions of part I of chapter 287, the  
258 director shall enter into specific contracts with the Florida  
259 Tourism Industry Marketing Corporation ~~Enterprise Florida, Inc.,~~  
260 ~~the Institute for the Commercialization of Public Research, and~~  
261 ~~other appropriate direct-support organizations.~~ Such contracts  
262 may be for multiyear terms and shall include specific  
263 performance measures for each year. ~~For purposes of this~~  
264 ~~section, the Florida Tourism Industry Marketing Corporation is~~  
265 ~~not an appropriate direct-support organization.~~

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

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

273 (b) The report must incorporate annual reports of other  
274 programs, including:

275 1. The displaced homemaker program established under s.  
276 446.50.

277 2. Information provided by the Department of Revenue under  
278 s. 290.014.

279 3. Information provided by enterprise zone development  
280 agencies under s. 290.0056 and an analysis of the activities and  
281 accomplishments of each enterprise zone.

282 ~~4. The Economic Gardening Business Loan Pilot Program~~  
283 ~~established under s. 288.1081 and the Economic Gardening~~  
284 ~~Technical Assistance Pilot Program established under s.~~  
285 ~~288.1082.~~

286 4.5. A detailed report of the performance of the Black  
287 Business Loan Program and a cumulative summary of quarterly  
288 report data required under s. 288.714.

289 5.6. The Rural Economic Development Initiative established  
290 under s. 288.0656.

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291 6.7. The Florida Unique Abilities Partner Program.

292 (11) The department shall establish annual performance  
293 standards for ~~Enterprise Florida, Inc.~~, CareerSource Florida,  
294 Inc., the Florida Tourism Industry Marketing Corporation, and  
295 Space Florida and report annually on how these performance  
296 measures are being met in the annual report required under  
297 subsection (10).

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

299 Section 7. (1) All duties, functions, records, pending  
300 issues, existing contracts, administrative authority,  
301 administrative rules, and unexpended balances of appropriations,  
302 allocations, and other public funds relating to the programs in  
303 Enterprise Florida, Inc., are transferred by a type two transfer  
304 to the Department of Economic Opportunity.

305 (2) (a) The Florida Sports Foundation, incorporated under  
306 chapter 617, Florida Statutes, which was previously merged into  
307 and transferred to Enterprise Florida, Inc., may enter into an  
308 agreement with the Department of Economic Opportunity to  
309 continue any existing program, activity, duty, or function  
310 necessary for the operation of the foundation.

311 (b) Any funds held in trust which were donated to or  
312 earned by the Florida Sports Foundation may be used by the  
313 foundation for the original purposes for which the funds were  
314 received.

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315 (3) (a) The Florida Tourism Industry Marketing Corporation  
316 may enter into an agreement with the Department of Economic  
317 Opportunity to continue any existing program, activity, duty, or  
318 function necessary for the operation of the corporation.

319 (b) Any funds held in trust which were donated to or  
320 earned by the Florida Tourism Industry Marketing Corporation may  
321 be used by the corporation for the original purposes for which  
322 the funds were received.

323 (4) It is the intent of the Legislature that the changes  
324 made by this act be accomplished with minimal disruption of  
325 services provided to the public and with minimal disruption to  
326 employees of any organization.

327 Section 8. For programs established pursuant to ss.  
328 212.08(5)q), 212.097, 220.1899, 220.191, 288.047, 288.1045,  
329 288.106, 288.107, 288.108, 288.1081, 288.1082, 288.1088,  
330 288.1089, 288.1162, 288.11621, 288.11625, 288.11631,  
331 288.1254(11), 288.9916, and 339.2821, Florida Statutes, no new  
332 or additional applications or certifications shall be approved,  
333 no new letters of certification may be issued, no new contracts  
334 or agreements may be executed, and no new awards may be made.  
335 All certifications are rescinded except for those certified  
336 applicants or projects that continue to meet the criteria in  
337 effect before July 1, 2017. Any existing contracts or agreements  
338 authorized under any of these programs shall continue in full  
339 force and effect in accordance with the statutory requirements

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340 in effect when the contract or agreement was executed or last  
341 modified. However, no further modifications, extensions, or  
342 waivers may be made or granted relating to such contracts or  
343 agreements except computations by the Department of Revenue of  
344 the income generated by or arising out of the qualifying  
345 project.

346 Section 9. Paragraph (n) of subsection (3) of section  
347 125.0104, Florida Statutes, is amended to read:

348 125.0104 Tourist development tax; procedure for levying;  
349 authorized uses; referendum; enforcement.—

350 (3) TAXABLE PRIVILEGES; EXEMPTIONS; LEVY; RATE.—

351 (n) In addition to any other tax that is imposed under  
352 this section, a county that has imposed the tax under paragraph  
353 (1) may impose an additional tax that is no greater than 1  
354 percent on the exercise of the privilege described in paragraph  
355 (a) by a majority plus one vote of the membership of the board  
356 of county commissioners in order to:

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

358 a. The construction, reconstruction, or renovation of a  
359 facility either publicly owned and operated, or publicly owned  
360 and operated by the owner of a professional sports franchise or  
361 other lessee with sufficient expertise or financial capability  
362 to operate such facility, and to pay the planning and design  
363 costs incurred prior to the issuance of such bonds for a new  
364 professional sports franchise ~~as defined in s. 288.1162.~~ As used

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365 in this sub-subparagraph, the term "new professional sports  
366 franchise" means a professional sports franchise that was not  
367 based in this state before April 1, 1987.

368 b. The acquisition, construction, reconstruction, or  
369 renovation of a facility either publicly owned and operated, or  
370 publicly owned and operated by the owner of a professional  
371 sports franchise or other lessee with sufficient expertise or  
372 financial capability to operate such facility, and to pay the  
373 planning and design costs incurred prior to the issuance of such  
374 bonds for a retained spring training franchise.

375 2. Promote and advertise tourism in the State of Florida  
376 and nationally and internationally; however, if tax revenues are  
377 expended for an activity, service, venue, or event, the  
378 activity, service, venue, or event shall have as one of its main  
379 purposes the attraction of tourists as evidenced by the  
380 promotion of the activity, service, venue, or event to tourists.

381

382 A county that imposes the tax authorized in this paragraph may  
383 not expend any ad valorem tax revenues for the acquisition,  
384 construction, reconstruction, or renovation of a facility for  
385 which tax revenues are used pursuant to subparagraph 1. The  
386 provision of paragraph (b) which prohibits any county authorized  
387 to levy a convention development tax pursuant to s. 212.0305  
388 from levying more than the 2-percent tax authorized by this  
389 section shall not apply to the additional tax authorized by this

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390 paragraph in counties which levy convention development taxes  
391 pursuant to s. 212.0305(4)(a). Subsection (4) does not apply to  
392 the adoption of the additional tax authorized in this paragraph.  
393 The effective date of the levy and imposition of the tax  
394 authorized under this paragraph is the first day of the second  
395 month following approval of the ordinance by the board of county  
396 commissioners or the first day of any subsequent month specified  
397 in the ordinance. A certified copy of such ordinance shall be  
398 furnished by the county to the Department of Revenue within 10  
399 days after approval of the ordinance.

400 Section 10. Subsection (11) of section 159.803, Florida  
401 Statutes, is amended to read:

402 159.803 Definitions.—As used in this part, the term:

403 (11) "Florida First Business project" means any project  
404 which is certified by the Department of Economic Opportunity as  
405 eligible to receive an allocation from the Florida First  
406 Business allocation pool established pursuant to s. 159.8083.  
407 The Department of Economic Opportunity may certify ~~those~~  
408 ~~projects meeting the criteria set forth in s. 288.106(4)(b) or~~  
409 any project providing a substantial economic benefit to this  
410 state.

411 Section 11. Paragraph (a) of subsection (8) of section  
412 166.231, Florida Statutes, is amended to read:

413 166.231 Municipalities; public service tax.—

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414 (8)(a) Beginning July 1, 1995, a municipality may by  
415 ordinance exempt not less than 50 percent of the tax imposed  
416 under this section on purchasers of electrical energy who are  
417 determined to be eligible for the exemption provided by s.  
418 212.08(14) ~~212.08(15)~~ by the Department of Revenue. The  
419 exemption shall be administered as provided in that section. A  
420 copy of any ordinance adopted pursuant to this subsection shall  
421 be provided to the Department of Revenue not less than 14 days  
422 prior to its effective date.

423 Section 12. Section 189.033, Florida Statutes, is amended  
424 to read:

425 189.033 Independent special district services in  
426 disproportionally affected county; rate reduction for providers  
427 providing economic benefits.-If the governing body of an  
428 independent special district that provides water, wastewater,  
429 and sanitation services in a disproportionally affected county,  
430 ~~as defined in s. 288.106(8)~~, determines that a new user or the  
431 expansion of an existing user of one or more of its utility  
432 systems will provide a significant benefit to the community in  
433 terms of increased job opportunities, economies of scale, or  
434 economic development in the area, the governing body may  
435 authorize a reduction of its rates, fees, or charges for that  
436 user for a specified period of time. A governing body that  
437 exercises this power must do so by resolution that states the  
438 anticipated economic benefit justifying the reduction as well as

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439 the period of time that the reduction will remain in place. As  
440 used in this section, the term "disproportionally affected  
441 county" means Bay County, Escambia County, Franklin County, Gulf  
442 County, Okaloosa County, Santa Rosa County, Walton County, or  
443 Wakulla County.

444 Section 13. Subsections (11) through (19) of section  
445 196.012, Florida Statutes, are renumbered as subsections (12)  
446 through (20), respectively, a new subsection (11) is added to  
447 that section, and paragraph (a) of present subsection (14),  
448 paragraph (a) of present subsection (15), and present subsection  
449 (16) of that section are amended to read:

450 196.012 Definitions.—For the purpose of this chapter, the  
451 following terms are defined as follows, except where the context  
452 clearly indicates otherwise:

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

457 (a) Future growth.—The industry forecast indicates strong  
458 expectation for future growth in employment and output,  
459 according to the most recent available data. Special  
460 consideration should be given to businesses that export goods  
461 to, or provide services in, international markets and businesses  
462 that replace domestic and international imports of goods or  
463 services.

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464 (b) Stability.—The industry is not subject to periodic  
465 layoffs, whether due to seasonality or sensitivity to volatile  
466 economic variables such as weather. The industry is also  
467 relatively resistant to recession, so that the demand for  
468 products of this industry is not typically subject to decline  
469 during an economic downturn.

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

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

476 (e) Industrial base diversification and strengthening.—The  
477 industry contributes toward expanding or diversifying the  
478 state's or area's economic base, as indicated by analysis of  
479 employment and output shares compared to national and regional  
480 trends. Special consideration should be given to industries that  
481 strengthen regional economies by adding value to basic products  
482 or building regional industrial clusters as indicated by  
483 industry analysis. Special consideration should also be given to  
484 the development of strong industrial clusters that include  
485 defense and homeland security businesses.

486 (f) Positive economic impact.—The industry has strong  
487 positive economic impacts on or benefits to the state or  
488 regional economies. Special consideration should be given to

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489 industries that facilitate the development of the state as a hub  
490 for domestic and global trade and logistics.

491

492 The term does not include any business engaged in retail  
493 industry activities; any electrical utility company as defined  
494 in s. 366.02(2); any phosphate or other solid minerals  
495 severance, mining, or processing operation; any oil or gas  
496 exploration or production operation; or any business subject to  
497 regulation by the Division of Hotels and Restaurants of the  
498 Department of Business and Professional Regulation. Any business  
499 within NAICS code 5611 or 5614, office administrative services  
500 and business support services, respectively, may be considered a  
501 target industry business only after the local governing body and  
502 the Department of Economic Opportunity determine that the  
503 community in which the business may locate has conditions  
504 affecting the fiscal and economic viability of the local  
505 community or area, including, but not limited to, low per capita  
506 income, high unemployment, high underemployment, and a lack of  
507 year-round stable employment opportunities, and such conditions  
508 may be improved by the business locating in such community. By  
509 January 1 of every 3rd year, beginning January 1, 2011, the  
510 Department of Economic Opportunity, in consultation with  
511 economic development organizations, the State University System,  
512 local governments, employee and employer organizations, market  
513 analysts, and economists, shall review and, as appropriate,

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514 revise the list of target industries and submit the list to the  
515 Governor, the President of the Senate, and the Speaker of the  
516 House of Representatives.

517 (15)~~(14)~~ "New business" means:

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

523 a. manufactures, processes, compounds, fabricates, or  
524 produces for sale items of tangible personal property at a fixed  
525 location and which comprises an industrial or manufacturing  
526 plant; or

527 b. Is a target industry business as defined in subsection  
528 (11) s. 288.106(2)(q);

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

535 3. An office space in this state owned and used by a  
536 business or organization newly domiciled in this state; provided  
537 such office space houses 50 or more full-time employees of such  
538 business or organization; provided that such business or

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539 organization office first begins operation on a site clearly  
540 separate from any other commercial or industrial operation owned  
541 by the same business or organization.

542 ~~(16)~~~~(15)~~ "Expansion of an existing business" means:

543 (a)1. A business or organization establishing 10 or more  
544 new jobs to employ 10 or more full-time employees in this state,  
545 paying an average wage for such new jobs that is above the  
546 average wage in the area, which principally engages in any of  
547 the operations referred to in subparagraph (15)(a)1. ~~(14)(a)1.~~;  
548 or

549 2. A business or organization establishing 25 or more new  
550 jobs to employ 25 or more full-time employees in this state, the  
551 sales factor of which, as defined by s. 220.15(5), for the  
552 facility with respect to which it requests an economic  
553 development ad valorem tax exemption is less than 0.50 for each  
554 year the exemption is claimed; provided that such business  
555 increases operations on a site located within the same county,  
556 municipality, or both colocated with a commercial or industrial  
557 operation owned by the same business or organization under  
558 common control with the same business or organization, resulting  
559 in a net increase in employment of not less than 10 percent or  
560 an increase in productive output or sales of not less than 10  
561 percent.

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562           ~~(17)~~~~(16)~~ "Permanent resident" means a person who has  
563 established a permanent residence as defined in subsection (18)  
564 ~~(17)~~.

565           Section 14. Subsection (2) of section 196.101, Florida  
566 Statutes, is amended to read:

567           196.101 Exemption for totally and permanently disabled  
568 persons.—

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

574           Section 15. Subsection (2) of section 196.121, Florida  
575 Statutes, is amended to read:

576           196.121 Homestead exemptions; forms.—

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

582           Section 16. Subsections (6) and (11) of section 196.1995,  
583 Florida Statutes, are amended to read:

584           196.1995 Economic development ad valorem tax exemption.—

585           (6) With respect to a new business as defined in ~~by~~ s.  
586 196.012(15)(c) ~~196.012(14)(e)~~, the municipality annexing the

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587 | property on which the business is situated may grant an economic  
588 | development ad valorem tax exemption under this section to that  
589 | business for a period that will expire upon the expiration of  
590 | the exemption granted by the county. If the county renews the  
591 | exemption under subsection (7), the municipality may also extend  
592 | its exemption. A municipal economic development ad valorem tax  
593 | exemption granted under this subsection may not extend beyond  
594 | the duration of the county exemption.

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

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

600 |       (b) The total amount of revenue available to the county or  
601 | municipality from ad valorem tax sources for the current fiscal  
602 | year, the total amount of revenue lost to the county or  
603 | municipality for the current fiscal year by virtue of economic  
604 | development ad valorem tax exemptions currently in effect, and  
605 | the estimated revenue loss to the county or municipality for the  
606 | current fiscal year attributable to the exemption of the  
607 | business named in the ordinance;

608 |       (c) The period of time for which the exemption will remain  
609 | in effect and the expiration date of the exemption, which may be  
610 | any period of time up to 10 years, or up to 20 years for a data  
611 | center; and

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612 (d) A finding that the business named in the ordinance  
613 meets the requirements of s. 196.012(15) or (16) ~~196.012(14) or~~  
614 ~~(15)~~.

615 Section 17. Paragraphs (a), (c), and (d) of subsection (4)  
616 of section 201.15, Florida Statutes, are amended to read:

617 201.15 Distribution of taxes collected.—All taxes  
618 collected under this chapter are hereby pledged and shall be  
619 first made available to make payments when due on bonds issued  
620 pursuant to s. 215.618 or s. 215.619, or any other bonds  
621 authorized to be issued on a parity basis with such bonds. Such  
622 pledge and availability for the payment of these bonds shall  
623 have priority over any requirement for the payment of service  
624 charges or costs of collection and enforcement under this  
625 section. All taxes collected under this chapter, except taxes  
626 distributed to the Land Acquisition Trust Fund pursuant to  
627 subsections (1) and (2), are subject to the service charge  
628 imposed in s. 215.20(1). Before distribution pursuant to this  
629 section, the Department of Revenue shall deduct amounts  
630 necessary to pay the costs of the collection and enforcement of  
631 the tax levied by this chapter. The costs and service charge may  
632 not be levied against any portion of taxes pledged to debt  
633 service on bonds to the extent that the costs and service charge  
634 are required to pay any amounts relating to the bonds. All of  
635 the costs of the collection and enforcement of the tax levied by  
636 this chapter and the service charge shall be available and

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637 transferred to the extent necessary to pay debt service and any  
638 other amounts payable with respect to bonds authorized before  
639 January 1, 2017, secured by revenues distributed pursuant to  
640 this section. All taxes remaining after deduction of costs shall  
641 be distributed as follows:

642 (4) After the required distributions to the Land  
643 Acquisition Trust Fund pursuant to subsections (1) and (2) and  
644 deduction of the service charge imposed pursuant to s.  
645 215.20(1), the remainder shall be distributed as follows:

646 (a) The lesser of 24.18442 percent of the remainder or  
647 \$541.75 million in each fiscal year shall be paid into the State  
648 Treasury to the credit of the State Transportation Trust Fund.  
649 Of such funds, \$75 million for each fiscal year shall be  
650 transferred to the General Revenue Fund ~~State Economic~~  
651 ~~Enhancement and Development Trust Fund within the Department of~~  
652 ~~Economic Opportunity~~. Notwithstanding any other law, the  
653 remaining amount credited to the State Transportation Trust Fund  
654 shall be used for:

655 1. Capital funding for the New Starts Transit Program,  
656 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
657 341.051, in the amount of 10 percent of the funds;

658 2. The Small County Outreach Program specified in s.  
659 339.2818, in the amount of 10 percent of the funds;

660 3. The Strategic Intermodal System specified in ss.  
661 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent

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662 of the funds after deduction of the payments required pursuant  
663 to subparagraphs 1. and 2.; and

664 4. The Transportation Regional Incentive Program specified  
665 in s. 339.2819, in the amount of 25 percent of the funds after  
666 deduction of the payments required pursuant to subparagraphs 1.  
667 and 2. The first \$60 million of the funds allocated pursuant to  
668 this subparagraph shall be allocated annually to the Florida  
669 Rail Enterprise for the purposes established in s. 341.303(5).

670 (c) Eleven and twenty-four hundredths percent of the  
671 remainder in each fiscal year shall be paid into the State  
672 Treasury to the credit of the State Housing Trust Fund. Of such  
673 funds, the first \$35 million shall be transferred annually,  
674 subject to any distribution required under subsection (5), to  
675 the General Revenue Fund ~~State Economic Enhancement and~~  
676 ~~Development Trust Fund within the Department of Economic~~  
677 ~~Opportunity~~. The remainder shall be used as follows:

678 1. Half of that amount shall be used for the purposes for  
679 which the State Housing Trust Fund was created and exists by  
680 law.

681 2. Half of that amount shall be paid into the State  
682 Treasury to the credit of the Local Government Housing Trust  
683 Fund and used for the purposes for which the Local Government  
684 Housing Trust Fund was created and exists by law.

685 (d) Twelve and ninety-three hundredths percent of the  
686 remainder in each fiscal year shall be paid into the State

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687 Treasury to the credit of the State Housing Trust Fund. Of such  
688 funds, the first \$40 million shall be transferred annually,  
689 subject to any distribution required under subsection (5), to  
690 the General Revenue Fund ~~State Economic Enhancement and~~  
691 ~~Development Trust Fund within the Department of Economic~~  
692 ~~Opportunity~~. The remainder shall be used as follows:

693 1. Twelve and one-half percent of that amount shall be  
694 deposited into the State Housing Trust Fund and expended by the  
695 Department of Economic Opportunity and the Florida Housing  
696 Finance Corporation for the purposes for which the State Housing  
697 Trust Fund was created and exists by law.

698 2. Eighty-seven and one-half percent of that amount shall  
699 be distributed to the Local Government Housing Trust Fund and  
700 used for the purposes for which the Local Government Housing  
701 Trust Fund was created and exists by law. Funds from this  
702 category may also be used to provide for state and local  
703 services to assist the homeless.

704 Section 18. Paragraph (a) of subsection (1) of section  
705 212.031, Florida Statutes, is amended to read:

706 212.031 Tax on rental or license fee for use of real  
707 property.-

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

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- 712 1. Assessed as agricultural property under s. 193.461.  
713 2. Used exclusively as dwelling units.  
714 3. Property subject to tax on parking, docking, or storage  
715 spaces under s. 212.03(6).  
716 4. Recreational property or the common elements of a  
717 condominium when subject to a lease between the developer or  
718 owner thereof and the condominium association in its own right  
719 or as agent for the owners of individual condominium units or  
720 the owners of individual condominium units. However, only the  
721 lease payments on such property shall be exempt from the tax  
722 imposed by this chapter, and any other use made by the owner or  
723 the condominium association shall be fully taxable under this  
724 chapter.  
725 5. A public or private street or right-of-way and poles,  
726 conduits, fixtures, and similar improvements located on such  
727 streets or rights-of-way, occupied or used by a utility or  
728 provider of communications services, as defined by s. 202.11,  
729 for utility or communications or television purposes. For  
730 purposes of this subparagraph, the term "utility" means any  
731 person providing utility services as defined in s. 203.012. This  
732 exception also applies to property, wherever located, on which  
733 the following are placed: towers, antennas, cables, accessory  
734 structures, or equipment, not including switching equipment,  
735 used in the provision of mobile communications services as  
736 defined in s. 202.11. For purposes of this chapter, towers used

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737 in the provision of mobile communications services, as defined  
738 in s. 202.11, are considered to be fixtures.

739 6. A public street or road which is used for  
740 transportation purposes.

741 7. Property used at an airport exclusively for the purpose  
742 of aircraft landing or aircraft taxiing or property used by an  
743 airline for the purpose of loading or unloading passengers or  
744 property onto or from aircraft or for fueling aircraft.

745 8.a. Property used at a port authority, as defined in s.  
746 315.02(2), exclusively for the purpose of oceangoing vessels or  
747 tugs docking, or such vessels mooring on property used by a port  
748 authority for the purpose of loading or unloading passengers or  
749 cargo onto or from such a vessel, or property used at a port  
750 authority for fueling such vessels, or to the extent that the  
751 amount paid for the use of any property at the port is based on  
752 the charge for the amount of tonnage actually imported or  
753 exported through the port by a tenant.

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

758 ~~9. Property used as an integral part of the performance of~~  
759 ~~qualified production services. As used in this subparagraph, the~~  
760 ~~term "qualified production services" means any activity or~~  
761 ~~service performed directly in connection with the production of~~

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762 ~~a qualified motion picture, as defined in s. 212.06(1)(b), and~~  
763 ~~includes:~~

764 ~~a. Photography, sound and recording, casting, location~~  
765 ~~managing and scouting, shooting, creation of special and optical~~  
766 ~~effects, animation, adaptation (language, media, electronic, or~~  
767 ~~otherwise), technological modifications, computer graphics, set~~  
768 ~~and stage support (such as electricians, lighting designers and~~  
769 ~~operators, greensmen, prop managers and assistants, and grips),~~  
770 ~~wardrobe (design, preparation, and management), hair and makeup~~  
771 ~~(design, production, and application), performing (such as~~  
772 ~~acting, dancing, and playing), designing and executing stunts,~~  
773 ~~coaching, consulting, writing, scoring, composing,~~  
774 ~~choreographing, script supervising, directing, producing,~~  
775 ~~transmitting dailies, dubbing, mixing, editing, cutting,~~  
776 ~~looping, printing, processing, duplicating, storing, and~~  
777 ~~distributing;~~

778 ~~b. The design, planning, engineering, construction,~~  
779 ~~alteration, repair, and maintenance of real or personal property~~  
780 ~~including stages, sets, props, models, paintings, and facilities~~  
781 ~~principally required for the performance of those services~~  
782 ~~listed in sub-subparagraph a.; and~~

783 ~~c. Property management services directly related to~~  
784 ~~property used in connection with the services described in sub-~~  
785 ~~subparagraphs a. and b.~~

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787 | ~~This exemption will inure to the taxpayer upon presentation of~~  
788 | ~~the certificate of exemption issued to the taxpayer under the~~  
789 | ~~provisions of s. 288.1258.~~

790 |       9.10. Leased, subleased, licensed, or rented to a person  
791 | providing food and drink concessionaire services within the  
792 | premises of a convention hall, exhibition hall, auditorium,  
793 | stadium, theater, arena, civic center, performing arts center,  
794 | publicly owned recreational facility, or any business operated  
795 | under a permit issued pursuant to chapter 550. A person  
796 | providing retail concessionaire services involving the sale of  
797 | food and drink or other tangible personal property within the  
798 | premises of an airport shall be subject to tax on the rental of  
799 | real property used for that purpose, but shall not be subject to  
800 | the tax on any license to use the property. For purposes of this  
801 | subparagraph, the term "sale" shall not include the leasing of  
802 | tangible personal property.

803 |       10.11. Property occupied pursuant to an instrument calling  
804 | for payments which the department has declared, in a Technical  
805 | Assistance Advisement issued on or before March 15, 1993, to be  
806 | nontaxable pursuant to rule 12A-1.070(19)(c), Florida  
807 | Administrative Code; provided that this subparagraph shall only  
808 | apply to property occupied by the same person before and after  
809 | the execution of the subject instrument and only to those  
810 | payments made pursuant to such instrument, exclusive of renewals  
811 | and extensions thereof occurring after March 15, 1993.

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812        ~~11.12.~~ Property used or occupied predominantly for space  
813 flight business purposes. As used in this subparagraph, "space  
814 flight business" means the manufacturing, processing, or  
815 assembly of a space facility, space propulsion system, space  
816 vehicle, satellite, or station of any kind possessing the  
817 capacity for space flight, as defined by s. 212.02(23), or  
818 components thereof, and also means the following activities  
819 supporting space flight: vehicle launch activities, flight  
820 operations, ground control or ground support, and all  
821 administrative activities directly related thereto. Property  
822 shall be deemed to be used or occupied predominantly for space  
823 flight business purposes if more than 50 percent of the  
824 property, or improvements thereon, is used for one or more space  
825 flight business purposes. Possession by a landlord, lessor, or  
826 licensor of a signed written statement from the tenant, lessee,  
827 or licensee claiming the exemption shall relieve the landlord,  
828 lessor, or licensor from the responsibility of collecting the  
829 tax, and the department shall look solely to the tenant, lessee,  
830 or licensee for recovery of such tax if it determines that the  
831 exemption was not applicable.

832        ~~12.13.~~ Rented, leased, subleased, or licensed to a person  
833 providing telecommunications, data systems management, or  
834 Internet services at a publicly or privately owned convention  
835 hall, civic center, or meeting space at a public lodging  
836 establishment as defined in s. 509.013. This subparagraph

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837 applies only to that portion of the rental, lease, or license  
838 payment that is based upon a percentage of sales, revenue  
839 sharing, or royalty payments and not based upon a fixed price.  
840 This subparagraph is intended to be clarifying and remedial in  
841 nature and shall apply retroactively. This subparagraph does not  
842 provide a basis for an assessment of any tax not paid, or create  
843 a right to a refund of any tax paid, pursuant to this section  
844 before July 1, 2010.

845 Section 19. Paragraph (b) of subsection (1) of section  
846 212.06, Florida Statutes, is amended to read:

847 212.06 Sales, storage, use tax; collectible from dealers;  
848 "dealer" defined; dealers to collect from purchasers;  
849 legislative intent as to scope of tax.-

850 (1)

851 (b) Except as otherwise provided, any person who  
852 manufactures, produces, compounds, processes, or fabricates in  
853 any manner tangible personal property for his or her own use  
854 shall pay a tax upon the cost of the product manufactured,  
855 produced, compounded, processed, or fabricated without any  
856 deduction therefrom on account of the cost of material used,  
857 labor or service costs, or transportation charges,  
858 notwithstanding the provisions of s. 212.02 defining "cost  
859 price." However, the tax levied under this paragraph shall not  
860 be imposed upon any person who manufactures or produces  
861 electrical power or energy, steam energy, or other energy at a

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862 single location, when such power or energy is used directly and  
863 exclusively at such location, or at other locations if the  
864 energy is transferred through facilities of the owner in the  
865 operation of machinery or equipment that is used to manufacture,  
866 process, compound, produce, fabricate, or prepare for shipment  
867 tangible personal property for sale or to operate pollution  
868 control equipment, maintenance equipment, or monitoring or  
869 control equipment used in such operations. The manufacture or  
870 production of electrical power or energy that is used for space  
871 heating, lighting, office equipment, or air-conditioning or any  
872 other, nonprocessing, noncompounding, nonproducing,  
873 nonfabricating, or nonshipping activity is taxable. Electrical  
874 power or energy consumed or dissipated in the transmission or  
875 distribution of electrical power or energy for resale is also  
876 not taxable. ~~Fabrication labor shall not be taxable when a~~  
877 ~~person is using his or her own equipment and personnel, for his~~  
878 ~~or her own account, as a producer, subproducer, or coproducer of~~  
879 ~~a qualified motion picture. For purposes of this chapter, the~~  
880 ~~term "qualified motion picture" means all or any part of a~~  
881 ~~series of related images, either on film, tape, or other~~  
882 ~~embodiment, including, but not limited to, all items comprising~~  
883 ~~part of the original work and film-related products derived~~  
884 ~~therefrom as well as duplicates and prints thereof and all sound~~  
885 ~~recordings created to accompany a motion picture, which is~~  
886 ~~produced, adapted, or altered for exploitation in, on, or~~

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887 ~~through any medium or device and at any location, primarily for~~  
888 ~~entertainment, commercial, industrial, or educational purposes.~~  
889 ~~This exemption for fabrication labor associated with production~~  
890 ~~of a qualified motion picture will inure to the taxpayer upon~~  
891 ~~presentation of the certificate of exemption issued to the~~  
892 ~~taxpayer under the provisions of s. 288.1258. A person who~~  
893 manufactures factory-built buildings for his or her own use in  
894 the performance of contracts for the construction or improvement  
895 of real property shall pay a tax only upon the person's cost  
896 price of items used in the manufacture of such buildings.

897 Section 20. Section 212.0602, Florida Statutes, is  
898 repealed.

899 Section 21. Paragraph (a) of subsection (3) of section  
900 212.0606, Florida Statutes, is amended to read:

901 212.0606 Rental car surcharge.—

902 (3)(a) Notwithstanding s. 212.20, and less the costs of  
903 administration, 80 percent of the proceeds of this surcharge  
904 shall be deposited in the State Transportation Trust Fund, ~~15.75~~  
905 ~~percent of the proceeds of this surcharge shall be deposited in~~  
906 ~~the Tourism Promotional Trust Fund created in s. 288.122, and 20~~  
907 ~~4.25~~ percent of the proceeds of this surcharge shall be  
908 deposited in the General Revenue Fund ~~Florida International~~  
909 ~~Trade and Promotion Trust Fund~~. For the purposes of this  
910 subsection, "proceeds" of the surcharge means all funds  
911 collected and received by the department under this section,

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912 including interest and penalties on delinquent surcharges. The  
913 department shall provide the Department of Transportation rental  
914 car surcharge revenue information for the previous state fiscal  
915 year by September 1 of each year.

916 Section 22. Paragraphs (g) through (q) of subsection (5)  
917 of section 212.08, Florida Statutes, are redesignated as  
918 paragraphs (f) through (p), respectively, subsections (12)  
919 through (18) are renumbered as subsections (11) through (17),  
920 respectively, and paragraph (f) and present paragraphs (h) and  
921 (j) of subsection (5), subsection (12), and paragraph (f) of  
922 present subsection (15) of that section are amended to read:

923 212.08 Sales, rental, use, consumption, distribution, and  
924 storage tax; specified exemptions.—The sale at retail, the  
925 rental, the use, the consumption, the distribution, and the  
926 storage to be used or consumed in this state of the following  
927 are hereby specifically exempt from the tax imposed by this  
928 chapter.

929 (5) EXEMPTIONS; ACCOUNT OF USE.—

930 ~~(f) Motion picture or video equipment used in motion~~  
931 ~~picture or television production activities and sound recording~~  
932 ~~equipment used in the production of master tapes and master~~  
933 ~~records.—~~

934 ~~1. Motion picture or video equipment and sound recording~~  
935 ~~equipment purchased or leased for use in this state in~~  
936 ~~production activities is exempt from the tax imposed by this~~

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937 ~~chapter. The exemption provided by this paragraph shall inure to~~  
938 ~~the taxpayer upon presentation of the certificate of exemption~~  
939 ~~issued to the taxpayer under the provisions of s. 288.1258.~~

940 ~~2. For the purpose of the exemption provided in~~  
941 ~~subparagraph 1.:~~

942 ~~a. "Motion picture or video equipment" and "sound~~  
943 ~~recording equipment" includes only tangible personal property or~~  
944 ~~other property that has a depreciable life of 3 years or more~~  
945 ~~and that is used by the lessee or purchaser exclusively as an~~  
946 ~~integral part of production activities; however, motion picture~~  
947 ~~or video equipment and sound recording equipment does not~~  
948 ~~include supplies, tape, records, film, or video tape used in~~  
949 ~~productions or other similar items; vehicles or vessels; or~~  
950 ~~general office equipment not specifically suited to production~~  
951 ~~activities. In addition, the term does not include equipment~~  
952 ~~purchased or leased by television or radio broadcasting or cable~~  
953 ~~companies licensed by the Federal Communications Commission.~~  
954 ~~Furthermore, a building and its structural components are not~~  
955 ~~motion picture or video equipment and sound recording equipment~~  
956 ~~unless the building or structural component is so closely~~  
957 ~~related to the motion picture or video equipment and sound~~  
958 ~~recording equipment that it houses or supports that the building~~  
959 ~~or structural component can be expected to be replaced when the~~  
960 ~~motion picture or video equipment and sound recording equipment~~  
961 ~~are replaced. Heating and air conditioning systems are not~~

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962 ~~motion picture or video equipment and sound recording equipment~~  
963 ~~unless the sole justification for their installation is to meet~~  
964 ~~the requirements of the production activities, even though the~~  
965 ~~system may provide incidental comfort to employees or serve, to~~  
966 ~~an insubstantial degree, nonproduction activities.~~

967 ~~b. "Production activities" means activities directed~~  
968 ~~toward the preparation of a:~~

969 ~~(I) Master tape or master record embodying sound; or~~

970 ~~(II) Motion picture or television production which is~~  
971 ~~produced for theatrical, commercial, advertising, or educational~~  
972 ~~purposes and utilizes live or animated actions or a combination~~  
973 ~~of live and animated actions. The motion picture or television~~  
974 ~~production shall be commercially produced for sale or for~~  
975 ~~showing on screens or broadcasting on television and may be on~~  
976 ~~film or video tape.~~

977 ~~(g)(h)~~ Business property used in an enterprise zone.-

978 1. Business property purchased for use by businesses  
979 located in an enterprise zone which is subsequently used in an  
980 enterprise zone shall be exempt from the tax imposed by this  
981 chapter. This exemption inures to the business only through a  
982 refund of previously paid taxes. A refund shall be authorized  
983 upon an affirmative showing by the taxpayer to the satisfaction  
984 of the department that the requirements of this paragraph have  
985 been met.

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

990           a. The name and address of the business claiming the  
991 refund.

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

994           c. A specific description of the property for which a  
995 refund is sought, including its serial number or other permanent  
996 identification number.

997           d. The location of the property.

998           e. The sales invoice or other proof of purchase of the  
999 property, showing the amount of sales tax paid, the date of  
1000 purchase, and the name and address of the sales tax dealer from  
1001 whom the property was purchased.

1002           f. Whether the business is a small business as defined by  
1003 s. 288.703.

1004           g. If applicable, the name and address of each permanent  
1005 employee of the business, including, for each employee who is a  
1006 resident of an enterprise zone, the identifying number assigned  
1007 pursuant to s. 290.0065 to the enterprise zone in which the  
1008 employee resides.

1009           3. Within 10 working days after receipt of an application,  
1010 the governing body or enterprise zone development agency shall

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1011 review the application to determine if it contains all the  
1012 information required pursuant to subparagraph 2. and meets the  
1013 criteria set out in this paragraph. The governing body or agency  
1014 shall certify all applications that contain the information  
1015 required pursuant to subparagraph 2. and meet the criteria set  
1016 out in this paragraph as eligible to receive a refund. If  
1017 applicable, the governing body or agency shall also certify if  
1018 20 percent of the employees of the business are residents of an  
1019 enterprise zone, excluding temporary and part-time employees.  
1020 The certification shall be in writing, and a copy of the  
1021 certification shall be transmitted to the executive director of  
1022 the Department of Revenue. The business shall be responsible for  
1023 forwarding a certified application to the department within the  
1024 time specified in subparagraph 4.

1025 4. An application for a refund pursuant to this paragraph  
1026 must be submitted to the department within 6 months after the  
1027 tax is due on the business property that is purchased.

1028 5. The amount refunded on purchases of business property  
1029 under this paragraph shall be the lesser of 97 percent of the  
1030 sales tax paid on such business property or \$5,000, or, if no  
1031 less than 20 percent of the employees of the business are  
1032 residents of an enterprise zone, excluding temporary and part-  
1033 time employees, the amount refunded on purchases of business  
1034 property under this paragraph shall be the lesser of 97 percent  
1035 of the sales tax paid on such business property or \$10,000. A

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1036 refund approved pursuant to this paragraph shall be made within  
1037 30 days after formal approval by the department of the  
1038 application for the refund. A refund may not be granted under  
1039 this paragraph unless the amount to be refunded exceeds \$100 in  
1040 sales tax paid on purchases made within a 60-day time period.

1041 6. The department shall adopt rules governing the manner  
1042 and form of refund applications and may establish guidelines as  
1043 to the requisites for an affirmative showing of qualification  
1044 for exemption under this paragraph.

1045 7. If the department determines that the business property  
1046 is used outside an enterprise zone within 3 years from the date  
1047 of purchase, the amount of taxes refunded to the business  
1048 purchasing such business property shall immediately be due and  
1049 payable to the department by the business, together with the  
1050 appropriate interest and penalty, computed from the date of  
1051 purchase, in the manner provided by this chapter.

1052 Notwithstanding this subparagraph, business property used  
1053 exclusively in:

- 1054 a. Licensed commercial fishing vessels,
- 1055 b. Fishing guide boats, or
- 1056 c. Ecotourism guide boats

1057  
1058 that leave and return to a fixed location within an area  
1059 designated under s. 379.2353, Florida Statutes 2010, are  
1060 eligible for the exemption provided under this paragraph if all

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1061 requirements of this paragraph are met. Such vessels and boats  
1062 must be owned by a business that is eligible to receive the  
1063 exemption provided under this paragraph. This exemption does not  
1064 apply to the purchase of a vessel or boat.

1065 8. The department shall deduct an amount equal to 10  
1066 percent of each refund granted under this paragraph from the  
1067 amount transferred into the Local Government Half-cent Sales Tax  
1068 Clearing Trust Fund pursuant to s. 212.20 for the county area in  
1069 which the business property is located and shall transfer that  
1070 amount to the General Revenue Fund.

1071 9. For the purposes of this exemption, "business property"  
1072 means new or used property defined as "recovery property" in s.  
1073 168(c) of the Internal Revenue Code of 1954, as amended, except:

1074 a. Property classified as 3-year property under s.  
1075 168(c)(2)(A) of the Internal Revenue Code of 1954, as amended;

1076 b. Industrial machinery and equipment as defined in sub-  
1077 subparagraph (b)6.a. and eligible for exemption under paragraph  
1078 (b);

1079 c. Building materials as defined in sub-subparagraph  
1080 (f)8.a. ~~(g)8.a.~~; and

1081 d. Business property having a sales price of under \$5,000  
1082 per unit.

1083 10. This paragraph expires on the date specified in s.  
1084 290.016 for the expiration of the Florida Enterprise Zone Act.

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1085        ~~(i)~~(j) Machinery and equipment used in semiconductor,  
1086 defense, or space technology production.—

1087            1.a. Industrial machinery and equipment used in  
1088 semiconductor technology facilities certified under subparagraph  
1089 5. to manufacture, process, compound, or produce semiconductor  
1090 technology products for sale or for use by these facilities are  
1091 exempt from the tax imposed by this chapter. For purposes of  
1092 this paragraph, industrial machinery and equipment includes  
1093 molds, dies, machine tooling, other appurtenances or accessories  
1094 to machinery and equipment, testing equipment, test beds,  
1095 computers, and software, whether purchased or self-fabricated,  
1096 and, if self-fabricated, includes materials and labor for  
1097 design, fabrication, and assembly.

1098            b. Industrial machinery and equipment used in defense or  
1099 space technology facilities certified under subparagraph 5. to  
1100 design, manufacture, assemble, process, compound, or produce  
1101 defense technology products or space technology products for  
1102 sale or for use by these facilities are exempt from the tax  
1103 imposed by this chapter.

1104            2. Building materials purchased for use in manufacturing  
1105 or expanding clean rooms in semiconductor-manufacturing  
1106 facilities are exempt from the tax imposed by this chapter.

1107            3. In addition to meeting the criteria mandated by  
1108 subparagraph 1. or subparagraph 2., a business must be certified

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1109 by the Department of Economic Opportunity in order to qualify  
1110 for exemption under this paragraph.

1111 4. For items purchased tax-exempt pursuant to this  
1112 paragraph, possession of a written certification from the  
1113 purchaser, certifying the purchaser's entitlement to the  
1114 exemption, relieves the seller of the responsibility of  
1115 collecting the tax on the sale of such items, and the department  
1116 shall look solely to the purchaser for recovery of the tax if it  
1117 determines that the purchaser was not entitled to the exemption.

1118 5.a. To be eligible to receive the exemption provided by  
1119 subparagraph 1. or subparagraph 2., a qualifying business entity  
1120 shall initially apply to the Department of Economic Opportunity  
1121 ~~Enterprise Florida, Inc.~~ The original certification is valid for  
1122 a period of 2 years. In lieu of submitting a new application,  
1123 the original certification may be renewed biennially by  
1124 submitting to the Department of Economic Opportunity a  
1125 statement, certified under oath, that there has not been a  
1126 material change in the conditions or circumstances entitling the  
1127 business entity to the original certification. The initial  
1128 application and the certification renewal statement shall be  
1129 developed by the Department of Economic Opportunity.

1130 b. ~~The Division of Strategic Business Development of the~~  
1131 Department of Economic Opportunity shall review each submitted  
1132 initial application and determine whether or not the application  
1133 is complete within 5 working days. Once complete, the department

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1134 ~~division~~ shall, within 10 working days, evaluate the application  
1135 and recommend approval or disapproval ~~to the Department of~~  
1136 ~~Economic Opportunity.~~

1137 c. Upon receipt of the initial application and  
1138 recommendation ~~from the division~~ or upon receipt of a  
1139 certification renewal statement, the Department of Economic  
1140 Opportunity shall certify within 5 working days those applicants  
1141 who are found to meet the requirements of this section and  
1142 notify the applicant of the original certification or  
1143 certification renewal. If the Department of Economic Opportunity  
1144 finds that the applicant does not meet the requirements, it  
1145 shall notify the applicant ~~and Enterprise Florida, Inc.,~~ within  
1146 10 working days that the application for certification has been  
1147 denied and the reasons for denial. The Department of Economic  
1148 Opportunity has final approval authority for certification under  
1149 this section.

1150 d. The initial application and certification renewal  
1151 statement must indicate, for program evaluation purposes only,  
1152 the average number of full-time equivalent employees at the  
1153 facility over the preceding calendar year, the average wage and  
1154 benefits paid to those employees over the preceding calendar  
1155 year, the total investment made in real and tangible personal  
1156 property over the preceding calendar year, and the total value  
1157 of tax-exempt purchases and taxes exempted during the previous  
1158 year. The department shall assist the Department of Economic

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1159 Opportunity in evaluating and verifying information provided in  
1160 the application for exemption.

1161 e. The Department of Economic Opportunity may use the  
1162 information reported on the initial application and  
1163 certification renewal statement for evaluation purposes only.

1164 6. A business certified to receive this exemption may  
1165 elect to designate one or more state universities or community  
1166 colleges as recipients of up to 100 percent of the amount of the  
1167 exemption. To receive these funds, the institution must agree to  
1168 match the funds with equivalent cash, programs, services, or  
1169 other in-kind support on a one-to-one basis for research and  
1170 development projects requested by the certified business. The  
1171 rights to any patents, royalties, or real or intellectual  
1172 property must be vested in the business unless otherwise agreed  
1173 to by the business and the university or community college.

1174 7. As used in this paragraph, the term:

1175 a. "Semiconductor technology products" means raw  
1176 semiconductor wafers or semiconductor thin films that are  
1177 transformed into semiconductor memory or logic wafers, including  
1178 wafers containing mixed memory and logic circuits; related  
1179 assembly and test operations; active-matrix flat panel displays;  
1180 semiconductor chips; semiconductor lasers; optoelectronic  
1181 elements; and related semiconductor technology products as  
1182 determined by the Department of Economic Opportunity.

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1183           b. "Clean rooms" means manufacturing facilities enclosed  
1184 in a manner that meets the clean manufacturing requirements  
1185 necessary for high-technology semiconductor-manufacturing  
1186 environments.

1187           c. "Defense technology products" means products that have  
1188 a military application, including, but not limited to, weapons,  
1189 weapons systems, guidance systems, surveillance systems,  
1190 communications or information systems, munitions, aircraft,  
1191 vessels, or boats, or components thereof, which are intended for  
1192 military use and manufactured in performance of a contract with  
1193 the United States Department of Defense or the military branch  
1194 of a recognized foreign government or a subcontract thereunder  
1195 which relates to matters of national defense.

1196           d. "Space technology products" means products that are  
1197 specifically designed or manufactured for application in space  
1198 activities, including, but not limited to, space launch  
1199 vehicles, space flight vehicles, missiles, satellites or  
1200 research payloads, avionics, and associated control systems and  
1201 processing systems and components of any of the foregoing. The  
1202 term does not include products that are designed or manufactured  
1203 for general commercial aviation or other uses even though those  
1204 products may also serve an incidental use in space applications.

1205           ~~(12) PARTIAL EXEMPTION; MASTER TAPES, RECORDS, FILMS, OR~~  
1206 ~~VIDEO TAPES.~~

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1207 ~~(a) There are exempt from the taxes imposed by this~~  
1208 ~~chapter the gross receipts from the sale or lease of, and the~~  
1209 ~~storage, use, or other consumption in this state of, master~~  
1210 ~~tapes or master records embodying sound, or master films or~~  
1211 ~~master video tapes; except that amounts paid to recording~~  
1212 ~~studios or motion picture or television studios for the tangible~~  
1213 ~~elements of such master tapes, records, films, or video tapes~~  
1214 ~~are taxable as otherwise provided in this chapter. This~~  
1215 ~~exemption will inure to the taxpayer upon presentation of the~~  
1216 ~~certificate of exemption issued to the taxpayer under the~~  
1217 ~~provisions of s. 288.1258.~~

1218 ~~(b) For the purposes of this subsection, the term:~~

1219 ~~1. "Amounts paid for the tangible elements" does not~~  
1220 ~~include any amounts paid for the copyrightable, artistic, or~~  
1221 ~~other intangible elements of such master tapes, records, films,~~  
1222 ~~or video tapes, whether designated as royalties or otherwise,~~  
1223 ~~including, but not limited to, services rendered in producing,~~  
1224 ~~fabricating, processing, or imprinting tangible personal~~  
1225 ~~property or any other services or production expenses in~~  
1226 ~~connection therewith which may otherwise be construed as~~  
1227 ~~constituting a "sale" under s. 212.02.~~

1228 ~~2. "Master films or master video tapes" means films or~~  
1229 ~~video tapes utilized by the motion picture and television~~  
1230 ~~production industries in making visual images for reproduction.~~

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1231 ~~3. "Master tapes or master records embodying sound" means~~  
1232 ~~tapes, records, and other devices utilized by the recording~~  
1233 ~~industry in making recordings embodying sound.~~

1234 ~~4. "Motion picture or television studio" means a facility~~  
1235 ~~in which film or video tape productions or parts of productions~~  
1236 ~~are made and which contains the necessary equipment and~~  
1237 ~~personnel for this purpose and includes a mobile unit or vehicle~~  
1238 ~~that is equipped in much the same manner as a stationary studio~~  
1239 ~~and used in the making of film or video tape productions.~~

1240 ~~5. "Recording studio" means a place where, by means of~~  
1241 ~~mechanical or electronic devices, voices, music, or other sounds~~  
1242 ~~are transmitted to tapes, records, or other devices capable of~~  
1243 ~~reproducing sound.~~

1244 ~~6. "Recording industry" means any person engaged in an~~  
1245 ~~occupation or business of making recordings embodying sound for~~  
1246 ~~a livelihood or for a profit.~~

1247 ~~7. "Motion picture or television production industry"~~  
1248 ~~means any person engaged in an occupation or business for a~~  
1249 ~~livelihood or for profit of making visual motion picture or~~  
1250 ~~television visual images for showing on screen or television for~~  
1251 ~~theatrical, commercial, advertising, or educational purposes.~~

1252 ~~(14)-(15) ELECTRICAL ENERGY USED IN AN ENTERPRISE ZONE.-~~

1253 (f) For the purpose of the exemption provided in this  
1254 subsection, the term "qualified business" means a business which  
1255 is:

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1256 1. First occupying a new structure to which electrical  
1257 service, other than that used for construction purposes, has not  
1258 been previously provided or furnished;

1259 2. Newly occupying an existing, remodeled, renovated, or  
1260 rehabilitated structure to which electrical service, other than  
1261 that used for remodeling, renovation, or rehabilitation of the  
1262 structure, has not been provided or furnished in the three  
1263 preceding billing periods; or

1264 3. Occupying a new, remodeled, rebuilt, renovated, or  
1265 rehabilitated structure for which a refund has been granted  
1266 pursuant to paragraph (5) (f) ~~(5) (g)~~.

1267 Section 23. Section 212.097, Florida Statutes, is  
1268 repealed.

1269 Section 24. Paragraph (a) of subsection (1) of section  
1270 212.098, Florida Statutes, is amended to read:

1271 212.098 Rural Job Tax Credit Program.—

1272 (1) As used in this section, the term:

1273 (a) "Eligible business" means any sole proprietorship,  
1274 firm, partnership, or corporation that is located in a qualified  
1275 county and is predominantly engaged in, or is headquarters for a  
1276 business predominantly engaged in, activities usually provided  
1277 for consideration by firms classified within the following  
1278 standard industrial classifications: SIC 01-SIC 09 (agriculture,  
1279 forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422  
1280 (public warehousing and storage); SIC 70 (hotels and other

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1281 lodging places); SIC 7391 (research and development); SIC 781  
1282 (motion picture production and allied services); SIC 7992  
1283 (public golf courses); and SIC 7996 (amusement parks); ~~and a~~  
1284 ~~targeted industry eligible for the qualified target industry~~  
1285 ~~business tax refund under s. 288.106.~~ A call center or similar  
1286 customer service operation that services a multistate market or  
1287 an international market is also an eligible business. In  
1288 addition, the Department of Economic Opportunity may, as part of  
1289 its final budget request submitted pursuant to s. 216.023,  
1290 recommend additions to or deletions from the list of standard  
1291 industrial classifications used to determine an eligible  
1292 business, and the Legislature may implement such  
1293 recommendations. Excluded from eligible receipts are receipts  
1294 from retail sales, except such receipts for hotels and other  
1295 lodging places classified in SIC 70, public golf courses in SIC  
1296 7992, and amusement parks in SIC 7996. For purposes of this  
1297 paragraph, the term "predominantly" means that more than 50  
1298 percent of the business's gross receipts from all sources is  
1299 generated by those activities usually provided for consideration  
1300 by firms in the specified standard industrial classification.  
1301 The determination of whether the business is located in a  
1302 qualified county and the tier ranking of that county must be  
1303 based on the date of application for the credit under this  
1304 section. Commonly owned and controlled entities are to be  
1305 considered a single business entity.

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1306 Section 25. Paragraph (d) of subsection (6) of section  
1307 212.20, Florida Statutes, is amended to read:

1308 212.20 Funds collected, disposition; additional powers of  
1309 department; operational expense; refund of taxes adjudicated  
1310 unconstitutionally collected.-

1311 (6) Distribution of all proceeds under this chapter and  
1312 ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

1313 (d) The proceeds of all other taxes and fees imposed  
1314 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
1315 and (2)(b) shall be distributed as follows:

1316 1. In any fiscal year, the greater of \$500 million, minus  
1317 an amount equal to 4.6 percent of the proceeds of the taxes  
1318 collected pursuant to chapter 201, or 5.2 percent of all other  
1319 taxes and fees imposed pursuant to this chapter or remitted  
1320 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
1321 monthly installments into the General Revenue Fund.

1322 2. After the distribution under subparagraph 1., 8.9744  
1323 percent of the amount remitted by a sales tax dealer located  
1324 within a participating county pursuant to s. 218.61 shall be  
1325 transferred into the Local Government Half-cent Sales Tax  
1326 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
1327 transferred shall be reduced by 0.1 percent, and the department  
1328 shall distribute this amount to the Public Employees Relations  
1329 Commission Trust Fund less \$5,000 each month, which shall be

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1330 added to the amount calculated in subparagraph 3. and  
1331 distributed accordingly.

1332 3. After the distribution under subparagraphs 1. and 2.,  
1333 0.0966 percent shall be transferred to the Local Government  
1334 Half-cent Sales Tax Clearing Trust Fund and distributed pursuant  
1335 to s. 218.65.

1336 4. After the distributions under subparagraphs 1., 2., and  
1337 3., 2.0810 percent of the available proceeds shall be  
1338 transferred monthly to the Revenue Sharing Trust Fund for  
1339 Counties pursuant to s. 218.215.

1340 5. After the distributions under subparagraphs 1., 2., and  
1341 3., 1.3653 percent of the available proceeds shall be  
1342 transferred monthly to the Revenue Sharing Trust Fund for  
1343 Municipalities pursuant to s. 218.215. If the total revenue to  
1344 be distributed pursuant to this subparagraph is at least as  
1345 great as the amount due from the Revenue Sharing Trust Fund for  
1346 Municipalities and the former Municipal Financial Assistance  
1347 Trust Fund in state fiscal year 1999-2000, no municipality shall  
1348 receive less than the amount due from the Revenue Sharing Trust  
1349 Fund for Municipalities and the former Municipal Financial  
1350 Assistance Trust Fund in state fiscal year 1999-2000. If the  
1351 total proceeds to be distributed are less than the amount  
1352 received in combination from the Revenue Sharing Trust Fund for  
1353 Municipalities and the former Municipal Financial Assistance  
1354 Trust Fund in state fiscal year 1999-2000, each municipality

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1355 shall receive an amount proportionate to the amount it was due  
1356 in state fiscal year 1999-2000.

1357 6. Of the remaining proceeds:

1358 a. In each fiscal year, the sum of \$29,915,500 shall be  
1359 divided into as many equal parts as there are counties in the  
1360 state, and one part shall be distributed to each county. The  
1361 distribution among the several counties must begin each fiscal  
1362 year on or before January 5th and continue monthly for a total  
1363 of 4 months. If a local or special law required that any moneys  
1364 accruing to a county in fiscal year 1999-2000 under the then-  
1365 existing provisions of s. 550.135 be paid directly to the  
1366 district school board, special district, or a municipal  
1367 government, such payment must continue until the local or  
1368 special law is amended or repealed. The state covenants with  
1369 holders of bonds or other instruments of indebtedness issued by  
1370 local governments, special districts, or district school boards  
1371 before July 1, 2000, that it is not the intent of this  
1372 subparagraph to adversely affect the rights of those holders or  
1373 relieve local governments, special districts, or district school  
1374 boards of the duty to meet their obligations as a result of  
1375 previous pledges or assignments or trusts entered into which  
1376 obligated funds received from the distribution to county  
1377 governments under then-existing s. 550.135. This distribution  
1378 specifically is in lieu of funds distributed under s. 550.135  
1379 before July 1, 2000.

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1380           b. The department shall distribute \$166,667 monthly to  
1381 each applicant certified as a facility for a new or retained  
1382 professional sports franchise pursuant to former s. 288.1162. Up  
1383 to \$41,667 shall be distributed monthly by the department to  
1384 each certified applicant as defined in former s. 288.11621 for a  
1385 facility for a spring training franchise. However, not more than  
1386 \$416,670 may be distributed monthly in the aggregate to all  
1387 certified applicants for facilities for spring training  
1388 franchises. Distributions begin 60 days after such certification  
1389 and continue for not more than 30 years, except as otherwise  
1390 provided in former s. 288.11621. A certified applicant  
1391 identified in this sub-subparagraph may not receive more in  
1392 distributions than expended by the applicant for the public  
1393 purposes provided in former s. 288.1162(5) or former s.  
1394 288.11621(3).

1395           c. Beginning 30 days after notice by the Department of  
1396 Economic Opportunity to the Department of Revenue that an  
1397 applicant has been certified as the professional golf hall of  
1398 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
1399 shall be distributed monthly, for up to 300 months, to the  
1400 applicant.

1401           ~~d. Beginning 30 days after notice by the Department of~~  
1402 ~~Economic Opportunity to the Department of Revenue that the~~  
1403 ~~applicant has been certified as the International Game Fish~~  
1404 ~~Association World Center facility pursuant to s. 288.1169, and~~

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1405 ~~the facility is open to the public, \$83,333 shall be distributed~~  
1406 ~~monthly, for up to 168 months, to the applicant. This~~  
1407 ~~distribution is subject to reduction pursuant to s. 288.1169. A~~  
1408 ~~lump sum payment of \$999,996 shall be made after certification~~  
1409 ~~and before July 1, 2000.~~

1410 d.e. The department shall distribute up to \$83,333 monthly  
1411 to each certified applicant as defined in former s. 288.11631  
1412 for a facility used by a single spring training franchise, or up  
1413 to \$166,667 monthly to each certified applicant as defined in  
1414 former s. 288.11631 for a facility used by more than one spring  
1415 training franchise. Monthly distributions begin 60 days after  
1416 such certification or July 1, 2016, whichever is later, and  
1417 continue for not more than 20 years to each certified applicant  
1418 as defined in former s. 288.11631 for a facility used by a  
1419 single spring training franchise or not more than 25 years to  
1420 each certified applicant as defined in former s. 288.11631 for a  
1421 facility used by more than one spring training franchise. A  
1422 certified applicant identified in this sub-subparagraph may not  
1423 receive more in distributions than expended by the applicant for  
1424 the public purposes provided in former s. 288.11631(3).

1425 ~~f. Beginning 45 days after notice by the Department of~~  
1426 ~~Economic Opportunity to the Department of Revenue that an~~  
1427 ~~applicant has been approved by the Legislature and certified by~~  
1428 ~~the Department of Economic Opportunity under s. 288.11625 or~~  
1429 ~~upon a date specified by the Department of Economic Opportunity~~

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1430 ~~as provided under s. 288.11625(6)(d), the department shall~~  
1431 ~~distribute each month an amount equal to one twelfth of the~~  
1432 ~~annual distribution amount certified by the Department of~~  
1433 ~~Economic Opportunity for the applicant. The department may not~~  
1434 ~~distribute more than \$7 million in the 2014-2015 fiscal year or~~  
1435 ~~more than \$13 million annually thereafter under this sub-~~  
1436 ~~subparagraph.~~

1437 e.g. Beginning December 1, 2015, and ending June 30, 2016,  
1438 the department shall distribute \$26,286 monthly to the State  
1439 Transportation Trust Fund. Beginning July 1, 2016, the  
1440 department shall distribute \$15,333 monthly to the State  
1441 Transportation Trust Fund.

1442 7. All other proceeds must remain in the General Revenue  
1443 Fund.

1444 Section 26. Subsection (2) of section 218.61, Florida  
1445 Statutes, is amended to read:

1446 218.61 Local government half-cent sales tax; designated  
1447 proceeds; trust fund.—

1448 (2) Money remitted by a sales tax dealer located within  
1449 the county and transferred into the Local Government Half-cent  
1450 Sales Tax Clearing Trust Fund shall be earmarked for  
1451 distribution to the governing body of that county and of each  
1452 municipality within that county. ~~Such distributions shall be~~  
1453 ~~made after funding is provided pursuant to s. 218.64(3), if~~

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1454 ~~applicable.~~ Such moneys shall be known as the "local government  
1455 half-cent sales tax."

1456 Section 27. Subsection (4) of section 218.64, Florida  
1457 Statutes, is renumbered as subsection (3), and present  
1458 subsections (2) and (3) of that section are amended to read:

1459 218.64 Local government half-cent sales tax; uses;  
1460 limitations.—

1461 (2) Municipalities shall expend their portions of the  
1462 local government half-cent sales tax only for municipality-wide  
1463 programs, ~~for reimbursing the state as required pursuant to s.~~  
1464 ~~288.11625,~~ or for municipality-wide property tax or municipal  
1465 utility tax relief. All utility tax rate reductions afforded by  
1466 participation in the local government half-cent sales tax shall  
1467 be applied uniformly across all types of taxed utility services.

1468 (3) Subject to ordinances enacted by the majority of the  
1469 members of the county governing authority and by the majority of  
1470 the members of the governing authorities of municipalities  
1471 representing at least 50 percent of the municipal population of  
1472 such county, counties may use up to \$3 million annually of the  
1473 local government half-cent sales tax allocated to that county  
1474 for ~~any of the following purposes:~~

1475 ~~(a) Funding a certified applicant as a facility for a new~~  
1476 ~~or retained professional sports franchise under s. 288.1162 or a~~  
1477 ~~certified applicant as defined in s. 288.11621 for a facility~~  
1478 ~~for a spring training franchise. It is the Legislature's intent~~

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1479 ~~that the provisions of s. 288.1162, including, but not limited~~  
1480 ~~to, the evaluation process by the Department of Economic~~  
1481 ~~Opportunity except for the limitation on the number of certified~~  
1482 ~~applicants or facilities as provided in that section and the~~  
1483 ~~restrictions set forth in s. 288.1162(8), shall apply to an~~  
1484 ~~applicant's facility to be funded by local government as~~  
1485 ~~provided in this subsection.~~

1486 ~~(b)~~ funding a certified applicant as a "motorsport  
1487 entertainment complex," as provided for in s. 288.1171. Funding  
1488 for each franchise or motorsport complex shall begin 60 days  
1489 after certification and shall continue for not more than 30  
1490 years.

1491 ~~(c) Reimbursing the state as required under s. 288.11625.~~  
1492 Section 28. Subsection (8) of section 220.02, Florida  
1493 Statutes, is amended to read:

1494 220.02 Legislative intent.—

1495 (8) It is the intent of the Legislature that credits  
1496 against either the corporate income tax or the franchise tax be  
1497 applied in the following order: those enumerated in s. 631.828,  
1498 those enumerated in former s. 220.191, those enumerated in s.  
1499 220.181, those enumerated in s. 220.183, those enumerated in s.  
1500 220.182, those enumerated in s. 220.1895, those enumerated in s.  
1501 220.195, those enumerated in s. 220.184, those enumerated in s.  
1502 220.186, those enumerated in s. 220.1845, those enumerated in s.  
1503 220.19, those enumerated in s. 220.185, those enumerated in s.

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1504 220.1875, those enumerated in s. 220.192, those enumerated in s.  
1505 220.193, those enumerated in former s. 288.9916, those  
1506 enumerated in former s. 220.1899, those enumerated in s.  
1507 220.194, and those enumerated in s. 220.196.

1508 Section 29. Paragraph (a) of subsection (1) of section  
1509 220.13, Florida Statutes, is amended to read:

1510 220.13 "Adjusted federal income" defined.—

1511 (1) The term "adjusted federal income" means an amount  
1512 equal to the taxpayer's taxable income as defined in subsection  
1513 (2), or such taxable income of more than one taxpayer as  
1514 provided in s. 220.131, for the taxable year, adjusted as  
1515 follows:

1516 (a) Additions.—There shall be added to such taxable  
1517 income:

1518 1. The amount of any tax upon or measured by income,  
1519 excluding taxes based on gross receipts or revenues, paid or  
1520 accrued as a liability to the District of Columbia or any state  
1521 of the United States which is deductible from gross income in  
1522 the computation of taxable income for the taxable year.

1523 2. The amount of interest which is excluded from taxable  
1524 income under s. 103(a) of the Internal Revenue Code or any other  
1525 federal law, less the associated expenses disallowed in the  
1526 computation of taxable income under s. 265 of the Internal  
1527 Revenue Code or any other law, excluding 60 percent of any  
1528 amounts included in alternative minimum taxable income, as

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1529 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
1530 taxpayer pays tax under s. 220.11(3).

1531 3. In the case of a regulated investment company or real  
1532 estate investment trust, an amount equal to the excess of the  
1533 net long-term capital gain for the taxable year over the amount  
1534 of the capital gain dividends attributable to the taxable year.

1535 4. That portion of the wages or salaries paid or incurred  
1536 for the taxable year which is equal to the amount of the credit  
1537 allowable for the taxable year under s. 220.181. This  
1538 subparagraph shall expire on the date specified in s. 290.016  
1539 for the expiration of the Florida Enterprise Zone Act.

1540 5. That portion of the ad valorem school taxes paid or  
1541 incurred for the taxable year which is equal to the amount of  
1542 the credit allowable for the taxable year under s. 220.182. This  
1543 subparagraph shall expire on the date specified in s. 290.016  
1544 for the expiration of the Florida Enterprise Zone Act.

1545 6. The amount taken as a credit under s. 220.195 which is  
1546 deductible from gross income in the computation of taxable  
1547 income for the taxable year.

1548 7. That portion of assessments to fund a guaranty  
1549 association incurred for the taxable year which is equal to the  
1550 amount of the credit allowable for the taxable year.

1551 8. In the case of a nonprofit corporation which holds a  
1552 pari-mutuel permit and which is exempt from federal income tax  
1553 as a farmers' cooperative, an amount equal to the excess of the

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1554 gross income attributable to the pari-mutuel operations over the  
1555 attributable expenses for the taxable year.

1556 9. The amount taken as a credit for the taxable year under  
1557 s. 220.1895.

1558 10. Up to nine percent of the eligible basis of any  
1559 designated project which is equal to the credit allowable for  
1560 the taxable year under s. 220.185.

1561 11. The amount taken as a credit for the taxable year  
1562 under s. 220.1875. The addition in this subparagraph is intended  
1563 to ensure that the same amount is not allowed for the tax  
1564 purposes of this state as both a deduction from income and a  
1565 credit against the tax. This addition is not intended to result  
1566 in adding the same expense back to income more than once.

1567 12. The amount taken as a credit for the taxable year  
1568 under s. 220.192.

1569 13. The amount taken as a credit for the taxable year  
1570 under s. 220.193.

1571 ~~14. Any portion of a qualified investment, as defined in~~  
1572 ~~s. 288.9913, which is claimed as a deduction by the taxpayer and~~  
1573 ~~taken as a credit against income tax pursuant to s. 288.9916.~~

1574 ~~14.15.~~ The costs to acquire a tax credit pursuant to s.  
1575 288.1254(5) that are deducted from or otherwise reduce federal  
1576 taxable income for the taxable year.

1577 ~~15.16.~~ The amount taken as a credit for the taxable year  
1578 pursuant to s. 220.194.

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1579        ~~16.17.~~ The amount taken as a credit for the taxable year  
1580 under s. 220.196. The addition in this subparagraph is intended  
1581 to ensure that the same amount is not allowed for the tax  
1582 purposes of this state as both a deduction from income and a  
1583 credit against the tax. The addition is not intended to result  
1584 in adding the same expense back to income more than once.

1585        Section 30. Section 220.1895, Florida Statutes, is amended  
1586 to read:

1587        220.1895 Rural Job Tax Credit ~~and Urban High-Crime Area~~  
1588 ~~Job Tax Credit.~~ There shall be allowed a credit against the tax  
1589 imposed by this chapter amounts approved by the Department of  
1590 Economic Opportunity pursuant to the Rural Job Tax Credit  
1591 Program in s. 212.098 ~~and the Urban High-Crime Area Job Tax~~  
1592 ~~Credit Program in s. 212.097.~~ A corporation that uses its credit  
1593 against the tax imposed by this chapter may not take the credit  
1594 against the tax imposed by chapter 212. If any credit granted  
1595 under this section is not fully used in the first year for which  
1596 it becomes available, the unused amount may be carried forward  
1597 for a period not to exceed 5 years. The carryover may be used in  
1598 a subsequent year when the tax imposed by this chapter for such  
1599 year exceeds the credit for such year under this section after  
1600 applying the other credits and unused credit carryovers in the  
1601 order provided in s. 220.02(8).

1602        Section 31. Section 220.1899, Florida Statutes, is  
1603 repealed.

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1604 Section 32. Section 220.191, Florida Statutes, is  
1605 repealed.

1606 Section 33. Subsection (9) of section 220.194, Florida  
1607 Statutes, is amended to read:

1608 220.194 Corporate income tax credits for spaceflight  
1609 projects.—

1610 (9) ANNUAL REPORT.—Beginning in 2014, the Department of  
1611 Economic Opportunity, in cooperation with Space Florida and the  
1612 department, shall include in the annual incentives report  
1613 required under s. 288.0065 ~~288.907~~ a summary of activities  
1614 relating to the Florida Space Business Incentives Act  
1615 established under this section.

1616 Section 34. Subsection (1) and paragraph (a) of subsection  
1617 (2) of section 220.196, Florida Statutes, are amended to read:

1618 220.196 Research and development tax credit.—

1619 (1) DEFINITIONS.—As used in this section, the term:

1620 (a) "Base amount" means the average of the business  
1621 enterprise's qualified research expenses in this state allowed  
1622 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
1623 taxable year for which the credit is determined. The qualified  
1624 research expenses taken into account in computing the base  
1625 amount shall be determined on a basis consistent with the  
1626 determination of qualified research expenses for the taxable  
1627 year.

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1628 (b) "Business enterprise" means any corporation as defined  
1629 in s. 220.03 which meets the definition of a target industry  
1630 business as defined in paragraph (c) s. 289.106.

1631 (c) "Target industry business" means a corporate  
1632 headquarters business or any business that is engaged in one of  
1633 the target industries identified pursuant to the following  
1634 criteria developed by the Department of Economic Opportunity:

1635 1. Future growth.—The industry forecast indicates strong  
1636 expectation for future growth in employment and output,  
1637 according to the most recent available data. Special  
1638 consideration shall be given to businesses that export goods to,  
1639 or provide services in, international markets and businesses  
1640 that replace domestic and international imports of goods or  
1641 services.

1642 2. Stability.—The industry is not subject to periodic  
1643 layoffs, whether due to seasonality or sensitivity to volatile  
1644 economic variables such as weather. The industry is also  
1645 relatively resistant to recession, so that the demand for  
1646 products of this industry is not typically subject to decline  
1647 during an economic downturn.

1648 3. High wage.—The industry pays relatively high wages  
1649 compared to statewide or area averages.

1650 4. Market and resource independent.—The industry business  
1651 location is not dependent on markets or resources in the state

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1652 as indicated by industry analysis, except for businesses in the  
1653 renewable energy industry.

1654 5. Industrial base diversification and strengthening.—The  
1655 industry contributes toward expanding or diversifying the  
1656 state's or area's economic base, as indicated by analysis of  
1657 employment and output shares compared to national and regional  
1658 trends. Special consideration shall be given to industries that  
1659 strengthen regional economies by adding value to basic products  
1660 or building regional industrial clusters as indicated by  
1661 industry analysis. Special consideration shall also be given to  
1662 the development of strong industrial clusters that include  
1663 defense and homeland security businesses.

1664 6. Positive economic impact.—The industry has strong  
1665 positive economic impacts on or benefits to the state or  
1666 regional economies. Special consideration shall be given to  
1667 industries that facilitate the development of the state as a hub  
1668 for domestic and global trade and logistics.

1669  
1670 The term does not include any business engaged in retail  
1671 industry activities; any electrical utility company as defined  
1672 in s. 366.02(2); any phosphate or other solid minerals  
1673 severance, mining, or processing operation; any oil or gas  
1674 exploration or production operation; or any business subject to  
1675 regulation by the Division of Hotels and Restaurants of the  
1676 Department of Business and Professional Regulation. Any business

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1677 within NAICS code 5611 or 5614, office administrative services  
1678 and business support services, respectively, may be considered a  
1679 target industry business only after the local governing body and  
1680 the Department of Economic Opportunity determine that the  
1681 community in which the business may locate has conditions  
1682 affecting the fiscal and economic viability of the local  
1683 community or area, including, but not limited to, low per capita  
1684 income, high unemployment, high underemployment, and a lack of  
1685 year-round stable employment opportunities, and such conditions  
1686 may be improved by the business locating in such community. By  
1687 January 1 of every 3rd year, beginning January 1, 2011, the  
1688 Department of Economic Opportunity, in consultation with  
1689 economic development organizations, the State University System,  
1690 local governments, employee and employer organizations, market  
1691 analysts, and economists, shall review and, as appropriate,  
1692 revise the list of target industries and submit the list to the  
1693 Governor, the President of the Senate, and the Speaker of the  
1694 House of Representatives.

1695 (d)-(e) "Qualified research expenses" means research  
1696 expenses qualifying for the credit under 26 U.S.C. s. 41 for in-  
1697 house research expenses incurred in this state or contract  
1698 research expenses incurred in this state. The term does not  
1699 include research conducted outside this state or research  
1700 expenses that do not qualify for a credit under 26 U.S.C. s. 41.

1701 (2) TAX CREDIT.-

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1702 (a) As provided in this section, a business enterprise is  
1703 eligible for a credit against the tax imposed by this chapter if  
1704 it:

1705 1. Has qualified research expenses in this state in the  
1706 taxable year exceeding the base amount;

1707 2. Claims and is allowed a research credit for such  
1708 qualified research expenses under 26 U.S.C. s. 41 for the same  
1709 taxable year as subparagraph 1.; and

1710 3. Is a ~~qualified~~ target industry business as defined in  
1711 paragraph (c) s. 288.106(2)(n). Only ~~qualified~~ target industry  
1712 businesses in the manufacturing, life sciences, information  
1713 technology, aviation and aerospace, homeland security and  
1714 defense, cloud information technology, marine sciences,  
1715 materials science, and nanotechnology industries may qualify for  
1716 a tax credit under this section. A business applying for a  
1717 credit pursuant to this section shall include a letter from the  
1718 Department of Economic Opportunity certifying whether the  
1719 business meets the requirements of this subparagraph with its  
1720 application for credit. The Department of Economic Opportunity  
1721 shall provide such a letter upon receiving a request.

1722 Section 35. Section 272.11, Florida Statutes, is amended  
1723 to read:

1724 272.11 Capitol information center.—The Department of  
1725 Economic Opportunity ~~Enterprise Florida, Inc.~~, shall establish,  
1726 maintain, and operate a Capitol information center somewhere

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1727 within the area of the Capitol Center and employ personnel or  
1728 enter into contracts to maintain same.

1729 Section 36. Paragraph (f) of subsection (1) of section  
1730 287.0947, Florida Statutes, is amended to read:

1731 287.0947 Florida Advisory Council on Small and Minority  
1732 Business Development; creation; membership; duties.-

1733 (1) The Secretary of Management Services may create the  
1734 Florida Advisory Council on Small and Minority Business  
1735 Development with the purpose of advising and assisting the  
1736 secretary in carrying out the secretary's duties with respect to  
1737 minority businesses and economic and business development. It is  
1738 the intent of the Legislature that the membership of such  
1739 council include practitioners, laypersons, financiers, and  
1740 others with business development experience who can provide  
1741 invaluable insight and expertise for this state in the  
1742 diversification of its markets and networking of business  
1743 opportunities. The council shall initially consist of 19  
1744 persons, each of whom is or has been actively engaged in small  
1745 and minority business development, either in private industry,  
1746 in governmental service, or as a scholar of recognized  
1747 achievement in the study of such matters. Initially, the council  
1748 shall consist of members representing all regions of the state  
1749 and shall include at least one member from each group identified  
1750 within the definition of "minority person" in s. 288.703(4),

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1751 | considering also gender and nationality subgroups, and shall  
1752 | consist of the following:

1753 |       (f) A member from the Department of Economic Opportunity  
1754 | ~~board of directors of Enterprise Florida, Inc.~~

1755 |  
1756 | A candidate for appointment may be considered if eligible to be  
1757 | certified as an owner of a minority business enterprise, or if  
1758 | otherwise qualified under the criteria above. Vacancies may be  
1759 | filled by appointment of the secretary, in the manner of the  
1760 | original appointment.

1761 |       Section 37. Subsections (2) and (4) of section 288.0001,  
1762 | Florida Statutes, are amended to read:

1763 |       288.0001 Economic Development Programs Evaluation.—The  
1764 | Office of Economic and Demographic Research and the Office of  
1765 | Program Policy Analysis and Government Accountability (OPPAGA)  
1766 | shall develop and present to the Governor, the President of the  
1767 | Senate, the Speaker of the House of Representatives, and the  
1768 | chairs of the legislative appropriations committees the Economic  
1769 | Development Programs Evaluation.

1770 |       (2) The Office of Economic and Demographic Research and  
1771 | OPPAGA shall provide a detailed analysis of economic development  
1772 | programs as provided in the following schedule:

1773 |       (a) By January 1, 2014, and every 3 years thereafter, an  
1774 | analysis of the following:

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1775 ~~1. The capital investment tax credit established under s.~~  
1776 ~~220.191.~~

1777 ~~2. The qualified target industry tax refund established~~  
1778 ~~under s. 288.106.~~

1779 ~~3. The brownfield redevelopment bonus refund established~~  
1780 ~~under s. 288.107.~~

1781 ~~4. High impact business performance grants established~~  
1782 ~~under s. 288.108.~~

1783 ~~5. The Quick Action Closing Fund established under s.~~  
1784 ~~288.1088.~~

1785 ~~6. The Innovation Incentive Program established under s.~~  
1786 ~~288.1089.~~

1787 1.7. Enterprise Zone Program incentives established under  
1788 ss. 212.08(5) and ~~(14)(15)~~, 212.096, 220.181, and 220.182.

1789 2.8. The New Markets Development Program established under  
1790 ss. 288.991-288.9922.

1791 (b) By January 1, 2015, and every 3 years thereafter, an  
1792 analysis of ~~the following~~:

1793 1. The entertainment industry financial incentive program  
1794 established under s. 288.1254.

1795 ~~2. The entertainment industry sales tax exemption program~~  
1796 ~~established under s. 288.1258.~~

1797 2.3. VISIT Florida and its programs established or funded  
1798 under ss. ~~288.122~~, 288.1226, 288.12265, and 288.124.

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1799        3.4. The Florida Sports Foundation and related programs  
1800 established under ss. ~~288.1162, 288.11621,~~ 288.1166, 288.1167,  
1801 288.1168, ~~288.1169,~~ and 288.1171.

1802        (c) By January 1, 2016, and every 3 years thereafter, an  
1803 analysis of the following:

1804        ~~1. The qualified defense contractor and space flight  
1805 business tax refund program established under s. 288.1045.~~

1806        1.2. The tax exemption for semiconductor, defense, or  
1807 space technology sales established under s. 212.08(5)(i)  
1808 ~~212.08(5)(j).~~

1809        2.3. The Military Base Protection Program established  
1810 under s. 288.980.

1811        3.4. The Manufacturing and Spaceport Investment Incentive  
1812 Program formerly established under s. 288.1083.

1813        ~~5. The Quick Response Training Program established under  
1814 s. 288.047.~~

1815        4.6. The Incumbent Worker Training Program established  
1816 under s. 445.003.

1817        ~~7. International trade and business development programs  
1818 established or funded under s. 288.826.~~

1819        (d) By January 1, 2019, and every 3 years thereafter, an  
1820 analysis of the grant and entrepreneur initiative programs  
1821 established under s. 295.22(3)(d) and (e).

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1822 ~~(c) Beginning January 1, 2018, and every 3 years~~  
1823 ~~thereafter, an analysis of the Sports Development Program~~  
1824 ~~established under s. 288.11625.~~

1825 (4) Pursuant to the schedule established in subsection  
1826 (2), OPPAGA shall evaluate each program over the previous 3  
1827 years for its effectiveness and value to the taxpayers of this  
1828 state and include recommendations on each program for  
1829 consideration by the Legislature. The analysis may include  
1830 relevant economic development reports or analyses prepared by  
1831 the department ~~of Economic Opportunity, Enterprise Florida,~~  
1832 ~~Inc.,~~ or local or regional economic development organizations,~~+~~  
1833 interviews with the parties involved,~~+~~ or any other relevant  
1834 data.

1835 Section 38. Section 288.001, Florida Statutes, is  
1836 repealed.

1837 Section 39. Section 288.012, Florida Statutes, is  
1838 repealed.

1839 Section 40. Subsections (1) and (3) of section 288.017,  
1840 Florida Statutes, are amended to read:

1841 288.017 Cooperative advertising matching grants program.—

1842 (1) The department ~~Enterprise Florida, Inc.,~~ is authorized  
1843 to establish a cooperative advertising matching grants program  
1844 and, pursuant thereto, to make expenditures and enter into  
1845 contracts with local governments and nonprofit corporations for  
1846 the purpose of publicizing the tourism advantages of the state.

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1847 The department, ~~based on recommendations from Enterprise~~  
1848 ~~Florida, Inc.,~~ shall have final approval of grants awarded  
1849 through this program. The department Enterprise Florida, Inc.,  
1850 may contract with the Florida Tourism Industry Marketing  
1851 Corporation ~~its direct support organization~~ to administer the  
1852 program.

1853 (3) The department Enterprise Florida, Inc., shall conduct  
1854 an annual competitive selection process for the award of grants  
1855 under the program. In determining its recommendations for the  
1856 grant awards, the department commission shall consider the  
1857 demonstrated need of the applicant for advertising assistance,  
1858 the feasibility and projected benefit of the applicant's  
1859 proposal, the amount of nonstate funds that will be leveraged,  
1860 and such other criteria as the department commission deems  
1861 appropriate. ~~In evaluating grant applications, the department~~  
1862 ~~shall consider recommendations from Enterprise Florida, Inc.~~ The  
1863 department, ~~however,~~ has final approval authority for any grant  
1864 under this section.

1865 Section 41. Subsection (4) of section 288.018, Florida  
1866 Statutes, is amended to read:

1867 288.018 Regional Rural Development Grants Program.—

1868 (4) The department may expend up to \$750,000 each fiscal  
1869 year from funds appropriated to the Rural Community Development  
1870 Revolving Loan Fund for the purposes outlined in this section.  
1871 ~~The department may contract with Enterprise Florida, Inc., for~~

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1872 ~~the administration of the purposes specified in this section.~~  
1873 ~~Funds released to Enterprise Florida, Inc., for this purpose~~  
1874 ~~shall be released quarterly and shall be calculated based on the~~  
1875 ~~applications in process.~~

1876 Section 42. Section 288.046, Florida Statutes, is  
1877 repealed.

1878 Section 43. Section 288.047, Florida Statutes, is  
1879 repealed.

1880 Section 44. Subsections (1) and (4) of section 288.061,  
1881 Florida Statutes, are amended to read:

1882 288.061 Economic development incentive application  
1883 process.-

1884 (1) Upon receiving a submitted economic development  
1885 incentive application, ~~the Division of Strategic Business~~  
1886 ~~Development of the department of Economic Opportunity and~~  
1887 ~~designated staff of Enterprise Florida, Inc.,~~ shall review the  
1888 application to ensure that the application is complete, whether  
1889 and what type of state and local permits may be necessary for  
1890 the applicant's project, whether it is possible to waive such  
1891 permits, and what state incentives and amounts of such  
1892 incentives may be available to the applicant. The department  
1893 shall recommend to the executive director to approve or  
1894 disapprove an applicant business. If review of the application  
1895 demonstrates that the application is incomplete, the executive

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1896 | director shall notify the applicant business within the first 5  
1897 | business days after receiving the application.

1898 | (4) The department shall validate contractor performance  
1899 | and report such validation in the annual incentives report  
1900 | required under s. 288.0065 ~~288.907~~.

1901 | Section 45. Subsection (5) of section 288.0655, Florida  
1902 | Statutes, is renumbered as subsection (4), and paragraph (e) of  
1903 | subsection (2) and subsections (3) and (4) of that section are  
1904 | amended to read:

1905 | 288.0655 Rural Infrastructure Fund.—

1906 | (2)

1907 | (e) To enable local governments to access the resources  
1908 | available pursuant to s. 403.973(17) ~~403.973(18)~~, the department  
1909 | may award grants for surveys, feasibility studies, and other  
1910 | activities related to the identification and preclearance review  
1911 | of land which is suitable for preclearance review. Authorized  
1912 | grants under this paragraph may not exceed \$75,000 each, except  
1913 | in the case of a project in a rural area of opportunity, in  
1914 | which case the grant may not exceed \$300,000. Any funds awarded  
1915 | under this paragraph must be matched at a level of 50 percent  
1916 | with local funds, except that any funds awarded for a project in  
1917 | a rural area of opportunity must be matched at a level of 33  
1918 | percent with local funds. If an application for funding is for a  
1919 | catalyst site, as defined in s. 288.0656, the requirement for  
1920 | local match may be waived pursuant to the process in s.

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1921 288.06561. In evaluating applications under this paragraph, the  
1922 department shall consider the extent to which the application  
1923 seeks to minimize administrative and consultant expenses.

1924 (3) The department, in consultation with ~~Enterprise~~  
1925 ~~Florida, Inc.~~, the Florida Tourism Industry Marketing  
1926 Corporation, the Department of Environmental Protection, and the  
1927 Florida Fish and Wildlife Conservation Commission, as  
1928 appropriate, shall review and certify applications pursuant to  
1929 s. 288.061. The review shall include an evaluation of the  
1930 economic benefit of the projects and their long-term viability.  
1931 The department shall have final approval for any grant under  
1932 this section.

1933 ~~(4) By September 1, 2012, the department shall, in~~  
1934 ~~consultation with the organizations listed in subsection (3),~~  
1935 ~~and other organizations, reevaluate existing guidelines and~~  
1936 ~~criteria governing submission of applications for funding,~~  
1937 ~~review and evaluation of such applications, and approval of~~  
1938 ~~funding under this section. The department shall consider~~  
1939 ~~factors including, but not limited to, the project's potential~~  
1940 ~~for enhanced job creation or increased capital investment, the~~  
1941 ~~demonstration and level of local public and private commitment,~~  
1942 ~~whether the project is located in an enterprise zone, in a~~  
1943 ~~community development corporation service area, or in an urban~~  
1944 ~~high crime area as designated under s. 212.097, the unemployment~~

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1945 ~~rate of the county in which the project would be located, and~~  
1946 ~~the poverty rate of the community.~~

1947 Section 46. Paragraph (a) of subsection (6) and paragraphs  
1948 (a) and (c) of subsection (7) of section 288.0656, Florida  
1949 Statutes, are amended to read:

1950 288.0656 Rural Economic Development Initiative.—

1951 (6)(a) By August 1 of each year, the head of each of the  
1952 following agencies and organizations shall designate a deputy  
1953 secretary or higher-level staff person from within the agency or  
1954 organization to serve as the REDI representative for the agency  
1955 or organization:

- 1956 1. The Department of Transportation.
- 1957 2. The Department of Environmental Protection.
- 1958 3. The Department of Agriculture and Consumer Services.
- 1959 4. The Department of State.
- 1960 5. The Department of Health.
- 1961 6. The Department of Children and Families.
- 1962 7. The Department of Corrections.
- 1963 8. The Department of Education.
- 1964 9. The Department of Juvenile Justice.
- 1965 10. The Fish and Wildlife Conservation Commission.
- 1966 11. Each water management district.
- 1967 ~~12. Enterprise Florida, Inc.~~
- 1968 12.13. CareerSource Florida, Inc.
- 1969 13.14. VISIT Florida.

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1970 | ~~14.15.~~ The Florida Regional Planning Council Association.

1971 | ~~15.16.~~ The Agency for Health Care Administration.

1972 | ~~16.17.~~ The Institute of Food and Agricultural Sciences

1973 | (IFAS).

1974 |

1975 | An alternate for each designee shall also be chosen, and the

1976 | names of the designees and alternates shall be sent to the

1977 | executive director of the department.

1978 | (7)

1979 | (a) REDI may recommend to the Governor up to three rural

1980 | areas of opportunity. The Governor may by executive order

1981 | designate up to three rural areas of opportunity which will

1982 | establish these areas as priority assignments for REDI as well

1983 | as to allow the Governor, acting through REDI, to waive

1984 | criteria, requirements, or similar provisions of any economic

1985 | development incentive. Such incentives shall include, but are

1986 | not limited to, ~~the Qualified Target Industry Tax Refund Program~~

1987 | ~~under s. 288.106, the Quick Response Training Program under s.~~

1988 | ~~288.047, the Quick Response Training Program for participants in~~

1989 | ~~the welfare transition program under s. 288.047(8),~~

1990 | ~~transportation projects under s. 339.2821, the brownfield~~

1991 | ~~redevelopment bonus refund under s. 288.107, and the rural job~~

1992 | tax credit program under ss. 212.098 and 220.1895.

1993 | (c) Each rural area of opportunity may designate catalyst

1994 | projects, provided that each catalyst project is specifically

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1995 recommended by REDI, ~~identified as a catalyst project by~~  
1996 ~~Enterprise Florida, Inc.~~, and confirmed as a catalyst project by  
1997 the department. All state agencies and departments shall use all  
1998 available tools and resources to the extent permissible by law  
1999 to promote the creation and development of each catalyst project  
2000 and the development of catalyst sites.

2001 Section 47. Section 288.0658, Florida Statutes, is amended  
2002 to read:

2003 288.0658 Nature-based recreation; promotion and other  
2004 assistance by Fish and Wildlife Conservation Commission.—The  
2005 Florida Fish and Wildlife Conservation Commission is directed to  
2006 assist ~~Enterprise Florida, Inc.~~ the Florida Tourism Industry  
2007 Marketing Corporation, doing business as VISIT Florida;  
2008 convention and visitor bureaus; tourist development councils;  
2009 economic development organizations; and local governments  
2010 through the provision of marketing advice, technical expertise,  
2011 promotional support, and product development related to nature-  
2012 based recreation and sustainable use of natural resources. In  
2013 carrying out this responsibility, the Florida Fish and Wildlife  
2014 Conservation Commission shall focus its efforts on fostering  
2015 nature-based recreation in rural communities and regions  
2016 encompassing rural communities. As used in this section, the  
2017 term "nature-based recreation" means leisure activities related  
2018 to the state's lands, waters, and fish and wildlife resources,  
2019 including, but not limited to, wildlife viewing, fishing,

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2020 hiking, canoeing, kayaking, camping, hunting, backpacking, and  
2021 nature photography.

2022 Section 48. Subsection (6) of section 288.075, Florida  
2023 Statutes, is amended to read:

2024 288.075 Confidentiality of records.—

2025 (6) ECONOMIC INCENTIVE PROGRAMS.—

2026 (a) The following information held by an economic  
2027 development agency pursuant to the administration of an economic  
2028 incentive program for qualified businesses is confidential and  
2029 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
2030 Constitution for a period not to exceed the duration of the  
2031 incentive agreement, including an agreement authorizing a tax  
2032 refund or tax credit, or upon termination of the incentive  
2033 agreement:

2034 1. The percentage of the business's sales occurring  
2035 outside this state ~~and, for businesses applying under s.~~  
2036 ~~288.1045, the percentage of the business's gross receipts~~  
2037 ~~derived from Department of Defense contracts during the 5 years~~  
2038 ~~immediately preceding the date the business's application is~~  
2039 ~~submitted.~~

2040 2. An individual employee's personal identifying  
2041 information that is held as evidence of the achievement or  
2042 nonachievement of the wage requirements of the tax refund, tax  
2043 credit, or incentive agreement programs or of the job creation  
2044 requirements of such programs.

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- 2045 3. The amount of:
- 2046 a. Taxes on sales, use, and other transactions paid
- 2047 pursuant to chapter 212;
- 2048 b. Corporate income taxes paid pursuant to chapter 220;
- 2049 c. Intangible personal property taxes paid pursuant to
- 2050 chapter 199;
- 2051 d. Insurance premium taxes paid pursuant to chapter 624;
- 2052 e. Excise taxes paid on documents pursuant to chapter 201;
- 2053 f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 2054 g. State communications services taxes paid pursuant to
- 2055 chapter 202.

2056

2057 However, an economic development agency may disclose in the

2058 annual incentives report required under s. 288.0065 ~~288.907~~ the

2059 aggregate amount of each tax identified in this subparagraph and

2060 paid by all businesses participating in each economic incentive

2061 program.

2062 (b)~~1~~. The following information held by an economic

2063 development agency relating to a specific business participating

2064 in an economic incentive program is no longer confidential or

2065 exempt 180 days after a final project order for an economic

2066 incentive agreement is issued, until a date specified in the

2067 final project order, or if the information is otherwise

2068 disclosed, whichever occurs first:

2069 1.a. The name of the qualified business.

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2070 ~~2.b.~~ The total number of jobs the business committed to  
2071 create or retain.

2072 ~~3.e.~~ The total number of jobs created or retained by the  
2073 business.

2074 ~~4.d.~~ Notwithstanding s. 213.053(2), the amount of tax  
2075 refunds, tax credits, or incentives awarded to, claimed by, or,  
2076 if applicable, refunded to the state by the business.

2077 ~~5.e.~~ The anticipated total annual wages of employees the  
2078 business committed to hire or retain.

2079 ~~2. For a business applying for certification under s.~~  
2080 ~~288.1045 which is based on obtaining a new Department of Defense~~  
2081 ~~contract, the total number of jobs expected and the amount of~~  
2082 ~~tax refunds claimed may not be released until the new Department~~  
2083 ~~of Defense contract is awarded.~~

2084 Section 49. Subsections (7) through (10) of section  
2085 288.076, Florida Statutes, are renumbered as subsections (6)  
2086 through (9), respectively, and paragraphs (a), (c), and (e) of  
2087 subsection (1) and present subsections (6) and (7) of that  
2088 section are amended to read:

2089 288.076 Return on investment reporting for economic  
2090 development programs.—

2091 (1) As used in this section, the term:

2092 (a) "Jobs" means full-time equivalent positions,  
2093 including, but not limited to, positions obtained from a  
2094 temporary employment agency or employee leasing company or

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2095 through a union agreement or coemployment under a professional  
2096 employer organization agreement that result directly from a  
2097 project in this state. The term does not include temporary  
2098 construction jobs involved with the construction of facilities  
2099 for the project or any jobs previously included in any  
2100 application for tax refunds ~~has the same meaning as provided in~~  
2101 ~~s. 288.106(2)(i).~~

2102 (c) "Project" means the creation of a new business or  
2103 expansion of an existing business ~~has the same meaning as~~  
2104 ~~provided in s. 288.106(2)(m).~~

2105 (e) "State investment" means any state grants, tax  
2106 exemptions, tax refunds, tax credits, or other state incentives  
2107 provided to a business under a program administered by the  
2108 department, ~~including the capital investment tax credit under s.~~  
2109 ~~220.191.~~

2110 ~~(6) Annually, the department shall publish information~~  
2111 ~~relating to the progress of Quick Action Closing Fund projects,~~  
2112 ~~including the average number of days between the date the~~  
2113 ~~department receives a completed application and the date on~~  
2114 ~~which the application is approved.~~

2115 (6)(7)(a) Within 48 hours after expiration of the period  
2116 of confidentiality provided under s. 288.075, the department  
2117 shall publish the contract or agreement described in s. 288.061,  
2118 redacted to protect the participant business from disclosure of  
2119 information that remains confidential or exempt by law.

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2120 ~~(b) Within 48 hours after submitting any report of~~  
2121 ~~findings and recommendations made pursuant to s. 288.106(7)(d)~~  
2122 ~~concerning a business's failure to complete a tax refund~~  
2123 ~~agreement pursuant to the tax refund program for qualified~~  
2124 ~~target industry businesses, the department shall publish such~~  
2125 ~~report.~~

2126 Section 50. Section 288.095, Florida Statutes, is amended  
2127 to read:

2128 288.095 Economic Development Trust Fund.—

2129 (1) The Economic Development Trust Fund is created within  
2130 the department ~~of Economic Opportunity~~. Moneys deposited into  
2131 the fund must be used only to support the authorized activities  
2132 and operations of the department.

2133 (2) There is created, within the Economic Development  
2134 Trust Fund, the Economic Development Incentives Account. The  
2135 Economic Development Incentives Account consists of moneys  
2136 appropriated to the account for purposes of the tax incentives  
2137 programs formerly authorized under ss. 288.1045 and 288.106, and  
2138 local financial support provided under former ss. 288.1045 and  
2139 288.106. Moneys in the Economic Development Incentives Account  
2140 shall be subject to the provisions of s. 216.301(1)(a).

2141 (3) (a) ~~The department may approve applications for~~  
2142 ~~certification pursuant to ss. 288.1045(3) and 288.106. However,~~  
2143 The total state share of tax refund payments may not exceed \$35  
2144 million.

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2145 (b) The total amount of tax refund claims approved for  
2146 payment by the department based on actual project performance  
2147 may not exceed the amount appropriated to the Economic  
2148 Development Incentives Account for such purposes for the fiscal  
2149 year. Claims for tax refunds under former ss. 288.1045 and  
2150 288.106 shall be paid in the order the claims are approved by  
2151 the department. In the event the Legislature does not  
2152 appropriate an amount sufficient to satisfy the tax refunds  
2153 under former ss. 288.1045 and 288.106 in a fiscal year, the  
2154 department shall pay the tax refunds from the appropriation for  
2155 the following fiscal year. By March 1 of each year, the  
2156 department shall notify the legislative appropriations  
2157 committees of the Senate and House of Representatives of any  
2158 anticipated shortfall in the amount of funds needed to satisfy  
2159 claims for tax refunds from the appropriation for the current  
2160 fiscal year.

2161 (c) Moneys in the Economic Development Incentives Account  
2162 may be used only to pay tax refunds and make other payments on  
2163 agreements executed prior to July 1, 2017, authorized under  
2164 former s. 288.1045, s. 288.106, or s. 288.107.

2165 (d) The department may adopt rules necessary to carry out  
2166 ~~the provisions of~~ this subsection, including rules providing for  
2167 the use of moneys in the Economic Development Incentives Account  
2168 and for the administration of the Economic Development  
2169 Incentives Account.

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2170 Section 51. Section 288.1045, Florida Statutes, is  
2171 repealed.

2172 Section 52. Section 288.106, Florida Statutes, is  
2173 repealed.

2174 Section 53. Section 288.107, Florida Statutes, is  
2175 repealed.

2176 Section 54. Section 288.108, Florida Statutes, is  
2177 repealed.

2178 Section 55. Section 288.1081, Florida Statutes, is  
2179 repealed.

2180 Section 56. Section 288.1082, Florida Statutes, is  
2181 repealed.

2182 Section 57. Section 288.1088, Florida Statutes, is  
2183 repealed.

2184 Section 58. Section 288.1089, Florida Statutes, is  
2185 repealed.

2186 Section 59. Section 288.111, Florida Statutes, is amended  
2187 to read:

2188 288.111 Information concerning local manufacturing  
2189 development programs.—The department shall develop materials  
2190 that identify each local government that establishes a local  
2191 manufacturing development program under s. 163.3252. The  
2192 materials, which the department may elect to develop and  
2193 maintain in electronic format or in any other format deemed by  
2194 the department to provide public access, must be updated at

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2195 | least annually. ~~Enterprise Florida, Inc., shall, and other State~~  
2196 | agencies may, distribute the materials to prospective, new,  
2197 | expanding, and relocating businesses seeking to conduct business  
2198 | in this state.

2199 |       Section 60. Section 288.1162, Florida Statutes, is  
2200 | repealed.

2201 |       Section 61. Section 288.11621, Florida Statutes, is  
2202 | repealed.

2203 |       Section 62. Section 288.11625, Florida Statutes, is  
2204 | repealed.

2205 |       Section 63. Section 288.11631, Florida Statutes, is  
2206 | repealed.

2207 |       Section 64. Section 288.1169, Florida Statutes, is  
2208 | repealed.

2209 |       Section 65. Section 288.1201, Florida Statutes, is  
2210 | repealed.

2211 |       Section 66. (1) The State Economic Enhancement and  
2212 | Development Trust Fund, FLAIR number 40-2-041, within the  
2213 | Department of Economic Opportunity is terminated.

2214 |       (2) All current balances remaining in, and all revenues  
2215 | of, the trust fund shall be transferred to the General Revenue  
2216 | Fund.

2217 |       (3) The Department of Economic Opportunity shall pay any  
2218 | outstanding debts and obligations of the terminated fund as soon  
2219 | as practicable, and the Chief Financial Officer shall close out

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2220 and remove the terminated fund from various state accounting  
2221 systems using generally accepted accounting principles  
2222 concerning warrants outstanding, assets, and liabilities.

2223 Section 67. Section 288.122, Florida Statutes, is  
2224 repealed.

2225 Section 68. (1) The Tourism Promotional Trust Fund, FLAIR  
2226 number 40-2-722, within the Department of Economic Opportunity  
2227 is terminated.

2228 (2) All current balances remaining in, and all revenues  
2229 of, the trust fund shall be transferred to the General Revenue  
2230 Fund.

2231 (3) The Department of Economic Opportunity shall pay any  
2232 outstanding debts and obligations of the terminated fund as soon  
2233 as practicable, and the Chief Financial Officer shall close out  
2234 and remove the terminated fund from various state accounting  
2235 systems using generally accepted accounting principles  
2236 concerning warrants outstanding, assets, and liabilities.

2237 Section 69. Section 288.1226, Florida Statutes, is amended  
2238 to read:

2239 288.1226 Florida Tourism Industry Marketing Corporation;  
2240 use of property; board of directors; duties; audit.-

2241 (1) DEFINITIONS.-For the purposes of this section, the  
2242 term "corporation" means the Florida Tourism Industry Marketing  
2243 Corporation.

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2244 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
2245 Corporation is a direct-support organization of the Department  
2246 of Economic Opportunity Enterprise Florida, Inc.

2247 (a) The Florida Tourism Industry Marketing Corporation is  
2248 a corporation not for profit, as defined in s. 501(c)(6) of the  
2249 Internal Revenue Code of 1986, as amended, that is incorporated  
2250 under the provisions of chapter 617 and approved by the  
2251 Department of State.

2252 (b) The corporation is organized and operated exclusively  
2253 to request, receive, hold, invest, and administer property and  
2254 to manage and make expenditures for the operation of the  
2255 activities, services, functions, and programs of this state  
2256 which relate to the statewide, national, and international  
2257 promotion and marketing of tourism.

2258 (c) The corporation is not an agency for the purposes of  
2259 chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254,  
2260 relating to leasing of buildings; ss. 283.33 and 283.35,  
2261 relating to bids for printing; s. 215.31; and parts I, II, and  
2262 IV-VIII of chapter 112.

2263 (d) The corporation is subject to the provisions of  
2264 chapter 119, relating to public meetings, and those provisions  
2265 of chapter 286 relating to public meetings and records.

2266 (3) USE OF PROPERTY.—The Department of Economic  
2267 Opportunity Enterprise Florida, Inc.:

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2268 (a) Is authorized to permit the use of property and  
2269 facilities of the department ~~Enterprise Florida, Inc.,~~ by the  
2270 corporation, subject to the provisions of this section.

2271 (b) Shall prescribe conditions with which the corporation  
2272 must comply in order to use property and facilities of the  
2273 department ~~Enterprise Florida, Inc.~~ Such conditions shall  
2274 provide for budget and audit review and for oversight by the  
2275 department ~~Enterprise Florida, Inc.~~

2276 (c) May not permit the use of property and facilities of  
2277 the department ~~Enterprise Florida, Inc.,~~ if the corporation does  
2278 not provide equal employment opportunities to all persons,  
2279 regardless of race, color, national origin, sex, age, or  
2280 religion.

2281 (4) BOARD OF DIRECTORS.—The board of directors of the  
2282 corporation shall be composed of 31 tourism-industry-related  
2283 members, appointed by the corporation ~~Enterprise Florida, Inc.,~~  
2284 in conjunction with the department.

2285 (a) The board shall consist of 16 members, appointed in  
2286 such a manner as to equitably represent all geographic areas of  
2287 the state, with no fewer than two members from any of the  
2288 following regions:

2289 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
2290 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,  
2291 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

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2292           2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
2293 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
2294 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
2295 Taylor, and Union Counties.

2296           3. Region 3, composed of Brevard, Indian River, Lake,  
2297 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
2298 Volusia Counties.

2299           4. Region 4, composed of Citrus, Hernando, Hillsborough,  
2300 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

2301           5. Region 5, composed of Charlotte, Collier, DeSoto,  
2302 Glades, Hardee, Hendry, Highlands, and Lee Counties.

2303           6. Region 6, composed of Broward, Martin, Miami-Dade,  
2304 Monroe, and Palm Beach Counties.

2305           (b) The 15 additional tourism-industry-related members  
2306 shall include 1 representative from the statewide rental car  
2307 industry; 7 representatives from tourist-related statewide  
2308 associations, including those that represent hotels,  
2309 campgrounds, county destination marketing organizations,  
2310 museums, restaurants, retail, and attractions; 3 representatives  
2311 from county destination marketing organizations; 1  
2312 representative from the cruise industry; 1 representative from  
2313 an automobile and travel services membership organization that  
2314 has at least 2.8 million members in Florida; 1 representative  
2315 from the airline industry; and 1 representative from the space  
2316 tourism industry, who will each serve for a term of 2 years.

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2317 (5) POWERS AND DUTIES.—The corporation, in the performance  
2318 of its duties:

2319 (a) May make and enter into contracts and assume such  
2320 other functions as are necessary to carry out the provisions of  
2321 the 4-year marketing plan required by s. 288.923, and the  
2322 corporation's contract with the department that Enterprise  
2323 Florida, Inc., which are not inconsistent with this or any other  
2324 provision of law.

2325 (b) May develop a program to provide incentives and to  
2326 attract and recognize those entities which make significant  
2327 financial and promotional contributions towards the expanded  
2328 tourism promotion activities of the corporation.

2329 (c) May establish a cooperative marketing program with  
2330 other public and private entities which allows the use of the  
2331 VISIT Florida logo in tourism promotion campaigns which meet the  
2332 standards of the department Enterprise Florida, Inc., for which  
2333 the corporation may charge a reasonable fee.

2334 (d) May sue and be sued and appear and defend in all  
2335 actions and proceedings in its corporate name to the same extent  
2336 as a natural person.

2337 (e) May adopt, use, and alter a common corporate seal.  
2338 However, such seal must always contain the words "corporation  
2339 not for profit."

2340 (f) Shall elect or appoint such officers and agents as its  
2341 affairs shall require and allow them reasonable compensation.

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2342 (g) Shall hire and establish salaries and personnel and  
2343 employee benefit programs for such permanent and temporary  
2344 employees as are necessary to carry out the provisions of the 4-  
2345 year marketing plan and the corporation's contract with the  
2346 department that ~~Enterprise Florida, Inc.,~~ which are not  
2347 inconsistent with this or any other provision of law.

2348 (h) ~~Shall provide staff support to the Division of Tourism~~  
2349 ~~Promotion of Enterprise Florida, Inc. The president and chief~~  
2350 ~~executive officer of the Florida Tourism Industry Marketing~~  
2351 ~~Corporation shall serve without compensation as the director of~~  
2352 ~~the division.~~

2353 ~~(i)~~ May adopt, change, amend, and repeal bylaws, not  
2354 inconsistent with law or its articles of incorporation, for the  
2355 administration of the provisions of the 4-year marketing plan  
2356 and the corporation's contract with the department ~~Enterprise~~  
2357 ~~Florida, Inc.~~

2358 ~~(i)-(j)~~ May conduct its affairs, carry on its operations,  
2359 and have offices and exercise the powers granted by this act in  
2360 any state, territory, district, or possession of the United  
2361 States or any foreign country. When ~~Where~~ feasible, appropriate,  
2362 and recommended by the 4-year marketing plan ~~developed by the~~  
2363 ~~Division of Tourism Promotion of Enterprise Florida, Inc.,~~ the  
2364 corporation may collocate the programs of foreign tourism  
2365 offices in cooperation with any foreign office operated by any  
2366 agency of this state.

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2367        (j)~~(k)~~ May appear on its own behalf before boards,  
2368 commissions, departments, or other agencies of municipal,  
2369 county, state, or federal government.

2370        (k)~~(l)~~ May request or accept any grant, payment, or gift,  
2371 of funds or property made by this state or by the United States  
2372 or any department or agency thereof or by any individual, firm,  
2373 corporation, municipality, county, or organization for any or  
2374 all of the purposes of the 4-year marketing plan and the  
2375 corporation's contract with the department ~~Enterprise Florida,~~  
2376 ~~Inc.~~, that are not inconsistent with this or any other provision  
2377 of law. Such funds shall be deposited in a bank account  
2378 established by the corporation's board of directors. The  
2379 corporation may expend such funds in accordance with the terms  
2380 and conditions of any such grant, payment, or gift, in the  
2381 pursuit of its administration or in support of the programs it  
2382 administers. The corporation shall separately account for the  
2383 public funds and the private funds deposited into the  
2384 corporation's bank account.

2385        (l)~~(m)~~ Shall establish a plan for participation in the  
2386 corporation which will provide additional funding for the  
2387 administration and duties of the corporation.

2388        (m)~~(n)~~ In the performance of its duties, may undertake, or  
2389 contract for, marketing projects and advertising research  
2390 projects.

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2391 (n)~~(e)~~ In addition to any indemnification available under  
2392 chapter 617, the corporation may indemnify, and purchase and  
2393 maintain insurance on behalf of, directors, officers, and  
2394 employees of the corporation against any personal liability or  
2395 accountability by reason of actions taken while acting within  
2396 the scope of their authority.

2397 (6) ANNUAL AUDIT.—The corporation shall provide for an  
2398 annual financial audit in accordance with s. 215.981. The annual  
2399 audit report shall be submitted to the Auditor General; the  
2400 Office of Program Policy Analysis and Government Accountability;  
2401 ~~Enterprise Florida, Inc.~~; and the department for review. The  
2402 Office of Program Policy Analysis and Government Accountability;  
2403 ~~Enterprise Florida, Inc.~~; the department; and the Auditor  
2404 General have the authority to require and receive from the  
2405 corporation or from its independent auditor any detail or  
2406 supplemental data relative to the operation of the corporation.  
2407 The department shall annually certify whether the corporation is  
2408 operating in a manner and achieving the objectives that are  
2409 consistent with the policies and goals of the department  
2410 ~~Enterprise Florida, Inc.~~, and its long-range marketing plan. The  
2411 identity of a donor or prospective donor to the corporation who  
2412 desires to remain anonymous and all information identifying such  
2413 donor or prospective donor are confidential and exempt from the  
2414 provisions of s. 119.07(1) and s. 24(a), Art. I of the State

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2415 Constitution. Such anonymity shall be maintained in the  
2416 auditor's report.

2417 (7) REPORT.—The corporation shall provide a quarterly  
2418 report to the department ~~Enterprise Florida, Inc.~~, which shall:

2419 (a) Measure the current vitality of the visitor industry  
2420 of this state as compared to the vitality of such industry for  
2421 the year to date and for comparable quarters of past years.  
2422 Indicators of vitality shall be determined by the department  
2423 ~~Enterprise Florida, Inc.~~, and shall include, but not be limited  
2424 to, estimated visitor count and party size, length of stay,  
2425 average expenditure per party, and visitor origin and  
2426 destination.

2427 (b) Provide detailed, unaudited financial statements of  
2428 sources and uses of public and private funds.

2429 (c) Measure progress towards annual goals and objectives  
2430 set forth in the 4-year marketing plan.

2431 (d) Review all pertinent research findings.

2432 (e) Provide other measures of accountability as requested  
2433 by the department ~~Enterprise Florida, Inc.~~.

2434 (8) PUBLIC RECORDS EXEMPTION.—The identity of any person  
2435 who responds to a marketing project or advertising research  
2436 project conducted by the corporation in the performance of its  
2437 duties ~~on behalf of Enterprise Florida, Inc.~~, or trade secrets  
2438 as defined by s. 812.081 obtained pursuant to such activities,  
2439 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State

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2440 Constitution. This subsection is subject to the Open Government  
2441 Sunset Review Act in accordance with s. 119.15 and shall stand  
2442 repealed on October 2, 2021, unless reviewed and saved from  
2443 repeal through reenactment by the Legislature.

2444 (9) REPEAL.—This section is repealed October 1, 2019,  
2445 unless reviewed and saved from repeal by the Legislature.

2446 Section 70. Section 288.12265, Florida Statutes, is  
2447 amended to read:

2448 288.12265 Welcome centers.—

2449 (1) Responsibility for the welcome centers is assigned to  
2450 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~,  
2451 which shall contract with the Florida Tourism Industry Marketing  
2452 Corporation to employ all welcome center staff.

2453 (2) The Department of Economic Opportunity ~~Enterprise~~  
2454 ~~Florida, Inc.~~, shall administer and operate the welcome centers.  
2455 Pursuant to a contract with the Department of Transportation,  
2456 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~,  
2457 shall be responsible for routine repair, replacement, or  
2458 improvement and the day-to-day management of interior areas  
2459 occupied by the welcome centers. All other repairs,  
2460 replacements, or improvements to the welcome centers shall be  
2461 the responsibility of the Department of Transportation. The  
2462 Department of Economic Opportunity ~~Enterprise Florida, Inc.~~, may  
2463 contract with the Florida Tourism Industry Marketing Corporation  
2464 for the management and operation of the welcome centers.

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2465 Section 71. Section 288.124, Florida Statutes, is amended  
2466 to read:

2467 288.124 Convention grants program.—The Florida Tourism  
2468 Industry Marketing Corporation ~~Enterprise Florida, Inc.~~, is  
2469 authorized to establish a convention grants program and,  
2470 pursuant to that program, to recommend to the department  
2471 expenditures and contracts with local governments and nonprofit  
2472 corporations or organizations for the purpose of attracting  
2473 national conferences and conventions to Florida. Preference  
2474 shall be given to local governments and nonprofit corporations  
2475 or organizations seeking to attract minority conventions to  
2476 Florida. Minority conventions are events that primarily involve  
2477 minority persons, as defined in s. 288.703, who are residents or  
2478 nonresidents of the state. The Florida Tourism Industry  
2479 Marketing Corporation ~~Enterprise Florida, Inc.~~, shall establish  
2480 guidelines governing the award of grants and the administration  
2481 of this program. The department has final approval authority for  
2482 any grants under this section. The total annual allocation of  
2483 funds for this program shall not exceed \$40,000.

2484 Section 72. Section 288.125, Florida Statutes, is  
2485 repealed.

2486 Section 73. Section 288.1251, Florida Statutes, is  
2487 repealed.

2488 Section 74. Section 288.1252, Florida Statutes, is  
2489 repealed.

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2490 Section 75. Section 288.1253, Florida Statutes, is  
2491 repealed.

2492 Section 76. Section 288.1258, Florida Statutes, is  
2493 repealed.

2494 Section 77. Section 288.7015, Florida Statutes, is amended  
2495 to read:

2496 288.7015 Appointment of rules ombudsman; duties.—The  
2497 Governor shall appoint a rules ombudsman, as defined in s.  
2498 288.703, in the Executive Office of the Governor, for  
2499 considering the impact of agency rules on the state's citizens  
2500 and businesses. ~~In carrying out duties as provided by law, the~~  
2501 ~~ombudsman shall consult with Enterprise Florida, Inc., at which~~  
2502 ~~point the department may recommend to improve the regulatory~~  
2503 ~~environment of this state.~~ The duties of the rules ombudsman are  
2504 to:

2505 (1) Carry out the responsibility provided in s.  
2506 120.54(3)(b), with respect to small businesses.

2507 (2) Review state agency rules that adversely or  
2508 disproportionately impact businesses, particularly those  
2509 relating to small and minority businesses.

2510 (3) Make recommendations on any existing or proposed rules  
2511 to alleviate unnecessary or disproportionate adverse effects to  
2512 businesses.

2513 (4) Each state agency shall cooperate fully with the rules  
2514 ombudsman in identifying such rules. Further, each agency shall

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2515 take the necessary steps to waive, modify, or otherwise minimize  
2516 such adverse effects of any such rules. However, nothing in this  
2517 section authorizes any state agency to waive, modify, provide  
2518 exceptions to, or otherwise alter any rule that is:

2519 (a) Expressly required to implement or enforce any  
2520 statutory provision or the express legislative intent thereof;

2521 (b) Designed to protect persons against discrimination on  
2522 the basis of race, color, national origin, religion, sex, age,  
2523 handicap, or marital status; or

2524 (c) Likely to prevent a significant risk or danger to the  
2525 public health, the public safety, or the environment of the  
2526 state.

2527 (5) The modification or waiver of any such rule pursuant  
2528 to this section must be accomplished in accordance with the  
2529 provisions of chapter 120.

2530 Section 78. Subsection (11) of section 288.706, Florida  
2531 Statutes, is amended to read:

2532 288.706 Florida Minority Business Loan Mobilization  
2533 Program.—

2534 (11) The Department of Management Services shall  
2535 collaborate with ~~Enterprise Florida, Inc.,~~ and the department to  
2536 assist in the development and enhancement of black business  
2537 enterprises.

2538 Section 79. Subsection (1) of section 288.773, Florida  
2539 Statutes, is amended to read:

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2540           288.773 Florida Export Finance Corporation.—The Florida  
2541 Export Finance Corporation is hereby created as a corporation  
2542 not for profit, to be incorporated under the provisions of  
2543 chapter 617 and approved by the Department of State. The  
2544 corporation is organized on a nonstock basis. The purpose of the  
2545 corporation is to expand employment and income opportunities for  
2546 residents of this state through increased exports of goods and  
2547 services, by providing businesses domiciled in this state  
2548 information and technical assistance on export opportunities,  
2549 exporting techniques, and financial assistance through  
2550 guarantees and direct loan originations for sale in support of  
2551 export transactions. The corporation shall have the power and  
2552 authority to carry out the following functions:

2553           (1) To coordinate the efforts of the corporation with  
2554 programs and goals of the United States Export-Import Bank, the  
2555 International Trade Administration of the United States  
2556 Department of Commerce, the Foreign Credit Insurance  
2557 Association, the department ~~Enterprise Florida, Inc.~~, and other  
2558 private and public programs and organizations, domestic and  
2559 foreign, designed to provide export assistance and export-  
2560 related financing.

2561           Section 80. Paragraph (a) of subsection (1) and paragraphs  
2562 (a), (c), and (g) of subsection (3) of section 288.776, Florida  
2563 Statutes, are amended to read:

2564           288.776 Board of directors; powers and duties.—

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2565 (1)(a) The corporation shall have a board of directors  
2566 consisting of 15 members representing all geographic areas of  
2567 the state. Minority and gender representation must be considered  
2568 when making appointments to the board. The board membership must  
2569 include:

2570 1. A representative of the following businesses, all of  
2571 which must be registered to do business in this state: a foreign  
2572 bank, a state bank, a federal bank, an insurance company  
2573 involved in covering trade financing risks, and a small or  
2574 medium-sized exporter.

2575 2. The following persons or their designee: the executive  
2576 director of the department ~~President of Enterprise Florida,~~  
2577 ~~Inc.~~, the Chief Financial Officer, the Secretary of State, and a  
2578 senior official of the United States Department of Commerce.

2579 (3) The board shall:

2580 (a) Prior to the expenditure of funds from the export  
2581 finance account, adopt bylaws, rules, and policies which are  
2582 necessary to carry out the responsibilities under this part,  
2583 particularly with respect to the implementation of the  
2584 corporation's programs to insure, coinsure, lend, provide loan  
2585 guarantees, and make direct, guaranteed, or collateralized loans  
2586 by the corporation to support export transactions. The  
2587 corporation's bylaws, rules, and policies shall be reviewed and  
2588 approved by the department ~~Enterprise Florida, Inc.~~, prior to  
2589 final adoption by the board.

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2590 (c) Issue an annual report to the department Enterprise  
2591 ~~Florida, Inc.~~, on the activities of the corporation, including  
2592 an evaluation of activities and recommendations for change. The  
2593 evaluation shall include the corporation's impact on the  
2594 following:

2595 1. Participation of private banks and other private  
2596 organizations and individuals in the corporation's export  
2597 financing programs.

2598 2. Access of small and medium-sized businesses in this  
2599 state to federal export financing programs.

2600 3. Export volume of the small and medium-sized businesses  
2601 in this state accessing the corporation's programs.

2602 4. Other economic and social benefits to international  
2603 programs in this state.

2604 (g) Consult with the department Enterprise Florida, Inc.,  
2605 or any state or federal agency, to ensure that the respective  
2606 loan guarantee or working capital loan origination programs are  
2607 not duplicative and that each program makes full use of, to the  
2608 extent practicable, the resources of the other.

2609 Section 81. Section 288.7771, Florida Statutes, is amended  
2610 to read:

2611 288.7771 Annual report of Florida Export Finance  
2612 Corporation.—The corporation shall annually prepare and submit  
2613 to the department Enterprise Florida, Inc., ~~for inclusion in its~~

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2614 ~~annual report required under s. 288.906,~~ a complete and detailed  
2615 report setting forth:

2616 (1) The report required in s. 288.776(3).

2617 (2) Its assets and liabilities at the end of its most  
2618 recent fiscal year.

2619 Section 82. Paragraph (d) of subsection (1) of section  
2620 288.8017, Florida Statutes, is amended to read:

2621 288.8017 Awards.—

2622 (1) Triumph Gulf Coast, Inc., shall make awards from  
2623 available earnings and principal derived under s. 288.8013(2) to  
2624 projects or programs that meet the priorities for economic  
2625 recovery, diversification, and enhancement of the  
2626 disproportionately affected counties, notwithstanding s. 377.43.  
2627 Awards may be provided for:

2628 (d) Local match requirements of ss. 288.0655 and,  
2629 ~~288.0659, 288.1045, and 288.106~~ for projects in the  
2630 disproportionately affected counties;

2631 Section 83. Subsections (4) and (6) of section 288.816,  
2632 Florida Statutes, are amended to read:

2633 288.816 Intergovernmental relations.—

2634 (4) The state protocol officer shall serve as a contact  
2635 for the state with the Florida Washington Office, the Florida  
2636 Congressional Delegation, and United States Government agencies  
2637 with respect to laws or policies which may affect the interests  
2638 of the state in the area of international relations. All

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2639 inquiries received regarding international economic trade  
2640 development or reverse investment opportunities shall be  
2641 referred to the department ~~Enterprise Florida, Inc.~~ In addition,  
2642 the state protocol officer shall serve as liaison with other  
2643 states with respect to international programs of interest to  
2644 Florida. The state protocol officer shall also investigate and  
2645 make suggestions regarding possible areas of joint action or  
2646 regional cooperation with these states.

2647 (6) The department ~~and Enterprise Florida, Inc.,~~ shall  
2648 help to contribute an international perspective to the state's  
2649 development efforts.

2650 Section 84. Section 288.826, Florida Statutes, is  
2651 repealed.

2652 Section 85. (1) The Florida International Trade and  
2653 Promotion Trust Fund, FLAIR number 40-2-338, within the  
2654 Department of Economic Opportunity is terminated.

2655 (2) All current balances remaining in, and all revenues  
2656 of, the trust fund shall be transferred to the General Revenue  
2657 Fund.

2658 (3) The Department of Economic Opportunity shall pay any  
2659 outstanding debts and obligations of the terminated trust fund  
2660 as soon as practicable, and the Chief Financial Officer shall  
2661 close out and remove the terminated trust fund from various  
2662 state accounting systems using generally accepted accounting

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2663 | principles concerning warrants outstanding, assets, and  
2664 | liabilities.

2665 | Section 86. Section 288.901, Florida Statutes, is  
2666 | repealed.

2667 | Section 87. Section 288.9015, Florida Statutes, is  
2668 | repealed.

2669 | Section 88. Section 288.903, Florida Statutes, is  
2670 | repealed.

2671 | Section 89. Section 288.904, Florida Statutes, is  
2672 | repealed.

2673 | Section 90. Section 288.905, Florida Statutes, is  
2674 | repealed.

2675 | Section 91. Section 288.906, Florida Statutes, is  
2676 | repealed.

2677 | Section 92. Section 288.907, Florida Statutes, is  
2678 | transferred, renumbered as section 288.0065, Florida Statutes,  
2679 | and amended to read:

2680 | 288.0065 ~~288.907~~ Annual incentives report.—By December 30  
2681 | of each year, ~~Enterprise Florida, Inc., in conjunction with~~ the  
2682 | department, shall provide the Governor, the President of the  
2683 | Senate, and the Speaker of the House of Representatives a  
2684 | detailed incentives report quantifying the economic benefits for  
2685 | all of the economic development incentive programs offered by  
2686 | the state ~~marketed by Enterprise Florida, Inc.~~ The annual  
2687 | incentives report must include:

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- 2688 (1) For each incentive program:
- 2689 (a) A brief description of the incentive program.
- 2690 (b) The amount of awards granted, by year, since inception
- 2691 and the annual amount actually transferred from the state
- 2692 treasury to businesses or for the benefit of businesses for each
- 2693 of the previous 3 years.
- 2694 ~~(c) The actual amount of private capital invested, actual~~
- 2695 ~~number of jobs created, and actual wages paid for incentive~~
- 2696 ~~agreements completed during the previous 3 years for each target~~
- 2697 ~~industry sector.~~
- 2698 (2) For projects completed during the previous state
- 2699 fiscal year:
- 2700 (a) The number of economic development incentive
- 2701 applications received.
- 2702 ~~(b) The number of recommendations made to the department~~
- 2703 ~~by Enterprise Florida, Inc., including the number recommended~~
- 2704 ~~for approval and the number recommended for denial.~~
- 2705 (b)~~(c)~~ The number of final decisions issued by the
- 2706 department for approval and for denial.
- 2707 (c)~~(d)~~ The projects for which a tax refund, tax credit, or
- 2708 cash grant agreement was executed, identifying for each project:
- 2709 1. The number of jobs committed to be created.
- 2710 2. The amount of capital investments committed to be made.
- 2711 3. The annual average wage committed to be paid.

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2712 4. The amount of state economic development incentives  
2713 committed to the project from each incentive program under the  
2714 project's terms of agreement with the Department of Economic  
2715 Opportunity.

2716 5. The amount and type of local matching funds committed  
2717 to the project.

2718 ~~(e) Tax refunds paid or other payments made funded out of~~  
2719 ~~the Economic Development Incentives Account for each project.~~

2720 (d) ~~(f)~~ The types of projects supported.

2721 (3) For economic development projects that received tax  
2722 refunds, tax credits, or cash grants under the terms of an  
2723 agreement for incentives:

2724 (a) The number of jobs actually created.

2725 (b) The amount of capital investments actually made.

2726 (c) The annual average wage paid.

2727 (4) For a project receiving economic development  
2728 incentives approved by the department and receiving federal or  
2729 local incentives, a description of the federal or local  
2730 incentives, if available.

2731 (5) The number of withdrawn or terminated projects that  
2732 did not fulfill the terms of their agreements with the  
2733 department and, consequently, are not receiving incentives.

2734 ~~(6) For any agreements signed after July 1, 2010, findings~~  
2735 ~~and recommendations on the efforts of the department to~~

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2736 ~~ascertain the causes of any business's inability to complete its~~  
2737 ~~agreement made under s. 288.106.~~

2738 ~~(6)(7)~~ The amount of tax refunds, tax credits, or other  
2739 payments made to projects locating or expanding in state  
2740 enterprise zones, rural communities, brownfield areas, or  
2741 distressed urban communities. The report must include a separate  
2742 analysis of the impact of such tax refunds on state enterprise  
2743 zones designated under s. 290.0065, rural communities,  
2744 brownfield areas, and distressed urban communities.

2745 ~~(8)~~ ~~The name of and tax refund amount for each business~~  
2746 ~~that has received a tax refund under s. 288.1045 or s. 288.106~~  
2747 ~~during the preceding fiscal year.~~

2748 ~~(7)(9)~~ An identification of the ~~target industry businesses~~  
2749 ~~and~~ high-impact businesses.

2750 ~~(8)(10)~~ A description of the trends relating to business  
2751 interest in, and usage of, the various incentives, and the  
2752 number of minority-owned or woman-owned businesses receiving  
2753 incentives.

2754 ~~(9)(11)~~ An identification of incentive programs not used  
2755 and recommendations for program changes or program elimination.

2756 ~~(10)(12)~~ Information related to the validation of  
2757 contractor performance required under s. 288.061.

2758 ~~(11)(13)~~ ~~Beginning in 2014,~~ A summation of the activities  
2759 related to the Florida Space Business Incentives Act.

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2760 Section 93. Section 288.911, Florida Statutes, is  
2761 repealed.

2762 Section 94. Section 288.912, Florida Statutes, is  
2763 transferred, renumbered as section 288.007, Florida Statutes,  
2764 and amended to read:

2765 288.007 ~~288.912~~ Inventory of communities seeking to  
2766 recruit businesses.—By September 30 of each year, a county or  
2767 municipality that has a population of at least 25,000 or its  
2768 local economic development organization must submit to the  
2769 department ~~Enterprise Florida, Inc.,~~ a brief overview of the  
2770 strengths, services, and economic development incentives that  
2771 its community offers. The local government or its local economic  
2772 development organization also must identify any industries that  
2773 it is encouraging to locate or relocate to its area. A county or  
2774 municipality having a population of 25,000 or fewer or its local  
2775 economic development organization seeking to recruit businesses  
2776 may submit information as required in this section and may  
2777 participate in any activity or initiative resulting from the  
2778 collection, analysis, and reporting of the information to the  
2779 department ~~Enterprise Florida, Inc.,~~ pursuant to this section.

2780 Section 95. Section 288.92, Florida Statutes, is repealed.

2781 Section 96. Section 288.923, Florida Statutes, is amended  
2782 to read:

2783 288.923 ~~Division of~~ Tourism marketing; definitions;  
2784 responsibilities.—

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2785 (1) ~~There is created within Enterprise Florida, Inc., the~~  
2786 ~~Division of Tourism Marketing.~~

2787 ~~(2)~~ As used in this section, the term:

2788 (a) "Tourism marketing" means any effort exercised to  
2789 attract domestic and international visitors from outside the  
2790 state to destinations in this state and to stimulate Florida  
2791 resident tourism to areas within the state.

2792 (b) "Tourist" means any person who participates in trade  
2793 or recreation activities outside the county of his or her  
2794 permanent residence or who rents or leases transient living  
2795 quarters or accommodations as described in s. 125.0104(3)(a).

2796 (c) "County destination marketing organization" means a  
2797 public or private agency that is funded by local option tourist  
2798 development tax revenues under s. 125.0104, or local option  
2799 convention development tax revenues under s. 212.0305, and is  
2800 officially designated by a county commission to market and  
2801 promote the area for tourism or convention business or, in any  
2802 county that has not levied such taxes, a public or private  
2803 agency that is officially designated by the county commission to  
2804 market and promote the area for tourism or convention business.

2805 (d) "Direct-support organization" means the Florida  
2806 Tourism Industry Marketing Corporation.

2807 ~~(2)(3)~~ The Department of Economic Opportunity ~~Enterprise~~  
2808 ~~Florida, Inc.,~~ shall contract with the Florida Tourism Industry  
2809 Marketing Corporation, a direct-support organization established

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2810 in s. 288.1226, to execute tourism promotion and marketing  
2811 services, functions, and programs for the state, including, but  
2812 not limited to, the activities prescribed by the 4-year  
2813 marketing plan. ~~The division shall assist to maintain and~~  
2814 ~~implement the contract.~~

2815 ~~(3)(4)~~ The department's ~~division's~~ responsibilities and  
2816 duties include, but are not limited to:

2817 (a) Maintaining and implementing the contract with the  
2818 Florida Tourism Industry Marketing Corporation.

2819 ~~(b) Advising the department and Enterprise Florida, Inc.,~~  
2820 ~~on~~ Ensuring the development of domestic and international  
2821 tourism marketing campaigns featuring Florida by the  
2822 corporation.

2823 (c) Developing a 4-year marketing plan with the  
2824 corporation.

2825 1. At a minimum, the marketing plan shall discuss the  
2826 following:

- 2827 a. Continuation of overall tourism growth in this state.  
2828 b. Expansion to new or under-represented tourist markets.  
2829 c. Maintenance of traditional and loyal tourist markets.  
2830 d. Coordination of efforts with county destination  
2831 marketing organizations, other local government marketing  
2832 groups, privately owned attractions and destinations, and other  
2833 private sector partners to create a seamless, four-season  
2834 advertising campaign for the state and its regions.

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2835 e. Development of innovative techniques or promotions to  
2836 build repeat visitation by targeted segments of the tourist  
2837 population.

2838 f. Consideration of innovative sources of state funding  
2839 for tourism marketing.

2840 g. Promotion of nature-based tourism and heritage tourism.

2841 h. Development of a component to address emergency  
2842 response to natural and manmade disasters from a marketing  
2843 standpoint.

2844 2. The plan shall be annual in construction and ongoing in  
2845 nature. Any annual revisions of the plan shall carry forward the  
2846 concepts of the remaining 3-year portion of the plan and  
2847 consider a continuum portion to preserve the 4-year timeframe of  
2848 the plan. The plan also shall include recommendations for  
2849 specific performance standards and measurable outcomes for the  
2850 ~~division and direct-support organization. The department, in~~  
2851 ~~consultation with the board of directors of Enterprise Florida,~~  
2852 ~~Inc.,~~ shall base the actual performance metrics on these  
2853 recommendations.

2854 3. The 4-year marketing plan shall be developed in  
2855 collaboration with the Florida Tourism Industry Marketing  
2856 Corporation. The plan shall be annually reviewed and approved by  
2857 the department ~~board of directors of Enterprise Florida, Inc.~~

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2858 (d) Drafting and submitting an annual report ~~required by~~  
2859 ~~s. 288.92~~. The annual report shall set forth for the department  
2860 division and the direct-support organization:

2861 1. Operations and accomplishments during the fiscal year,  
2862 including the economic benefit of the state's investment and  
2863 effectiveness of the marketing plan.

2864 2. The 4-year marketing plan, including recommendations on  
2865 methods for implementing and funding the plan.

2866 3. The assets and liabilities of the direct-support  
2867 organization at the end of its most recent fiscal year.

2868 4. A copy of the annual financial and compliance audit  
2869 conducted under s. 288.1226(6).

2870 ~~(5) Notwithstanding s. 288.92, the division shall be~~  
2871 ~~staffed by the Florida Tourism Industry Marketing Corporation.~~  
2872 ~~Such staff shall not be considered to be employees of the~~  
2873 ~~division and shall remain employees of the Florida Tourism~~  
2874 ~~Industry Marketing Corporation. Section 288.905 does not apply~~  
2875 ~~to the Florida Tourism Industry Marketing Corporation.~~

2876 (4)(6) This section is repealed October 1, 2019, unless  
2877 reviewed and saved from repeal by the Legislature.

2878 Section 97. Section 288.95155, Florida Statutes, is  
2879 repealed.

2880 Section 98. Section 288.9519, Florida Statutes, is  
2881 repealed.

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2882 Section 99. Section 288.9520, Florida Statutes, is amended  
2883 to read:

2884 288.9520 Public records exemption.—Materials that relate  
2885 to methods of manufacture or production, potential trade  
2886 secrets, potentially patentable material, actual trade secrets,  
2887 business transactions, financial and proprietary information,  
2888 and agreements or proposals to receive funding that are  
2889 received, generated, ascertained, or discovered by the  
2890 department ~~Enterprise Florida, Inc.~~, including its affiliates or  
2891 subsidiaries and partnership participants, such as private  
2892 enterprises, educational institutions, and other organizations,  
2893 are confidential and exempt from the provisions of s. 119.07(1)  
2894 and s. 24(a), Art. I of the State Constitution, except that a  
2895 recipient of department ~~Enterprise Florida, Inc.~~, research funds  
2896 shall make available, upon request, the title and description of  
2897 the research project, the name of the researcher, and the amount  
2898 and source of funding provided for the project.

2899 Section 100. Subsection (10) of section 288.9603, Florida  
2900 Statutes, is amended to read:

2901 288.9603 Definitions.—

2902 ~~(10) "Partnership" means Enterprise Florida, Inc.~~

2903 Section 101. Subsection (2) of section 288.9604, Florida  
2904 Statutes, is amended to read:

2905 288.9604 Creation of the authority.—

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2906 (2) The Governor, subject to confirmation by the Senate,  
2907 shall appoint the board of directors of the corporation, who  
2908 shall be five in number. The terms of office for the directors  
2909 shall be for 4 years from the date of their appointment. A  
2910 vacancy occurring during a term shall be filled for the  
2911 unexpired term. A director shall be eligible for reappointment.  
2912 At least three of the directors of the corporation shall be  
2913 bankers who have been selected by the Governor ~~from a list of~~  
2914 ~~bankers who were nominated by Enterprise Florida, Inc.,~~ and one  
2915 of the directors shall be an economic development specialist.

2916 Section 102. Paragraph (v) of subsection (2) of section  
2917 288.9605, Florida Statutes, is amended to read:

2918 288.9605 Corporation powers.—

2919 (2) The corporation is authorized and empowered to:

2920 ~~(v) Enter into investment agreements with Enterprise~~  
2921 ~~Florida, Inc., concerning the issuance of bonds and other forms~~  
2922 ~~of indebtedness and capital.~~

2923 Section 103. Section 288.9614, Florida Statutes, is  
2924 repealed.

2925 Section 104. Section 288.9621, Florida Statutes, is  
2926 repealed.

2927 Section 105. Section 288.9622, Florida Statutes, is  
2928 repealed.

2929 Section 106. Section 288.9623, Florida Statutes, is  
2930 repealed.

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2931 Section 107. Section 288.9624, Florida Statutes, is  
2932 repealed.

2933 Section 108. Section 288.9625, Florida Statutes, is  
2934 repealed.

2935 Section 109. Section 288.96255, Florida Statutes, is  
2936 repealed.

2937 Section 110. Section 288.9626, Florida Statutes, is  
2938 repealed.

2939 Section 111. Section 288.9627, Florida Statutes, is  
2940 repealed.

2941 Section 112. Paragraph (b) of subsection (1) of section  
2942 288.980, Florida Statutes, is amended to read:

2943 288.980 Military base retention; legislative intent;  
2944 grants program.-

2945 (1)

2946 ~~(b) The Florida Defense Alliance, an organization within~~  
2947 ~~Enterprise Florida, Inc., is designated as the organization to~~  
2948 ~~ensure that Florida, its resident military bases and missions,~~  
2949 ~~and its military host communities are in competitive positions~~  
2950 ~~as the United States continues its defense realignment and~~  
2951 ~~downsizing. The defense alliance shall serve as an overall~~  
2952 ~~advisory body for defense-related activity of Enterprise~~  
2953 ~~Florida, Inc. The Florida Defense Alliance may receive funding~~  
2954 ~~from appropriations made for that purpose administered by the~~  
2955 ~~department.~~

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2956           Section 113.   Section 288.991, Florida Statutes, is  
2957 repealed.

2958           Section 114.   Section 288.9912, Florida Statutes, is  
2959 repealed.

2960           Section 115.   Section 288.9913, Florida Statutes, is  
2961 repealed.

2962           Section 116.   Section 288.9914, Florida Statutes, is  
2963 repealed.

2964           Section 117.   Section 288.9915, Florida Statutes, is  
2965 repealed.

2966           Section 118.   Section 288.9916, Florida Statutes, is  
2967 repealed.

2968           Section 119.   Section 288.9917, Florida Statutes, is  
2969 repealed.

2970           Section 120.   Section 288.9918, Florida Statutes, is  
2971 repealed.

2972           Section 121.   Section 288.9919, Florida Statutes, is  
2973 repealed.

2974           Section 122.   Section 288.9920, Florida Statutes, is  
2975 repealed.

2976           Section 123.   Section 288.9921, Florida Statutes, is  
2977 repealed.

2978           Section 124.   Section 288.9922, Florida Statutes, is  
2979 repealed.

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2980 Section 125. Subsection (4) of section 288.9932, Florida  
2981 Statutes, is amended to read:

2982 288.9932 Definitions.—As used in this part, the term:

2983 ~~(4) "Network" means the Florida Small Business Development~~  
2984 ~~Center Network.~~

2985 Section 126. Paragraphs (e) and (f) of subsection (4) and  
2986 paragraph (b) of subsection (8) of section 288.9934, Florida  
2987 Statutes, are amended to read:

2988 288.9934 Microfinance Loan Program.—

2989 (4) CONTRACT AND AWARD OF FUNDS.—

2990 ~~(c) Within 30 days of executing its contract with the~~  
2991 ~~department, the loan administrator must enter into a memorandum~~  
2992 ~~of understanding with the network:~~

2993 ~~1. For the provision of business management training,~~  
2994 ~~business development training, and technical assistance to~~  
2995 ~~entrepreneurs and small businesses that receive microloans under~~  
2996 ~~this part; and~~

2997 ~~2. To promote the program to underserved entrepreneurs and~~  
2998 ~~small businesses.~~

2999 ~~(f) By September 1, 2014, the department shall review~~  
3000 ~~industry best practices and determine the minimum business~~  
3001 ~~management training, business development training, and~~  
3002 ~~technical assistance that must be provided by the network to~~  
3003 ~~achieve the goals of this part.~~

3004 (8) AUDITS AND REPORTING.—

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3005 (b) The loan administrator shall submit quarterly reports  
3006 to the department as required by s. 288.9936(2) ~~288.9936(3)~~.

3007 Section 127. Section 288.9935, Florida Statutes, is  
3008 repealed.

3009 Section 128. Paragraph (p) of subsection (1) and  
3010 subsection (2) of section 288.9936, Florida Statutes, are  
3011 amended to read:

3012 288.9936 Annual report of the Microfinance Loan Program.—

3013 (1) The department shall include in the report required by  
3014 s. 20.60(10) a complete and detailed annual report on the  
3015 Microfinance Loan Program. The report must include:

3016 ~~(p) A description and evaluation of the technical~~  
3017 ~~assistance and business management and development training~~  
3018 ~~provided by the network pursuant to its memorandum of~~  
3019 ~~understanding with the loan administrator.~~

3020 ~~(2) The department shall submit the report provided to the~~  
3021 ~~department from Enterprise Florida, Inc., pursuant to s.~~  
3022 ~~288.9935(8) for inclusion in the department's annual report~~  
3023 ~~required under s. 20.60(10).~~

3024 Section 129. Section 288.9937, Florida Statutes, is  
3025 amended to read:

3026 288.9937 Evaluation of programs.—The Office of Economic  
3027 and Demographic Research shall analyze, evaluate, and determine  
3028 the economic benefits, as defined in s. 288.005, of the first 3  
3029 years of the Microfinance Loan Program ~~and the Microfinance~~

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3030 ~~Guarantee Program.~~ The analysis must also evaluate the number of  
3031 jobs created, the increase or decrease in personal income, and  
3032 the impact on state gross domestic product from the direct,  
3033 indirect, and induced effects of the state's investment. The  
3034 analysis must also identify any inefficiencies in the program  
3035 ~~programs~~ and provide recommendations for changes to the program  
3036 ~~programs~~. The office shall submit a report to the President of  
3037 the Senate and the Speaker of the House of Representatives by  
3038 January 1, 2018. This section expires January 31, 2018.

3039 Section 130. Paragraph (h) of subsection (8) and paragraph  
3040 (a) of subsection (9) of section 290.0056, Florida Statutes, are  
3041 amended to read:

3042 290.0056 Enterprise zone development agency.-

3043 (8) The enterprise zone development agency shall have the  
3044 following powers and responsibilities:

3045 (h) To work with the department ~~and Enterprise Florida,~~  
3046 ~~Inc.~~ to ensure that the enterprise zone coordinator receives  
3047 training on an annual basis.

3048 (9) The following powers and responsibilities shall be  
3049 performed by the governing body creating the enterprise zone  
3050 development agency acting as the managing agent of the  
3051 enterprise zone development agency, or, contingent upon approval  
3052 by such governing body, such powers and responsibilities shall  
3053 be performed by the enterprise zone development agency:

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3054 (a) To review, process, and certify applications for state  
3055 enterprise zone tax incentives pursuant to ss. 212.08(5)(f) and  
3056 (g) 212.08(5)(g), (h), and (15); 212.096; 220.181; and 220.182.

3057 Section 131. Paragraph (b) of subsection (4) and  
3058 subsection (7) of section 290.0065, Florida Statutes, are  
3059 amended to read:

3060 290.0065 State designation of enterprise zones.—

3061 (4)

3062 (b) ~~In consultation with Enterprise Florida, Inc.,~~ The  
3063 department shall, based on the enterprise zone profile and the  
3064 grounds for redesignation expressed in the resolution, determine  
3065 whether the enterprise zone merits redesignation. The department  
3066 may also examine and consider the following:

3067 1. Progress made, if any, in the enterprise zone's  
3068 strategic plan.

3069 2. Use of enterprise zone incentives during the life of  
3070 the enterprise zone.

3071

3072 If the department determines that the enterprise zone merits  
3073 redesignation, the department shall notify the governing body in  
3074 writing of its approval of redesignation.

3075 (7) Upon approval by the department of a resolution  
3076 authorizing an area to be an enterprise zone pursuant to this  
3077 section, the department shall assign a unique identifying number  
3078 to that resolution. ~~The department shall provide the Department~~

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3079 | ~~of Revenue and Enterprise Florida, Inc., with a copy of each~~  
3080 | ~~resolution approved, together with its identifying number.~~

3081 | Section 132. Section 290.00677, Florida Statutes, is  
3082 | amended to read:

3083 | 290.00677 Rural enterprise zones; special qualifications.-

3084 | (1) Notwithstanding the enterprise zone residency  
3085 | requirements set out in s. 212.096(1)(c), eligible businesses as  
3086 | defined in s. 212.096(1)(a) located in rural enterprise zones as  
3087 | defined in s. 290.004 may receive the basic minimum credit  
3088 | provided under s. 212.096 for creating a new job and hiring a  
3089 | person residing within the jurisdiction of a rural community ~~as~~  
3090 | ~~defined in s. 288.106(2)~~. All other provisions of s. 212.096,  
3091 | including, but not limited to, those relating to the award of  
3092 | enhanced credits, apply to such businesses.

3093 | (2) Notwithstanding the enterprise zone residency  
3094 | requirements set out in s. 220.03(1)(q), businesses as defined  
3095 | in s. 220.03(1)(c) located in rural enterprise zones as defined  
3096 | in s. 290.004 may receive the basic minimum credit provided  
3097 | under s. 220.181 for creating a new job and hiring a person  
3098 | residing within the jurisdiction of a rural community ~~as defined~~  
3099 | ~~in s. 288.106(2)~~. All other provisions of s. 220.181, including,  
3100 | but not limited to, those relating to the award of enhanced  
3101 | credits, apply to such businesses.

3102 | (3) As used in this section, the term "rural community"  
3103 | means:

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3104 (a) A county having a population of 75,000 or fewer.

3105 (b) A county having a population of 125,000 or fewer that  
3106 is contiguous to a county having a population of 75,000 or  
3107 fewer.

3108 (c) A municipality within a county described in paragraph  
3109 (a) or paragraph (b).

3110  
3111 For purposes of this subsection, population shall be determined  
3112 in accordance with the most recent official estimate pursuant to  
3113 s. 186.901.

3114 Section 133. Subsections (4), (5), and (6) of section  
3115 290.007, Florida Statutes, are amended to read:

3116 290.007 State incentives available in enterprise zones.—  
3117 The following incentives are provided by the state to encourage  
3118 the revitalization of enterprise zones:

3119 (4) The sales tax exemption for building materials used in  
3120 the rehabilitation of real property in enterprise zones provided  
3121 in s. 212.08(5)(f) ~~212.08(5)(g)~~.

3122 (5) The sales tax exemption for business equipment used in  
3123 an enterprise zone provided in s. 212.08(5)(g) ~~212.08(5)(h)~~.

3124 (6) The sales tax exemption for electrical energy used in  
3125 an enterprise zone provided in s. 212.08(14) ~~212.08(15)~~.

3126 Section 134. Subsections (3) and (4) of section 290.053,  
3127 Florida Statutes, are amended to read:

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3128 290.053 Response to economic emergencies in small  
3129 communities.—

3130 (3) A local government entity shall notify the Governor  
3131 ~~and, the Department of Economic Opportunity, and Enterprise~~  
3132 ~~Florida, Inc.,~~ when one or more of the conditions specified in  
3133 subsection (2) have occurred or will occur if action is not  
3134 taken to assist the local governmental entity or the affected  
3135 community.

3136 (4) Upon notification that one or more of the conditions  
3137 described in subsection (2) exist, the Governor or his or her  
3138 designee shall contact the local governmental entity to  
3139 determine what actions have been taken by the local governmental  
3140 entity or the affected community to resolve the economic  
3141 emergency. The Governor may waive the eligibility criteria of  
3142 any program or activity administered by the Department of  
3143 Economic Opportunity ~~or Enterprise Florida, Inc.,~~ to provide  
3144 economic relief to the affected community by granting  
3145 participation in such programs or activities. The Governor shall  
3146 consult with the President of the Senate and the Speaker of the  
3147 House of Representatives and shall take other action, as  
3148 necessary, to resolve the economic emergency in the most  
3149 expedient manner possible. All actions taken pursuant to this  
3150 section shall be within current appropriations and shall have no  
3151 annualized impact beyond normal growth.

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3152 Section 135. Paragraphs (d) and (e) of subsection (3) and  
3153 subsection (4) of section 295.22, Florida Statutes, are amended  
3154 to read:

3155 295.22 Veterans Employment and Training Services Program.—

3156 (3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall  
3157 administer the Veterans Employment and Training Services Program  
3158 and perform all of the following functions:

3159 (d) Create a grant program to provide funding to assist  
3160 veterans in meeting the workforce-skill needs of businesses  
3161 seeking to hire veterans, establish criteria for approval of  
3162 requests for funding, and maximize the use of funding for this  
3163 program. Grant funds may be used only in the absence of  
3164 available veteran-specific federally funded programs. Grants may  
3165 fund specialized training specific to a particular business.

3166 1. Grant funds may be allocated to any training provider  
3167 selected by the business, including a career center, a Florida  
3168 College System institution, a state university, or an in-house  
3169 training provider of the business. If grant funds are used to  
3170 provide a technical certificate, a licensure, or a degree, funds  
3171 may be allocated only upon a review that includes, but is not  
3172 limited to, documentation of accreditation and licensure.

3173 Instruction funded through the program terminates when  
3174 participants demonstrate competence at the level specified in  
3175 the request but may not exceed 48 months. Preference shall be  
3176 given to ~~target industry businesses, as defined in s. 288.106,~~

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3177 ~~and to~~ businesses in the defense supply, cloud virtualization,  
3178 or commercial aviation manufacturing industries.

3179 2. Costs and expenditures for the grant program must be  
3180 documented and separated from those incurred by the training  
3181 provider. Costs and expenditures shall be limited to \$8,000 per  
3182 veteran trainee. Eligible costs and expenditures include:

3183 a. Tuition and fees.

3184 b. Curriculum development.

3185 c. Books and classroom materials.

3186 d. Rental fees for facilities at public colleges and  
3187 universities, including virtual training labs.

3188 e. Overhead or indirect costs not to exceed 5 percent of  
3189 the grant amount.

3190 3. Before funds are allocated for a request pursuant to  
3191 this section, the corporation shall prepare a grant agreement  
3192 between the business requesting funds, the educational  
3193 institution or training provider receiving funding through the  
3194 program, and the corporation. Such agreement must include, but  
3195 need not be limited to:

3196 a. Identification of the personnel necessary to conduct  
3197 the instructional program, the qualifications of such personnel,  
3198 and the respective responsibilities of the parties for paying  
3199 costs associated with the employment of such personnel.

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3200 b. Identification of the match provided by the business,  
3201 including cash and in-kind contributions, equal to at least 50  
3202 percent of the total grant amount.

3203 c. Identification of the estimated duration of the  
3204 instructional program.

3205 d. Identification of all direct, training-related costs.

3206 e. Identification of special program requirements that are  
3207 not otherwise addressed in the agreement.

3208 f. Permission to access aggregate information specific to  
3209 the wages and performance of participants upon the completion of  
3210 instruction for evaluation purposes. The agreement must specify  
3211 that any evaluation published subsequent to the instruction may  
3212 not identify the employer or any individual participant.

3213 ~~4. A business may receive a grant under the Quick-Response~~  
3214 ~~Training Program created under s. 288.047 and a grant under this~~  
3215 ~~section for the same veteran trainee. If a business receives~~  
3216 ~~funds under both programs, one grant agreement may be entered~~  
3217 ~~into with CareerSource Florida, Inc., as the grant~~  
3218 ~~administrator.~~

3219 (e) Contract with one or more entities to administer an  
3220 entrepreneur initiative program for veterans in this state which  
3221 connects business leaders in the state with veterans seeking to  
3222 become entrepreneurs.

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3223 1. The corporation shall award each contract in accordance  
3224 with the competitive bidding requirements in s. 287.057 to one  
3225 or more public or private universities that:

3226 a. Demonstrate the ability to implement the program and  
3227 the commitment of university resources, including financial  
3228 resources, to such programs.

3229 b. Have a military and veteran resource center.

3230 ~~c. Have a regional small business development center in~~  
3231 ~~the Florida Small Business Development Center Network.~~

3232 ~~c.d.~~ As determined by the corporation, have been  
3233 nationally recognized for commitment to the military and  
3234 veterans.

3235 2. Each contract must include performance metrics,  
3236 including a focus on employment and business creation. Each  
3237 university must coordinate with any entrepreneurship center  
3238 located at the university. The university may also work with an  
3239 entity offering related programs to refer veterans or to provide  
3240 services. The entrepreneur initiative program may include  
3241 activities and assistance such as peer-to-peer learning  
3242 sessions, mentoring, technical assistance, business roundtables,  
3243 networking opportunities, support of student organizations,  
3244 speaker series, or other tools within a virtual environment.

3245 ~~(4) DUTIES OF ENTERPRISE FLORIDA, INC. Enterprise Florida,~~  
3246 ~~Inc., shall provide information about the corporation and its~~  
3247 ~~services to prospective, new, expanding, and relocating~~

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3248 ~~businesses seeking to conduct business in this state. Enterprise~~  
3249 ~~Florida, Inc., shall, to the greatest extent possible,~~  
3250 ~~collaborate with the corporation to meet the employment needs,~~  
3251 ~~including meeting the job creation requirements, of any business~~  
3252 ~~receiving assistance or services from Enterprise Florida, Inc.~~

3253 Section 136. Paragraph (a) of subsection (6), paragraph  
3254 (b) of subsection (9), paragraph (a) of subsection (35),  
3255 subsection (60), and paragraph (b) of subsection (64) of section  
3256 320.08058, Florida Statutes, are amended to read:

3257 320.08058 Specialty license plates.—

3258 (6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE  
3259 PLATES.—

3260 (a) Because the United States Olympic Committee has  
3261 selected this state to participate in a combined fundraising  
3262 program that provides for one-half of all money raised through  
3263 volunteer giving to stay in this state ~~and be administered by~~  
3264 ~~Enterprise Florida, Inc.,~~ to support amateur sports, ~~and~~ because  
3265 the United States Olympic Committee is a ~~and Enterprise Florida,~~  
3266 ~~Inc.,~~ are nonprofit organization ~~organizations~~ dedicated to  
3267 providing athletes with support and training and preparing  
3268 athletes of all ages and skill levels for sports competition,  
3269 and because ~~Enterprise Florida, Inc.,~~ ~~assists in the bidding for~~  
3270 ~~sports competitions that provide significant impact to the~~  
3271 ~~economy of this state,~~ and the Legislature supports the efforts  
3272 of the United States Olympic Committee ~~and Enterprise Florida,~~

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3273 ~~Ine-~~, the Legislature establishes a Florida United States  
3274 Olympic Committee license plate for the purpose of providing a  
3275 continuous funding source to support this worthwhile effort.  
3276 Florida United States Olympic Committee license plates must  
3277 contain the official United States Olympic Committee logo and  
3278 must bear a design and colors that are approved by the  
3279 department. The word "Florida" must be centered at the top of  
3280 the plate.

3281 (9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.-

3282 (b) The license plate annual use fees are to be annually  
3283 distributed as follows:

3284 1. Fifty-five percent of the proceeds from the Florida  
3285 Professional Sports Team plate must be deposited into the  
3286 Professional Sports Development Trust Fund within the Department  
3287 of Economic Opportunity. These funds must be used  
3288 solely to attract and support major sports events in this state.  
3289 As used in this subparagraph, the term "major sports events"  
3290 means, but is not limited to, championship or all-star contests  
3291 of Major League Baseball, the National Basketball Association,  
3292 the National Football League, the National Hockey League, Major  
3293 League Soccer, the men's and women's National Collegiate  
3294 Athletic Association Final Four basketball championship, or a  
3295 horseracing or dogracing Breeders' Cup. All funds must be used  
3296 to support and promote major sporting events, and the uses must  
3297 be approved by the Department of Economic Opportunity.

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3298           2. The remaining proceeds of the Florida Professional  
3299 Sports Team license plate must be allocated to the Florida  
3300 Sports Foundation ~~Enterprise Florida, Inc.~~ These funds must be  
3301 deposited into the Professional Sports Development Trust Fund  
3302 within the Department of Economic Opportunity. These funds must  
3303 be used by the Florida Sports Foundation ~~Enterprise Florida,~~  
3304 ~~Inc.~~ to promote the economic development of the sports  
3305 industry; to distribute licensing and royalty fees to  
3306 participating professional sports teams; to promote education  
3307 programs in Florida schools that provide an awareness of the  
3308 benefits of physical activity and nutrition standards; to  
3309 partner with the Department of Education and the Department of  
3310 Health to develop a program that recognizes schools whose  
3311 students demonstrate excellent physical fitness or fitness  
3312 improvement; to institute a grant program for communities  
3313 bidding on minor sporting events that create an economic impact  
3314 for the state; to distribute funds to Florida-based charities  
3315 designated by the Florida Sports Foundation ~~Enterprise Florida,~~  
3316 ~~Inc.~~ and the participating professional sports teams; and to  
3317 fulfill the sports promotion responsibilities of the Department  
3318 of Economic Opportunity.

3319           3. The Florida Sports Foundation ~~Enterprise Florida, Inc.~~  
3320 shall provide an annual financial audit in accordance with s.  
3321 215.981 of its financial accounts and records by an independent  
3322 certified public accountant pursuant to the contract established

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3323 by the Department of Economic Opportunity. The auditor shall  
3324 submit the audit report to the Department of Economic  
3325 Opportunity for review and approval. If the audit report is  
3326 approved, the Department of Economic Opportunity shall certify  
3327 the audit report to the Auditor General for review.

3328 4. Notwithstanding the provisions of subparagraphs 1. and  
3329 2., proceeds from the Professional Sports Development Trust Fund  
3330 may also be used for operational expenses of the Florida Sports  
3331 Foundation ~~Enterprise Florida, Inc.~~, and financial support of  
3332 the Sunshine State Games.

3333 (35) FLORIDA GOLF LICENSE PLATES.—

3334 (a) The Department of Highway Safety and Motor Vehicles  
3335 shall develop a Florida Golf license plate as provided in this  
3336 section. The word "Florida" must appear at the bottom of the  
3337 plate. The Dade Amateur Golf Association, following consultation  
3338 with the Florida Sports Foundation and the PGA TOUR, ~~Enterprise~~  
3339 ~~Florida, Inc.~~, the LPGA, and the PGA of America may submit a  
3340 revised sample plate for consideration by the department.

3341 (60) FLORIDA NASCAR LICENSE PLATES.—

3342 (a) The department shall develop a Florida NASCAR license  
3343 plate as provided in this section. Florida NASCAR license plates  
3344 must bear the colors and design approved by the department. The  
3345 word "Florida" must appear at the top of the plate, and the term  
3346 "NASCAR" must appear at the bottom of the plate. The National  
3347 Association for Stock Car Auto Racing, following consultation

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3348 | with the Florida Sports Foundation ~~Enterprise Florida, Inc.~~, may  
3349 | submit a sample plate for consideration by the department.

3350 | (b) The license plate annual use fees shall be distributed  
3351 | to the Florida Sports Foundation ~~Enterprise Florida, Inc.~~. The  
3352 | license plate annual use fees shall be annually allocated as  
3353 | follows:

3354 | 1. Up to 5 percent of the proceeds from the annual use  
3355 | fees may be used by the Department of Economic Opportunity  
3356 | ~~Enterprise Florida, Inc.~~, for the administration of the NASCAR  
3357 | license plate program.

3358 | 2. The National Association for Stock Car Auto Racing  
3359 | shall receive up to \$60,000 in proceeds from the annual use fees  
3360 | to be used to pay startup costs, including costs incurred in  
3361 | developing and issuing the plates. Thereafter, 10 percent of the  
3362 | proceeds from the annual use fees shall be provided to the  
3363 | association for the royalty rights for the use of its marks.

3364 | 3. The remaining proceeds from the annual use fees shall  
3365 | be distributed to the Florida Sports Foundation ~~Enterprise~~  
3366 | ~~Florida, Inc.~~ The Florida Sports Foundation ~~Enterprise Florida,~~  
3367 | ~~Inc.~~, will retain 15 percent to support its regional grant  
3368 | program, attracting sporting events to Florida; 20 percent to  
3369 | support the marketing of motorsports-related tourism in the  
3370 | state; and 50 percent to be paid to the NASCAR Foundation, a s.  
3371 | 501(c)(3) charitable organization, to support Florida-based  
3372 | charitable organizations.

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3373 (c) The Florida Sports Foundation ~~Enterprise Florida,~~  
3374 ~~Inc.,~~ shall provide an annual financial audit in accordance with  
3375 s. 215.981 of its financial accounts and records by an  
3376 independent certified public accountant pursuant to the contract  
3377 established by the Department of Economic Opportunity. The  
3378 auditor shall submit the audit report to the Department of  
3379 Economic Opportunity for review and approval. If the audit  
3380 report is approved, the Department of Economic Opportunity shall  
3381 certify the audit report to the Auditor General for review.

3382 (64) FLORIDA TENNIS LICENSE PLATES.—

3383 (b) The department shall distribute the annual use fees to  
3384 the Florida Sports Foundation ~~Enterprise Florida, Inc.~~ The  
3385 license plate annual use fees shall be annually allocated as  
3386 follows:

3387 1. Up to 5 percent of the proceeds from the annual use  
3388 fees may be used by the Florida Sports Foundation ~~Enterprise~~  
3389 ~~Florida, Inc.,~~ to administer the license plate program.

3390 2. The United States Tennis Association Florida Section  
3391 Foundation shall receive the first \$60,000 in proceeds from the  
3392 annual use fees to reimburse it for startup costs,  
3393 administrative costs, and other costs it incurs in the  
3394 development and approval process.

3395 3. Up to 5 percent of the proceeds from the annual use  
3396 fees may be used for promoting and marketing the license plates.  
3397 The remaining proceeds shall be available for grants by the

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3398 United States Tennis Association Florida Section Foundation to  
3399 nonprofit organizations to operate youth tennis programs and  
3400 adaptive tennis programs for special populations of all ages,  
3401 and for building, renovating, and maintaining public tennis  
3402 courts.

3403 Section 137. Subsections (2), (3), and (6) of section  
3404 331.3051, Florida Statutes, are amended to read:

3405 331.3051 Duties of Space Florida.—Space Florida shall:

3406 (2) Enter into agreement with the Department of Education,  
3407 the Department of Transportation, ~~Enterprise Florida, Inc.,~~ and  
3408 CareerSource Florida, Inc., for the purpose of implementing this  
3409 act.

3410 (3) ~~In cooperation with Enterprise Florida, Inc.,~~ Develop  
3411 a plan to retain, expand, attract, and create aerospace industry  
3412 entities, public or private, which results in the creation of  
3413 high-value-added businesses and jobs in this state.

3414 (6) ~~Develop, in cooperation with Enterprise Florida, Inc.,~~  
3415 a plan to provide financing assistance to aerospace businesses.  
3416 The plan may include the following activities:

3417 (a) Assembling, publishing, and disseminating information  
3418 concerning financing opportunities and techniques for aerospace  
3419 projects, programs, and activities; sources of public and  
3420 private aerospace financing assistance; and sources of  
3421 aerospace-related financing.

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3422 (b) Organizing, hosting, and participating in seminars and  
3423 other forums designed to disseminate information and technical  
3424 assistance regarding aerospace-related financing.

3425 (c) Coordinating with programs and goals of the Department  
3426 of Defense, the National Aeronautics and Space Administration,  
3427 the Export-Import Bank of the United States, the International  
3428 Trade Administration of the United States Department of  
3429 Commerce, the Foreign Credit Insurance Association, and other  
3430 private and public programs and organizations, domestic and  
3431 foreign.

3432 (d) Establishing a network of contacts among those  
3433 domestic and foreign public and private organizations that  
3434 provide information, technical assistance, and financial support  
3435 to the aerospace industry.

3436 (e) Financing aerospace business development projects or  
3437 initiatives using funds provided by the Legislature.

3438 Section 138. Section 331.3081, Florida Statutes, is  
3439 amended to read:

3440 331.3081 Board of directors.—Space Florida shall be  
3441 governed by a 13-member independent board of directors. The  
3442 Governor, or his or her designee, shall serve as an ex officio  
3443 voting member and chair of the board. The other 12 members shall  
3444 be appointed from the private sector, 6 of whom shall be  
3445 appointed by the Governor, 3 of whom shall be appointed by the  
3446 President of the Senate, and 3 of whom shall be appointed by the

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3447 ~~Speaker of the House of Representatives that consists of the~~  
3448 ~~members appointed to the board of directors of Enterprise~~  
3449 ~~Florida, Inc., by the Governor, the President of the Senate, and~~  
3450 ~~the Speaker of the House of Representatives pursuant to s.~~  
3451 ~~288.901(5)(a)7. and the Governor, who shall serve ex officio, or~~  
3452 ~~who may appoint a designee to serve, as the chair and a voting~~  
3453 ~~member of the board.~~

3454 Section 139. Paragraph (f) of subsection (1) of section  
3455 339.08, Florida Statutes, is amended to read:

3456 339.08 Use of moneys in State Transportation Trust Fund.—

3457 (1) The department shall expend moneys in the State  
3458 Transportation Trust Fund accruing to the department, in  
3459 accordance with its annual budget. The use of such moneys shall  
3460 be restricted to the following purposes:

3461 ~~(f) To pay the cost of economic development transportation~~  
3462 ~~projects in accordance with s. 339.2821.~~

3463 Section 140. Section 339.2821, Florida Statutes, is  
3464 repealed.

3465 Section 141. Subsection (2) of section 364.0135, Florida  
3466 Statutes, is amended to read:

3467 364.0135 Promotion of broadband adoption.—

3468 (2) The Department of Management Services is authorized to  
3469 work collaboratively with, and to receive staffing support and  
3470 other resources from, ~~Enterprise Florida, Inc.,~~ state agencies,

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3471 local governments, private businesses, and community  
3472 organizations to:

3473 (a) Monitor the adoption of broadband Internet service in  
3474 collaboration with communications service providers, including,  
3475 but not limited to, wireless and wireline Internet service  
3476 providers, to develop geographical information system maps at  
3477 the census tract level that will:

3478 1. Identify geographic gaps in broadband services,  
3479 including areas unserved by any broadband provider and areas  
3480 served by a single broadband provider;

3481 2. Identify the download and upload transmission speeds  
3482 made available to businesses and individuals in the state, at  
3483 the census tract level of detail, using data rate benchmarks for  
3484 broadband service used by the Federal Communications Commission  
3485 to reflect different speed tiers; and

3486 3. Provide a baseline assessment of statewide broadband  
3487 deployment in terms of percentage of households with broadband  
3488 availability.

3489 (b) Create a strategic plan that has goals and strategies  
3490 for increasing the use of broadband Internet service in the  
3491 state.

3492 (c) Build and facilitate local technology planning teams  
3493 or partnerships with members representing cross-sections of the  
3494 community, which may include, but are not limited to,  
3495 representatives from the following organizations and industries:

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3496 libraries, K-12 education, colleges and universities, local  
3497 health care providers, private businesses, community  
3498 organizations, economic development organizations, local  
3499 governments, tourism, parks and recreation, and agriculture.

3500 (d) Encourage the use of broadband Internet service,  
3501 especially in the rural, unserved, and underserved communities  
3502 of the state through grant programs having effective strategies  
3503 to facilitate the statewide deployment of broadband Internet  
3504 service. For any grants to be awarded, priority must be given to  
3505 projects that:

3506 1. Provide access to broadband education, awareness,  
3507 training, access, equipment, and support to libraries, schools,  
3508 colleges and universities, health care providers, and community  
3509 support organizations.

3510 2. Encourage the sustainable adoption of broadband in  
3511 primarily unserved areas by removing barriers to entry.

3512 3. Work toward encouraging investments in establishing  
3513 affordable and sustainable broadband Internet service in  
3514 unserved areas of the state.

3515 4. Facilitate the development of applications, programs,  
3516 and services, including, but not limited to, telework,  
3517 telemedicine, and e-learning to increase the usage of, and  
3518 demand for, broadband Internet service in the state.

3519 Section 142. Paragraph (d) of subsection (1) of section  
3520 376.82, Florida Statutes, is amended to read:

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3521 | 376.82 Eligibility criteria and liability protection.—

3522 | (1) ELIGIBILITY.—Any person who has not caused or  
3523 | contributed to the contamination of a brownfield site on or  
3524 | after July 1, 1997, is eligible to participate in the brownfield  
3525 | program established in ss. 376.77-376.85, subject to the  
3526 | following:

3527 | (d) After July 1, 1997, petroleum and drycleaning  
3528 | contamination sites shall not receive both restoration funding  
3529 | assistance available for the discharge under this chapter ~~and~~  
3530 | ~~any state assistance available under s. 288.107.~~ Nothing in this  
3531 | act shall affect the cleanup criteria, priority ranking, and  
3532 | other rights and obligations inherent in petroleum contamination  
3533 | and drycleaning contamination site rehabilitation under ss.  
3534 | 376.30-376.317, or the availability of economic incentives  
3535 | otherwise provided for by law.

3536 | Section 143. Paragraph (h) of subsection (2) of section  
3537 | 377.703, Florida Statutes, is amended to read:

3538 | 377.703 Additional functions of the Department of  
3539 | Agriculture and Consumer Services.—

3540 | (2) DUTIES.—The department shall perform the following  
3541 | functions, unless as otherwise provided, consistent with the  
3542 | development of a state energy policy:

3543 | (h) The department shall promote the development and use  
3544 | of renewable energy resources, in conformance with chapter 187  
3545 | and s. 377.601, by:

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3546 1. Establishing goals and strategies for increasing the  
3547 use of renewable energy in this state.

3548 2. Aiding and promoting the commercialization of renewable  
3549 energy resources, in cooperation with the Florida Energy Systems  
3550 Consortium, the Florida Solar Energy Center, ~~Enterprise Florida,~~  
3551 ~~Inc.~~, and any other federal, state, or local governmental agency  
3552 that may seek to promote research, development, and the  
3553 demonstration of renewable energy equipment and technology.

3554 3. Identifying barriers to greater use of renewable energy  
3555 resources in this state, and developing specific recommendations  
3556 for overcoming identified barriers, with findings and  
3557 recommendations to be submitted annually in the report to the  
3558 Governor and Legislature required under paragraph (f).

3559 4. In cooperation with the Department of Environmental  
3560 Protection, the Department of Transportation, the Department of  
3561 Economic Opportunity, ~~Enterprise Florida, Inc.~~, the Florida  
3562 Energy Systems Consortium, the Florida Solar Energy Center, and  
3563 the Florida Solar Energy Industries Association, investigating  
3564 opportunities, pursuant to the national Energy Policy Act of  
3565 1992, the Housing and Community Development Act of 1992, and any  
3566 subsequent federal legislation, for renewable energy resources,  
3567 electric vehicles, and other renewable energy manufacturing,  
3568 distribution, installation, and financing efforts that enhance  
3569 this state's position as the leader in renewable energy  
3570 research, development, and use.

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3571 5. Undertaking other initiatives to advance the  
3572 development and use of renewable energy resources in this state.

3573

3574 In the exercise of its responsibilities under this paragraph,  
3575 the department shall seek the assistance of the renewable energy  
3576 industry in this state and other interested parties and may  
3577 enter into contracts, retain professional consulting services,  
3578 and expend funds appropriated by the Legislature for such  
3579 purposes.

3580 Section 144. Subsection (5) of section 377.804, Florida  
3581 Statutes, is amended to read:

3582 377.804 Renewable Energy and Energy-Efficient Technologies  
3583 Grants Program.—

3584 (5) The department shall solicit the expertise of state  
3585 agencies, ~~Enterprise Florida, Inc.~~, and state universities, and  
3586 may solicit the expertise of other public and private entities  
3587 it deems appropriate, in evaluating project proposals. State  
3588 agencies shall cooperate with the department and provide such  
3589 assistance as requested.

3590 Section 145. Paragraph (a) of subsection (4) of section  
3591 377.809, Florida Statutes, is amended to read:

3592 377.809 Energy Economic Zone Pilot Program.—

3593 (4)(a) Beginning July 1, 2012, all the incentives and  
3594 benefits provided for enterprise zones pursuant to state law  
3595 shall be available to the energy economic zones designated

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3596 | pursuant to this section on or before July 1, 2010. In order to  
3597 | provide incentives, by March 1, 2012, each local governing body  
3598 | that has jurisdiction over an energy economic zone must, by  
3599 | local ordinance, establish the boundary of the energy economic  
3600 | zone, specify applicable energy-efficiency standards, and  
3601 | determine eligibility criteria for the application of state and  
3602 | local incentives and benefits in the energy economic zone.  
3603 | ~~However, in order to receive benefits provided under s. 288.106,~~  
3604 | ~~a business must be a qualified target industry business under s.~~  
3605 | ~~288.106 for state purposes.~~ An energy economic zone's boundary  
3606 | may be revised by local ordinance. Such incentives and benefits  
3607 | include those in ss. ~~212.08,~~ 212.096, 220.181, 220.182, 220.183,  
3608 | ~~288.106,~~ and 624.5105 and the public utility discounts provided  
3609 | in s. 290.007(8). ~~The exemption provided in s. 212.08(5)(c)~~  
3610 | ~~shall be for renewable energy as defined in s. 377.803.~~ For  
3611 | purposes of this section, any applicable requirements for  
3612 | employee residency for higher refund or credit thresholds must  
3613 | be based on employee residency in the energy economic zone or an  
3614 | enterprise zone. A business in an energy economic zone may also  
3615 | be eligible for funding under s. ss. 288.047 and 445.003, ~~and a~~  
3616 | ~~transportation project in an energy economic zone shall be~~  
3617 | ~~provided priority in funding under s. 339.2821.~~ Other projects  
3618 | shall be given priority ranking to the extent practicable for  
3619 | grants administered under state energy programs.

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3620 Section 146. Subsection (24) of section 380.06, Florida  
3621 Statutes, is amended to read:

3622 380.06 Developments of regional impact.—

3623 (24) STATUTORY EXEMPTIONS.—

3624 (a) Any proposed hospital is exempt from this section.

3625 (b) Any proposed electrical transmission line or  
3626 electrical power plant is exempt from this section.

3627 (c) Any proposed addition to an existing sports facility  
3628 complex is exempt from this section if the addition meets the  
3629 following characteristics:

3630 1. It would not operate concurrently with the scheduled  
3631 hours of operation of the existing facility.

3632 2. Its seating capacity would be no more than 75 percent  
3633 of the capacity of the existing facility.

3634 3. The sports facility complex property is owned by a  
3635 public body before July 1, 1983.

3636

3637 This exemption does not apply to any pari-mutuel facility.

3638 (d) Any proposed addition or cumulative additions  
3639 subsequent to July 1, 1988, to an existing sports facility  
3640 complex owned by a state university is exempt if the increased  
3641 seating capacity of the complex is no more than 30 percent of  
3642 the capacity of the existing facility.

3643 (e) Any addition of permanent seats or parking spaces for  
3644 an existing sports facility located on property owned by a

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3645 public body before July 1, 1973, is exempt from this section if  
3646 future additions do not expand existing permanent seating or  
3647 parking capacity more than 15 percent annually in excess of the  
3648 prior year's capacity.

3649 (f) Any increase in the seating capacity of an existing  
3650 sports facility having a permanent seating capacity of at least  
3651 50,000 spectators is exempt from this section, provided that  
3652 such an increase does not increase permanent seating capacity by  
3653 more than 5 percent per year and not to exceed a total of 10  
3654 percent in any 5-year period, and provided that the sports  
3655 facility notifies the appropriate local government within which  
3656 the facility is located of the increase at least 6 months before  
3657 the initial use of the increased seating, in order to permit the  
3658 appropriate local government to develop a traffic management  
3659 plan for the traffic generated by the increase. Any traffic  
3660 management plan shall be consistent with the local comprehensive  
3661 plan, the regional policy plan, and the state comprehensive  
3662 plan.

3663 (g) Any expansion in the permanent seating capacity or  
3664 additional improved parking facilities of an existing sports  
3665 facility is exempt from this section, if the following  
3666 conditions exist:

3667 1.a. The sports facility had a permanent seating capacity  
3668 on January 1, 1991, of at least 41,000 spectator seats;

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3669           b. The sum of such expansions in permanent seating  
3670 capacity does not exceed a total of 10 percent in any 5-year  
3671 period and does not exceed a cumulative total of 20 percent for  
3672 any such expansions; or

3673           c. The increase in additional improved parking facilities  
3674 is a one-time addition and does not exceed 3,500 parking spaces  
3675 serving the sports facility; and

3676           2. The local government having jurisdiction of the sports  
3677 facility includes in the development order or development permit  
3678 approving such expansion under this paragraph a finding of fact  
3679 that the proposed expansion is consistent with the  
3680 transportation, water, sewer and stormwater drainage provisions  
3681 of the approved local comprehensive plan and local land  
3682 development regulations relating to those provisions.

3683  
3684 Any owner or developer who intends to rely on this statutory  
3685 exemption shall provide to the department a copy of the local  
3686 government application for a development permit. Within 45 days  
3687 after receipt of the application, the department shall render to  
3688 the local government an advisory and nonbinding opinion, in  
3689 writing, stating whether, in the department's opinion, the  
3690 prescribed conditions exist for an exemption under this  
3691 paragraph. The local government shall render the development  
3692 order approving each such expansion to the department. The  
3693 owner, developer, or department may appeal the local government

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3694 development order pursuant to s. 380.07, within 45 days after  
3695 the order is rendered. The scope of review shall be limited to  
3696 the determination of whether the conditions prescribed in this  
3697 paragraph exist. If any sports facility expansion undergoes  
3698 development-of-regional-impact review, all previous expansions  
3699 which were exempt under this paragraph shall be included in the  
3700 development-of-regional-impact review.

3701 (h) Expansion to port harbors, spoil disposal sites,  
3702 navigation channels, turning basins, harbor berths, and other  
3703 related inwater harbor facilities of ports listed in s.  
3704 403.021(9)(b), port transportation facilities and projects  
3705 listed in s. 311.07(3)(b), and intermodal transportation  
3706 facilities identified pursuant to s. 311.09(3) are exempt from  
3707 this section when such expansions, projects, or facilities are  
3708 consistent with comprehensive master plans that are in  
3709 compliance with s. 163.3178.

3710 (i) Any proposed facility for the storage of any petroleum  
3711 product or any expansion of an existing facility is exempt from  
3712 this section.

3713 (j) Any renovation or redevelopment within the same land  
3714 parcel which does not change land use or increase density or  
3715 intensity of use.

3716 (k) Waterport and marina development, including dry  
3717 storage facilities, are exempt from this section.

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3718 (l) Any proposed development within an urban service  
3719 boundary established under s. 163.3177(14), Florida Statutes  
3720 (2010), which is not otherwise exempt pursuant to subsection  
3721 (29), is exempt from this section if the local government having  
3722 jurisdiction over the area where the development is proposed has  
3723 adopted the urban service boundary and has entered into a  
3724 binding agreement with jurisdictions that would be impacted and  
3725 with the Department of Transportation regarding the mitigation  
3726 of impacts on state and regional transportation facilities.

3727 (m) Any proposed development within a rural land  
3728 stewardship area created under s. 163.3248.

3729 (n) The establishment, relocation, or expansion of any  
3730 military installation as defined in s. 163.3175, is exempt from  
3731 this section.

3732 (o) Any self-storage warehousing that does not allow  
3733 retail or other services is exempt from this section.

3734 (p) Any proposed nursing home or assisted living facility  
3735 is exempt from this section.

3736 (q) Any development identified in an airport master plan  
3737 and adopted into the comprehensive plan pursuant to s.  
3738 163.3177(6)(b)4. is exempt from this section.

3739 (r) Any development identified in a campus master plan and  
3740 adopted pursuant to s. 1013.30 is exempt from this section.

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3741 (s) Any development in a detailed specific area plan which  
3742 is prepared and adopted pursuant to s. 163.3245 is exempt from  
3743 this section.

3744 (t) Any proposed solid mineral mine and any proposed  
3745 addition to, expansion of, or change to an existing solid  
3746 mineral mine is exempt from this section. A mine owner will  
3747 enter into a binding agreement with the Department of  
3748 Transportation to mitigate impacts to strategic intermodal  
3749 system facilities pursuant to the transportation thresholds in  
3750 subsection (19) or rule 9J-2.045(6), Florida Administrative  
3751 Code. Proposed changes to any previously approved solid mineral  
3752 mine development-of-regional-impact development orders having  
3753 vested rights are is not subject to further review or approval  
3754 as a development-of-regional-impact or notice-of-proposed-change  
3755 review or approval pursuant to subsection (19), except for those  
3756 applications pending as of July 1, 2011, which shall be governed  
3757 by s. 380.115(2). Notwithstanding the foregoing, however,  
3758 pursuant to s. 380.115(1), previously approved solid mineral  
3759 mine development-of-regional-impact development orders shall  
3760 continue to enjoy vested rights and continue to be effective  
3761 unless rescinded by the developer. All local government  
3762 regulations of proposed solid mineral mines shall be applicable  
3763 to any new solid mineral mine or to any proposed addition to,  
3764 expansion of, or change to an existing solid mineral mine.

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3765 (u) Notwithstanding any provisions in an agreement with or  
3766 among a local government, regional agency, or the state land  
3767 planning agency or in a local government's comprehensive plan to  
3768 the contrary, a project no longer subject to development-of-  
3769 regional-impact review under revised thresholds is not required  
3770 to undergo such review.

3771 (v) Any development within a county with a research and  
3772 education authority created by special act and that is also  
3773 within a research and development park that is operated or  
3774 managed by a research and development authority pursuant to part  
3775 V of chapter 159 is exempt from this section.

3776 (w) Any development in an energy economic zone designated  
3777 pursuant to s. 377.809 is exempt from this section upon approval  
3778 by its local governing body.

3779 ~~(x) Any proposed development that is located in a local~~  
3780 ~~government jurisdiction that does not qualify for an exemption~~  
3781 ~~based on the population and density criteria in paragraph~~  
3782 ~~(29)(a), that is approved as a comprehensive plan amendment~~  
3783 ~~adopted pursuant to s. 163.3184(4), and that is the subject of~~  
3784 ~~an agreement pursuant to s. 288.106(5) is exempt from this~~  
3785 ~~section. This exemption shall only be effective upon a written~~  
3786 ~~agreement executed by the applicant, the local government, and~~  
3787 ~~the state land planning agency. The state land planning agency~~  
3788 ~~shall only be a party to the agreement upon a determination that~~  
3789 ~~the development is the subject of an agreement pursuant to s.~~

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3790 ~~288.106(5) and that the local government has the capacity to~~  
3791 ~~adequately assess the impacts of the proposed development. The~~  
3792 ~~local government shall only be a party to the agreement upon~~  
3793 ~~approval by the governing body of the local government and upon~~  
3794 ~~providing at least 21 days' notice to adjacent local governments~~  
3795 ~~that includes, at a minimum, information regarding the location,~~  
3796 ~~density and intensity of use, and timing of the proposed~~  
3797 ~~development. This exemption does not apply to areas within the~~  
3798 ~~boundary of any area of critical state concern designated~~  
3799 ~~pursuant to s. 380.05, within the boundary of the Wekiva Study~~  
3800 ~~Area as described in s. 369.316, or within 2 miles of the~~  
3801 ~~boundary of the Everglades Protection Area as defined in s.~~  
3802 ~~373.4592(2).~~

3803  
3804 If a use is exempt from review as a development of regional  
3805 impact under paragraphs (a)-(u), but will be part of a larger  
3806 project that is subject to review as a development of regional  
3807 impact, the impact of the exempt use must be included in the  
3808 review of the larger project, ~~unless such exempt use involves a~~  
3809 ~~development of regional impact that includes a landowner,~~  
3810 ~~tenant, or user that has entered into a funding agreement with~~  
3811 ~~the Department of Economic Opportunity under the Innovation~~  
3812 ~~Incentive Program and the agreement contemplates a state award~~  
3813 ~~of at least \$50 million.~~

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3814 Section 147. Subsections (1) and (5) of section 380.0657,  
3815 Florida Statutes, are amended to read:

3816 380.0657 Expedited permitting process for economic  
3817 development projects.—

3818 (1) The Department of Environmental Protection and, as  
3819 appropriate, the water management districts created under  
3820 chapter 373 shall adopt programs to expedite the processing of  
3821 wetland resource and environmental resource permits for ~~economic~~  
3822 ~~development projects that have been identified by a municipality~~  
3823 ~~or county as meeting the definition of target industry~~  
3824 ~~businesses under s. 288.106, or any intermodal logistics center~~  
3825 receiving or sending cargo to or from Florida ports, with the  
3826 exception of those projects requiring approval by the Board of  
3827 Trustees of the Internal Improvement Trust Fund.

3828 (5) Notwithstanding the provisions of this section, permit  
3829 applications for projects to be located in a charter county that  
3830 has a population of 1.2 million or more and has entered into a  
3831 delegation agreement with the Department of Environmental  
3832 Protection or the applicable water management district to  
3833 process environmental resource permits, wetland resource  
3834 management permits, or surface water management permits pursuant  
3835 to chapter 373 are eligible for expedited permitting under this  
3836 section only upon designation by resolution of the charter  
3837 county's governing board. ~~Before the governing board decides~~  
3838 ~~that a project is eligible for expedited permitting, it may~~

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3839 ~~require the county's economic development agency, or such other~~  
3840 ~~agency that provides advice to the governing board on economic~~  
3841 ~~matters, to review and recommend whether the project meets the~~  
3842 ~~definition of a target industry business as defined in s.~~  
3843 ~~288.106 and to identify the tangible benefits and impacts of the~~  
3844 ~~project.~~ The governing board's decision shall be made without  
3845 consideration of the project's geographic location within the  
3846 charter county. ~~If the governing board designates the project as~~  
3847 ~~a target industry business, the permit application for the~~  
3848 ~~project shall be approved or denied within the timeframe~~  
3849 ~~provided in subsection (4).~~

3850 Section 148. Paragraph (b) of subsection (3) of section  
3851 403.42, Florida Statutes, is amended to read:

3852 403.42 Florida Clean Fuel Act.—

3853 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;  
3854 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

3855 (b)1. The advisory board shall consist of the Executive  
3856 Director of the Department of Economic Opportunity, the  
3857 Secretary of Environmental Protection, or a designee from that  
3858 department, the Commissioner of Education, or a designee from  
3859 that department, the Secretary of Transportation, or a designee  
3860 from that department, the Commissioner of Agriculture, or a  
3861 designee from that department, the Secretary of Management  
3862 Services, or a designee from that department, and a

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3863 representative of each of the following, who shall be appointed  
3864 by the Secretary of Environmental Protection:

- 3865 a. The Florida biodiesel industry.
- 3866 b. The Florida electric utility industry.
- 3867 c. The Florida natural gas industry.
- 3868 d. The Florida propane gas industry.
- 3869 e. An automobile manufacturers' association.
- 3870 f. A Florida Clean Cities Coalition designated by the

3871 United States Department of Energy.

3872 ~~g. Enterprise Florida, Inc.~~

3873 ~~g.h.~~ EV Ready Broward.

3874 ~~h.i.~~ The Florida petroleum industry.

3875 ~~i.j.~~ The Florida League of Cities.

3876 ~~j.k.~~ The Florida Association of Counties.

3877 ~~k.l.~~ Floridians for Better Transportation.

3878 ~~l.m.~~ A motor vehicle manufacturer.

3879 ~~m.n.~~ Florida Local Environment Resource Agencies.

3880 ~~n.o.~~ Project for an Energy Efficient Florida.

3881 ~~o.p.~~ Florida Transportation Builders Association.

3882 2. The purpose of the advisory board is to serve as a  
3883 resource for the department and to provide the Governor, the  
3884 Legislature, and the Secretary of Environmental Protection with  
3885 private sector and other public agency perspectives on achieving  
3886 the goal of increasing the use of alternative fuel vehicles in  
3887 this state.

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3888 3. Members shall be appointed to serve terms of 1 year  
3889 each, with reappointment at the discretion of the Secretary of  
3890 Environmental Protection. Vacancies shall be filled for the  
3891 remainder of the unexpired term in the same manner as the  
3892 original appointment.

3893 4. The board shall annually select a chairperson.

3894 5.a. The board shall meet at least once each quarter or  
3895 more often at the call of the chairperson or the Secretary of  
3896 Environmental Protection.

3897 b. Meetings are exempt from the notice requirements of  
3898 chapter 120, and sufficient notice shall be given to afford  
3899 interested persons reasonable notice under the circumstances.

3900 6. Members of the board are entitled to travel expenses  
3901 while engaged in the performance of board duties.

3902 7. The board shall terminate 5 years after the effective  
3903 date of this act.

3904 Section 149. Subsection (5) of section 403.7032, Florida  
3905 Statutes, is amended to read:

3906 403.7032 Recycling.—

3907 (5) The Department of Environmental Protection shall  
3908 create the Recycling Business Assistance Center by December 1,  
3909 2010. In carrying out its duties under this subsection, the  
3910 department shall consult with state agency personnel appointed  
3911 to serve as economic development liaisons under s. 288.021 ~~and~~  
3912 ~~seek technical assistance from Enterprise Florida, Inc., to~~

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3913 ensure the Recycling Business Assistance Center is positioned to  
3914 succeed. The purpose of the center shall be to serve as the  
3915 mechanism for coordination among state agencies and the private  
3916 sector in order to coordinate policy and overall strategic  
3917 planning for developing new markets and expanding and enhancing  
3918 existing markets for recyclable materials in this state, other  
3919 states, and foreign countries. The duties of the center must  
3920 include, at a minimum:

3921 (a) Identifying and developing new markets and expanding  
3922 and enhancing existing markets for recyclable materials.

3923 (b) Pursuing expanded end uses for recycled materials.

3924 (c) Targeting materials for concentrated market  
3925 development efforts.

3926 (d) Developing proposals for new incentives for market  
3927 development, particularly focusing on targeted materials.

3928 (e) Providing guidance on issues such as permitting,  
3929 finance options for recycling market development, site location,  
3930 research and development, grant program criteria for recycled  
3931 materials markets, recycling markets education and information,  
3932 and minimum content.

3933 (f) Coordinating the efforts of various governmental  
3934 entities having market development responsibilities in order to  
3935 optimize supply and demand for recyclable materials.

3936 (g) Evaluating source-reduced products as they relate to  
3937 state procurement policy. The evaluation shall include, but is

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3938 not limited to, the environmental and economic impact of source-  
3939 reduced product purchases to the state. For the purposes of this  
3940 paragraph, the term "source-reduced" means any method, process,  
3941 product, or technology that significantly or substantially  
3942 reduces the volume or weight of a product while providing, at a  
3943 minimum, equivalent or generally similar performance and service  
3944 to and for the users of such materials.

3945 (h) Providing evaluation of solid waste management grants,  
3946 pursuant to s. 403.7095, to reduce the flow of solid waste to  
3947 disposal facilities and encourage the sustainable recovery of  
3948 materials from Florida's waste stream.

3949 (i) Providing below-market financing for companies that  
3950 manufacture products from recycled materials or convert  
3951 recyclable materials into raw materials for use in manufacturing  
3952 pursuant to the Florida Recycling Loan Program as administered  
3953 by the Florida First Capital Finance Corporation.

3954 (j) Maintaining a continuously updated online directory  
3955 listing the public and private entities that collect, transport,  
3956 broker, process, or remanufacture recyclable materials in the  
3957 state.

3958 (k) Providing information on the availability and benefits  
3959 of using recycled materials to private entities and industries  
3960 in the state.

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3961 (l) Distributing any materials prepared in implementing  
3962 this subsection to the public, private entities, industries,  
3963 governmental entities, or other organizations upon request.

3964 (m) Coordinating with the Department of Economic  
3965 Opportunity and its partners to provide job placement and job  
3966 training services to job seekers through the state's workforce  
3967 services programs.

3968 Section 150. Subsections (16) through (19) of section  
3969 403.973, Florida Statutes, are renumbered as subsections (15)  
3970 through (18), respectively, and present subsections (15) and  
3971 (17) of that section are amended to read:

3972 403.973 Expedited permitting; amendments to comprehensive  
3973 plans.—

3974 ~~(15) The Department of Economic Opportunity, working with~~  
3975 ~~the agencies providing cooperative assistance and input~~  
3976 ~~regarding the memoranda of agreement, shall review sites~~  
3977 ~~proposed for the location of facilities that the Department of~~  
3978 ~~Economic Opportunity has certified to be eligible for the~~  
3979 ~~Innovation Incentive Program under s. 288.1089. Within 20 days~~  
3980 ~~after the request for the review by the Department of Economic~~  
3981 ~~Opportunity, the agencies shall provide to the Department of~~  
3982 ~~Economic Opportunity a statement as to each site's necessary~~  
3983 ~~permits under local, state, and federal law and an~~  
3984 ~~identification of significant permitting issues, which if~~  
3985 ~~unresolved, may result in the denial of an agency permit or~~

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3986 ~~approval or any significant delay caused by the permitting~~  
3987 ~~process.~~

3988 (16) ~~(17)~~ The Department of Economic Opportunity shall be  
3989 responsible for certifying a business as eligible for undergoing  
3990 expedited review under this section. ~~Enterprise Florida, Inc.,~~ A  
3991 county or municipal government, or the Rural Economic  
3992 Development Initiative may recommend to the Department of  
3993 Economic Opportunity that a project meeting the minimum job  
3994 creation threshold undergo expedited review.

3995 Section 151. Paragraph (c) of subsection (1) of section  
3996 443.091, Florida Statutes, is amended to read:

3997 443.091 Benefit eligibility conditions.—

3998 (1) An unemployed individual is eligible to receive  
3999 benefits for any week only if the Department of Economic  
4000 Opportunity finds that:

4001 (c) To make continued claims for benefits, she or he is  
4002 reporting to the department in accordance with this paragraph  
4003 and department rules. Department rules may not conflict with s.  
4004 443.111(1)(b), which requires that each claimant continue to  
4005 report regardless of any pending appeal relating to her or his  
4006 eligibility or disqualification for benefits.

4007 1. For each week of unemployment claimed, each report  
4008 must, at a minimum, include the name, address, and telephone  
4009 number of each prospective employer contacted, or the date the

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4010 claimant reported to a one-stop career center, pursuant to  
4011 paragraph (d).

4012 2. The department shall offer an online assessment aimed  
4013 at identifying an individual's skills, abilities, and career  
4014 aptitude. The skills assessment must be voluntary, and the  
4015 department shall allow a claimant to choose whether to take the  
4016 skills assessment. The online assessment shall be made available  
4017 to any person seeking services from a local workforce  
4018 development board or a one-stop career center.

4019 a. If the claimant chooses to take the online assessment,  
4020 the outcome of the assessment shall be made available to the  
4021 claimant, local workforce development board, and one-stop career  
4022 center. The department, local workforce development board, or  
4023 one-stop career center shall use the assessment to develop a  
4024 plan for referring individuals to training and employment  
4025 opportunities. Aggregate data on assessment outcomes may be made  
4026 available to CareerSource Florida, Inc., ~~and Enterprise Florida,~~  
4027 ~~Inc.~~, for use in the development of policies related to  
4028 education and training programs that will ensure that businesses  
4029 in this state have access to a skilled and competent workforce.

4030 b. Individuals shall be informed of and offered services  
4031 through the one-stop delivery system, including career  
4032 counseling, the provision of skill match and job market  
4033 information, and skills upgrade and other training  
4034 opportunities, and shall be encouraged to participate in such

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4035 services at no cost to the individuals. The department shall  
4036 coordinate with CareerSource Florida, Inc., the local workforce  
4037 development boards, and the one-stop career centers to identify,  
4038 develop, and use best practices for improving the skills of  
4039 individuals who choose to participate in skills upgrade and  
4040 other training opportunities. The department may contract with  
4041 an entity to create the online assessment in accordance with the  
4042 competitive bidding requirements in s. 287.057. The online  
4043 assessment must work seamlessly with the Reemployment Assistance  
4044 Claims and Benefits Information System.

4045 Section 152. Paragraphs (b) through (g) of subsection (6)  
4046 of section 445.004, Florida Statutes, are redesignated as  
4047 paragraphs (a) through (f), respectively, and paragraph (d) of  
4048 subsection (3), paragraphs (b) and (d) of subsection (5), and  
4049 paragraph (a) of subsection (6) of that section are amended to  
4050 read:

4051 445.004 CareerSource Florida, Inc.; creation; purpose;  
4052 membership; duties and powers.—

4053 (3)

4054 (d) The board must include ~~the vice chairperson of the~~  
4055 ~~board of directors of Enterprise Florida, Inc., and~~ one member  
4056 representing each of the Workforce Innovation and Opportunity  
4057 Act partners, including the Division of Career and Adult  
4058 Education, and other entities representing programs identified

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4059 in the Workforce Innovation and Opportunity Act, as determined  
4060 necessary.

4061 (5) CareerSource Florida, Inc., shall have all the powers  
4062 and authority not explicitly prohibited by statute which are  
4063 necessary or convenient to carry out and effectuate its purposes  
4064 as determined by statute, Pub. L. No. 113-128, and the Governor,  
4065 as well as its functions, duties, and responsibilities,  
4066 including, but not limited to, the following:

4067 (b) Providing oversight and policy direction to ensure  
4068 that the following programs are administered by the department  
4069 in compliance with approved plans and under contract with  
4070 CareerSource Florida, Inc.:

4071 1. Programs authorized under Title I of the Workforce  
4072 Innovation and Opportunity Act, Pub. L. No. 113-128, with the  
4073 exception of programs funded directly by the United States  
4074 Department of Labor under Title I, s. 167.

4075 2. Programs authorized under the Wagner-Peyser Act of  
4076 1933, as amended, 29 U.S.C. ss. 49 et seq.

4077 3. Activities authorized under Title II of the Trade Act  
4078 of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade  
4079 Adjustment Assistance Program.

4080 4. Activities authorized under 38 U.S.C. chapter 41,  
4081 including job counseling, training, and placement for veterans.

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4082 5. Employment and training activities carried out under  
4083 funds awarded to this state by the United States Department of  
4084 Housing and Urban Development.

4085 6. Welfare transition services funded by the Temporary  
4086 Assistance for Needy Families Program, created under the  
4087 Personal Responsibility and Work Opportunity Reconciliation Act  
4088 of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403,  
4089 of the Social Security Act, as amended.

4090 7. Displaced homemaker programs, provided under s. 446.50.

4091 8. The Florida Bonding Program, provided under Pub. L. No.  
4092 97-300, s. 164(a)(1).

4093 9. The Food Assistance Employment and Training Program,  
4094 provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss.  
4095 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198;  
4096 and the Hunger Prevention Act, Pub. L. No. 100-435.

4097 ~~10. The Quick Response Training Program, provided under~~  
4098 ~~ss. 288.046-288.047. Matching funds and in-kind contributions~~  
4099 ~~that are provided by clients of the Quick Response Training~~  
4100 ~~Program shall count toward the requirements of s. 288.904,~~  
4101 ~~pertaining to the return on investment from activities of~~  
4102 ~~Enterprise Florida, Inc.~~

4103 10.11. The Work Opportunity Tax Credit, provided under the  
4104 Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277,  
4105 and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

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4106 ~~11.12.~~ Offender placement services, provided under ss.  
4107 944.707-944.708.

4108 (d) Contracting with public and private entities as  
4109 necessary to further the directives of this section. All  
4110 contracts executed by CareerSource Florida, Inc., must include  
4111 specific performance expectations and deliverables. All  
4112 CareerSource Florida, Inc., contracts, including those  
4113 solicited, managed, or paid by the department pursuant to s.  
4114 20.60(5)(b) ~~20.60(5)(e)~~ are exempt from s. 112.061, but shall be  
4115 governed by subsection (1).

4116 (6) CareerSource Florida, Inc., may take action that it  
4117 deems necessary to achieve the purposes of this section,  
4118 including, but not limited to:

4119 (a) Creating a state employment, education, and training  
4120 policy that ensures that programs to prepare workers are  
4121 responsive to present and future business and industry needs ~~and~~  
4122 ~~complement the initiatives of Enterprise Florida, Inc.~~

4123 Section 153. Subsection (5) of section 445.045, Florida  
4124 Statutes, is amended to read:

4125 445.045 Development of an Internet-based system for  
4126 information technology industry promotion and workforce  
4127 recruitment.—

4128 (5) In furtherance of the requirements of this section  
4129 that the website promote and market the information technology  
4130 industry by communicating information on the scope of the

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4131 industry in this state, CareerSource Florida, Inc., shall  
4132 ~~coordinate its efforts with the high technology industry~~  
4133 ~~marketing efforts of Enterprise Florida, Inc., under s. 288.911.~~  
4134 ~~Through links or actual content, the website developed under~~  
4135 ~~this section shall serve as a forum for distributing the~~  
4136 ~~marketing campaign developed by Enterprise Florida, Inc., under~~  
4137 ~~s. 288.911. In addition, CareerSource Florida, Inc., shall~~  
4138 solicit input from the not-for-profit corporation created to  
4139 advocate on behalf of the information technology industry as an  
4140 outgrowth of the Information Service Technology Development Task  
4141 Force created under chapter 99-354, Laws of Florida.

4142 Section 154. Subsections (2) and (5) of section 446.44,  
4143 Florida Statutes, are amended to read:

4144 446.44 Duties of Rural Workforce Services Program.—It  
4145 shall be the direct responsibility of the Rural Workforce  
4146 Services Program to promote and deliver employment and workforce  
4147 services and resources to the rural undeveloped and  
4148 underdeveloped counties of the state in an effort to:

4149 ~~(2) Assist Enterprise Florida, Inc., in attracting light,~~  
4150 ~~pollution-free industry to the rural counties.~~

4151 ~~(4)(5)~~ Develop rural workforce programs that will be  
4152 evaluated, planned, and implemented through communications and  
4153 planning with appropriate:

4154 (a) Departments of state and federal governments.

4155 ~~(b) Units of Enterprise Florida, Inc.~~

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4156            ~~(b)(e)~~ Agencies and organizations of the public and  
4157 private sectors at the state, regional, and local levels.

4158            Section 155. Subsection (5) of section 477.0135, Florida  
4159 Statutes, is amended to read:

4160            477.0135 Exemptions.—

4161            (5) A license is not required of any individual providing  
4162 makeup, special effects, or cosmetology services to an actor,  
4163 stunt person, musician, extra, or other talent during a  
4164 production recognized by the Office of Film and Entertainment as  
4165 a qualified production ~~as defined in s. 288.1254(1)~~. Such  
4166 services are not required to be performed in a licensed salon.  
4167 Individuals exempt under this subsection may not provide such  
4168 services to the general public.

4169            Section 156. Subsection (1) of section 570.81, Florida  
4170 Statutes, is amended to read:

4171            570.81 Agricultural Economic Development Project Review  
4172 Committee; powers and duties.—

4173            (1) There is created an Agricultural Economic Development  
4174 Project Review Committee consisting of five members appointed by  
4175 the commissioner. The members shall be appointed based upon the  
4176 recommendations submitted by each entity represented on the  
4177 committee and shall include:

4178            (a) The commissioner or the commissioner's designee.

4179            (b) One representative from the Farm Credit Service.

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4180 (c) One representative from the Department of Economic  
4181 Opportunity Enterprise Florida, Inc.

4182 (d) One representative from the Florida Farm Bureau  
4183 Federation.

4184 (e) One agricultural economist from the Institute of Food  
4185 and Agricultural Sciences or from Florida Agricultural and  
4186 Mechanical University.

4187 Section 157. Subsection (2) of section 570.85, Florida  
4188 Statutes, is amended to read:

4189 570.85 Agritourism.—

4190 (2) The Department of Agriculture and Consumer Services  
4191 may provide marketing advice, technical expertise, promotional  
4192 support, and product development related to agritourism to  
4193 assist the following in their agritourism initiatives:  
4194 ~~Enterprise Florida, Inc.~~ convention and visitor bureaus,†  
4195 tourist development councils,† economic development  
4196 organizations,† and local governments. In carrying out this  
4197 responsibility, the department shall focus its agritourism  
4198 efforts on rural and urban communities.

4199 Section 158. Paragraph (c) of subsection (1) of section  
4200 624.5105, Florida Statutes, is amended to read:

4201 624.5105 Community contribution tax credit; authorization;  
4202 limitations; eligibility and application requirements;  
4203 administration; definitions; expiration.—

4204 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

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4205 (c) The total amount of tax credit which may be granted  
4206 for all programs approved under this section and ss.  
4207 212.08(5)(o) ~~212.08(5)(p)~~ and 220.183 is \$18.4 million in the  
4208 2015-2016 fiscal year, \$21.4 million in the 2016-2017 fiscal  
4209 year, and \$21.4 million in the 2017-2018 fiscal year for  
4210 projects that provide housing opportunities for persons with  
4211 special needs as defined in s. 420.0004 or homeownership  
4212 opportunities for low-income or very-low-income households as  
4213 defined in s. 420.9071 and \$3.5 million annually for all other  
4214 projects.

4215 Section 159. Section 625.3255, Florida Statutes, is  
4216 repealed.

4217 Section 160. Subsection (4) of section 657.042, Florida  
4218 Statutes, is amended to read:

4219 657.042 Investment powers and limitations.—A credit union  
4220 may invest its funds subject to the following definitions,  
4221 restrictions, and limitations:

4222 (4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF  
4223 CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of  
4224 the credit union may be invested in ~~any of the following:~~

4225 ~~(a)~~ Corporate obligations of any one corporation which is  
4226 an affiliate or subsidiary of the credit union or a service  
4227 corporation, except that the total investment in all such  
4228 corporate obligations shall not exceed 10 percent of the capital  
4229 of the credit union.

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4230 ~~(b) Any capital participation instrument or evidence of~~  
4231 ~~indebtedness issued by Enterprise Florida, Inc., pursuant to the~~  
4232 ~~Florida Small and Minority Business Assistance Act.~~

4233 Section 161. Paragraph (f) of subsection (4) of section  
4234 658.67, Florida Statutes, is amended to read:

4235 658.67 Investment powers and limitations.—A bank may  
4236 invest its funds, and a trust company may invest its corporate  
4237 funds, subject to the following definitions, restrictions, and  
4238 limitations:

4239 (4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR  
4240 LESS OF CAPITAL ACCOUNTS.—

4241 ~~(f) Up to 10 percent of the capital accounts of a bank or~~  
4242 ~~trust company may be invested in any capital participation~~  
4243 ~~instrument or evidence of indebtedness issued by Enterprise~~  
4244 ~~Florida, Inc., pursuant to the Florida Small and Minority~~  
4245 ~~Business Assistance Act.~~

4246 Section 162. Paragraph (h) of subsection (2) of section  
4247 1004.015, Florida Statutes, is amended to read:

4248 1004.015 Higher Education Coordinating Council.—

4249 (2) Members of the council shall include:

4250 (h) The secretary of the Department of Economic  
4251 Opportunity, or his or her designee ~~president of Enterprise~~  
4252 ~~Florida, Inc., or a designated member of the Stakeholders~~  
4253 ~~Council appointed by the president.~~

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4254 Section 163. Paragraph (d) of subsection (5) of section  
4255 1004.65, Florida Statutes, is amended to read:

4256 1004.65 Florida College System institutions; governance,  
4257 mission, and responsibilities.-

4258 (5) The primary mission and responsibility of Florida  
4259 College System institutions is responding to community needs for  
4260 postsecondary academic education and career degree education.

4261 This mission and responsibility includes being responsible for:

4262 (d) Promoting economic development for the state within  
4263 each Florida College System institution district through the  
4264 provision of special programs, including, but not limited to,  
4265 the:

4266 ~~1. Enterprise Florida-related programs.~~

4267 1.2. Technology transfer centers.

4268 2.3. Economic development centers.

4269 3.4. Workforce literacy programs.

4270 Section 164. Paragraph (b) of subsection (10) of section  
4271 1004.78, Florida Statutes, is amended to read:

4272 1004.78 Technology transfer centers at Florida College  
4273 System institutions.-

4274 (10) The State Board of Education may award grants to  
4275 Florida College System institutions, or consortia of public and  
4276 private colleges and universities and other public and private  
4277 entities, for the purpose of supporting the objectives of this  
4278 section. Grants awarded pursuant to this subsection shall be in

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4279 accordance with rules of the State Board of Education. Such  
4280 rules shall include the following provisions:

4281 (b) Grants to centers funded with state revenues  
4282 appropriated specifically for technology transfer activities  
4283 shall be reviewed and approved by the State Board of Education  
4284 using proposal solicitation, evaluation, and selection  
4285 procedures established by the state board in consultation with  
4286 the Department of Economic Opportunity ~~Enterprise Florida, Inc.~~  
4287 Such procedures may include designation of specific areas or  
4288 applications of technology as priorities for the receipt of  
4289 funding.

4290 Section 165. Subsection (4) of section 1011.76, Florida  
4291 Statutes, is amended to read:

4292 1011.76 Small School District Stabilization Program.—

4293 (4) The Department of Education may award the school  
4294 district a stabilization grant intended to protect the district  
4295 from continued financial reductions. The amount of the grant  
4296 will be determined by the Department of Education and may be  
4297 equivalent to the amount of the decline in revenues projected  
4298 for the next fiscal year. In addition, the Department of  
4299 Economic Opportunity may implement a rural economic development  
4300 initiative to identify the economic factors that are negatively  
4301 impacting the community ~~and may consult with Enterprise Florida,~~  
4302 ~~Inc., in developing a plan to assist the county with its~~  
4303 ~~economic transition.~~ The grant will be available to the school

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4304 district for a period of up to 5 years to the extent that  
4305 funding is provided for such purpose in the General  
4306 Appropriations Act.

4307 Section 166. Paragraph (c) of subsection (6) of section  
4308 1011.80, Florida Statutes, is amended to read:

4309 1011.80 Funds for operation of workforce education  
4310 programs.-

4311 (6)

4312 (c) A program is established to assist school districts  
4313 and Florida College System institutions in responding to the  
4314 needs of new and expanding businesses and thereby strengthening  
4315 the state's workforce and economy. The program may be funded in  
4316 the General Appropriations Act. The district or Florida College  
4317 System institution shall use the program to provide customized  
4318 training for businesses ~~which satisfies the requirements of s.~~  
4319 ~~288.047~~. Business firms whose employees receive the customized  
4320 training must provide 50 percent of the cost of the training.  
4321 Balances remaining in the program at the end of the fiscal year  
4322 shall not revert to the general fund, but shall be carried over  
4323 for 1 additional year and used for the purpose of serving  
4324 incumbent worker training needs of area businesses with fewer  
4325 than 100 employees. Priority shall be given to businesses that  
4326 must increase or upgrade their use of technology to remain  
4327 competitive.

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4328 Section 167. Subsection (1) of section 1011.94, Florida  
4329 Statutes, is amended to read:

4330 1011.94 University Major Gifts Program.—

4331 (1) There is established a University Major Gifts Program.  
4332 The purpose of the program is to enable each university to  
4333 provide donors with an incentive in the form of matching grants  
4334 for donations for the establishment of permanent endowments and  
4335 sales tax exemption matching funds received pursuant to s.  
4336 212.08(5)(i) ~~212.08(5)(j)~~, which must be invested, with the  
4337 proceeds of the investment used to support libraries and  
4338 instruction and research programs, as defined by the Board of  
4339 Governors.

4340 Section 168. This act shall take effect July 1, 2017.

4341

4342 -----

4343

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

4344

Remove everything before the enacting clause and insert:

4345

A bill to be entitled

4346

An act relating to economic programs; amending ss.

4347

11.45, 14.32, 15.18, and 15.182, F.S.; conforming

4348

provisions to changes made by the act; amending s.

4349

20.60, F.S.; providing that the executive director of

4350

the Department of Economic Opportunity shall have

4351

certain duties relating to contracts with the Florida

4352

Tourism Industry Marketing Corporation; conforming

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4353 provisions to changes made by the act; repealing s.  
4354 20.601, F.S., relating to review of the Department of  
4355 Economic Opportunity; transferring all duties,  
4356 records, pending issues, rules, and unexpended  
4357 balances of appropriations, allocations, and other  
4358 public funds relating to programs in Enterprise  
4359 Florida, Inc., to the Department of Economic  
4360 Opportunity by a type two transfer; authorizing the  
4361 Florida Sports Foundation to enter into an agreement  
4362 with the Department of Economic Opportunity for  
4363 certain purposes and use certain funds; authorizing  
4364 the Florida Tourism Industry Marketing Corporation to  
4365 enter into an agreement with the Department of  
4366 Economic Opportunity for certain purposes and to use  
4367 certain funds; providing legislative intent; providing  
4368 transitional provisions for terminated programs  
4369 established pursuant to certain statutes; amending ss.  
4370 125.0104, 159.803, 166.231, 189.033, 196.012, 196.101,  
4371 196.121, and 196.1995, F.S.; conforming provisions to  
4372 changes made by the act; conforming cross-references;  
4373 amending s. 201.15, F.S.; providing that certain funds  
4374 shall be transferred to the General Revenue Fund;  
4375 conforming provisions to changes made by the act;  
4376 amending ss. 212.031 and 212.06, F.S.; conforming  
4377 provisions to changes made by the act; repealing s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4378 212.0602, F.S., relating to an exemption from sales  
4379 and use taxes for certain education-related purchases  
4380 or leases; amending ss. 212.0606 and 212.08, F.S.;  
4381 conforming provisions to changes made by the act;  
4382 repealing s. 212.097, F.S., relating to the Urban  
4383 High-Crime Area Job Tax Credit Program; amending ss.  
4384 212.098, 212.20, 218.61, 218.64, 220.02, 220.13, and  
4385 220.1895, F.S.; conforming provisions to changes made  
4386 by the act; repealing ss. 220.1899 and 220.191, F.S.,  
4387 relating to an entertainment industry tax credit and a  
4388 capital investment tax credit, respectively; amending  
4389 s. 220.194, F.S.; conforming a cross-reference;  
4390 amending ss. 220.196, 272.11, 287.0947, and 288.0001,  
4391 F.S.; conforming provisions to changes made by the  
4392 act; repealing ss. 288.001 and 288.012, F.S., relating  
4393 to the Florida Small Business Development Center  
4394 Network and the State of Florida international  
4395 offices, respectively; amending ss. 288.017 and  
4396 288.018, F.S.; conforming provisions to changes made  
4397 by the act; repealing ss. 288.046 and 288.047, F.S.,  
4398 relating to quick-response training for economic  
4399 development; amending s. 288.061, F.S.; conforming  
4400 provisions to changes made by the act; amending s.  
4401 288.0655, F.S.; conforming a cross-reference;  
4402 conforming provisions to changes made by the act;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4403 amending ss. 288.0656, 288.0658, 288.075, 288.076, and  
4404 288.095, F.S.; conforming provisions to changes made  
4405 by the act; repealing ss. 288.1045, 288.106, 288.107,  
4406 288.108, 288.1081, 288.1082, 288.1088, and 288.1089,  
4407 F.S., relating to the qualified defense contractor and  
4408 space flight business tax refund program, a tax refund  
4409 program for qualified target industry businesses,  
4410 brownfield redevelopment bonus refunds, high-impact  
4411 business, the Economic Gardening Business Loan Pilot  
4412 Program, the Economic Gardening Technical Assistance  
4413 Pilot Program, the Quick Action Closing Fund, and the  
4414 Innovation Incentive Program, respectively; amending  
4415 s. 288.111, F.S.; conforming a provision to changes  
4416 made by the act; repealing ss. 288.1162, 288.11621,  
4417 288.11625, and 288.11631, F.S., relating to  
4418 professional sports franchises, spring training  
4419 baseball franchises, sports development, and retention  
4420 of Major League Baseball spring training baseball  
4421 franchises, respectively; repealing ss. 288.1169,  
4422 288.1201, and 288.122, F.S., relating to the  
4423 International Game Fish Association World Center  
4424 facility, the State Economic Enhancement and  
4425 Development Trust Fund, and the Tourism Promotional  
4426 Trust Fund, respectively; terminating such trust  
4427 funds; transferring the balances and revenues of such

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4428 trust funds to the General Revenue Fund; requiring the  
4429 department to pay outstanding debts and obligations of  
4430 such trust funds; requiring the Chief Financial  
4431 Officer to close out and remove such trust funds from  
4432 state accounting systems; amending s. 288.1226, F.S.;  
4433 providing that the Florida Tourism Industry Marketing  
4434 Corporation is a direct-support organization of the  
4435 Department of Economic Opportunity, rather than  
4436 Enterprise Florida, Inc.; conforming provisions to  
4437 changes made by the act; amending s. 288.12265, F.S.;  
4438 transferring responsibility for administering and  
4439 operating welcome centers from Enterprise Florida,  
4440 Inc., to the Department of Economic Opportunity;  
4441 amending s. 288.124, F.S.; authorizing the Florida  
4442 Tourism Industry Marketing Corporation, rather than  
4443 Enterprise Florida, Inc., to establish a convention  
4444 grants program and guidelines therefor; repealing ss.  
4445 288.125, 288.1251, 288.1252, 288.1253, and 288.1258,  
4446 F.S., relating to a definition of the term  
4447 "entertainment industry," the promotion and  
4448 development of the entertainment industry by the  
4449 Office of Film and Entertainment, the Florida Film and  
4450 Entertainment Advisory Council, and certain travel and  
4451 entertainment expenses, and entertainment industry  
4452 qualified production companies, respectively; amending

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4453 | ss. 288.7015 and 288.706, F.S.; conforming provisions  
4454 | to changes made by the act; amending ss. 288.773,  
4455 | 288.776, 288.7771, 288.8017, and 288.816, F.S.;  
4456 | conforming provisions to changes made by the act;  
4457 | repealing s. 288.826, F.S., relating to the Florida  
4458 | International Trade and Promotion Trust Fund;  
4459 | terminating such trust fund; transferring the balances  
4460 | and revenues of such trust fund to the General Revenue  
4461 | Fund; requiring the department to pay outstanding  
4462 | debts and obligations of such trust fund; requiring  
4463 | the Chief Financial Officer to close out and remove  
4464 | such trust fund from state accounting systems;  
4465 | repealing ss. 288.901, 288.9015, 288.903, 288.904,  
4466 | 288.905, and 288.906, F.S., relating to Enterprise  
4467 | Florida, Inc., powers of board of directors of  
4468 | Enterprise Florida, Inc., duties of Enterprise  
4469 | Florida, Inc., funding for Enterprise Florida, Inc.,  
4470 | the president and employees of Enterprise Florida,  
4471 | Inc., and the annual report and audits of Enterprise  
4472 | Florida, Inc., and its divisions, respectively;  
4473 | transferring, renumbering, and amending s. 288.907,  
4474 | F.S.; conforming provisions to changes made by the  
4475 | act; repealing s. 288.911, F.S., relating to the  
4476 | creation and implementation of a marketing and image  
4477 | campaign; transferring, renumbering, and amending s.

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4478 288.912, F.S.; conforming provisions to changes made  
4479 by the act; repealing s. 288.92, F.S., relating to the  
4480 divisions of Enterprise Florida, Inc.; amending s.  
4481 288.923, F.S.; conforming provisions to changes made  
4482 by the act; repealing ss. 288.95155 and 288.9519,  
4483 F.S., relating to the Florida Small Business  
4484 Technology Growth Program and a not-for-profit  
4485 corporation intended to promote the competitiveness  
4486 and profitability of high-technology business and  
4487 industry, respectively; amending ss. 288.9520,  
4488 288.9603, 288.9604, and 288.9605, F.S.; conforming  
4489 provisions to changes made by the act; repealing ss.  
4490 288.9614, 288.9621, 288.9622, 288.9623, 288.9624,  
4491 288.9625, 288.96255, 288.9626, and 288.9627, F.S.,  
4492 relating to the Florida Capital Formation Act and  
4493 findings and intent and definitions relating thereto,  
4494 the Florida Opportunity Fund, the Institute for the  
4495 Commercialization of Public Research, the Florida  
4496 Technology Seed Capital Fund, and exemptions from  
4497 public records and public meetings requirements for  
4498 such fund and institute, respectively; amending s.  
4499 288.980, F.S.; conforming a provision to changes made  
4500 by the act; repealing ss. 288.991, 288.9912, 288.9913,  
4501 288.9914, 288.9915, 288.9916, 288.9917, 288.9918,  
4502 288.9919, 288.9920, 288.9921, and 288.9922, F.S.,

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4503 relating to the New Markets Development Program;  
4504 amending ss. 288.9932 and 288.9934, F.S.; conforming  
4505 provisions to changes made by the act; repealing s.  
4506 288.9935, F.S., relating to the Microfinance Guarantee  
4507 Program; amending ss. 288.9936, 288.9937, 290.0056,  
4508 290.0065, 290.00677, 290.007, 290.053, 295.22,  
4509 320.08058, 331.3051, 331.3081, and 339.08, F.S.;  
4510 conforming provisions to changes made by the act;  
4511 conforming cross-references; repealing s. 339.2821,  
4512 F.S., relating to economic development transportation  
4513 projects; amending ss. 364.0135, 376.82, 377.703,  
4514 377.804, 377.809, 380.06, 380.0657, 403.42, 403.7032,  
4515 403.973, 443.091, 445.004, 445.045, 446.44, 477.0135,  
4516 570.81, 570.85, and 624.5105, F.S.; conforming  
4517 provisions to changes made by the act; conforming a  
4518 cross-reference; repealing s. 625.3255, F.S., relating  
4519 to a capital participation instrument; amending ss.  
4520 657.042, 658.67, 1004.015, 1004.65, 1004.78, 1011.76,  
4521 1011.80, and 1011.94, F.S.; conforming provisions to  
4522 changes made by the act; conforming a cross-reference;  
4523 providing an effective date.

4524

4525 WHEREAS, economic development incentives foster unfair  
4526 competition by benefitting select firms and industries, and

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 7005 (2017)

Amendment No. 1

4527           WHEREAS, economic development incentives often subsidize  
4528 private companies and their shareholders for economic actions  
4529 they would have taken regardless of such incentives, and

4530           WHEREAS, economic development incentives cause market  
4531 distortions which result in inefficiencies and inequities in the  
4532 marketplace, and

4533           WHEREAS, business incentives divert the attention of  
4534 policymakers from other issues that could lead to additional job  
4535 creation and a more robust business climate, and

4536           WHEREAS, the true costs of economic development incentives  
4537 are an unnecessary shift of private business expenses to the  
4538 taxpaying public and a reduction in available funding for other  
4539 public services which could promote economic growth, and

4540           WHEREAS, economic development scholars and professionals  
4541 lack consensus on how influential economic development and  
4542 business incentives are on the economy, generally, or on a  
4543 business when choosing its location, NOW, THEREFORE,





## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 9 Florida Tourism Industry Marketing Corporation

**SPONSOR(S):** Renner

**TIED BILLS:**           **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Rules & Policy Committee		Willson	Birtman

### SUMMARY ANALYSIS

The bill moves the Florida Tourism Industry Marketing Corporation (dba VISIT Florida) from the supervision of Enterprise Florida, Inc., to the Department of Economic Opportunity (DEO). The bill also modifies current law to provide greater accountability and oversight of Visit Florida.

The bill provides additional accountability for Visit Florida by:

- Requiring Visit Florida to comply with state procurement laws.
- Limiting travel and per diem expenses of Visit Florida employees to those of state employees.
- Limiting compensation of Visit Florida employees to \$130,000, freezing benefits of employees at current levels and prohibiting bonuses for employees unless authorized by law.
- Prohibiting Visit Florida employees or board members from receiving food, beverages, lodging, entertainment or gifts paid for by Visit Florida funds or funds from a local tourist or economic development agency.
- Requiring Visit Florida contracts to contain performance standards, operating budgets and salaries of employees of the contracting entity to increase transparency of Visit Florida contracts and partnership agreements.
- Requiring Visit Florida to post all contracts on the Chief Financial Officer's Transparency website.
- Requiring the Governor to approve all out-of-state and international travel.
- Requiring the corporation to take all steps necessary to provide all data that is used to develop tourism estimates and measures, including the source data, to the Office of Economic and Demographic Research.
- Removing the public records exemption for marketing projects and research.
- Prohibiting the corporation from creating or establishing any other entity, corporation, or direct support organization.
- Prohibiting expending funds, public or private, that directly or indirectly, benefit only one company, corporation or business entity.
- Tightening Visit Florida's current matching requirements.

The bill provides for additional legislative oversight of Visit Florida by:

- Requiring Visit Florida to place proposed contracts worth \$750,000 or more on 14-day legislative consultation. Upon objection by the chair or vice chair of the Joint Legislative Budget Commission (LBC) or Speaker or Senate President, Visit Florida would be prohibited from entering into contract.
- Requiring Visit Florida to submit a detailed operating budget to the LBC each year in order to obtain release of funds.
- Requiring Senate confirmation of the Visit Florida President/CEO.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0009.RPC

**DATE:** 2/28/2017

The bill eliminates the State Economic Enhancement and Development Trust Fund, the Tourism Promotional Trust Fund, and the Florida International Trade and Promotion Trust Fund.

The bill has not been reviewed by the Revenue Estimating Conference. However, on February 10, 2017, the REC reviewed identical provisions in PCB CCS 17-01 (HB 7005) related to the termination of the SEED Trust Fund, the Tourism Promotional Trust Fund, and the Florida International Trade and Promotion Trust Fund. The REC determined the impact of these trust fund terminations and subsequent redirect of revenues to the General Revenue Fund would result in a negative recurring impact of \$186.6 million in state trust funds, and a corresponding positive general revenue impact of \$186.6 million.

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

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Background**

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

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

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

To support the ongoing evolution of the state's economic development system, the 2011 Legislature created the Department of Economic Opportunity, transferring functions from the Agency for Workforce Innovation (AWI), Department of Community Affairs (DCA), and Governor's Office of Tourism, Trade, and Economic Development (OTTED) to the new agency.<sup>4</sup> AWI had performed

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

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

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

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

functions related to workforce, unemployment compensation, and early learning services, while DCA was the state's land planning and community development agency. OTTED assisted the Governor in formulating economic development policies and strategies and administered the state's economic programs.<sup>5</sup>

### **Department of Economic Opportunity**

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

- ensuring that Florida's goals and policies relating to economic development, community planning and development, workforce development, and affordable housing are fully integrated with appropriate implementation strategies;
- recruiting new businesses to Florida and promoting the expansion of businesses by expediting permitting and location decisions, worker placement and training, and incentive awards;
- promoting viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities;
- coordinating with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval; and
- managing the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of various programs.<sup>7</sup>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Florida law directs EFI's board of directors to "integrate its efforts in business recruitment and expansion, job creation, marketing the state for tourism and sports, and promoting economic opportunities for minority-owned businesses and promoting economic opportunities for rural and distressed urban communities with those of the department, to create an aggressive, agile, and collaborative effort to reinvigorate the state's economy."<sup>16</sup>

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

The Florida Tourism Industry Marketing Corporation dba VISIT Florida (VF) is a nonprofit corporation established by the Florida Legislature to serve as a direct support organization of EFI.<sup>17</sup> Florida law requires that EFI contract with VF "to execute tourism promotion and marketing services, functions, and programs for the state."<sup>18</sup>

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

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

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

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

<sup>16</sup> s. 288.9015(1), F.S.

<sup>17</sup> s. 288.1226(2), F.S.

<sup>18</sup> s. 288.923(3), F.S.

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

VF's primary responsibilities include:

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

VF also administers a number of small grant programs that provide organizations and state agencies funding for certain tourism-related activities, including convention grants for attracting national conferences and conventions to Florida.<sup>19</sup> Grant funds total less than \$2 million per year.

VF administers a cooperative advertising matching grants program whereby VF makes expenditures and enters into contracts with certain local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state.<sup>20</sup> The total annual allocation of funds for this grant program may not exceed \$40,000. Each grant awarded under the program is limited to no more than \$2,500 and must be matched by nonstate dollars. Grants are restricted to local governments and nonprofit corporations serving and located in municipalities having a population of 50,000 persons or less or in counties with an unincorporated area having a population of 200,000 persons or less.<sup>21</sup>

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

In a recent study, OPPAGA found that it is difficult to distinguish VF's influence from that of other entities that engage in similar tourism marketing activities. VF focuses much of its efforts on statewide tourism goals such as increasing total visitors and visitor spending in the state. As a result, these same indicators are often used to promote VF's success in positioning Florida as the top travel destination in the world. However, numerous other entities also actively promote the state. State agencies, county governments, the federal government, and the private sector all engage in tourism promotional activities, including statewide marketing. Moreover, county governments and private businesses specifically market local attractions and destinations.<sup>22</sup>

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<sup>19</sup> s. 288.124, F.S.

<sup>20</sup> s. 288.017, F.S.

<sup>21</sup> s. 288.017(2), F.S.

<sup>22</sup> OPPAGA, Report No. 15-01, Florida Economic Development Program Evaluations-Year 2 (January 1, 2015)

## **Trust Funds**

### **The State Economic Enhancement and Development Trust Fund<sup>23</sup>**

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

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

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

### **Tourism Promotional Trust Fund<sup>24</sup>**

Moneys deposited in the Tourism Promotional Trust Fund may only be used to support the authorized activities and operations and the tourism promotion and marketing activities, services, functions, and programs administered by EFI, through a contract with VISIT Florida. The Tourism Promotional Trust Fund receives 15.75% of the state's rental car surcharge tax.<sup>25</sup>

### **Florida International Trade and Promotion Trust Fund<sup>26</sup>**

The Florida International Trade and Promotion Trust Fund is administered by DEO for the operation of EFI and for the operation of Florida international offices under s. 288.012, F.S. The Florida International Trade and Promotion Trust Fund receives 4.25% of the state's rental car surcharge tax.<sup>27</sup>

## **Effect of Proposed Changes**

### **Transfer to DEO**

The bill makes VISIT Florida a direct-support organization of DEO and allows VISIT Florida to enter into an agreement with DEO to continue any existing program, activity, duty or function necessary for its operation.

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

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<sup>23</sup> s. 288.1201, F.S.

<sup>24</sup> s. 288.122, F.S.

<sup>25</sup> s. 212.0606(3)(a), F.S.

<sup>26</sup> s. 288.826, F.S.

<sup>27</sup> s. 212.0606(3)(a), F.S.

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

## **VISIT Florida**

The bill amends s. 288.1226, F.S., to provide additional accountability for VISIT Florida by:

- Requiring VISIT Florida to comply with state procurement laws in chapter 287, F.S.
- Limiting travel and per diem expenses of VISIT Florida employees to those of state employees under s. 112.061, F.S.
- Limiting compensation of VISIT Florida employees to no more than \$130,000 (the Governor's salary for Fiscal Year 2016-17 is \$130,273), providing that benefits of employees may not exceed the level provided as of January 1, 2017, and prohibiting bonuses for employees unless authorized by law.
- Prohibiting VISIT Florida employees or board members from receiving food, beverages, lodging, entertainment or gifts paid for by VISIT Florida funds or funds from a local tourist or economic development agency receiving revenue from a tax imposed pursuant to ss. 125.0104, 125.0108, or 212.0305, F.S.
- Prohibiting lodging expenses for an employee of VISIT Florida in excess of \$150 per day, excluding taxes. However, an employee may expend his or her own funds for any lodging expenses in excess of \$150 per day.
- Requiring VISIT Florida contracts with any entity, including a local government, private, or nonprofit entity, that receives public funds from the state or from a tax imposed pursuant to ss. 125.0104, s. 125.0108, or s. 212.0305, F.S., to contain performance standards, operating budgets and salaries of employees of the contracting entity to increase transparency of VISIT Florida contracts and partnership agreements.
- Indicating VISIT Florida is a governmental entity as defined in s. 215.985, F.S., and therefore, is subject to the Transparency Florida Act.
- Requiring VISIT Florida to post all contracts on the Chief Financial Officer's transparency website under s. 215.985, F.S., to be easily accessible to the public at no cost.
- Requiring the Governor to approve all out-of-state and international travel.
- Requiring VISIT Florida to take all steps necessary to provide all data that is used to develop tourism estimates and measures, including the source data, to the Office of Economic and Demographic Research to enhance their ability to evaluate the impact of tourism advertising spending by the state.
- Removing the public records exemption for marketing projects and research.
- Prohibiting the corporation from creating or establishing any other entity, corporation, or direct support organization.
- Prohibiting expending funds, public or private, that directly or indirectly, benefit only one company, corporation or business entity.
- Limiting the type of contributions that may be included in the calculation of the one-to-one match to direct cash contributions from private sources and fees for services.
- Specifying that, for the purpose of calculating the one-to-one match, contributions from the following entities are not considered private contributions:
  - a government entity, or
  - any entity that received more than 50% of its revenue in the previous fiscal year from public sources.

- Requiring VISIT to revert all unmatched contributions to the state treasury by June 30 of each fiscal year.

The bill amends s. 288.1226, F.S., to provide additional oversight of VISIT Florida by:

- Requiring VISIT Florida to place proposed contracts worth \$750,000 or more on 14-day legislative notice and review under s. 216.177, F.S. Upon objection by the chair or vice chair of the LBC or Speaker or Senate President, VISIT Florida would be prohibited from executing the contract.
  - VISIT Florida may not enter into multiple related contracts to avoid the \$750,000 threshold requirement.
- Requiring 25 percent of the operating budget appropriated in the General Appropriations Act for VISIT Florida to be released on July 1<sup>st</sup>, with the remainder released in accordance with a detailed operating budget submitted to the LBC each year by August 15<sup>th</sup>, if approved.
- Requiring Senate confirmation of the VISIT Florida President/CEO.

### Trust Funds

The bill repeals and terminates the following trust funds:

- The State Economic Enhancement and Development Trust Fund (s. 288.1201, F.S.)
- Tourism Promotional Trust Fund (s. 288.122, F.S.)
- The Florida International Trade and Promotion Trust Fund (s. 288.826, F.S.)

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

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

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

### B. SECTION DIRECTORY:

Section	1	Amends	s. 11.45	Authority for Audits and Other Engagement
Section	2	Transfers		Authorizing the corporation to enter into an agreement with DEO for certain purposes and to use certain funds; providing legislative intent
Section	3	Amends	s. 201.15	Distribution of taxes collected
Section	4	Amends	s. 212.0606	Rental car surcharge
Section	5	Amends	s. 272.11	Capitol information center
Section	6	Amends	s. 288.0001	Economic development program evaluation
Section	7	Amends	s. 288.017	Cooperative advertising matching grants program



Section	8	Repeals	s. 288.1201	State Economic Enhancement and Development Trust Fund
Section	9	Terminates		State Economic Enhancement and Development Trust Fund
Section	10	Repeals	s. 288.122	Tourism Promotional Trust Fund
Section	11	Terminates		Tourism Promotional Trust Fund
Section	12	Amends	s. 288.1226	Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit
Section	13	Amends	s. 288.12265	Welcome centers
Section	14	Amends	s. 288.124	Convention grants program
Section	15	Repeals	s. 288.826	Florida International Trade and Promotion Trust Fund
Section	16	Terminates		Florida International Trade and Promotion Trust Fund within DEO
Section	17	Amends	s. 288.904	Funding for Enterprise Florida, Inc.; performance and return on the public's investment.
Section	18	Amends	s. 288.92	Divisions of Enterprise Florida, Inc.
Section	19	Amends	s. 288.923	Division of Tourism Marketing; definitions; responsibilities.
Section	20	Provides		Effective Date

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See fiscal comments.

#### 2. Expenditures:

None

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None

#### 2. Expenditures:

None

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

### D. FISCAL COMMENTS:

The bill has not been reviewed by the Revenue Estimating Conference. However, on February 10, 2017, the REC reviewed identical provisions in PCB CCS 17-01 (HB 7005) related to the termination of the SEED Trust Fund, the Tourism Promotional Trust Fund, and the Florida International Trade and Promotion Trust Fund. The REC determined the impact of these trust fund terminations and subsequent redirect of revenues to the General Revenue Fund would result in a negative recurring

impact of \$186.6 million in state trust funds, and a corresponding positive general revenue impact of \$186.6 million.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

##### **1. Applicability of Municipality/County Mandates Provision:**

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

##### **2. Other:**

None

#### **B. RULE-MAKING AUTHORITY:**

None

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

None

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

1                                   A bill to be entitled  
 2           An act relating to the Florida Tourism Industry  
 3           Marketing Corporation; amending s. 11.45, F.S.;  
 4           authorizing the Auditor General to audit the  
 5           corporation; authorizing the corporation to enter into  
 6           an agreement with the Department of Economic  
 7           Opportunity for certain purposes and to use certain  
 8           funds; providing legislative intent; amending s.  
 9           201.15, F.S.; transferring certain funds to the  
 10          General Revenue Fund; conforming provisions to changes  
 11          made by the act; amending s. 212.0606, F.S.;  
 12          depositing a certain percentage of the rental car  
 13          surcharge in the General Revenue Fund; conforming  
 14          provisions to changes made by the act; amending s.  
 15          272.11, F.S.; transferring responsibility for the  
 16          Capitol information center from Enterprise Florida,  
 17          Inc., to the department; amending s. 288.0001, F.S.;  
 18          conforming cross-references; amending s. 288.017,  
 19          F.S.; authorizing the department, rather than  
 20          Enterprise Florida, Inc., to establish and operate a  
 21          cooperative advertising matching grants program;  
 22          authorizing the department to contract with VISIT  
 23          Florida to administer such program; authorizing the  
 24          department to conduct an annual competitive selection  
 25          process for the award of program grants; removing a

26 requirement that the department consider certain  
 27 recommendations from Enterprise Florida, Inc., in  
 28 evaluating program grant applications; repealing ss.  
 29 288.1201 and 288.122, F.S., relating to the State  
 30 Economic Enhancement and Development Trust Fund and  
 31 the Tourism Promotional Trust Fund, respectively;  
 32 terminating such trust funds; transferring the  
 33 balances and revenues of such terminated trust funds  
 34 to the General Revenue Fund; requiring the department  
 35 to pay outstanding debts and obligations of such  
 36 terminated trust funds; requiring the Chief Financial  
 37 Officer to close out and remove such terminated trust  
 38 funds from state accounting systems; amending s.  
 39 288.1226, F.S.; providing that the corporation is a  
 40 direct-support organization of the department, rather  
 41 than Enterprise Florida, Inc.; revising the purposes  
 42 for which the corporation is an agency; providing that  
 43 the officers and members of the board of directors of  
 44 the corporation are subject to certain provisions and  
 45 are public officers or employees of an agency for a  
 46 certain purpose; requiring the corporation to comply  
 47 with certain per diem and travel expense provisions;  
 48 providing corporation board members and officers with  
 49 certain voting authority; requiring such officers and  
 50 members to file a certain annual disclosure; requiring

51 | that such disclosure be placed on the corporation's  
 52 | website; authorizing reimbursement for per diem and  
 53 | travel expenses for corporation board members;  
 54 | requiring such expenses to be paid out of corporation  
 55 | funds; subjecting certain contracts to specified  
 56 | notice and review procedures; prohibiting the  
 57 | execution of certain contracts; limiting the amount of  
 58 | compensation paid to corporation officers, agents, and  
 59 | employees; limiting the value of certain benefits  
 60 | provided to corporation employees; prohibiting certain  
 61 | performance bonuses and severance pay; requiring the  
 62 | Governor to approve certain out-of-state or  
 63 | international travel; requiring the corporation to  
 64 | appoint its president and chief executive officer,  
 65 | subject to Senate confirmation; prohibiting the  
 66 | corporation from creating or establishing certain  
 67 | entities and expending certain funds that benefit only  
 68 | one entity; requiring a one-to-one match of private to  
 69 | public contributions to the corporation; providing  
 70 | private contribution categories to use when  
 71 | calculating such match; prohibiting certain  
 72 | contributions from being considered private  
 73 | contributions for purposes of such match; requiring  
 74 | the reversion of unmatched public contributions to the  
 75 | state treasury by a certain date annually; requiring a

76 | quarterly report to the department; requiring the  
 77 | corporation to provide certain data to the Office of  
 78 | Economic and Demographic Research; prohibiting the  
 79 | expenditure of corporation funds for certain purposes;  
 80 | prohibiting the acceptance or receipt of certain items  
 81 | or services from certain entities; removing a public  
 82 | records exemption; limiting certain expenses of  
 83 | corporation employees; providing an exception;  
 84 | specifying a procedure for the release of appropriated  
 85 | funds; providing that the corporation is a  
 86 | governmental entity and subject to the Transparency  
 87 | Florida Act; requiring the inclusion of specified  
 88 | information in certain corporation contracts and on  
 89 | the corporation's website; requiring specified  
 90 | functionality of the corporation's website; requiring  
 91 | marketing partners to provide annual reports  
 92 | containing specified financial data to the  
 93 | corporation; conforming provisions to changes made by  
 94 | the act; amending s. 288.12265, F.S.; transferring  
 95 | responsibility for administering and operating welcome  
 96 | centers from Enterprise Florida, Inc., to the  
 97 | department; amending s. 288.124, F.S.; authorizing  
 98 | VISIT Florida, rather than Enterprise Florida, Inc.,  
 99 | to establish a convention grants program and  
 100 | guidelines governing the award of program grants and

101 the administration of such program; repealing s.  
 102 288.826, F.S., relating to the Florida International  
 103 Trade and Promotion Trust Fund; terminating such trust  
 104 fund; transferring the balances and revenues of such  
 105 terminated trust fund to the General Revenue Fund;  
 106 requiring the department to pay outstanding debts and  
 107 obligations of such terminated trust fund; requiring  
 108 the Chief Financial Officer to close out and remove  
 109 such terminated trust fund from state accounting  
 110 systems; amending s. 288.904, F.S.; conforming  
 111 provisions to changes made by the act; amending s.  
 112 288.92, F.S.; removing a requirement that Enterprise  
 113 Florida, Inc., include a division related to tourism  
 114 marketing; conforming provisions to changes made by  
 115 the act; amending s. 288.923, F.S.; terminating the  
 116 Division of Tourism Marketing created within  
 117 Enterprise Florida, Inc.; transferring duties and  
 118 authority to contract with the corporation from  
 119 Enterprise Florida, Inc., to the department;  
 120 conforming a provision to changes made by the act;  
 121 providing an effective date.

122

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

124

125 Section 1. Paragraph (x) is added to subsection (3) of

126 section 11.45, Florida Statutes, to read:

127 11.45 Definitions; duties; authorities; reports; rules.—

128 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.—The  
 129 Auditor General may, pursuant to his or her own authority, or at  
 130 the direction of the Legislative Auditing Committee, conduct  
 131 audits or other engagements as determined appropriate by the  
 132 Auditor General of:

133 (x) The Florida Tourism Industry Marketing Corporation.

134 Section 2. (1) The Florida Tourism Industry Marketing  
 135 Corporation may enter into an agreement with the Department of  
 136 Economic Opportunity to continue any existing program, activity,  
 137 duty, or function necessary for the operation of the  
 138 corporation.

139 (2) Any funds held in trust which were donated to or  
 140 earned by the Florida Tourism Industry Marketing Corporation may  
 141 be used by the corporation for the original purposes for which  
 142 the funds were received.

143 (3) It is the intent of the Legislature that the changes  
 144 made by this act be accomplished with minimal disruption of  
 145 services provided to the public and with minimal disruption to  
 146 employees of any organization.

147 Section 3. Paragraphs (a), (c), and (d) of subsection (4)  
 148 of section 201.15, Florida Statutes, are amended to read:

149 201.15 Distribution of taxes collected.—All taxes  
 150 collected under this chapter are hereby pledged and shall be



151 first made available to make payments when due on bonds issued  
 152 pursuant to s. 215.618 or s. 215.619, or any other bonds  
 153 authorized to be issued on a parity basis with such bonds. Such  
 154 pledge and availability for the payment of these bonds shall  
 155 have priority over any requirement for the payment of service  
 156 charges or costs of collection and enforcement under this  
 157 section. All taxes collected under this chapter, except taxes  
 158 distributed to the Land Acquisition Trust Fund pursuant to  
 159 subsections (1) and (2), are subject to the service charge  
 160 imposed in s. 215.20(1). Before distribution pursuant to this  
 161 section, the Department of Revenue shall deduct amounts  
 162 necessary to pay the costs of the collection and enforcement of  
 163 the tax levied by this chapter. The costs and service charge may  
 164 not be levied against any portion of taxes pledged to debt  
 165 service on bonds to the extent that the costs and service charge  
 166 are required to pay any amounts relating to the bonds. All of  
 167 the costs of the collection and enforcement of the tax levied by  
 168 this chapter and the service charge shall be available and  
 169 transferred to the extent necessary to pay debt service and any  
 170 other amounts payable with respect to bonds authorized before  
 171 January 1, 2017, secured by revenues distributed pursuant to  
 172 this section. All taxes remaining after deduction of costs shall  
 173 be distributed as follows:

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

176 deduction of the service charge imposed pursuant to s.  
 177 215.20(1), the remainder shall be distributed as follows:  
 178 (a) The lesser of 24.18442 percent of the remainder or  
 179 \$541.75 million in each fiscal year shall be paid into the State  
 180 Treasury to the credit of the State Transportation Trust Fund.  
 181 Of such funds, \$75 million for each fiscal year shall be  
 182 transferred to the General Revenue Fund ~~State Economic~~  
 183 ~~Enhancement and Development Trust Fund within the Department of~~  
 184 ~~Economic Opportunity~~. Notwithstanding any other law, the  
 185 remaining amount credited to the State Transportation Trust Fund  
 186 shall be used for:  
 187 1. Capital funding for the New Starts Transit Program,  
 188 authorized by Title 49, U.S.C. s. 5309 and specified in s.  
 189 341.051, in the amount of 10 percent of the funds;  
 190 2. The Small County Outreach Program specified in s.  
 191 339.2818, in the amount of 10 percent of the funds;  
 192 3. The Strategic Intermodal System specified in ss.  
 193 339.61, 339.62, 339.63, and 339.64, in the amount of 75 percent  
 194 of the funds after deduction of the payments required pursuant  
 195 to subparagraphs 1. and 2.; and  
 196 4. The Transportation Regional Incentive Program specified  
 197 in s. 339.2819, in the amount of 25 percent of the funds after  
 198 deduction of the payments required pursuant to subparagraphs 1.  
 199 and 2. The first \$60 million of the funds allocated pursuant to  
 200 this subparagraph shall be allocated annually to the Florida

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

202 (c) Eleven and twenty-four hundredths percent of the  
 203 remainder in each fiscal year shall be paid into the State  
 204 Treasury to the credit of the State Housing Trust Fund. Of such  
 205 funds, the first \$35 million shall be transferred annually,  
 206 subject to any distribution required under subsection (5), to  
 207 the General Revenue Fund ~~State Economic Enhancement and~~  
 208 ~~Development Trust Fund within the Department of Economic~~  
 209 ~~Opportunity~~. The remainder shall be used as follows:

210 1. Half of that amount shall be used for the purposes for  
 211 which the State Housing Trust Fund was created and exists by  
 212 law.

213 2. Half of that amount shall be paid into the State  
 214 Treasury to the credit of the Local Government Housing Trust  
 215 Fund and used for the purposes for which the Local Government  
 216 Housing Trust Fund was created and exists by law.

217 (d) Twelve and ninety-three hundredths percent of the  
 218 remainder in each fiscal year shall be paid into the State  
 219 Treasury to the credit of the State Housing Trust Fund. Of such  
 220 funds, the first \$40 million shall be transferred annually,  
 221 subject to any distribution required under subsection (5), to  
 222 the General Revenue Fund ~~State Economic Enhancement and~~  
 223 ~~Development Trust Fund within the Department of Economic~~  
 224 ~~Opportunity~~. The remainder shall be used as follows:

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

226 deposited into the State Housing Trust Fund and expended by the  
 227 Department of Economic Opportunity and the Florida Housing  
 228 Finance Corporation for the purposes for which the State Housing  
 229 Trust Fund was created and exists by law.

230 2. Eighty-seven and one-half percent of that amount shall  
 231 be distributed to the Local Government Housing Trust Fund and  
 232 used for the purposes for which the Local Government Housing  
 233 Trust Fund was created and exists by law. Funds from this  
 234 category may also be used to provide for state and local  
 235 services to assist the homeless.

236 Section 4. Paragraph (a) of subsection (3) of section  
 237 212.0606, Florida Statutes, is amended to read:

238 212.0606 Rental car surcharge.-

239 (3)(a) Notwithstanding s. 212.20, and less the costs of  
 240 administration, 80 percent of the proceeds of this surcharge  
 241 shall be deposited in the State Transportation Trust Fund, ~~15.75~~  
 242 ~~percent of the proceeds of this surcharge shall be deposited in~~  
 243 ~~the Tourism Promotional Trust Fund created in s. 288.122, and 20~~  
 244 4.25 percent of the proceeds of this surcharge shall be  
 245 deposited in the General Revenue Fund ~~Florida International~~  
 246 ~~Trade and Promotion Trust Fund~~. For the purposes of this  
 247 subsection, "proceeds" of the surcharge means all funds  
 248 collected and received by the department under this section,  
 249 including interest and penalties on delinquent surcharges. The  
 250 department shall provide the Department of Transportation rental

251 car surcharge revenue information for the previous state fiscal  
 252 year by September 1 of each year.

253 Section 5. Section 272.11, Florida Statutes, is amended to  
 254 read:

255 272.11 Capitol information center.—The Department of  
 256 Economic Opportunity ~~Enterprise Florida, Inc.~~, shall establish,  
 257 maintain, and operate a Capitol information center somewhere  
 258 within the area of the Capitol Center and employ personnel or  
 259 enter into contracts to maintain same.

260 Section 6. Paragraphs (b) and (c) of subsection (2) of  
 261 section 288.0001, Florida Statutes, are amended to read:

262 288.0001 Economic Development Programs Evaluation.—The  
 263 Office of Economic and Demographic Research and the Office of  
 264 Program Policy Analysis and Government Accountability (OPPAGA)  
 265 shall develop and present to the Governor, the President of the  
 266 Senate, the Speaker of the House of Representatives, and the  
 267 chairs of the legislative appropriations committees the Economic  
 268 Development Programs Evaluation.

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

272 (b) By January 1, 2015, and every 3 years thereafter, an  
 273 analysis of ~~the following~~:

274 1. The entertainment industry financial incentive program  
 275 established under s. 288.1254.

276 2. The entertainment industry sales tax exemption program  
 277 established under s. 288.1258.

278 3. VISIT Florida and its programs established or funded  
 279 under ss. ~~288.122~~, 288.1226, 288.12265, and 288.124.

280 4. The Florida Sports Foundation and related programs  
 281 established under ss. 288.1162, 288.11621, 288.1166, 288.1167,  
 282 288.1168, 288.1169, and 288.1171.

283 (c) By January 1, 2016, and every 3 years thereafter, an  
 284 analysis of the following:

285 1. The qualified defense contractor and space flight  
 286 business tax refund program established under s. 288.1045.

287 2. The tax exemption for semiconductor, defense, or space  
 288 technology sales established under s. 212.08(5)(j).

289 3. The Military Base Protection Program established under  
 290 s. 288.980.

291 4. The Manufacturing and Spaceport Investment Incentive  
 292 Program formerly established under s. 288.1083.

293 5. The Quick Response Training Program established under  
 294 s. 288.047.

295 6. The Incumbent Worker Training Program established under  
 296 s. 445.003.

297 7. International trade and business development programs  
 298 ~~established or funded under s. 288.826.~~

299 Section 7. Subsections (1) and (3) of section 288.017,  
 300 Florida Statutes, are amended to read:

301 288.017 Cooperative advertising matching grants program.-

302 (1) The department ~~Enterprise Florida, Inc.,~~ is authorized  
 303 to establish a cooperative advertising matching grants program  
 304 and, pursuant thereto, to make expenditures and enter into  
 305 contracts with local governments and nonprofit corporations for  
 306 the purpose of publicizing the tourism advantages of the state.  
 307 The department, ~~based on recommendations from Enterprise~~  
 308 ~~Florida, Inc.,~~ shall have final approval of grants awarded  
 309 through this program. The department ~~Enterprise Florida, Inc.,~~  
 310 may contract with VISIT Florida ~~its direct support organization~~  
 311 to administer the program.

312 (3) The department ~~Enterprise Florida, Inc.,~~ shall conduct  
 313 an annual competitive selection process for the award of grants  
 314 under the program. In determining its recommendations for the  
 315 grant awards, the department ~~commission~~ shall consider the  
 316 demonstrated need of the applicant for advertising assistance,  
 317 the feasibility and projected benefit of the applicant's  
 318 proposal, the amount of nonstate funds that will be leveraged,  
 319 and such other criteria as the department ~~commission~~ deems  
 320 appropriate. ~~In evaluating grant applications, the department~~  
 321 ~~shall consider recommendations from Enterprise Florida, Inc.~~ The  
 322 department, ~~however,~~ has final approval authority for any grant  
 323 under this section.

324 Section 8. Section 288.1201, Florida Statutes, is  
 325 repealed.

326           Section 9. (1) The State Economic Enhancement and  
 327 Development Trust Fund, FLAIR number 40-2-041, within the  
 328 Department of Economic Opportunity is terminated.

329           (2) All current balances remaining in, and all revenues  
 330 of, the trust fund shall be transferred to the General Revenue  
 331 Fund.

332           (3) The Department of Economic Opportunity shall pay any  
 333 outstanding debts and obligations of the terminated fund as soon  
 334 as practicable, and the Chief Financial Officer shall close out  
 335 and remove the terminated fund from various state accounting  
 336 systems using generally accepted accounting principles  
 337 concerning warrants outstanding, assets, and liabilities.

338           Section 10. Section 288.122, Florida Statutes, is  
 339 repealed.

340           Section 11. (1) The Tourism Promotional Trust Fund, FLAIR  
 341 number 40-2-722, within the Department of Economic Opportunity  
 342 is terminated.

343           (2) All current balances remaining in, and all revenues  
 344 of, the trust fund shall be transferred to the General Revenue  
 345 Fund.

346           (3) The Department of Economic Opportunity shall pay any  
 347 outstanding debts and obligations of the terminated fund as soon  
 348 as practicable, and the Chief Financial Officer shall close out  
 349 and remove the terminated fund from various state accounting  
 350 systems using generally accepted accounting principles



351 concerning warrants outstanding, assets, and liabilities.

352 Section 12. Section 288.1226, Florida Statutes, is amended  
353 to read:

354 288.1226 Florida Tourism Industry Marketing Corporation;  
355 use of property; board of directors; duties; audit.—

356 (1) DEFINITIONS.—For the purposes of this section, the  
357 term "corporation" means the Florida Tourism Industry Marketing  
358 Corporation.

359 (2) ESTABLISHMENT.—The Florida Tourism Industry Marketing  
360 Corporation is a direct-support organization of the Department  
361 of Economic Opportunity ~~Enterprise Florida, Inc.~~

362 (a) The Florida Tourism Industry Marketing Corporation is  
363 a corporation not for profit, as defined in s. 501(c)(6) of the  
364 Internal Revenue Code of 1986, as amended, that is incorporated  
365 under the provisions of chapter 617 and approved by the  
366 Department of State.

367 (b) The corporation is organized and operated exclusively  
368 to request, receive, hold, invest, and administer property and  
369 to manage and make expenditures for the operation of the  
370 activities, services, functions, and programs of this state  
371 which relate to the statewide, national, and international  
372 promotion and marketing of tourism.

373 (c) 1. The corporation is not an agency for the purposes of  
374 chapters 120 and ~~7~~ 216, ~~and 287; ss. 255.21, 255.25, and 255.254,~~  
375 ~~relating to leasing of buildings; ss. 283.33 and 283.35,~~

376 ~~relating to bids for printing~~; s. 215.31; and parts I, II, and  
 377 IV-VIII of chapter 112. However, the corporation shall comply  
 378 with the per diem and travel expense provisions of s. 112.061.

379 2.a. The corporation is an agency for purposes of chapter  
 380 287.

381 b. The officers and members of the board of directors of  
 382 the corporation are subject to ss. 112.313(1)-(8), (10), (12),  
 383 and (15); 112.3135; and 112.3143(2).

384 c. For purposes of ss. 112.313(1)-(8), (10), (12), and  
 385 (15); 112.3135; and 112.3143(2), the officers or members of the  
 386 board of directors of the corporation are public officers or  
 387 employees of an agency, respectively, and the corporation is an  
 388 agency.

389 3. It is not a violation of s. 112.3143(2) or (4) for the  
 390 officers or members of the board of directors of the corporation  
 391 to:

392 a. Vote on the 4-year marketing plan required under s.  
 393 288.923 or vote on any individual component of or amendment to  
 394 the plan.

395 b. Participate in the establishment or calculation of  
 396 payments related to the private match requirements of subsection  
 397 (6). The officer or member must file an annual disclosure  
 398 describing the nature of his or her interests or the interests  
 399 of his or her principals, including corporate parents and  
 400 subsidiaries of his or her principal, in the private match

401 requirements. This annual disclosure requirement satisfies the  
 402 disclosure requirement of s. 112.3143(4). This disclosure must  
 403 be placed on the corporation's website or included in the  
 404 minutes of each meeting of the corporation's board of directors  
 405 at which the private match requirements are discussed or voted  
 406 upon.

407 (d) The corporation is subject to the provisions of  
 408 chapter 119, relating to public meetings, and those provisions  
 409 of chapter 286 relating to public meetings and records.

410 (3) USE OF PROPERTY.—The Department of Economic  
 411 Opportunity Enterprise Florida, Inc.:

412 (a) Is authorized to permit the use of property and  
 413 facilities of the department Enterprise Florida, Inc., by the  
 414 corporation, subject to the provisions of this section.

415 (b) Shall prescribe conditions with which the corporation  
 416 must comply in order to use property and facilities of the  
 417 department Enterprise Florida, Inc. Such conditions shall  
 418 provide for budget and audit review and for oversight by the  
 419 department Enterprise Florida, Inc.

420 (c) May not permit the use of property and facilities of  
 421 the department Enterprise Florida, Inc., if the corporation does  
 422 not provide equal employment opportunities to all persons,  
 423 regardless of race, color, national origin, sex, age, or  
 424 religion.

425 (4) BOARD OF DIRECTORS.—The board of directors of the

426 corporation shall be composed of 31 tourism-industry-related  
 427 members, appointed by the corporation ~~Enterprise Florida, Inc.,~~  
 428 in conjunction with the department. Board members shall serve  
 429 without compensation, but are entitled to receive reimbursement  
 430 for per diem and travel expenses pursuant to s. 112.061. Such  
 431 expenses must be paid out of funds of the corporation.

432 (a) The board shall consist of 16 members, appointed in  
 433 such a manner as to equitably represent all geographic areas of  
 434 the state, with no fewer than two members from any of the  
 435 following regions:

436 1. Region 1, composed of Bay, Calhoun, Escambia, Franklin,  
 437 Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty,  
 438 Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

439 2. Region 2, composed of Alachua, Baker, Bradford, Clay,  
 440 Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette,  
 441 Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee,  
 442 Taylor, and Union Counties.

443 3. Region 3, composed of Brevard, Indian River, Lake,  
 444 Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and  
 445 Volusia Counties.

446 4. Region 4, composed of Citrus, Hernando, Hillsborough,  
 447 Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

448 5. Region 5, composed of Charlotte, Collier, DeSoto,  
 449 Glades, Hardee, Hendry, Highlands, and Lee Counties.

450 6. Region 6, composed of Broward, Martin, Miami-Dade,

451 | Monroe, and Palm Beach Counties.

452 |       (b) The 15 additional tourism-industry-related members  
 453 | shall include 1 representative from the statewide rental car  
 454 | industry; 7 representatives from tourist-related statewide  
 455 | associations, including those that represent hotels,  
 456 | campgrounds, county destination marketing organizations,  
 457 | museums, restaurants, retail, and attractions; 3 representatives  
 458 | from county destination marketing organizations; 1  
 459 | representative from the cruise industry; 1 representative from  
 460 | an automobile and travel services membership organization that  
 461 | has at least 2.8 million members in Florida; 1 representative  
 462 | from the airline industry; and 1 representative from the space  
 463 | tourism industry, who will each serve for a term of 2 years.

464 |       (5) POWERS AND DUTIES.—The corporation, in the performance  
 465 | of its duties:

466 |       (a) May make and enter into contracts and assume such  
 467 | other functions as are necessary to carry out the provisions of  
 468 | the 4-year marketing plan required by s. 288.923, and the  
 469 | corporation's contract with the department that ~~Enterprise~~  
 470 | ~~Florida, Inc., which~~ are not inconsistent with this or any other  
 471 | provision of law. A proposed contract with a total cost of  
 472 | \$750,000 or more is subject to the notice and review procedures  
 473 | of s. 216.177. If the chair or vice chair of the Legislative  
 474 | Budget Commission, the President of the Senate, or the Speaker  
 475 | of the House of Representatives timely advises the corporation

476 in writing that such proposed contract is contrary to  
 477 legislative policy and intent, the corporation may not execute  
 478 such proposed contract. The corporation may not enter into  
 479 multiple related contracts to avoid the requirements of this  
 480 paragraph.

481 (b) May develop a program to provide incentives and to  
 482 attract and recognize those entities which make significant  
 483 financial and promotional contributions towards the expanded  
 484 tourism promotion activities of the corporation.

485 (c) May establish a cooperative marketing program with  
 486 other public and private entities which allows the use of the  
 487 VISIT Florida logo in tourism promotion campaigns which meet the  
 488 standards of the department ~~Enterprise Florida, Inc.~~, for which  
 489 the corporation may charge a reasonable fee.

490 (d) May sue and be sued and appear and defend in all  
 491 actions and proceedings in its corporate name to the same extent  
 492 as a natural person.

493 (e) May adopt, use, and alter a common corporate seal.  
 494 However, such seal must always contain the words "corporation  
 495 not for profit."

496 (f) Shall elect or appoint such officers and agents as its  
 497 affairs shall require and allow them reasonable compensation.  
 498 However, each officer or agent, including the president and  
 499 chief executive officer of the corporation, may not receive  
 500 compensation, public or private, that exceeds \$130,000 per year.

501 (g) Shall hire and establish salaries and personnel and  
 502 employee benefit programs for such permanent and temporary  
 503 employees as are necessary to carry out the provisions of the 4-  
 504 year marketing plan and the corporation's contract with the  
 505 department that ~~Enterprise Florida, Inc., which~~ are not  
 506 inconsistent with this or any other provision of law. However,  
 507 an employee may not receive compensation, public or private,  
 508 that exceeds \$130,000 per year. Any retirement, life insurance,  
 509 or health insurance benefits provided to employees of the  
 510 corporation may not exceed the value of such benefits provided  
 511 to employees of the corporation as of January 1, 2017. Any  
 512 public or private payments of performance bonuses or severance  
 513 pay to employees of the corporation are prohibited unless  
 514 specifically authorized by law. The Governor shall review and  
 515 approve or deny requests for out-of-state or international  
 516 travel by employees and board members of the corporation and  
 517 individuals whose travel will be paid for by the corporation,  
 518 regardless of the source of the funds used for such travel.

519 (h) Shall appoint a president and chief executive officer  
 520 of the corporation who shall serve subject to confirmation by  
 521 the Senate ~~provide staff support to the Division of Tourism~~  
 522 ~~Promotion of Enterprise Florida, Inc. The president and chief~~  
 523 ~~executive officer of the Florida Tourism Industry Marketing~~  
 524 ~~Corporation shall serve without compensation as the director of~~  
 525 ~~the division.~~

526 (i) May adopt, change, amend, and repeal bylaws, not  
 527 inconsistent with law or its articles of incorporation, for the  
 528 administration of the provisions of the 4-year marketing plan  
 529 and the corporation's contract with the department ~~Enterprise~~  
 530 ~~Florida, Inc.~~

531 (j) May conduct its affairs, carry on its operations, and  
 532 have offices and exercise the powers granted by this act in any  
 533 state, territory, district, or possession of the United States  
 534 or any foreign country. When ~~Where~~ feasible, appropriate, and  
 535 recommended by the 4-year marketing plan ~~developed by the~~  
 536 ~~Division of Tourism Promotion of Enterprise Florida, Inc.,~~ the  
 537 corporation may collocate the programs of foreign tourism  
 538 offices in cooperation with any foreign office operated by any  
 539 agency of this state.

540 (k) May appear on its own behalf before boards,  
 541 commissions, departments, or other agencies of municipal,  
 542 county, state, or federal government.

543 (l) May request or accept any grant, payment, or gift, of  
 544 funds or property made by this state or by the United States or  
 545 any department or agency thereof or by any individual, firm,  
 546 corporation, municipality, county, or organization for any or  
 547 all of the purposes of the 4-year marketing plan and the  
 548 corporation's contract with the department ~~Enterprise Florida,~~  
 549 ~~Inc.,~~ that are not inconsistent with this or any other provision  
 550 of law. Such funds shall be deposited in a bank account



551 | established by the corporation's board of directors. The  
 552 | corporation may expend such funds in accordance with the terms  
 553 | and conditions of any such grant, payment, or gift, in the  
 554 | pursuit of its administration or in support of the programs it  
 555 | administers. The corporation shall separately account for the  
 556 | public funds and the private funds deposited into the  
 557 | corporation's bank account.

558 | (m) Shall establish a plan for participation in the  
 559 | corporation which will provide additional funding for the  
 560 | administration and duties of the corporation.

561 | (n) In the performance of its duties, may undertake, or  
 562 | contract for, marketing projects and advertising research  
 563 | projects.

564 | (o) In addition to any indemnification available under  
 565 | chapter 617, ~~the corporation~~ may indemnify, and purchase and  
 566 | maintain insurance on behalf of, directors, officers, and  
 567 | employees of the corporation against any personal liability or  
 568 | accountability by reason of actions taken while acting within  
 569 | the scope of their authority.

570 | (p) Shall not create or establish any other entity,  
 571 | corporation, or direct-support organization.

572 | (q) Shall not expend funds, public or private, that  
 573 | directly or indirectly benefit only one company, corporation, or  
 574 | business entity.

575 | (6) MATCHING REQUIREMENTS.—

576 (a) A one-to-one match is required of private to public  
 577 contributions to the corporation. Public contributions include  
 578 all state appropriations to the corporation.

579 (b) For purposes of calculating the required one-to-one  
 580 match, the corporation shall receive matching private  
 581 contributions and assign such contributions to one of two  
 582 private match categories. The corporation shall maintain  
 583 documentation of such categorized contributions on file and make  
 584 such documentation available for inspection upon reasonable  
 585 notice during its regular business hours. Contribution details  
 586 shall be included in the quarterly reports required under  
 587 subsection (8). The private match categories are:

588 1. Direct cash contributions from private sources, which  
 589 include, but are not limited to, cash derived from strategic  
 590 alliances, contributions of stocks and bonds, and partnership  
 591 contributions.

592 2. Fees for services, which include, but are not limited  
 593 to, event participation, research, and brochure placement and  
 594 transparencies.

595  
 596 Contributions from a government entity or from an entity that  
 597 received more than 50 percent of its revenue in the previous  
 598 fiscal year from public sources, including revenue derived from  
 599 taxes, fees, or other government revenues, are not considered  
 600 private contributions for purposes of calculating the required

601 one-to-one match.

602 (c) If the corporation fails to meet the one-to-one match  
 603 requirements of this subsection, the corporation shall revert  
 604 all unmatched public contributions to the state treasury by June  
 605 30 of each fiscal year.

606 (7)(6) ANNUAL AUDIT.—The corporation shall provide for an  
 607 annual financial audit in accordance with s. 215.981. The annual  
 608 audit report shall be submitted to the Auditor General; the  
 609 Office of Program Policy Analysis and Government Accountability;  
 610 ~~Enterprise Florida, Inc.;~~ and the department for review. The  
 611 Office of Program Policy Analysis and Government Accountability;  
 612 ~~Enterprise Florida, Inc.;~~ the department; and the Auditor  
 613 General have the authority to require and receive from the  
 614 corporation or from its independent auditor any detail or  
 615 supplemental data relative to the operation of the corporation.  
 616 The department shall annually certify whether the corporation is  
 617 operating in a manner and achieving the objectives that are  
 618 consistent with the policies and goals of the department  
 619 ~~Enterprise Florida, Inc.,~~ and its long-range marketing plan. The  
 620 identity of a donor or prospective donor to the corporation who  
 621 desires to remain anonymous and all information identifying such  
 622 donor or prospective donor are confidential and exempt from the  
 623 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
 624 Constitution. Such anonymity shall be maintained in the  
 625 auditor's report.

626 (8)~~(7)~~ REPORT.—The corporation shall provide a quarterly  
 627 report to the department ~~Enterprise Florida, Inc.~~, which shall:

628 (a) Measure the current vitality of the visitor industry  
 629 of this state as compared to the vitality of such industry for  
 630 the year to date and for comparable quarters of past years.  
 631 Indicators of vitality shall be determined by the department  
 632 ~~Enterprise Florida, Inc.~~, and shall include, but not be limited  
 633 to, estimated visitor count and party size, length of stay,  
 634 average expenditure per party, and visitor origin and  
 635 destination.

636 (b) Provide detailed, unaudited financial statements of  
 637 sources and uses of public and private funds.

638 (c) Measure progress towards annual goals and objectives  
 639 set forth in the 4-year marketing plan.

640 (d) Review all pertinent research findings.

641 (e) Provide other measures of accountability as requested  
 642 by the department ~~Enterprise Florida, Inc.~~

643

644 The corporation must take all steps necessary to provide all  
 645 data that is used to develop the report, including source data,  
 646 to the Office of Economic and Demographic Research.

647 (9)~~(8)~~ PROHIBITIONS; CORPORATE FUNDS; GIFTS.—  
 648 Notwithstanding per diem and travel expenses authorized pursuant  
 649 s. 112.061, funds of the corporation may not be expended for  
 650 food, beverages, lodging, entertainment, or gifts for employees

651 of the corporation, board members of the corporation, or  
 652 employees of a tourist or economic development entity that  
 653 receives revenue from a tax imposed pursuant to s. 125.0104, s.  
 654 125.0108, or s. 212.0305. An employee or board member of the  
 655 corporation may not accept or receive food, beverages, lodging,  
 656 entertainment, or gifts from a tourist or economic development  
 657 entity that receives revenue from a tax imposed pursuant to s.  
 658 125.0104, s. 125.0108, or s. 212.0305 ~~PUBLIC RECORDS EXEMPTION.~~  
 659 ~~The identity of any person who responds to a marketing project~~  
 660 ~~or advertising research project conducted by the corporation in~~  
 661 ~~the performance of its duties on behalf of Enterprise Florida,~~  
 662 ~~Inc., or trade secrets as defined by s. 812.081 obtained~~  
 663 ~~pursuant to such activities, are exempt from s. 119.07(1) and s.~~  
 664 ~~24(a), Art. I of the State Constitution. This subsection is~~  
 665 ~~subject to the Open Government Sunset Review Act in accordance~~  
 666 ~~with s. 119.15 and shall stand repealed on October 2, 2021,~~  
 667 ~~unless reviewed and saved from repeal through reenactment by the~~  
 668 ~~Legislature.~~

669 (10)(9) LODGING EXPENSES.-Lodging expenses for an employee  
 670 of the corporation may not exceed \$150 per day, excluding taxes.  
 671 However, an employee of the corporation may expend his or her  
 672 own funds for any lodging expenses in excess of \$150 per day.

673 (11) RELEASE OF APPROPRIATIONS.-Notwithstanding s.  
 674 216.192, and in accordance with s. 216.351, the annual plan for  
 675 release of appropriations for the Department of Economic

676 Opportunity shall be quarterly. On July 1 of each fiscal year,  
 677 25 percent of the original operating budget of the corporation  
 678 shall be released. The balance of the appropriation shall be  
 679 held in reserve. By August 15 of each fiscal year, the  
 680 Department of Economic Opportunity shall submit a proposed  
 681 operating budget for the corporation including amounts to be  
 682 expended on advertising, events, other operating capital outlay,  
 683 and salaries and benefits for each employee to the Legislative  
 684 Budget Commission. Upon approval of the plan by the Legislative  
 685 Budget Commission, the remainder of the operating budget for the  
 686 corporation shall be released pursuant to this subsection.

687 (12) TRANSPARENCY.—

688 (a) The corporation is a governmental entity as defined in  
 689 s. 215.985 and, therefore, is subject to the Transparency  
 690 Florida Act.

691 (b) A contract entered into between the corporation and  
 692 any other entity, including a local government, private, or  
 693 nonprofit entity, that receives public funds from the state or  
 694 from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
 695 212.0305 shall include:

- 696 1. The purpose of the contract.
- 697 2. Specific performance standards and responsibilities for  
 698 each entity.
- 699 3. A detailed project or contract budget, if applicable.
- 700 4. The value of any services provided.

701 5. The salaries of all employees and board members of the  
 702 entity and the projected travel and entertainment expenses for  
 703 such employees and board members.

704 (c)1. If a marketing partner receives public funds from  
 705 the state or from a tax imposed pursuant to s. 125.0104, s.  
 706 125.0108, or s. 212.0305, the marketing partner shall annually  
 707 report all public and private financial data to the corporation.

708 2. The financial data shall include:

709 a. The total amount of revenue received from public and  
 710 private sources.

711 b. The operating budget.

712 c. Employee and board member salary and benefit details.

713 d. An itemized account of all funds spent by a third party  
 714 on behalf of the corporation or a board member or an employee of  
 715 the corporation.

716 e. Itemized travel and entertainment expenditures.

717 (d) The following information must be posted on the  
 718 corporation's website:

719 1. A plain language version of each proposed and executed  
 720 contract exceeding \$35,000 with a private entity, municipality,  
 721 city, town, or vendor of services, supplies, or programs,  
 722 including marketing, or for the purchase or lease or use of  
 723 lands, facilities, or properties.

724 2. Any agreement entered into between the corporation and  
 725 any other entity, including a local government, private entity,

726 or nonprofit entity, that receives public funds or funds from a  
 727 tax imposed pursuant to s. 125.0104, s. 125.0108, or s.  
 728 212.0305.

729 3. Video recordings of each board meeting.

730 4. A detailed report of expenditures following each  
 731 marketing event paid for with the corporation's funds. Such  
 732 report must be posted within 10 business days after the event.

733 5. An annual itemized accounting of the total amount of  
 734 funds spent by any third party on behalf of the corporation or  
 735 any board member or employee of the corporation.

736 6. An annual itemized accounting of the total amount of  
 737 travel and entertainment expenditures by the corporation.

738 (e) The corporation's website must:

739 1. Allow users to navigate to related sites to view  
 740 supporting details.

741 2. Enable a taxpayer to email questions to the corporation  
 742 and make such questions and the corporation's responses publicly  
 743 viewable.

744 (13) REPEAL.—This section is repealed October 1, 2019,  
 745 unless reviewed and saved from repeal by the Legislature.

746 Section 13. Section 288.12265, Florida Statutes, is  
 747 amended to read:

748 288.12265 Welcome centers.—

749 (1) Responsibility for the welcome centers is assigned to  
 750 the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~



751 | which shall contract with the Florida Tourism Industry Marketing  
 752 | Corporation to employ all welcome center staff.

753 |       (2) The Department of Economic Opportunity ~~Enterprise~~  
 754 | ~~Florida, Inc.,~~ shall administer and operate the welcome centers.  
 755 | Pursuant to a contract with the Department of Transportation,  
 756 | the Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~  
 757 | shall be responsible for routine repair, replacement, or  
 758 | improvement and the day-to-day management of interior areas  
 759 | occupied by the welcome centers. All other repairs,  
 760 | replacements, or improvements to the welcome centers shall be  
 761 | the responsibility of the Department of Transportation. The  
 762 | Department of Economic Opportunity ~~Enterprise Florida, Inc.,~~ may  
 763 | contract with the Florida Tourism Industry Marketing Corporation  
 764 | for the management and operation of the welcome centers.

765 |       Section 14. Section 288.124, Florida Statutes, is amended  
 766 | to read:

767 |       288.124 Convention grants program.—VISIT Florida  
 768 | ~~Enterprise Florida, Inc.,~~ is authorized to establish a  
 769 | convention grants program and, pursuant to that program, to  
 770 | recommend to the department expenditures and contracts with  
 771 | local governments and nonprofit corporations or organizations  
 772 | for the purpose of attracting national conferences and  
 773 | conventions to Florida. Preference shall be given to local  
 774 | governments and nonprofit corporations or organizations seeking  
 775 | to attract minority conventions to Florida. Minority conventions

776 are events that primarily involve minority persons, as defined  
 777 in s. 288.703, who are residents or nonresidents of the state.  
 778 VISIT Florida ~~Enterprise Florida, Inc.~~, shall establish  
 779 guidelines governing the award of grants and the administration  
 780 of this program. The department has final approval authority for  
 781 any grants under this section. The total annual allocation of  
 782 funds for this program shall not exceed \$40,000.

783 Section 15. Section 288.826, Florida Statutes, is  
 784 repealed.

785 Section 16. (1) The Florida International Trade and  
 786 Promotion Trust Fund, FLAIR number 40-2-338, within the  
 787 Department of Economic Opportunity is terminated.

788 (2) All current balances remaining in, and all revenues  
 789 of, the trust fund shall be transferred to the General Revenue  
 790 Fund.

791 (3) The Department of Economic Opportunity shall pay any  
 792 outstanding debts and obligations of the terminated trust fund  
 793 as soon as practicable, and the Chief Financial Officer shall  
 794 close out and remove the terminated trust fund from various  
 795 state accounting systems using generally accepted accounting  
 796 principles concerning warrants outstanding, assets, and  
 797 liabilities.

798 Section 17. Subsection (3) of section 288.904, Florida  
 799 Statutes, is amended to read:

800 288.904 Funding for Enterprise Florida, Inc.; performance

801 and return on the public's investment.-

802 ~~(3)(a) Specifically for the marketing and advertising~~  
 803 ~~activities of the Division of Tourism Marketing or as contracted~~  
 804 ~~through the Florida Tourism Industry Corporation, a one-to-one~~  
 805 ~~match is required of private to public contributions within 4~~  
 806 ~~calendar years after the implementation date of the marketing~~  
 807 ~~plan pursuant to s. 288.923.~~

808 ~~(b) For purposes of calculating the required one-to-one~~  
 809 ~~match, matching private funds shall be divided into four~~  
 810 ~~categories. Documentation for the components of the four private~~  
 811 ~~match categories shall be kept on file for inspection as~~  
 812 ~~determined necessary. The four private match categories are:~~

813 ~~1. Direct cash contributions, which include, but are not~~  
 814 ~~limited to, cash derived from strategic alliances, contributions~~  
 815 ~~of stocks and bonds, and partnership contributions.~~

816 ~~2. Fees for services, which include, but are not limited~~  
 817 ~~to, event participation, research, and brochure placement and~~  
 818 ~~transparencies.~~

819 ~~3. Cooperative advertising, which is the value based on~~  
 820 ~~cost of contributed productions, air time, and print space.~~

821 ~~4. In-kind contributions, which include, but are not~~  
 822 ~~limited to, the value of strategic alliance services~~  
 823 ~~contributed, the value of loaned employees, discounted service~~  
 824 ~~fees, items contributed for use in promotions, and radio or~~  
 825 ~~television air time or print space for promotions. The value of~~

826 ~~air time or print space shall be calculated by taking the actual~~  
 827 ~~time or space and multiplying by the nonnegotiated unit price~~  
 828 ~~for that specific time or space which is known as the media~~  
 829 ~~equivalency value. In order to avoid duplication in determining~~  
 830 ~~media equivalency value, only the value of the promotion itself~~  
 831 ~~shall be included; the value of the items contributed for the~~  
 832 ~~promotion may not be included.~~

833 Section 18. Subsection (1) and paragraph (b) of subsection  
 834 (2) of section 288.92, Florida Statutes, are amended to read:

835 288.92 Divisions of Enterprise Florida, Inc.—

836 (1) Enterprise Florida, Inc., may create and dissolve  
 837 divisions as necessary to carry out its mission. Each division  
 838 shall have distinct responsibilities and complementary missions.  
 839 At a minimum, Enterprise Florida, Inc., shall have divisions  
 840 related to the following areas:

- 841 (a) International Trade and Business Development;
- 842 (b) Business Retention and Recruitment;
- 843 ~~(c) Tourism Marketing;~~
- 844 (c)~~(d)~~ Minority Business Development; and
- 845 (d)~~(e)~~ Sports Industry Development.

846 (2)

847 (b)1. The following officers and board members are subject  
 848 to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and  
 849 112.3143(2):

850 a. Officers and members of the board of directors of the

851 divisions of Enterprise Florida, Inc.

852 b. Officers and members of the board of directors of  
853 subsidiaries of Enterprise Florida, Inc.

854 c. Officers and members of the board of directors of  
855 corporations created to carry out the missions of Enterprise  
856 Florida, Inc.

857 d. Officers and members of the board of directors of  
858 corporations with which a division is required by law to  
859 contract to carry out its missions.

860 2. For purposes of applying ss. 112.313(1)-(8), (10),  
861 (12), and (15); 112.3135; and 112.3143(2) to activities of the  
862 officers and members of the board of directors specified in  
863 subparagraph 1., those persons shall be considered public  
864 officers or employees and the corporation shall be considered  
865 their agency.

866 ~~3. It is not a violation of s. 112.3143(2) or (4) for the~~  
867 ~~officers or members of the board of directors of the Florida~~  
868 ~~Tourism Industry Marketing Corporation to:~~

869 ~~a. Vote on the 4-year marketing plan required under s.~~  
870 ~~288.923 or vote on any individual component of or amendment to~~  
871 ~~the plan.~~

872 ~~b. Participate in the establishment or calculation of~~  
873 ~~payments related to the private match requirements of s.~~  
874 ~~288.904(3). The officer or member must file an annual disclosure~~  
875 ~~describing the nature of his or her interests or the interests~~

876 ~~of his or her principals, including corporate parents and~~  
 877 ~~subsidiaries of his or her principal, in the private match~~  
 878 ~~requirements. This annual disclosure requirement satisfies the~~  
 879 ~~disclosure requirement of s. 112.3143(4). This disclosure must~~  
 880 ~~be placed either on the Florida Tourism Industry Marketing~~  
 881 ~~Corporation's website or included in the minutes of each meeting~~  
 882 ~~of the Florida Tourism Industry Marketing Corporation's board of~~  
 883 ~~directors at which the private match requirements are discussed~~  
 884 ~~or voted upon.~~

885 Section 19. Section 288.923, Florida Statutes, is amended  
 886 to read:

887 288.923 ~~Division of~~ Tourism marketing; definitions;  
 888 responsibilities.-

889 (1) ~~There is created within Enterprise Florida, Inc., the~~  
 890 ~~Division of Tourism Marketing.~~

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

892 (a) "Tourism marketing" means any effort exercised to  
 893 attract domestic and international visitors from outside the  
 894 state to destinations in this state and to stimulate Florida  
 895 resident tourism to areas within the state.

896 (b) "Tourist" means any person who participates in trade  
 897 or recreation activities outside the county of his or her  
 898 permanent residence or who rents or leases transient living  
 899 quarters or accommodations as described in s. 125.0104(3)(a).

900 (c) "County destination marketing organization" means a

901 public or private agency that is funded by local option tourist  
 902 development tax revenues under s. 125.0104, or local option  
 903 convention development tax revenues under s. 212.0305, and is  
 904 officially designated by a county commission to market and  
 905 promote the area for tourism or convention business or, in any  
 906 county that has not levied such taxes, a public or private  
 907 agency that is officially designated by the county commission to  
 908 market and promote the area for tourism or convention business.

909 (d) "Direct-support organization" means the Florida  
 910 Tourism Industry Marketing Corporation.

911 (2)~~(3)~~ The Department of Economic Opportunity ~~Enterprise~~  
 912 ~~Florida, Inc.,~~ shall contract with the Florida Tourism Industry  
 913 Marketing Corporation, a direct-support organization established  
 914 in s. 288.1226, to execute tourism promotion and marketing  
 915 services, functions, and programs for the state, including, but  
 916 not limited to, the activities prescribed by the 4-year  
 917 marketing plan. ~~The division shall assist to maintain and~~  
 918 ~~implement the contract.~~

919 (3)~~(4)~~ The department's ~~division's~~ responsibilities and  
 920 duties include, but are not limited to:

921 (a) Maintaining and implementing the contract with the  
 922 Florida Tourism Industry Marketing Corporation.

923 (b) Ensuring that the corporation develops ~~Advising the~~  
 924 ~~department and Enterprise Florida, Inc., on development of~~  
 925 domestic and international tourism marketing campaigns featuring

926 Florida.

927 (c) Developing, in collaboration with the corporation, a  
 928 4-year marketing plan.

929 1. At a minimum, the marketing plan shall discuss the  
 930 following:

931 a. Continuation of overall tourism growth in this state.

932 b. Expansion to new or under-represented tourist markets.

933 c. Maintenance of traditional and loyal tourist markets.

934 d. Coordination of efforts with county destination  
 935 marketing organizations, other local government marketing  
 936 groups, privately owned attractions and destinations, and other  
 937 private sector partners to create a seamless, four-season  
 938 advertising campaign for the state and its regions.

939 e. Development of innovative techniques or promotions to  
 940 build repeat visitation by targeted segments of the tourist  
 941 population.

942 f. Consideration of innovative sources of state funding  
 943 for tourism marketing.

944 g. Promotion of nature-based tourism and heritage tourism.

945 h. Development of a component to address emergency  
 946 response to natural and manmade disasters from a marketing  
 947 standpoint.

948 2. The plan shall be annual in construction and ongoing in  
 949 nature. Any annual revisions of the plan shall carry forward the  
 950 concepts of the remaining 3-year portion of the plan and



951 consider a continuum portion to preserve the 4-year timeframe of  
 952 the plan. The plan also shall include recommendations for  
 953 specific performance standards and measurable outcomes for the  
 954 ~~division and~~ direct-support organization. The department, ~~in~~  
 955 ~~consultation with the board of directors of Enterprise Florida,~~  
 956 ~~Inc.,~~ shall base the actual performance metrics on these  
 957 recommendations.

958 3. The 4-year marketing plan shall be developed in  
 959 collaboration with the Florida Tourism Industry Marketing  
 960 Corporation. The plan shall be annually reviewed and approved by  
 961 the department ~~board of directors of Enterprise Florida, Inc.~~

962 (d) Drafting and submitting an annual report ~~required by~~  
 963 ~~s. 288.92~~. The annual report shall set forth for the department  
 964 ~~division~~ and the direct-support organization:

965 1. Operations and accomplishments during the fiscal year,  
 966 including the economic benefit of the state's investment and  
 967 effectiveness of the marketing plan.

968 2. The 4-year marketing plan, including recommendations on  
 969 methods for implementing and funding the plan.

970 3. The assets and liabilities of the direct-support  
 971 organization at the end of its most recent fiscal year.

972 4. A copy of the annual financial and compliance audit  
 973 conducted under s. 288.1226(7) ~~288.1226(6)~~.

974 ~~(5) Notwithstanding s. 288.92, the division shall be~~  
 975 ~~staffed by the Florida Tourism Industry Marketing Corporation.~~

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976 ~~Such staff shall not be considered to be employees of the~~  
 977 ~~division and shall remain employees of the Florida Tourism~~  
 978 ~~Industry Marketing Corporation. Section 288.905 does not apply~~  
 979 ~~to the Florida Tourism Industry Marketing Corporation.~~

980       (4)~~(6)~~ This section is repealed October 1, 2019, unless  
 981 reviewed and saved from repeal by the Legislature.

982       Section 20. This act shall take effect July 1, 2017.

## Rule 5.14 Report

The Rules & Policy Committee proposes the following amendments to House Rule 5.14, and recommends that the House adopt the same:

House Rule 5.14 shall be amended as follows:

#### 5.14—Appropriations Project Bills

(a)(1) For purposes of these rules, the term "appropriations project" means a specific appropriation, proviso, or item on a conference committee spreadsheet agreed to by House and Senate conferees providing funding for:

a. A local government, private entity, or privately operated program, wherein the specific appropriation, proviso, or item on a conference committee spreadsheet specifically names the local government, private entity, or privately operated program or the appropriation, proviso, or item is written in such a manner as to describe a particular local government, private entity, or privately operated program;

b. A specific transportation facility that was not part of the Department of Transportation's 5-year work program submitted pursuant to s. 339.135, Florida Statutes;

c. An education fixed capital outlay project that was not submitted pursuant to s. 1013.60 or s. 1013.64, Florida Statutes, unless funds for the specific project were appropriated by the Legislature in a prior year and additional funds are needed to complete the project as originally proposed;

d. A specified program, research initiative, institute, center, or similar entity at a specific state college or university, unless recommended by the Board of Governors or the State Board of Education in their Legislative Budget Request; or

e. A local water project.

(2) The term does not include an appropriation that:

- a. Is specifically authorized by statute;
- b. Is part of a statewide distribution to local governments; or
- c. Was recommended by a commission, council, or other similar entity created in statute to make annual funding recommendations, provided that such appropriation does not exceed the amount of funding recommended by the commission, council, or other similar entity.

(b) For purposes of these rules, the term "appropriations project bill" means a bill proposing funding for an appropriations project, which must be filed as a stand-alone bill and must be submitted to the House Bill Drafting Service in the form prescribed by the Speaker. Before an appropriations project bill may be filed, an appropriations project request form must be completed and electronically submitted in the form prescribed by the Speaker. An appropriations project bill may not be amended to include any additional appropriations project. An appropriations project bill may only request nonrecurring funds.

(c) Except as provided in Joint Rule 2, a House bill is out of order if it funds an appropriations project that was not filed as an appropriations project bill that was reported favorably by a House committee or subcommittee.

~~(d) A Senate bill in the form that will be presented to the Governor or a conference report is out of order if it funds an appropriations project that was not filed as an appropriations project bill.~~

~~(d)(e) A Senate bill in the form that will be presented to the Governor, a House bill, or a conference report is out of order if a recurring appropriation is used to fund an appropriations project.~~

(e)(f) ~~A Senate bill in the form that will be presented to~~

~~the Governor, a House bill, or a conference report~~ is out of order if it funds an appropriations project that is not clearly identified.

(f)~~(g)~~ The portion of an appropriations project which was funded with recurring funds in the fiscal year 2016-2017 General Appropriations Act as approved by the Governor and funded at the same or lesser amount in subsequent fiscal years is exempt from the requirements of subsections (c) and, (d)~~, and (e)~~. If recurring funding for an appropriations project is reduced in a conference report on the General Appropriations Act in any fiscal year, the appropriations project may receive no more than the reduced amount of recurring funding in any subsequent fiscal year. If in any year the recurring funds are eliminated in the conference report on the General Appropriations Act as approved by the Governor, the appropriations project may not receive any recurring funding in any subsequent fiscal year.

~~(h) No appropriations project that receives recurring funding may also receive nonrecurring funding. A House bill, a Senate bill in the form that will be presented to the Governor, or a conference report is out of order if it contains an appropriations project that receives recurring and nonrecurring funding.~~

## MEMORANDUM

**TO:** Members of the Florida House of Representatives

**FROM:** Speaker Richard Corcoran

**DATE:** March 3, 2017

**RE:** Joint Rules Changes

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In November we adopted sweeping rules changes to govern the Florida House. The rules were crafted to hold the House to the highest standards of accountability via unprecedented transparency. Our House rules created a definition of appropriations projects and a new process for including them in the budget. I'm happy to report that the Senate has agreed to place most of these important reforms in the Joint Rules.

Next week at our opening day session we will take up a resolution to change the Joint Rules and add more accountability to our budgeting process. The changes to Joint Rule 2 include the definition of an "appropriations project" from the House Rules. The joint rule also stipulates that no appropriations project may be included in a budget conference report unless the project was included in either the House or Senate general appropriations act. **This important reform means that all new projects will be itemized and clearly visible. There will be no more last minute projects added in budget conference without background information or proper review.**

The Senate has also agreed to collect and post online specific detailed information on each appropriations project prior to the passage of their chamber's proposed general appropriations act. The joint rule grandfathers in existing recurring projects as long as they do not receive additional funding. If an existing recurring project receives additional funding, the additional dollars must be non-recurring and the project must be clearly identified in the conference report. **From this point forward, all new projects will be funded with non-recurring dollars.**

In addition to amending the Joint Rules, we will conform the House Rules to the Joint Rules changes. Prior to conference, each chamber will handle its budget process differently. The Senate will include projects in their proposed budget with the required documentation. The House will still require an Appropriations Project Bill to be filed by the first day of session and reported favorably by a subcommittee in order to be funded in the House's proposed general appropriations act.

I am thankful that we were able to work together with the Senate to increase accountability and transparency within our budget process. Please let me know if you have any questions prior to the consideration of these rule changes on Tuesday.

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Senate Concurrent Resolution

A concurrent resolution amending Joint Rule 2 of the Joint Rules of the Florida Legislature for the 2016-2018 term relating to budget conference committee rules.

WHEREAS, each chamber may adopt rules or policies to govern its process for including appropriations projects in its version of the general appropriations bill, and

WHEREAS, these joint rules acknowledge each chamber's authority to establish a transparent budgetary process, and

WHEREAS, such process should include some level of data collection, including direct responses of the entities involved with the appropriations projects, public testimony, and public dissemination of relevant information, NOW, THEREFORE,

Be It Resolved by the Senate of the State of Florida, the House of Representatives Concurring:

That Joint Rule 2 of the Joint Rules of the Florida Legislature is amended to read:

JOINT RULE TWO

GENERAL APROPRIATIONS REVIEW PERIOD AND BUDGET CONFERENCE  
COMMITTEE RULES

2.1-General Appropriations and Related Bills; Review Periods

(1) A general appropriations bill shall be subject to a 72-hour public review period before a vote is taken on final



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30 passage of the bill in the form that will be presented to the  
31 Governor.

32 (2) If a bill is returned to the house in which the bill  
33 originated and the originating house does not concur in all the  
34 amendments or adds additional amendments, no further action  
35 shall be taken on the bill by the nonoriginating house, and a  
36 conference committee shall be established by operation of this  
37 rule to consider the bill.

38 (3) If a bill is referred to a conference committee by  
39 operation of this rule, a 72-hour public review period shall be  
40 provided prior to a vote being taken on the conference committee  
41 report by either house.

42 (4) A copy of the bill, a copy of the bill with amendments  
43 adopted by the nonoriginating house, or the conference committee  
44 report shall be furnished to each member of the Legislature, the  
45 Governor, the Chief Justice of the Supreme Court, and each  
46 member of the Cabinet. Copies for the Governor, Chief Justice,  
47 and members of the Cabinet shall be furnished to the official's  
48 office in the Capitol or Supreme Court Building.

49 (5) (a) Copies required to be furnished under subsection (4)  
50 shall be furnished to members of the Legislature as follows:

51 1. A printed copy may be placed on each member's desk in  
52 the appropriate chamber; or

53 2. An electronic copy may be furnished to each member. The  
54 Legislature hereby deems and determines that a copy shall have  
55 been furnished to the members of the Legislature when an  
56 electronic copy is made available to every member of the  
57 Legislature. An electronic copy is deemed to have been made  
58 available when it is accessible via the Internet or other

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59 information network consisting of systems ordinarily serving the  
60 members of the Senate or the House of Representatives.

61 (b) An official other than a member of the Legislature who  
62 is to be furnished a copy of a general appropriations bill under  
63 subsection (4) may officially request that an electronic copy of  
64 the bill be furnished in lieu of a printed copy, and, if  
65 practicable, the copy may be furnished to the official in the  
66 manner requested.

67 (6) The Secretary of the Senate shall be responsible for  
68 furnishing copies under this rule for Senate bills, House bills  
69 as amended by the Senate, and conference committee reports on  
70 Senate bills. The Clerk of the House shall be responsible for  
71 furnishing copies under this rule for House bills, Senate bills  
72 as amended by the House, and conference committee reports on  
73 House bills.

74 (7) The 72-hour public review period shall begin to run  
75 upon completion of the furnishing of copies required to be  
76 furnished under subsection (4). The Speaker of the House of  
77 Representatives and the President of the Senate, as appropriate,  
78 shall be informed of the completion time, and such time shall be  
79 announced on the floor prior to vote on final passage in each  
80 house and shall be entered in the journal of each house.  
81 Saturdays, Sundays, and holidays shall be included in the  
82 computation under this rule.

83 (8) An implementing or conforming bill recommended by a  
84 conference committee shall be subject to a 24-hour public review  
85 period before a vote is taken on the conference committee report  
86 by either house, if the conference committee submits its report  
87 after the furnishing of a general appropriations bill to which

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88 the 72-hour public review period applies.

89 (9) With respect to each bill that may be affected, a  
90 member of the Senate or the House of Representatives may not  
91 raise a point of order under this rule after a vote is taken on  
92 the bill. Except as may be required by the Florida Constitution,  
93 noncompliance with any requirement of this rule may be waived by  
94 a two-thirds vote of those members present and voting in each  
95 house.

96

97 2.2-General Appropriations and Related Bills; Definitions

98 As used in Joint Rule Two, the term:

99 (1) "Conforming bill" means a bill that amends the Florida  
100 Statutes to conform to a general appropriations bill.

101 (2) "General appropriations bill" means a bill that  
102 provides for the salaries of public officers and other current  
103 expenses of the state and contains no subject other than  
104 appropriations. A bill that contains appropriations that are  
105 incidental and necessary solely to implement a substantive law  
106 is not included within this term. For the purposes of Joint Rule  
107 Two and Section 19(d) of Article III of the Florida  
108 Constitution, the Legislature hereby determines that, after a  
109 general appropriations bill has been enacted and establishes  
110 governing law for a particular fiscal year, a bill considered in  
111 any subsequent session that makes net reductions in such enacted  
112 appropriations or that makes supplemental appropriations shall  
113 not be deemed to be a general appropriations bill unless such  
114 bill provides for the salaries of public officers and other  
115 current expenses of the state for a subsequent fiscal year.

116 (3) "Implementing bill" means a bill, effective for one

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117 fiscal year, implementing a general appropriations bill.

118 (4) (a) "Appropriations project" means a specific  
119 appropriation, proviso, or item on a conference committee  
120 spreadsheet agreed to by House and Senate conferees providing  
121 funding for:

122 1. A local government, private entity, or privately-  
123 operated program, wherein the specific appropriation, proviso,  
124 or item on a conference committee spreadsheet specifically names  
125 the local government, private entity, or privately-operated  
126 program or the appropriation, proviso, or item is written in  
127 such a manner as to describe a particular local government,  
128 private entity, or privately-operated program;

129 2. A specific transportation facility that was not part of  
130 the Department of Transportation's 5-year work program submitted  
131 pursuant to s. 339.135, Florida Statutes;

132 3. An education fixed capital outlay project that was not  
133 submitted pursuant to s. 1013.60 or s. 1013.64, Florida  
134 Statutes, unless funds for the specific project were  
135 appropriated by the Legislature in a prior year and additional  
136 funds are needed to complete the project as originally proposed;

137 4. A specified program, research initiative, institute,  
138 center, or similar entity at a specific state college or  
139 university, unless recommended by the Board of Governors or the  
140 State Board of Education in their Legislative Budget Request; or

141 5. A local water project.

142 (b) The term does not include an appropriation that:

143 1. Is specifically authorized by statute;

144 2. Is part of a statewide distribution to local

145 governments; or

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146       3. Was recommended by a commission, council, or other  
147 similar entity created in statute to make annual funding  
148 recommendations, provided that such appropriation does not  
149 exceed the amount of funding recommended by the commission,  
150 council, or other similar entity.

151

152 2.3-Budget Conference Committee Rules

153       (1) For an appropriations project to be included in a  
154 conference committee report:

155       (a) The appropriations project must be included in a bill  
156 or an amendment placed into a budget conference; and

157       (b) Information required by subsections (2) and (3)  
158 relating to the appropriations project must have been in writing  
159 and published online prior to the passage by that chamber of the  
160 bill or amendment which was placed into a budget conference.

161       (2) The information collected must include:

162       (a) A descriptive title of the appropriations project.

163       (b) The date of the submission.

164       (c) The name of the submitting member.

165       (d) The most recent year in which the appropriations  
166 project received state funding, if applicable.

167       (e) Whether the most recent funding for the project had  
168 been vetoed.

169       (f) The amount of the nonrecurring request.

170       (g) The amount of funding received in the prior year on a  
171 recurring or nonrecurring basis.

172       (h) In what agency the project is best placed and whether  
173 the agency has been contacted.

174       (i) The name of the organization or entity receiving the

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175 funds as well as a point of contact for the organization or  
176 entity.

177 (j) The name of the registered lobbyist of the entity  
178 requesting the appropriations project.

179 (k) Whether the organization to receive the funds is a for-  
180 profit entity, a not-for-profit entity, a local entity, a state  
181 university or college, or other type of organization.

182 (l) The specific purpose or goal that will be achieved by  
183 the funds requested.

184 (m) The activities and services that will be provided to  
185 meet the intended purpose of these funds.

186 (n) Specific descriptions of how the funds will be  
187 expended, including a description and the amounts to be expended  
188 on: administrative costs, itemized to include the salary of the  
189 executive director or project head, other salaries and benefits,  
190 expenses, and consultants, contractors, or studies; operational  
191 costs, itemized to include salaries and benefits, expenses, and  
192 consultants, contractors, or studies; and fixed capital outlay,  
193 itemized to include land purchase, planning, engineering,  
194 construction, and renovation.

195 (o) The owner of the facility to receive, directly or  
196 indirectly, any fixed capital outlay funding, and the  
197 relationship between the owners of the facility and the entity.

198 (p) A description of the direct services to be provided to  
199 citizens by the appropriations project, if applicable.

200 (q) A description of the target population to be served and  
201 the number of individuals to be served by the appropriations  
202 project.

203 (r) A description of the specific benefit or outcome,

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204 including the methodology by which this outcome will be  
205 measured.

206 (s) The amount and percentage of federal, local, and state  
207 funds, excluding the funds requested for the appropriations  
208 project, or other matching funds available for the  
209 appropriations project.

210 (t) How much additional nonrecurring funding is anticipated  
211 to be requested in future years by amount per year.

212 (u) The suggested penalties that the contracting agency may  
213 consider in addition to its standard penalties for failing to  
214 meet deliverables or performance measures provided for in the  
215 contract.

216 (3) With respect to an appropriations project that is also  
217 a local water project, the information collected must also  
218 include:

219 (a) Whether alternative state funding such as the Waste  
220 Water Revolving Loan, Drinking Water Revolving Loan, Small  
221 Community Waste Water Drinking grant, or other funding has been  
222 requested.

223 (b) Whether the project is for a financially disadvantaged  
224 community, as defined in chapter 62-552, Florida Administrative  
225 Code; a financially disadvantaged municipality; a rural area of  
226 critical economic concern; or a rural area of opportunity, as  
227 defined in s. 288.0656, Florida Statutes.

228 (c) Whether the construction status is shovel-ready.

229 (d) The percentage of construction completed and the  
230 estimated completion date.

231 (4) Each chamber must collect the required information  
232 described in subsections (2) and (3) in the form and manner

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233 prescribed by that chamber.

234 (5) The portion of an appropriations project which was  
235 funded with recurring funds in the most recently enacted general  
236 appropriations act is exempt from subsections (1), (2) and (3).

237 (6) An appropriations project may only be funded with  
238 nonrecurring funds, except that the portion of an appropriations  
239 project which was funded with recurring funds as provided in  
240 subsection (5) may be continued with or without additional  
241 nonrecurring funds.

242 (7) The nonrecurring funding of an appropriations project  
243 in the conference committee report may be less than, equal to,  
244 or greater than the funding for the appropriations project as  
245 originally committed to the conference committee.

246 (8) An appropriations project that was not included in  
247 either chamber's bill in accordance with subsections (1), (2)  
248 and (3) may not be included in a conference report.

249 (9) (a) To be included in a conference committee report, all  
250 appropriations projects, except as otherwise provided in  
251 paragraph (b), must be clearly identified in the bill or  
252 amendment that will be considered by a conference committee and  
253 in any conference report.

254 (b) An appropriations project funded with recurring funds  
255 in the most recently enacted general appropriation act that is  
256 not appropriated any additional funds is exempt from the  
257 provisions of paragraph (a).

258 (10) The conference committee must allow for public  
259 testimony regarding appropriations projects at each noticed  
260 meeting.

261 (11) Notwithstanding subsections (1), (2) and (3), and only



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262 for the 2017 regular, extended, and special session, the  
263 required information may be collected by either chamber.  
264 Information collected pursuant to House Rule 5.14 or the Senate  
265 local funding initiative request form prior to the adoption of  
266 this Joint Rule meets the requirements of this Joint Rule.  
267 Information collected subsequent to the adoption of this Joint  
268 Rule must meet the requirements of subsections (2) and (3).

269 (12) Nothing in this rule shall limit either chamber's  
270 ability to apply a stricter standard to its own bills prior to  
271 the commencement of conference proceedings. This Joint Rule  
272 applies to all conference committee reports related to the  
273 General Appropriations Act and supersedes either chamber's rules  
274 that are contrary to or inconsistent with the provisions of this  
275 Joint Rule.